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No. 138

House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
December 7, 2004.

I hereby appoint the Honorable DOUG OSE to act as Speaker pro tempore on this day.

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

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Massachusetts (Mr. MCGOVERN) for 5 minutes.

FISCAL 2005 OMNIBUS APPROPRIATIONS BILL

Mr. MCGOVERN. Mr. Speaker, in the days and hours preceding this body's passage of the Fiscal Year 2005 Omnibus Appropriations bill on Saturday, November 20, we were assured and then reassured by the majority party that all controversial provisions had been stripped out of the 3,300-page document. Many of us were skeptical, but given those assurances, we in this body passed the bill nonetheless.

Mr. Speaker, never again. Sadly, our worst fears and suspicions were confirmed as evidenced by the action we

NOTICE

If the 108th Congress, 2d Session, adjourns sine die on or before December 10, 2004, a final issue of the Congressional Record for the 108th Congress, 2d Session, will be published on Monday, December 20, 2004, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT-60 or S-123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Monday, December 20. The final issue will be dated Monday, December 20, 2004, and will be delivered on Tuesday, December 21, 2004.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Record@Sec.Senate.gov".

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at <http://clerk.house.gov/forms>. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT-60.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Office of Congressional Publishing Services, at the Government Printing Office, on 512-0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

ROBERT W. NEY, *Chairman.*

This symbol represents the time of day during the House proceedings, e.g., 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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took yesterday to strike the taxpayer persecution provision that thankfully was discovered by the other body before final passage. And while the action we took yesterday was absolutely necessary and important, it bears mentioning that there are a number of other provisions that remain in the bill that are not only controversial but harmful.

For example, a one-sentence provision inserted into this massive bill at the last minute encapsulates all that is wrong with the way this legislation came to the floor. This provision raises maximum truck weights to 99,000 pounds on two interstate highways in the State of New Hampshire. And although it was drafted in a form that appears to apply only to New Hampshire, its impact will reach all States, all taxpayers, and all motorists.

The House debated this very same issue last April, and 334 Members of this House, including the chairmen of the Committee on Transportation and Infrastructure and the Committee on Appropriations, voted against allowing a truck weight increase on New Hampshire's interstates.

Now, just 7 months later, the New Hampshire superheavy truck provision has been added to this bill in secret with no notice or opportunity for debate, even though an overwhelming majority of the House rejected it on a recorded vote.

What has changed since April that makes a bad idea then a good one now? Not a single thing. In fact, the only important development since we defeated the amendment last April has been the U.S. Department of Transportation's announcement that it too opposes State exemptions from Federal truck size and weight laws. According to the U.S. Department of Transportation, a 100,000-pound six-axle single tractor-trailer truck pays only 40 percent of its costs. Taxpayers pay the rest. Not just taxpayers in New Hampshire but taxpayers from all across the country.

Heavier trucks also pose numerous safety risks. As weights go from 65,000 to 80,000 pounds, the risk of an accident involving a fatality goes up 50 percent. In addition, these superheavy trucks will have added braking and steering problems and the risk for rollover will increase.

Mr. Speaker, this is just further evidence of the need to pass my legislation, the Safe Highways and Infrastructure Preservation Act, and to freeze truck lengths and weights in New Hampshire and all other States, before more damage is done.

Senior law enforcement officials and other safety leaders in New Hampshire have already joined in a campaign to overturn this provision when Congress resumes consideration of the TEA-21 reauthorization after the first of the year. And I will insert a letter co-signed by a dozen law enforcement leaders and other concerned citizens of New Hampshire opposing the truck weight increase into the RECORD at this point.

DECEMBER 6, 2004.

Hon. DON YOUNG, Chairman,
House Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN YOUNG: We are very disappointed to learn that a provision was inserted in the omnibus appropriations bill recently passed by the House and Senate that increases truck weights on Interstates 89 and 93 in New Hampshire. This will make our highways in the Granite State more dangerous and exacerbate our already serious problems with deteriorating infrastructure, particularly bridges.

We feel it is unconscionable that a provision with such serious implications for highway safety and road quality in our state was added to this huge bill with no notice. There were no hearings on it. There was no opportunity for us to make our views known. We understand that even the leaders of the Committee on Environment and Public Works, which has jurisdiction over these matters, were unaware of this provision until after it had been passed.

This should not be allowed to stand. A matter with such serious safety and infrastructure implications should be addressed by the authorizing committee with proper jurisdiction. Congress is planning to reauthorize the TEA-21 transportation legislation within the next several months. Proposals to change federal truck weight laws on New Hampshire's Interstate are serious matters that should be considered with greater care in the context of the reauthorization—not in a last-second “rider” to a massive appropriations bill.

We ask that you do whatever is necessary to have this provision removed from the omnibus appropriations bill.

Thank you.

Sincerely,

Chief Jerome Madden, Concord Police Department; Chief David Kurz, Durham Police Department; Chief David A. Currier, Seabrook Police Department; Executive Councilor Ray Burton, New Hampshire Executive Council; Chief Tim Russell, Henniker Police Department; Chief Bradley Loomis, Newington Police Department; Senator Lou D'Allesandro, New Hampshire State Senate District #20; Dr. Henry LaBranche, Salem Town Manager; Sarah Johansen, MD, New Hampshire Chapter College of Emergency Physicians; Frederick (Ted) Gray, Portsmouth Traffic and Safety Committee; David S. Szacik, Director, Legislative Department, New Hampshire State Grange; Robert Best, Executive Director, New Hampshire State Nurses Association.

Mr. Speaker, the Fiscal Year 2005 Omnibus Appropriations bill also included language intended to undermine, if not completely eliminate, the authority of States to permit liquefied natural gas, LNG, facilities all across the country. Again, without notice, public hearings, or any debate, the conferees included language in the statement of the managers that suggests that the Federal Energy Regulatory Commission, FERC, can preempt States on the siting and permitting of LNG facilities. While this particular provision does not change or override existing law, it is tantamount to an expression of Congress that may have implications on a pending lawsuit in California where the State's public utility commission is challenging FERC's assertion of this authority in the permitting of an LNG facility.

Mr. Speaker, I can tell my colleagues from personal experience that FERC

already gives short-shrift to the concerns of local governments and States in the permitting of LNG facilities. In my congressional district, FERC recently issued a draft Environmental Impact Statement for the Weaver's Cove LNG plant in Fall River, Massachusetts that completely ignored the concerns of the community with respect to ongoing economic development plans and the impact on and isolation of emergency services. Were the language in this omnibus bill ever to be codified into law, FERC would run rough-shod over the cities and towns we represent. States are in the best position to know the larger safety concerns that these facilities present, and they deserve to have local authority in permitting them.

Mr. Speaker, in conclusion, it is amazing to me that the party that claims to be the champion of States' rights is always prepared to sell them out when the large corporate energy special interests are involved. That is what has happened here, and it is disgusting.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 7 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order at 10 a.m.

PRAYER

The Reverend Stanley G. Peterson, Sr. Pastor, Monmouth Christian Church, Monmouth, Oregon, offered the following prayer:

Our Father who art in Heaven, give us this day wisdom to transact the business You have put before us; to humble ourselves so we can hear Your voice even in the midst of chaos and strife. For today, O Lord God, we want to make a positive difference in Your world.

Today we want to be part of what would bring peace and harmony, rather than war and strife, to serve America in a manner that would bring glory to You and honor to these United States.

We want to hear Your voice when the voice of so many are crying out to be heard, for we recognize our responsibilities, O Lord God, to serve rather than to be served, and to faithfully and honestly accomplish each task as it is presented.

On this day, O God, we remember and we give thanks for the men and women who gave their lives at Pearl Harbor, for those who died and those who worked so hard to save so many. We also give thanks and pray for those

who continue to sacrifice all that they have to keep us safe today. Watch over and protect them.

Now fill us, use us, and guide us by Your spirit that glory may be given to Your Holy Name. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Oregon (Ms. HOOLEY) come forward and lead the House in the Pledge of Allegiance.

Ms. HOOLEY of Oregon 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.

INTRODUCTION OF THE REVEREND STANLEY PETERSON, GUEST CHAPLAIN

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

Ms. HOOLEY of Oregon. Mr. Speaker, it is my honor to introduce Pastor Stan Peterson this morning. Stan is a senior pastor at Monmouth Christian Church, as well as the lead chaplain for the Polk County Police and Fire Chaplaincy Team. His family has deep roots in Polk County, which is part of Oregon's Fifth Congressional District.

Stan Peterson has come to Washington, DC to visit our troops at Walter Reed, Bethesda, and the VA hospitals. I am hoping that later today and tomorrow he can deliver the letters, quilts, cookies, and holiday spirit to the young men and women who have given so much for this Nation.

On behalf of Polk County Emergency Services and the people of the community, Stan has come to Washington, DC, to share a message of good will and support. I am so delighted that he has made the trip and grateful that he has been able to give the invocation on this historic day, Pearl Harbor Day.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 7, 2004.

The Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representa-

tives, the Clerk received the following message from the Secretary of the Senate on December 6, 2004 at 7:30 p.m.:

That the Senate agreed to conference report H.R. 4818.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Monday, December 6, 2004:

H.R. 4818, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the bill on the Private Calendar.

FLORENCE NARUSEWICZ

The CLERK called the bill (H.R. 710) for the relief of Mrs. Florence Narusewicz of Erie, Pennsylvania.

Mr. COBLE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER. This concludes the call of the Private Calendar.

DOCUMENTS LINK SADDAM HUSSEIN TO TERRORISTS BEFORE 9/11

(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, an adviser to former President Clinton commented last month after reviewing documents captured by U.S. troops in Iraq. One 11-page memo dated 1993 lists experts "in executing the required missions," including terror groups and three of the most wanted terrorists in the world: Al-Zarqawi, a-Zawahiri, and Hekmatyar.

Another memo that lists names of those trained for suicide missions was personally reviewed and approved by Saddam Hussein himself. The documents also describe Iraq's purchase of mustard gas and anthrax at a time when Hussein had kicked the U.N. inspectors out of the country. They show a strong operational link to al-Jihan al Tajdeed, a group allied with Zarqawi that posts its videos and statements on the Web.

Taken as a whole, the documents demonstrate not only Saddam Hussein's role in terrorism but his personal involvement, collaboration, and support for Islamic terrorist groups, with

some on Saddam's payroll and some operating under his direct authority.

While some people have refused to acknowledge the documents, we cannot ignore them. The American people should know of them.

PROTECT OUR TROOPS FROM INSTANT LENDERS

(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, today's New York Times reports on instant payday lenders who set up shop outside the gates of our military bases and charge staggeringly high interest rates to our troops. The Times found 200 payday lenders surrounding the Norfolk and Hampton naval bases in Virginia, two dozen surrounding the Marine Corps base at Camp Pendleton, California, 36 located within 3 miles of Fort Lewis, in Washington State, and one is even located on the edge of a small parking lot near a base.

One example is of a Navy petty officer and her husband who borrowed \$500 with an annual interest rate of 390 percent. This couple racked up \$4,000 in debt, and their house was foreclosed upon.

In September, this body passed a bipartisan piece of legislation, which I sponsored, to protect our troops from high-cost contractual mutual funds and life insurance policies that they need not have gotten. Unfortunately, before we left, the Senate did not take up this legislation. I would hope that today's article would add an impetus that the House again, in the Committee on Financial Services, take up the legislation, pass it again, and move it over to the Senate so we can protect the men and women who have served our country so proudly.

Mr. Speaker, it is our duty to provide them the type of services and stability they expect in return for the dangers they face and the financial burdens they willingly assume in order to serve.

INTELLIGENCE REFORM LEGISLATION

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

Mr. MENENDEZ. Mr. Speaker, today marks the 63rd anniversary of the attack on Pearl Harbor. The day after, President Roosevelt said, "I will make very certain that this form of treachery shall never endanger us again." In the days after the attacks of September 11, we as a Congress pledged to do the same exact thing. However, since then the record of this House can be questioned.

In July of 2002, with only 25 Republican votes, House Democrats voted to create the 9/11 Commission to investigate what went wrong and what needed to be done to protect the American

people. Earlier this year, some in this House sought to block an extension of the deadline for the commission's report. Last month, some in this House blocked consideration of the conference report to implement the critical recommendations of the 9/11 Commission.

Mr. Speaker, it is almost 3 years and 3 months since the attacks of September 11, and 138 days since the 9/11 Commission unanimously made their bipartisan recommendations, yet Congress has still not given the American people a bill that reforms our intelligence agencies' structure and secures our Nation against terrorism.

□ 1015

Mr. Speaker, we have one final chance to do right by the American people. I urge the House leadership to bring this Conference Report to a vote today in the House.

RECESS

The SPEAKER pro tempore (Mr. OSE). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 15 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1325

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 1 o'clock and 25 minutes p.m.

APPOINTMENT OF CONFEREES ON H.R. 4548, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2005

Mr. HOEKSTRA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table 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, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan? The Chair hears none and, without objection, appoints the following conferees:

From the Permanent Select Committee on Intelligence, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Messrs. HOEKSTRA, BOEHLERT, GIBBONS, LAHOOD, CUNNINGHAM, BURR, EVERETT, GALLEGLY, COLLINS, Mrs. JO ANN DAVIS of Virginia, Mr. THORBERRY, Ms. HARMAN, Messrs. HASTINGS

of Florida, REYES, BOSWELL, PETERSON of Minnesota, CRAMER, Ms. ESHOO, Mr. HOLT and Mr. RUPPERSBERGER.

From the Committee on Armed Services, for consideration of defense tactical intelligence and related activities: Messrs. HUNTER, WELDON of Pennsylvania, and SKELTON.

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 1 o'clock and 27 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1458

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 2 o'clock and 58 minutes p.m.

CONFERENCE REPORT ON S. 2845, INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

Mr. HOEKSTRA submitted the following conference report and statement on the Senate bill (S. 2845) to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes:

CONFERENCE REPORT (H. REPT. 108-796)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2845), to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the "Intelligence Reform and Terrorism Prevention Act of 2004".

(b) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

TITLE I—REFORM OF THE INTELLIGENCE COMMUNITY

Sec. 1001. Short title.

Subtitle A—Establishment of Director of National Intelligence

Sec. 1011. Reorganization and improvement of management of intelligence community.

Sec. 1012. Revised definition of national intelligence.

Sec. 1013. Joint procedures for operational coordination between Department of Defense and Central Intelligence Agency.

Sec. 1014. Role of Director of National Intelligence in appointment of certain officials responsible for intelligence-related activities.

Sec. 1015. Executive Schedule matters.

Sec. 1016. Information sharing.

Sec. 1017. Alternative analysis of intelligence by the intelligence community.

Sec. 1018. Presidential guidelines on implementation and preservation of authorities.

Sec. 1019. Assignment of responsibilities relating to analytic integrity.

Sec. 1020. Safeguard of objectivity in intelligence analysis.

Subtitle B—National Counterterrorism Center, National Counter Proliferation Center, and National Intelligence Centers

Sec. 1021. National Counterterrorism Center.

Sec. 1022. National Counter Proliferation Center.

Sec. 1023. National intelligence centers.

Subtitle C—Joint Intelligence Community Council

Sec. 1031. Joint Intelligence Community Council.

Subtitle D—Improvement of Education for the Intelligence Community

Sec. 1041. Additional education and training requirements.

Sec. 1042. Cross-disciplinary education and training.

Sec. 1043. Intelligence Community Scholarship Program.

Subtitle E—Additional Improvements of Intelligence Activities

Sec. 1051. Service and national laboratories and the intelligence community.

Sec. 1052. Open-source intelligence.

Sec. 1053. National Intelligence Reserve Corps.

Subtitle F—Privacy and Civil Liberties

Sec. 1061. Privacy and Civil Liberties Oversight Board.

Sec. 1062. Sense of Congress on designation of privacy and civil liberties officers.

Subtitle G—Conforming and Other Amendments

Sec. 1071. Conforming amendments relating to roles of Director of National Intelligence and Director of the Central Intelligence Agency.

Sec. 1072. Other conforming amendments

Sec. 1073. Elements of intelligence community under National Security Act of 1947.

Sec. 1074. Redesignation of National Foreign Intelligence Program as National Intelligence Program.

Sec. 1075. Repeal of superseded authority.

Sec. 1076. Clerical amendments to National Security Act of 1947.

Sec. 1077. Conforming amendments relating to prohibiting dual service of the Director of the Central Intelligence Agency.

Sec. 1078. Authority to establish inspector general for the Office of the Director of National Intelligence.

Sec. 1079. Ethics matters.

Sec. 1080. Construction of authority of Director of National Intelligence to acquire and manage property and services.

Sec. 1081. General references.

Subtitle H—Transfer, Termination, Transition, and Other Provisions

Sec. 1091. Transfer of Community Management Staff.

Sec. 1092. Transfer of Terrorist Threat Integration Center.

Sec. 1093. Termination of positions of Assistant Directors of Central Intelligence.

Sec. 1094. Implementation plan.

Sec. 1095. Director of National Intelligence report on implementation of intelligence community reform.

Sec. 1096. Transitional authorities.

Sec. 1097. Effective dates.

Subtitle I—Other Matters

- Sec. 1101. Study of promotion and professional military education school selection rates for military intelligence officers.
- Sec. 1102. Extension and improvement of authorities of Public Interest Declassification Board.
- Sec. 1103. Severability.

TITLE II—FEDERAL BUREAU OF INVESTIGATION

- Sec. 2001. Improvement of intelligence capabilities of the Federal Bureau of Investigation.
- Sec. 2002. Directorate of Intelligence of the Federal Bureau of Investigation.
- Sec. 2003. Federal Bureau of Investigation intelligence career service.
- Sec. 2004. Federal Bureau of Investigation Reserve Service.
- Sec. 2005. Federal Bureau of Investigation mandatory separation age.
- Sec. 2006. Federal Bureau of Investigation use of translators.

TITLE III—SECURITY CLEARANCES

- Sec. 3001. Security clearances.

TITLE IV—TRANSPORTATION SECURITY*Subtitle A—National Strategy for Transportation Security*

- Sec. 4001. National Strategy for Transportation Security.

Subtitle B—Aviation Security

- Sec. 4011. Provision for the use of biometric or other technology.
- Sec. 4012. Advanced airline passenger prescreening.
- Sec. 4013. Deployment and use of detection equipment at airport screening checkpoints.
- Sec. 4014. Advanced airport checkpoint screening devices.
- Sec. 4015. Improvement of screener job performance.
- Sec. 4016. Federal air marshals.
- Sec. 4017. International agreements to allow maximum deployment of Federal air marshals.
- Sec. 4018. Foreign air marshal training.
- Sec. 4019. In-line checked baggage screening.
- Sec. 4020. Checked baggage screening area monitoring.
- Sec. 4021. Wireless communication.
- Sec. 4022. Improved pilot licenses.
- Sec. 4023. Aviation security staffing.
- Sec. 4024. Improved explosive detection systems.
- Sec. 4025. Prohibited items list.
- Sec. 4026. Man-Portable Air Defense Systems (MANPADS).

- Sec. 4027. Technical corrections.
- Sec. 4028. Report on secondary flight deck barriers.
- Sec. 4029. Extension of authorization of aviation security funding.

Subtitle C—Air Cargo Security

- Sec. 4051. Pilot program to evaluate use of blast resistant cargo and baggage containers.
- Sec. 4052. Air cargo security.
- Sec. 4053. Air cargo security regulations.
- Sec. 4054. Report on international air cargo threats.

Subtitle D—Maritime Security

- Sec. 4071. Watch lists for passengers aboard vessels.
- Sec. 4072. Deadlines for completion of certain plans, reports, and assessments.

Subtitle E—General Provisions

- Sec. 4081. Definitions.
- Sec. 4082. Effective date.

TITLE V—BORDER PROTECTION, IMMIGRATION, AND VISA MATTERS*Subtitle A—Advanced Technology Northern Border Security Pilot Program*

- Sec. 5101. Establishment.

- Sec. 5102. Program requirements.
- Sec. 5103. Administrative provisions.
- Sec. 5104. Report.
- Sec. 5105. Authorization of appropriations.

Subtitle B—Border and Immigration Enforcement

- Sec. 5201. Border surveillance.
- Sec. 5202. Increase in full-time Border Patrol agents.
- Sec. 5203. Increase in full-time immigration and customs enforcement investigators.
- Sec. 5204. Increase in detention bed space.

Subtitle C—Visa Requirements

- Sec. 5301. In person interviews of visa applicants.
- Sec. 5302. Visa application requirements.
- Sec. 5303. Effective date.
- Sec. 5304. Revocation of visas and other travel documentation.

Subtitle D—Immigration Reform

- Sec. 5401. Bringing in and harboring certain aliens.
- Sec. 5402. Deportation of aliens who have received military-type training from terrorist organizations.
- Sec. 5403. Study and report on terrorists in the asylum system.

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

- Sec. 5501. Inadmissibility and deportability of aliens who have committed acts of torture or extrajudicial killings abroad.
- Sec. 5502. Inadmissibility and deportability of foreign government officials who have committed particularly severe violations of religious freedom.
- Sec. 5503. Waiver of inadmissibility.
- Sec. 5504. Bar to good moral character for aliens who have committed acts of torture, extrajudicial killings, or severe violations of religious freedom.
- Sec. 5505. Establishment of the Office of Special Investigations.
- Sec. 5506. Report on implementation.

TITLE VI—TERRORISM PREVENTION*Subtitle A—Individual Terrorists as Agents of Foreign Powers*

- Sec. 6001. Individual terrorists as agents of foreign powers.
- Sec. 6002. Additional semiannual reporting requirements under the Foreign Intelligence Surveillance Act of 1978.

Subtitle B—Money Laundering and Terrorist Financing

- Sec. 6101. Additional authorization for finCEN.
- Sec. 6102. Money laundering and financial crimes strategy reauthorization.

Subtitle C—Money Laundering Abatement and Financial Antiterrorism Technical Corrections

- Sec. 6201. Short title.
- Sec. 6202. Technical corrections to Public Law 107-56.
- Sec. 6203. Technical corrections to other provisions of law.
- Sec. 6204. Repeal of review.
- Sec. 6205. Effective date.

Subtitle D—Additional Enforcement Tools

- Sec. 6301. Bureau of Engraving and Printing security printing.
- Sec. 6302. Reporting of certain cross-border transmittal of funds.
- Sec. 6303. Terrorism financing.

Subtitle E—Criminal History Background Checks

- Sec. 6401. Protect Act.
- Sec. 6402. Reviews of criminal records of applicants for private security officer employment.
- Sec. 6403. Criminal history background checks.

Subtitle F—Grand Jury Information Sharing

- Sec. 6501. Grand jury information sharing.

Subtitle G—Providing Material Support to Terrorism

- Sec. 6601. Short title.
- Sec. 6602. Receiving military-type training from a foreign terrorist organization.
- Sec. 6603. Additions to offense of providing material support to terrorism.
- Sec. 6604. Financing of terrorism.

Subtitle H—Stop Terrorist and Military Hoaxes Act of 2004

- Sec. 6701. Short title.
- Sec. 6702. Hoaxes and recovery costs.
- Sec. 6703. Obstruction of justice and false statements in terrorism cases.
- Sec. 6704. Clarification of definition.

Subtitle I—Weapons of Mass Destruction Prohibition Improvement Act of 2004

- Sec. 6801. Short title.
- Sec. 6802. Weapons of mass destruction.
- Sec. 6803. Participation in nuclear and weapons of mass destruction threats to the United States.

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

- Sec. 6901. Short title.
- Sec. 6902. Findings and purpose.
- Sec. 6903. Missile systems designed to destroy aircraft.
- Sec. 6904. Atomic weapons.
- Sec. 6905. Radiological dispersal devices.
- Sec. 6906. Variola virus.
- Sec. 6907. Interception of communications.
- Sec. 6908. Amendments to section 2332b(g)(5)(b) of title 18, United States Code.
- Sec. 6909. Amendments to section 1956(c)(7)(d) of title 18, United States Code.
- Sec. 6910. Export licensing process.
- Sec. 6911. Clerical amendments.

Subtitle K—Pretrial Detention of Terrorists

- Sec. 6951. Short title.
- Sec. 6952. Presumption for pretrial detention in cases involving terrorism.

TITLE VII—IMPLEMENTATION OF 9/11 COMMISSION RECOMMENDATIONS

- Sec. 7001. Short title.

Subtitle A—Diplomacy, Foreign Aid, and the Military in the War on Terrorism

- Sec. 7101. Findings.
- Sec. 7102. Terrorist sanctuaries.
- Sec. 7103. United States commitment to the future of Pakistan.
- Sec. 7104. Assistance for Afghanistan.
- Sec. 7105. The relationship between the United States and Saudi Arabia.
- Sec. 7106. Efforts to combat Islamist terrorism.
- Sec. 7107. United States policy toward dictatorships.
- Sec. 7108. Promotion of free media and other American values.
- Sec. 7109. Public diplomacy responsibilities of the Department of State.
- Sec. 7110. Public diplomacy training.
- Sec. 7111. Promoting democracy and human rights at international organizations.
- Sec. 7112. Expansion of United States scholarship and exchange programs in the Islamic world.
- Sec. 7112. Pilot program to provide grants to American-sponsored schools in predominantly Muslim countries to provide scholarships.
- Sec. 7113. International Youth Opportunity Fund.
- Sec. 7114. The use of economic policies to combat terrorism.
- Sec. 7115. Middle East partnership initiative.
- Sec. 7116. Comprehensive coalition strategy for fighting terrorism.
- Sec. 7117. Financing of terrorism.
- Sec. 7118. Designation of foreign terrorist organizations.

Sec. 7119. Report to Congress.
 Sec. 7120. Case-Zablocki Act requirements.
 Sec. 7121. Effective date.
 Subtitle B—Terrorist Travel and Effective Screening
 Sec. 7201. Counterterrorist travel intelligence.
 Sec. 7202. Establishment of human smuggling and trafficking center.
 Sec. 7203. Responsibilities and functions of consular officers.
 Sec. 7204. International agreements to track and curtail terrorist travel through the use of fraudulently obtained documents.
 Sec. 7205. International standards for transliteration of names into the Roman alphabet for international travel documents and name-based watchlist systems.
 Sec. 7206. Immigration security initiative.
 Sec. 7207. Certification regarding technology for visa waiver participants.
 Sec. 7208. Biometric entry and exit data system.
 Sec. 7209. Travel documents.
 Sec. 7210. Exchange of terrorist information and increased preinspection at foreign airports.
 Sec. 7211. Minimum standards for birth certificates.
 Sec. 7212. Driver's licenses and personal identification cards.
 Sec. 7213. Social security cards and numbers.
 Sec. 7214. Prohibition of the display of social security account numbers on driver's licenses or motor vehicle registrations.
 Sec. 7215. Terrorist travel program.
 Sec. 7216. Increase in penalties for fraud and related activity.
 Sec. 7217. Study on allegedly lost or stolen passports.
 Sec. 7218. Establishment of visa and passport security program in the Department of State.
 Sec. 7219. Effective date.
 Sec. 7220. Identification standards.
 Subtitle C—National Preparedness
 Sec. 7301. The incident command system.
 Sec. 7302. National capital region mutual aid.
 Sec. 7303. Enhancement of public safety communications interoperability.
 Sec. 7304. Regional model strategic plan pilot projects.
 Sec. 7305. Private sector preparedness.
 Sec. 7306. Critical infrastructure and readiness assessments.
 Sec. 7307. Northern command and defense of the United States homeland.
 Sec. 7308. Effective date.
 Subtitle D—Homeland Security
 Sec. 7401. Sense of Congress on first responder funding.
 Sec. 7402. Coordination of industry efforts.
 Sec. 7403. Study regarding nationwide emergency notification system.
 Sec. 7404. Pilot study to move warning systems into the modern digital age.
 Sec. 7405. Required coordination.
 Sec. 7406. Emergency preparedness compacts.
 Sec. 7407. Responsibilities of counternarcotics office.
 Sec. 7408. Use of counternarcotics enforcement activities in certain employee performance appraisals.
 Subtitle E—Public Safety Spectrum
 Sec. 7501. Digital television conversion deadline.
 Sec. 7502. Studies on telecommunications capabilities and requirements.
 Subtitle F—Presidential Transition
 Sec. 7601. Presidential transition.
 Subtitle G—Improving International Standards and Cooperation to Fight Terrorist Financing
 Sec. 7701. Improving international standards and cooperation to fight terrorist financing.

Sec. 7702. Definitions.
 Sec. 7703. Expanded reporting and testimony requirements for the Secretary of the Treasury.
 Sec. 7704. Coordination of United States Government efforts.
 Subtitle H—Emergency Financial Preparedness
 Sec. 7801. Delegation authority of the Secretary of the Treasury.
 Sec. 7802. Treasury support for financial services industry preparedness and response and consumer education.
 Sec. 7803. Emergency Securities Response Act of 2004.
 Sec. 7804. Private sector preparedness.

TITLE VIII—OTHER MATTERS

Subtitle A—Intelligence Matters

Sec. 8101. Intelligence community use of National Infrastructure Simulation and Analysis Center.
 Subtitle B—Department of Homeland Security Matters
 Sec. 8201. Homeland security geospatial information.
 Subtitle C—Homeland Security Civil Rights and Civil Liberties Protection
 Sec. 8301. Short title.
 Sec. 8302. Mission of Department of Homeland Security.
 Sec. 8303. Officer for Civil Rights and Civil Liberties.
 Sec. 8304. Protection of civil rights and civil liberties by Office of Inspector General.
 Sec. 8305. Privacy officer.
 Sec. 8306. Protections for human research subjects of the Department of Homeland Security.
 Subtitle D—Other Matters

Sec. 8401. Amendments to Clinger-Cohen Act provisions to enhance agency planning for information security needs.
 Sec. 8402. Enterprise architecture.
 Sec. 8403. Financial disclosure and records.
 Sec. 8404. Extension of requirement for air carriers to honor tickets for suspended air passenger service.

TITLE I—REFORM OF THE INTELLIGENCE COMMUNITY

SEC. 1001. SHORT TITLE.

This title may be cited as the "National Security Intelligence Reform Act of 2004".

Subtitle A—Establishment of Director of National Intelligence

SEC. 1011. REORGANIZATION AND IMPROVEMENT OF MANAGEMENT OF INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by striking sections 102 through 104 and inserting the following new sections:

"DIRECTOR OF NATIONAL INTELLIGENCE

"SEC. 102. (a) DIRECTOR OF NATIONAL INTELLIGENCE.—(1) There is a Director of National Intelligence who shall be appointed by the President, by and with the advice and consent of the Senate. Any individual nominated for appointment as Director of National Intelligence shall have extensive national security expertise.
 "(2) The Director of National Intelligence shall not be located within the Executive Office of the President.
 "(b) PRINCIPAL RESPONSIBILITY.—Subject to the authority, direction, and control of the President, the Director of National Intelligence shall—

"(1) serve as head of the intelligence community;

"(2) act as the principal adviser to the President, to the National Security Council, and the Homeland Security Council for intelligence matters related to the national security; and
 "(3) consistent with section 1018 of the National Security Intelligence Reform Act of 2004,

oversee and direct the implementation of the National Intelligence Program.

"(c) PROHIBITION ON DUAL SERVICE.—The individual serving in the position of Director of National Intelligence shall not, while so serving, also serve as the Director of the Central Intelligence Agency or as the head of any other element of the intelligence community.

"RESPONSIBILITIES AND AUTHORITIES OF THE DIRECTOR OF NATIONAL INTELLIGENCE

"SEC. 102A. (a) PROVISION OF INTELLIGENCE.—(1) The Director of National Intelligence shall be responsible for ensuring that national intelligence is provided—

"(A) to the President;

"(B) to the heads of departments and agencies of the executive branch;

"(C) to the Chairman of the Joint Chiefs of Staff and senior military commanders;

"(D) to the Senate and House of Representatives and the committees thereof; and
 "(E) to such other persons as the Director of National Intelligence determines to be appropriate.

"(2) Such national intelligence should be timely, objective, independent of political considerations, and based upon all sources available to the intelligence community and other appropriate entities.

"(b) ACCESS TO INTELLIGENCE.—Unless otherwise directed by the President, the Director of National Intelligence shall have access to all national intelligence and intelligence related to the national security which is collected by any Federal department, agency, or other entity, except as otherwise provided by law or, as appropriate, under guidelines agreed upon by the Attorney General and the Director of National Intelligence.

"(c) BUDGET AUTHORITIES.—(1) With respect to budget requests and appropriations for the National Intelligence Program, the Director of National Intelligence shall—
 "(A) based on intelligence priorities set by the President, provide to the heads of departments containing agencies or organizations within the intelligence community, and to the heads of such agencies and organizations, guidance for developing the National Intelligence Program budget pertaining to such agencies and organizations;
 "(B) based on budget proposals provided to the Director of National Intelligence by the heads of agencies and organizations within the intelligence community and the heads of their respective departments and, as appropriate, after obtaining the advice of the Joint Intelligence Community Council, develop and determine an annual consolidated National Intelligence Program budget; and
 "(C) present such consolidated National Intelligence Program budget, together with any comments from the heads of departments containing agencies or organizations within the intelligence community, to the President for approval.

"(2) In addition to the information provided under paragraph (1)(B), the heads of agencies and organizations within the intelligence community shall provide the Director of National Intelligence such other information as the Director shall request for the purpose of determining the annual consolidated National Intelligence Program budget under that paragraph.

"(3)(A) The Director of National Intelligence shall participate in the development by the Secretary of Defense of the annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities.
 "(B) The Director of National Intelligence shall provide guidance for the development of the annual budget for each element of the intelligence community that is not within the National Intelligence Program.
 "(4) The Director of National Intelligence shall ensure the effective execution of the annual budget for intelligence and intelligence-related activities.

“(5)(A) The Director of National Intelligence shall be responsible for managing appropriations for the National Intelligence Program by directing the allotment or allocation of such appropriations through the heads of the departments containing agencies or organizations within the intelligence community and the Director of the Central Intelligence Agency, with prior notice (including the provision of appropriate supporting information) to the head of the department containing an agency or organization receiving any such allocation or allotment or the Director of the Central Intelligence Agency.

“(B) Notwithstanding any other provision of law, pursuant to relevant appropriations Acts for the National Intelligence Program, the Director of the Office of Management and Budget shall exercise the authority of the Director of the Office of Management and Budget to apportion funds, at the exclusive direction of the Director of National Intelligence, for allocation to the elements of the intelligence community through the relevant host executive departments and the Central Intelligence Agency. Department comptrollers or appropriate budget execution officers shall allot, allocate, reprogram, or transfer funds appropriated for the National Intelligence Program in an expeditious manner.

“(C) The Director of National Intelligence shall monitor the implementation and execution of the National Intelligence Program by the heads of the elements of the intelligence community that manage programs and activities that are part of the National Intelligence Program, which may include audits and evaluations.

“(6) Apportionment and allotment of funds under this subsection shall be subject to chapter 13 and section 1517 of title 31, United States Code, and the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.).

“(7)(A) The Director of National Intelligence shall provide a semi-annual report, beginning April 1, 2005, and ending April 1, 2007, to the President and the Congress regarding implementation of this section.

“(B) The Director of National Intelligence shall report to the President and the Congress not later than 15 days after learning of any instance in which a departmental comptroller acts in a manner inconsistent with the law (including permanent statutes, authorization Acts, and appropriations Acts), or the direction of the Director of National Intelligence, in carrying out the National Intelligence Program.

“(d) **ROLE OF DIRECTOR OF NATIONAL INTELLIGENCE IN TRANSFER AND REPROGRAMMING OF FUNDS.—**(1)(A) No funds made available under the National Intelligence Program may be transferred or reprogrammed without the prior approval of the Director of National Intelligence, except in accordance with procedures prescribed by the Director of National Intelligence.

“(B) The Secretary of Defense shall consult with the Director of National Intelligence before transferring or reprogramming funds made available under the Joint Military Intelligence Program.

“(2) Subject to the succeeding provisions of this subsection, the Director of National Intelligence may transfer or reprogram funds appropriated for a program within the National Intelligence Program to another such program.

“(3) The Director of National Intelligence may only transfer or reprogram funds referred to in subparagraph (A)—

“(A) with the approval of the Director of the Office of Management and Budget; and

“(B) after consultation with the heads of departments containing agencies or organizations within the intelligence community to the extent such agencies or organizations are affected, and, in the case of the Central Intelligence Agency, after consultation with the Director of the Central Intelligence Agency.

“(4) The amounts available for transfer or reprogramming in the National Intelligence Pro-

gram in any given fiscal year, and the terms and conditions governing such transfers and reprogrammings, are subject to the provisions of annual appropriations Acts and this subsection.

“(5)(A) A transfer or reprogramming of funds or personnel may be made under this subsection only if—

“(i) the funds are being transferred to an activity that is a higher priority intelligence activity;

“(ii) the transfer or reprogramming supports an emergent need, improves program effectiveness, or increases efficiency;

“(iii) the transfer or reprogramming does not involve a transfer or reprogramming of funds to a Reserve for Contingencies of the Director of National Intelligence or the Reserve for Contingencies of the Central Intelligence Agency;

“(iv) the transfer or reprogramming results in a cumulative transfer or reprogramming of funds out of any department or agency, as appropriate, funded in the National Intelligence Program in a single fiscal year—

“(I) that is less than \$150,000,000, and

“(II) that is less than 5 percent of amounts available to a department or agency under the National Intelligence Program; and

“(v) the transfer or reprogramming does not terminate an acquisition program.

“(B) A transfer or reprogramming may be made without regard to a limitation set forth in clause (iv) or (v) of subparagraph (A) if the transfer has the concurrence of the head of the department involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency). The authority to provide such concurrence may only be delegated by the head of the department or agency involved to the deputy of such officer.

“(6) Funds transferred or reprogrammed under this subsection shall remain available for the same period as the appropriations account to which transferred or reprogrammed.

“(7) Any transfer or reprogramming 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 or reprogramming for which notice is given to the appropriate congressional committees shall be accompanied by a report explaining the nature of the proposed transfer or reprogramming and how it satisfies the requirements of this subsection. In addition, the congressional intelligence committees shall be promptly notified of any transfer or reprogramming of funds made pursuant to this subsection in any case in which the transfer or reprogramming would not have otherwise required reprogramming notification under procedures in effect as of the date of the enactment of this subsection.

“(e) **TRANSFER OF PERSONNEL.—**(1)(A) In addition to any other authorities available under law for such purposes, in the first twelve months after establishment of a new national intelligence center, the Director of National Intelligence, with the approval of the Director of the Office of Management and Budget and in consultation with the congressional committees of jurisdiction referred to in subparagraph (B), may transfer not more than 100 personnel authorized for elements of the intelligence community to such center.

“(B) The Director of National Intelligence shall promptly provide notice of any transfer of personnel made pursuant to this paragraph to—

“(i) the congressional intelligence committees;

“(ii) the Committees on Appropriations of the Senate and the House of Representatives;

“(iii) in the case of the transfer of personnel to or from the Department of Defense, the Committees on Armed Services of the Senate and the House of Representatives; and

“(iv) in the case of the transfer of personnel to or from the Department of Justice, to the Committees on the Judiciary of the Senate and the House of Representatives.

“(C) The Director shall include in any notice under subparagraph (B) an explanation of the

nature of the transfer and how it satisfies the requirements of this subsection.

“(2)(A) The Director of National Intelligence, with the approval of the Director of the Office of Management and Budget and in accordance with procedures to be developed by the Director of National Intelligence and the heads of the departments and agencies concerned, may transfer personnel authorized for an element of the intelligence community to another such element for a period of not more than 2 years.

“(B) A transfer of personnel may be made under this paragraph only if—

“(i) the personnel are being transferred to an activity that is a higher priority intelligence activity; and

“(ii) the transfer supports an emergent need, improves program effectiveness, or increases efficiency.

“(C) The Director of National Intelligence shall promptly provide notice of any transfer of personnel made pursuant to this paragraph to—

“(i) the congressional intelligence committees;

“(ii) in the case of the transfer of personnel to or from the Department of Defense, the Committees on Armed Services of the Senate and the House of Representatives; and

“(iii) in the case of the transfer of personnel to or from the Department of Justice, to the Committees on the Judiciary of the Senate and the House of Representatives.

“(D) The Director shall include in any notice under subparagraph (C) an explanation of the nature of the transfer and how it satisfies the requirements of this paragraph.

“(3) It is the sense of Congress that—

“(A) the nature of the national security threats facing the United States will continue to challenge the intelligence community to respond rapidly and flexibly to bring analytic resources to bear against emerging and unforeseen requirements;

“(B) both the Office of the Director of National Intelligence and any analytic centers determined to be necessary should be fully and properly supported with appropriate levels of personnel resources and that the President's yearly budget requests adequately support those needs; and

“(C) the President should utilize all legal and administrative discretion to ensure that the Director of National Intelligence and all other elements of the intelligence community have the necessary resources and procedures to respond promptly and effectively to emerging and unforeseen national security challenges.

“(f) **TASKING AND OTHER AUTHORITIES.—**(1)(A) The Director of National Intelligence shall—

“(i) establish objectives, priorities, and guidance for the intelligence community to ensure timely and effective collection, processing, analysis, and dissemination (including access by users to collected data consistent with applicable law and, as appropriate, the guidelines referred to in subsection (b) and analytic products generated by or within the intelligence community) of national intelligence;

“(ii) determine requirements and priorities for, and manage and direct the tasking of, collection, analysis, production, and dissemination of national intelligence by elements of the intelligence community, including—

“(I) approving requirements (including those requirements responding to needs provided by consumers) for collection and analysis; and

“(II) resolving conflicts in collection requirements and in the tasking of national collection assets of the elements of the intelligence community; and

“(iii) provide advisory tasking to intelligence elements of those agencies and departments not within the National Intelligence Program.

“(B) The authority of the Director of National Intelligence under subparagraph (A) shall not apply—

“(i) insofar as the President so directs;

“(ii) with respect to clause (ii) of subparagraph (A), insofar as the Secretary of Defense

exercises tasking authority under plans or arrangements agreed upon by the Secretary of Defense and the Director of National Intelligence; or

“(iii) to the direct dissemination of information to State government and local government officials and private sector entities pursuant to sections 201 and 892 of the Homeland Security Act of 2002 (6 U.S.C. 121, 482).

“(2) The Director of National Intelligence shall oversee the National Counterterrorism Center and may establish such other national intelligence centers as the Director determines necessary.

“(3)(A) The Director of National Intelligence shall prescribe, 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—

“(i) encourage and facilitate assignments and details of personnel to national intelligence centers, and between elements of the intelligence community;

“(ii) set standards for education, training, and career development of personnel of the intelligence community;

“(iii) encourage and facilitate the recruitment and retention by the intelligence community of highly qualified individuals for the effective conduct of intelligence activities;

“(iv) ensure that the personnel of the intelligence community are 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;

“(v) 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; and

“(vi) ensure the effective management of intelligence community personnel who are responsible for intelligence community-wide matters.

“(B) Policies prescribed under subparagraph (A) shall not be inconsistent with the personnel policies otherwise applicable to members of the uniformed services.

“(4) The Director of National Intelligence shall ensure compliance with the Constitution and laws of the United States by the Central Intelligence Agency and shall ensure such compliance by other elements of the intelligence community through the host executive departments that manage the programs and activities that are part of the National Intelligence Program.

“(5) The Director of National Intelligence shall ensure the elimination of waste and unnecessary duplication within the intelligence community.

“(6) The Director of National Intelligence shall 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 national intelligence purposes, except that the Director shall have no authority to direct or undertake electronic surveillance or physical search operations pursuant to that Act unless authorized by statute or Executive order.

“(7) The Director of National Intelligence shall perform such other functions as the President may direct.

“(8) Nothing in this title shall be construed as affecting the role of the Department of Justice or the Attorney General under the Foreign Intelligence Surveillance Act of 1978.

“(g) INTELLIGENCE INFORMATION SHARING.—(1) The Director of National Intelligence shall have principal authority to ensure maximum availability of and access to intelligence information within the intelligence community consistent with national security requirements. The Director of National Intelligence shall—

“(A) establish uniform security standards and procedures;

“(B) establish common information technology standards, protocols, and interfaces;

“(C) ensure development of information technology systems that include multi-level security and intelligence integration capabilities;

“(D) establish policies and procedures to resolve conflicts between the need to share intelligence information and the need to protect intelligence sources and methods;

“(E) develop an enterprise architecture for the intelligence community and ensure that elements of the intelligence community comply with such architecture; and

“(F) have procurement approval authority over all enterprise architecture-related information technology items funded in the National Intelligence Program.

“(2) The President shall ensure that the Director of National Intelligence has all necessary support and authorities to fully and effectively implement paragraph (1).

“(3) Except as otherwise directed by the President or with the specific written agreement of the head of the department or agency in question, a Federal agency or official shall not be considered to have met any obligation to provide any information, report, assessment, or other material (including unevaluated intelligence information) to that department or agency solely by virtue of having provided that information, report, assessment, or other material to the Director of National Intelligence or the National Counterterrorism Center.

“(4) Not later than February 1 of each year, the Director of National Intelligence shall submit to the President and to the Congress an annual report that identifies any statute, regulation, policy, or practice that the Director believes impedes the ability of the Director to fully and effectively implement paragraph (1).

“(h) ANALYSIS.—To ensure the most accurate analysis of intelligence is derived from all sources to support national security needs, the Director of National Intelligence shall—

“(1) implement policies and procedures—

“(A) to encourage sound analytic methods and tradecraft throughout the elements of the intelligence community;

“(B) to ensure that analysis is based upon all sources available; and

“(C) to ensure that the elements of the intelligence community regularly conduct competitive analysis of analytic products, whether such products are produced by or disseminated to such elements;

“(2) ensure that resource allocation for intelligence analysis is appropriately proportional to resource allocation for intelligence collection systems and operations in order to maximize analysis of all collected data;

“(3) ensure that differences in analytic judgment are fully considered and brought to the attention of policymakers; and

“(4) ensure that sufficient relationships are established between intelligence collectors and analysts to facilitate greater understanding of the needs of analysts.

“(i) PROTECTION OF INTELLIGENCE SOURCES AND METHODS.—(1) The Director of National Intelligence shall protect intelligence sources and methods from unauthorized disclosure.

“(2) Consistent with paragraph (1), in order to maximize the dissemination of intelligence, the Director of National Intelligence shall establish and implement guidelines for the intelligence community for the following purposes:

“(A) Classification of information under applicable law, Executive orders, or other Presidential directives.

“(B) Access to and dissemination of intelligence, both in final form and in the form when initially gathered.

“(C) Preparation of intelligence products in such a way that source information is removed to allow for dissemination at the lowest level of classification possible or in unclassified form to the extent practicable.

“(3) The Director may only delegate a duty or authority given the Director under this subsection to the Principal Deputy Director of National Intelligence.

“(f) UNIFORM PROCEDURES FOR SENSITIVE COMPARTMENTED INFORMATION.—The Director of National Intelligence, subject to the direction of the President, shall—

“(1) establish uniform standards and procedures for the grant of access to sensitive compartmented information to any officer or employee of any agency or department of the United States and to employees of contractors of those agencies or departments;

“(2) ensure the consistent implementation of those standards and procedures throughout such agencies and departments;

“(3) ensure that security clearances granted by individual elements of the intelligence community are recognized by all elements of the intelligence community, and under contracts entered into by those agencies; and

“(4) ensure that the process for investigation and adjudication of an application for access to sensitive compartmented information is performed in the most expeditious manner possible consistent with applicable standards for national security.

“(k) COORDINATION WITH FOREIGN GOVERNMENTS.—Under the direction of the President and in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927), the Director of National Intelligence shall oversee the coordination of the relationships between elements of the intelligence community and the intelligence or security services of foreign governments or international organizations on all matters involving intelligence related to the national security or involving intelligence acquired through clandestine means.

“(l) ENHANCED PERSONNEL MANAGEMENT.—(1)(A) The Director of National Intelligence shall, under regulations prescribed by the Director, provide incentives for personnel of elements of the intelligence community to serve—

“(i) on the staff of the Director of National Intelligence;

“(ii) on the staff of the national intelligence centers;

“(iii) on the staff of the National Counterterrorism Center; and

“(iv) in other positions in support of the intelligence community management functions of the Director.

“(B) Incentives under subparagraph (A) may include financial incentives, bonuses, and such other awards and incentives as the Director considers appropriate.

“(2)(A) Notwithstanding any other provision of law, the personnel of an element of the intelligence community who are assigned or detailed under paragraph (1)(A) to service under the Director of National Intelligence shall be promoted at rates equivalent to or better than personnel of such element who are not so assigned or detailed.

“(B) The Director may prescribe regulations to carry out this section.

“(3)(A) The Director of National Intelligence shall prescribe mechanisms to facilitate the rotation of personnel of the intelligence community through various elements of the intelligence community in the course of their careers in order to facilitate the widest possible understanding by such personnel of the variety of intelligence requirements, methods, users, and capabilities.

“(B) The mechanisms prescribed under subparagraph (A) may include the following:

“(i) The establishment of special occupational categories involving service, over the course of a career, in more than one element of the intelligence community.

“(ii) The provision of rewards for service in positions undertaking analysis and planning of operations involving two or more elements of the intelligence community.

“(iii) The establishment of requirements for education, training, service, and evaluation for

service involving more than one element of the intelligence community.

“(C) It is the sense of Congress that the mechanisms prescribed under this subsection should, to the extent practical, seek to duplicate for civilian personnel within the intelligence community the joint officer management policies established by chapter 38 of title 10, United States Code, and the other amendments made by title IV of the Goldwater–Nichols Department of Defense Reorganization Act of 1986 (Public Law 99–433).

“(4)(A) Except as provided in subparagraph (B) and subparagraph (D), this subsection shall not apply with respect to personnel of the elements of the intelligence community who are members of the uniformed services.

“(B) Mechanisms that establish requirements for education and training pursuant to paragraph (3)(B)(iii) may apply with respect to members of the uniformed services who are assigned to an element of the intelligence community funded through the National Intelligence Program, but such mechanisms shall not be inconsistent with personnel policies and education and training requirements otherwise applicable to members of the uniformed services.

“(C) The personnel policies and programs developed and implemented under this subsection with respect to law enforcement officers (as that term is defined in section 5541(3) of title 5, United States Code) shall not affect the ability of law enforcement entities to conduct operations or, through the applicable chain of command, to control the activities of such law enforcement officers.

“(D) Assignment to the Office of the Director of National Intelligence of commissioned officers of the Armed Forces shall be considered a joint-duty assignment for purposes of the joint officer management policies prescribed by chapter 38 of title 10, United States Code, and other provisions of that title.

“(m) ADDITIONAL AUTHORITY WITH RESPECT TO PERSONNEL.—(1) In addition to the authorities under subsection (f)(3), the Director of National Intelligence may exercise with respect to the personnel of the Office of the Director of National Intelligence any authority of the Director of the Central Intelligence Agency with respect to the personnel of the Central Intelligence Agency under the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.), and other applicable provisions of law, as of the date of the enactment of this subsection to the same extent, and subject to the same conditions and limitations, that the Director of the Central Intelligence Agency may exercise such authority with respect to personnel of the Central Intelligence Agency.

“(2) Employees and applicants for employment of the Office of the Director of National Intelligence shall have the same rights and protections under the Office of the Director of National Intelligence as employees of the Central Intelligence Agency have under the Central Intelligence Agency Act of 1949, and other applicable provisions of law, as of the date of the enactment of this subsection.

“(n) ACQUISITION AUTHORITIES.—(1) In carrying out the responsibilities and authorities under this section, the Director of National Intelligence may exercise the acquisition and appropriations authorities referred to in the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) other than the authorities referred to in section 8(b) of that Act (50 U.S.C. 403j(b)).

“(2) For the purpose of the exercise of any authority referred to in paragraph (1), a reference to the head of an agency shall be deemed to be a reference to the Director of National Intelligence or the Principal Deputy Director of National Intelligence.

“(3)(A) Any determination or decision to be made under an authority referred to in paragraph (1) by the head of an agency may be made with respect to individual purchases and contracts or with respect to classes of purchases or contracts, and shall be final.

“(B) Except as provided in subparagraph (C), the Director of National Intelligence or the Principal Deputy Director of National Intelligence may, in such official's discretion, delegate to any officer or other official of the Office of the Director of National Intelligence any authority to make a determination or decision as the head of the agency under an authority referred to in paragraph (1).

“(C) The limitations and conditions set forth in section 3(d) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c(d)) shall apply to the exercise by the Director of National Intelligence of an authority referred to in paragraph (1).

“(D) Each determination or decision required by an authority referred to in the second sentence of section 3(d) of the Central Intelligence Agency Act of 1949 shall be based upon written findings made by the official making such determination or decision, which findings shall be final and shall be available within the Office of the Director of National Intelligence for a period of at least six years following the date of such determination or decision.

“(o) CONSIDERATION OF VIEWS OF ELEMENTS OF INTELLIGENCE COMMUNITY.—In carrying out the duties and responsibilities under this section, the Director of National Intelligence shall take into account the views of a head of a department containing an element of the intelligence community and of the Director of the Central Intelligence Agency.

“(p) RESPONSIBILITY OF DIRECTOR OF NATIONAL INTELLIGENCE REGARDING NATIONAL INTELLIGENCE PROGRAM BUDGET CONCERNING THE DEPARTMENT OF DEFENSE.—Subject to the direction of the President, the Director of National Intelligence shall, after consultation with the Secretary of Defense, ensure that the National Intelligence Program budgets for the elements of the intelligence community that are within the Department of Defense are adequate to satisfy the national intelligence needs of the Department of Defense, including the needs of the Chairman of the Joint Chiefs of Staff and the commanders of the unified and specified commands, and wherever such elements are performing Government-wide functions, the needs of other Federal departments and agencies.

“(q) ACQUISITIONS OF MAJOR SYSTEMS.—(1) For each intelligence program within the National Intelligence Program for the acquisition of a major system, the Director of National Intelligence shall—

“(A) require the development and implementation of a program management plan that includes cost, schedule, and performance goals and program milestone criteria, except that with respect to Department of Defense programs the Director shall consult with the Secretary of Defense;

“(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

“(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) If the Director of National Intelligence and the Secretary of Defense are unable to reach an agreement on a milestone decision under paragraph (1)(B), the President shall resolve the conflict.

“(3) Nothing in this subsection may be construed to limit the authority of the Director of National Intelligence to delegate to any other official any authority to perform the responsibilities of the Director under this subsection.

“(4) 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)).

“(r) PERFORMANCE OF COMMON SERVICES.—The Director of National Intelligence 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, 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 Director of National Intelligence determines can be more efficiently accomplished in a consolidated manner.

“OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

“SEC. 103. (a) OFFICE OF DIRECTOR OF NATIONAL INTELLIGENCE.—There is an Office of the Director of National Intelligence.

“(b) FUNCTION.—The function of the Office of the Director of National Intelligence is to assist the Director of National Intelligence 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 Director of National Intelligence is composed of the following:

“(1) The Director of National Intelligence.

“(2) The Principal Deputy Director of National Intelligence.

“(3) Any Deputy Director of National Intelligence appointed under section 103A.

“(4) The National Intelligence Council.

“(5) The General Counsel.

“(6) The Civil Liberties Protection Officer.

“(7) The Director of Science and Technology.

“(8) The National Counterintelligence Executive (including the Office of the National Counterintelligence Executive).

“(9) Such other offices and officials as may be established by law or the Director may establish or designate in the Office, including national intelligence centers.

“(d) STAFF.—(1) To assist the Director of National Intelligence in fulfilling the duties and responsibilities of the Director, the Director shall employ and utilize in the Office of the Director of National Intelligence 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 Director of National Intelligence 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 Director of National Intelligence under section 1091 of the National Security Intelligence Reform Act of 2004.

“(e) LIMITATION ON CO-LOCATION WITH OTHER ELEMENTS OF INTELLIGENCE COMMUNITY.—Commencing as of October 1, 2008, the Office of the Director of National Intelligence may not be co-located with any other element of the intelligence community.

“DEPUTY DIRECTORS OF NATIONAL INTELLIGENCE

“SEC. 103A. (a) PRINCIPAL DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE.—(1) There is a Principal Deputy Director of National Intelligence 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 Director of National Intelligence, the Director of National Intelligence

shall recommend to the President an individual for appointment as Principal Deputy Director of National Intelligence.

“(3) Any individual nominated for appointment as Principal Deputy Director of National Intelligence shall have extensive national security experience and management expertise.

“(4) The individual serving as Principal Deputy Director of National Intelligence shall not, while so serving, serve in any capacity in any other element of the intelligence community.

“(5) The Principal Deputy Director of National Intelligence shall assist the Director of National Intelligence in carrying out the duties and responsibilities of the Director.

“(6) The Principal Deputy Director of National Intelligence shall act for, and exercise the powers of, the Director of National Intelligence during the absence or disability of the Director of National Intelligence or during a vacancy in the position of Director of National Intelligence.

“(b) DEPUTY DIRECTORS OF NATIONAL INTELLIGENCE.—(1) There may be not more than four Deputy Directors of National Intelligence who shall be appointed by the Director of National Intelligence.

“(2) Each Deputy Director of National Intelligence appointed under this subsection shall have such duties, responsibilities, and authorities as the Director of National Intelligence may assign or are specified by law.

“(c) MILITARY STATUS OF DIRECTOR OF NATIONAL INTELLIGENCE AND PRINCIPAL DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE.—(1) Not more than one of the individuals serving in the positions specified in paragraph (2) may be a commissioned officer of the Armed Forces in active status.

“(2) The positions referred to in this paragraph are the following:

“(A) The Director of National Intelligence.

“(B) The Principal Deputy Director of National Intelligence.

“(3) It is the sense of Congress that, under ordinary circumstances, it is desirable that one of the individuals serving in the positions specified in paragraph (2)—

“(A) be a commissioned officer of the Armed Forces, in active status; or

“(B) have, by training or experience, an appreciation of military intelligence activities and requirements.

“(4) A commissioned officer of the Armed Forces, while serving in a position specified in paragraph (2)—

“(A) shall not be subject to supervision or control by the Secretary of Defense or by any officer or employee of the Department of Defense;

“(B) shall not exercise, by reason of the officer's status as a commissioned officer, any supervision or control with respect to any of the military or civilian personnel of the Department of Defense except as otherwise authorized by law; and

“(C) shall not be counted against the numbers and percentages of commissioned officers of the rank and grade of such officer authorized for the military department of that officer.

“(5) Except as provided in subparagraph (A) or (B) of paragraph (4), the appointment of an officer of the Armed Forces to a position specified in paragraph (2) shall not affect the status, position, rank, or grade of such officer in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of such status, position, rank, or grade.

“(6) A commissioned officer of the Armed Forces on active duty who is appointed to a position specified in paragraph (2), while serving in such position and while remaining on active duty, shall continue to receive military pay and allowances and shall not receive the pay prescribed for such position. Funds from which such pay and allowances are paid shall be reimbursed from funds available to the Director of National Intelligence.

“NATIONAL INTELLIGENCE COUNCIL

“SEC. 103B. (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 Director of National Intelligence.

“(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 Director of National Intelligence in carrying out the responsibilities of the Director under section 102A.

“(2) The Director of National Intelligence shall ensure that the Council satisfies the needs of policymakers and other consumers of intelligence.

“(d) SERVICE AS SENIOR INTELLIGENCE ADVISERS.—Within their respective areas of expertise and under the direction of the Director of National Intelligence, 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 Director of National Intelligence, 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 Director of National Intelligence 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 Director of National Intelligence 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 Director of National Intelligence.

“(i) NATIONAL INTELLIGENCE COUNCIL PRODUCT.—For purposes of this section, the term ‘National Intelligence Council product’ includes a National Intelligence Estimate and any other intelligence community assessment that sets forth the judgment of the intelligence community as a whole on a matter covered by such product.

“GENERAL COUNSEL

“SEC. 103C. (a) GENERAL COUNSEL.—There is a General Counsel of the Office of the Director of National Intelligence who shall be appointed

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 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 is the chief legal officer of the Office of the Director of National Intelligence.

“(d) FUNCTIONS.—The General Counsel shall perform such functions as the Director of National Intelligence may prescribe.

“CIVIL LIBERTIES PROTECTION OFFICER

“SEC. 103D. (a) CIVIL LIBERTIES PROTECTION OFFICER.—(1) Within the Office of the Director of National Intelligence, there is a Civil Liberties Protection Officer who shall be appointed by the Director of National Intelligence.

“(2) The Civil Liberties Protection Officer shall report directly to the Director of National Intelligence.

“(b) DUTIES.—The Civil Liberties Protection Officer shall—

“(1) ensure that the protection of civil liberties and privacy is appropriately incorporated in the policies and procedures developed for and implemented by the Office of the Director of National Intelligence and the elements of the intelligence community within the National Intelligence Program;

“(2) oversee compliance by the Office and the Director of National Intelligence with requirements under the Constitution and all laws, regulations, Executive orders, and implementing guidelines relating to civil liberties and privacy;

“(3) review and assess complaints and other information indicating possible abuses of civil liberties and privacy in the administration of the programs and operations of the Office and the Director of National Intelligence and, as appropriate, investigate any such complaint or information;

“(4) ensure that the use of technologies sustain, and do not erode, privacy protections relating to the use, collection, and disclosure of personal information;

“(5) ensure that personal information contained in a system of records subject to section 552a of title 5, United States Code (popularly referred to as the ‘Privacy Act’), is handled in full compliance with fair information practices as set out in that section;

“(6) conduct privacy impact assessments when appropriate or as required by law; and

“(7) perform such other duties as may be prescribed by the Director of National Intelligence or specified by law.

“(c) USE OF AGENCY INSPECTORS GENERAL.—When appropriate, the Civil Liberties Protection Officer may refer complaints to the Office of Inspector General having responsibility for the affected element of the department or agency of the intelligence community to conduct an investigation under paragraph (3) of subsection (b).

“DIRECTOR OF SCIENCE AND TECHNOLOGY

“SEC. 103E. (a) DIRECTOR OF SCIENCE AND TECHNOLOGY.—There is a Director of Science and Technology within the Office of the Director of National Intelligence who shall be appointed by the Director of National Intelligence.

“(b) REQUIREMENT RELATING TO APPOINTMENT.—An individual appointed as Director of Science and Technology shall have a professional background and experience appropriate for the duties of the Director of Science and Technology.

“(c) DUTIES.—The Director of Science and Technology shall—

“(1) act as the chief representative of the Director of National Intelligence for science and technology;

“(2) chair the Director of National Intelligence 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 Office of the Director of National Intelligence; and

“(5) perform other such duties as may be prescribed by the Director of National Intelligence or specified by law.

“(d) DIRECTOR OF NATIONAL INTELLIGENCE SCIENCE AND TECHNOLOGY COMMITTEE.—(1) There is within the Office of the Director of Science and Technology a Director of National Intelligence Science and Technology Committee.

“(2) The Committee shall be 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 Director of Science and Technology shall prescribe.

“NATIONAL COUNTERINTELLIGENCE EXECUTIVE

“SEC. 103F. (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.) is a component of the Office of the Director of National Intelligence.

“(b) DUTIES.—The National Counterintelligence Executive shall perform the duties provided in the Counterintelligence Enhancement Act of 2002 and such other duties as may be prescribed by the Director of National Intelligence or specified by law.

“CENTRAL INTELLIGENCE AGENCY

“SEC. 104. (a) CENTRAL INTELLIGENCE AGENCY.—There is a Central Intelligence Agency.

“(b) FUNCTION.—The function of the Central Intelligence Agency is to assist the Director of the Central Intelligence Agency in carrying out the responsibilities specified in section 104A(c).

“DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

“SEC. 104A. (a) DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—There is a Director of the Central Intelligence Agency who shall be appointed by the President, by and with the advice and consent of the Senate.

“(b) SUPERVISION.—The Director of the Central Intelligence Agency shall report to the Director of National Intelligence regarding the activities 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 related to intelligence affecting the national security as the President or the Director of National Intelligence may direct.

“(e) TERMINATION OF EMPLOYMENT OF CIA EMPLOYEES.—(1) Notwithstanding the provi-

sions 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 deems 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 Director of National Intelligence 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 or international organizations on all matters involving intelligence related to the national security or involving intelligence acquired through clandestine means.”.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the human intelligence officers of the intelligence community have performed admirably and honorably in the face of great personal dangers;

(2) during an extended period of unprecedented investment and improvements in technical collection means, the human intelligence capabilities of the United States have not received the necessary and commensurate priorities;

(3) human intelligence is becoming an increasingly important capability to provide information on the asymmetric threats to the national security of the United States;

(4) the continued development and improvement of a robust and empowered and flexible human intelligence work force is critical to identifying, understanding, and countering the plans and intentions of the adversaries of the United States; and

(5) an increased emphasis on, and resources applied to, enhancing the depth and breadth of human intelligence capabilities of the United States intelligence community must be among the top priorities of the Director of National Intelligence.

(c) 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 Director of National Intelligence—

(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.

(d) REPORT.—(1) Not later than 180 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall submit to the Director of National Intelligence 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 that strategy.

(B) A strategy for improving the human intelligence and other capabilities of the Agency,

and the progress of the Agency in implementing that strategy.

(2)(A) The information in the report under paragraph (1) on the strategy referred to in paragraph (1)(B) shall—

(i) identify the number and types of personnel required to implement that strategy;

(ii) include a plan for the recruitment, training, equipping, and deployment of such personnel; and

(iii) set forth an estimate of the costs of such activities.

(B) If as of the date of the 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.

SEC. 1012. REVISED DEFINITION OF NATIONAL INTELLIGENCE.

Paragraph (5) of section 3 of the National Security Act of 1947 (50 U.S.C. 401a) is amended to read as follows:

“(5) The terms ‘national intelligence’ and ‘intelligence related to national security’ refer to all intelligence, regardless of the source from which derived and including information gathered within or outside the United States, that—

“(A) pertains, as determined consistent with any guidance issued by the President, to more than one United States Government agency; and

“(B) that involves—

“(i) threats to the United States, its people, property, or interests;

“(ii) the development, proliferation, or use of weapons of mass destruction; or

“(iii) any other matter bearing on United States national or homeland security.”.

SEC. 1013. JOINT PROCEDURES FOR OPERATIONAL COORDINATION BETWEEN DEPARTMENT OF DEFENSE AND CENTRAL INTELLIGENCE AGENCY.

(a) DEVELOPMENT OF PROCEDURES.—The Director of National Intelligence, in consultation with the Secretary of Defense and the Director of the Central Intelligence Agency, shall develop joint procedures to be used by the Department of Defense and the Central Intelligence Agency to improve the coordination and deconfliction of operations that involve elements of both the Armed Forces and the Central Intelligence Agency consistent with national security and the protection of human intelligence sources and methods. Those procedures shall, at a minimum, provide the following:

(1) Methods by which the Director of the Central Intelligence Agency and the Secretary of Defense can improve communication and coordination in the planning, execution, and sustainment of operations, including, as a minimum—

(A) information exchange between senior officials of the Central Intelligence Agency and senior officers and officials of the Department of Defense when planning for such an operation commences by either organization; and

(B) exchange of information between the Secretary and the Director of the Central Intelligence Agency to ensure that senior operational officials in both the Department of Defense and the Central Intelligence Agency have knowledge of the existence of the ongoing operations of the other.

(2) When appropriate, in cases where the Department of Defense and the Central Intelligence Agency are conducting separate missions in the same geographical area, a mutual agreement on the tactical and strategic objectives for the region and a clear delineation of operational responsibilities to prevent conflict and duplication of effort.

(b) IMPLEMENTATION REPORT.—Not later than 180 days after the date of the enactment of the Act, the Director of National Intelligence shall submit to the congressional defense committees (as defined in section 101 of title 10, United States Code) and the congressional intelligence committees (as defined in section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7))) a

report describing the procedures established pursuant to subsection (a) and the status of the implementation of those procedures.

SEC. 1014. ROLE OF DIRECTOR OF NATIONAL INTELLIGENCE IN APPOINTMENT OF CERTAIN OFFICIALS RESPONSIBLE FOR INTELLIGENCE-RELATED ACTIVITIES.

Section 106 of the National Security Act of 1947 (50 U.S.C. 403-6) is amended by striking all after the heading and inserting the following:

“(a) RECOMMENDATION OF DNI IN CERTAIN APPOINTMENTS.—(1) In the event of a vacancy in a position referred to in paragraph (2), the Director of National Intelligence shall recommend to the President an individual for nomination to fill the vacancy.

“(2) Paragraph (1) applies to the following positions:

“(A) The Principal Deputy Director of National Intelligence.

“(B) The Director of the Central Intelligence Agency.

“(b) CONCURRENCE OF DNI IN APPOINTMENTS TO POSITIONS IN THE INTELLIGENCE COMMUNITY.—(1) In the event of a vacancy in a position referred to in paragraph (2), the head of the department or agency having jurisdiction over the position shall obtain the concurrence of the Director of National Intelligence before appointing an individual to fill the vacancy or recommending to the President an individual to be nominated to fill the vacancy. If the Director does not concur in the recommendation, the head of the department or agency concerned may not fill the vacancy or make the recommendation to the President (as the case may be). In the case in which the Director does not concur in such a recommendation, the Director and the head of the department or agency concerned may advise the President directly of the intention to withhold concurrence or to make a recommendation, as the case may be.

“(2) Paragraph (1) applies to the following positions:

“(A) The Director of the National Security Agency.

“(B) The Director of the National Reconnaissance Office.

“(C) The Director of the National Geospatial Intelligence Agency.

“(D) The Assistant Secretary of State for Intelligence and Research.

“(E) The Director of the Office of Intelligence of the Department of Energy.

“(F) The Director of the Office of Counterintelligence of the Department of Energy.

“(G) The Assistant Secretary for Intelligence and Analysis of the Department of the Treasury.

“(H) The Executive Assistant Director for Intelligence of the Federal Bureau of Investigation or any successor to that position.

“(I) The Assistant Secretary of Homeland Security for Information Analysis.

“(c) CONSULTATION WITH DNI IN CERTAIN POSITIONS.—(1) In the event of a vacancy in a position referred to in paragraph (2), the head of the department or agency having jurisdiction over the position shall consult with the Director of National Intelligence before appointing an individual to fill the vacancy or recommending to the President an individual to be nominated to fill the vacancy.

“(2) Paragraph (1) applies to the following positions:

“(A) The Director of the Defense Intelligence Agency.

“(B) The Assistant Commandant of the Coast Guard for Intelligence.”.

SEC. 1015. EXECUTIVE SCHEDULE MATTERS.

(a) EXECUTIVE SCHEDULE LEVEL I.—Section 5312 of title 5, United States Code, is amended by adding at the end the following new item:

“Director of National Intelligence.”.

(b) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by adding at the end the following new items:

“Principal Deputy Director of National Intelligence.”.

“Director of the National Counterterrorism Center.”.

“Director of the National Counter Proliferation Center.”.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended—

(1) by striking the item relating to the Assistant Directors of Central Intelligence; and

(2) by adding at the end the following new item:

“General Counsel of the Office of the National Intelligence Director.”.

SEC. 1016. INFORMATION SHARING.

(a) DEFINITIONS.—In this section:

(1) INFORMATION SHARING COUNCIL.—The term “Information Sharing Council” means the Information Systems Council established by Executive Order 13356, or any successor body designated by the President, and referred to under subsection (g).

(2) INFORMATION SHARING ENVIRONMENT; ISE.—The terms “information sharing environment” and “ISE” mean an approach that facilitates the sharing of terrorism information, which approach may include any methods determined necessary and appropriate for carrying out this section.

(3) PROGRAM MANAGER.—The term “program manager” means the program manager designated under subsection (f).

(4) TERRORISM INFORMATION.—The term “terrorism information” means all information, whether collected, produced, or distributed by intelligence, law enforcement, military, homeland security, or other activities relating to—

(A) the existence, organization, capabilities, plans, intentions, vulnerabilities, means of finance or material support, or activities of foreign or international terrorist groups or individuals, or of domestic groups or individuals involved in transnational terrorism;

(B) threats posed by such groups or individuals to the United States, United States persons, or United States interests, or to those of other nations;

(C) communications of or by such groups or individuals; or

(D) groups or individuals reasonably believed to be assisting or associated with such groups or individuals.

(b) INFORMATION SHARING ENVIRONMENT.—

(1) ESTABLISHMENT.—The President shall—

(A) create an information sharing environment for the sharing of terrorism information in a manner consistent with national security and with applicable legal standards relating to privacy and civil liberties;

(B) designate the organizational and management structures that will be used to operate and manage the ISE; and

(C) determine and enforce the policies, directives, and rules that will govern the content and usage of the ISE.

(2) ATTRIBUTES.—The President shall, through the structures described in subparagraphs (B) and (C) of paragraph (1), ensure that the ISE provides and facilitates the means for sharing terrorism information among all appropriate Federal, State, local, and tribal entities, and the private sector through the use of policy guidelines and technologies. The President shall, to the greatest extent practicable, ensure that the ISE provides the functional equivalent of, or otherwise supports, a decentralized, distributed, and coordinated environment that—

(A) connects existing systems, where appropriate, provides no single points of failure, and allows users to share information among agencies, between levels of government, and, as appropriate, with the private sector;

(B) ensures direct and continuous online electronic access to information;

(C) facilitates the availability of information in a form and manner that facilitates its use in analysis, investigations and operations;

(D) builds upon existing systems capabilities currently in use across the Government;

(E) employs an information access management approach that controls access to data rather than just systems and networks, without sacrificing security;

(F) facilitates the sharing of information at and across all levels of security;

(G) provides directory services, or the functional equivalent, for locating people and information;

(H) incorporates protections for individuals’ privacy and civil liberties; and

(I) incorporates strong mechanisms to enhance accountability and facilitate oversight, including audits, authentication, and access controls.

(c) PRELIMINARY REPORT.—Not later than 180 days after the date of the enactment of this Act, the program manager shall, in consultation with the Information Sharing Council—

(1) submit to the President and Congress a description of the technological, legal, and policy issues presented by the creation of the ISE, and the way in which these issues will be addressed;

(2) establish an initial capability to provide electronic directory services, or the functional equivalent, to assist in locating in the Federal Government intelligence and terrorism information and people with relevant knowledge about intelligence and terrorism information; and

(3) conduct a review of relevant current Federal agency capabilities, databases, and systems for sharing information.

(d) GUIDELINES AND REQUIREMENTS.—As soon as possible, but in no event later than 270 days after the date of the enactment of this Act, the President shall—

(1) leverage all ongoing efforts consistent with establishing the ISE and 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 using tearlines to separate out data from the sources and methods by which the data are obtained;

(2) in consultation with the Privacy and Civil Liberties Oversight Board established under section 1061, issue guidelines that—

(A) protect privacy and civil liberties in the development and use of the ISE; and

(B) shall be made public, unless 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 over-classification of information and unnecessary requirements for originator approval, consistent with applicable laws and regulations; and

(B) providing affirmative incentives for information sharing.

(e) IMPLEMENTATION PLAN REPORT.—Not later than one year after the date of the enactment of this Act, the President shall, with the assistance of the program manager, submit to Congress a report containing an implementation plan for the ISE. The report shall include the following:

(1) A description of the functions, capabilities, resources, and conceptual design of the ISE, including standards.

(2) A description of the impact on enterprise architectures of participating agencies.

(3) A budget estimate that identifies the incremental costs associated with designing, testing, integrating, deploying, and operating the ISE.

(4) A project plan for designing, testing, integrating, deploying, and operating the ISE.

(5) The policies and directives referred to in subsection (b)(1)(C), as well as the metrics and enforcement mechanisms that will be utilized.

(6) Objective, systemwide performance measures to enable the assessment of progress toward achieving the full implementation of the ISE.

(7) A description of the training requirements needed to ensure that the ISE will be adequately implemented and properly utilized.

(8) A description of the means by which privacy and civil liberties will be protected in the design and operation of the ISE.

(9) The recommendations of the program manager, in consultation with the Information Sharing Council, regarding whether, and under what conditions, the ISE should be expanded to include other intelligence information.

(10) A delineation of the roles of the Federal departments and agencies that will participate in the ISE, including an identification of the agencies that will deliver the infrastructure needed to operate and manage the ISE (as distinct from individual department or agency components that are part of the ISE), with such delineation of roles to be consistent with—

(A) the authority of the Director of National Intelligence under this title, and the amendments made by this title, to set standards for information sharing throughout the intelligence community; and

(B) the authority of the Secretary of Homeland Security and the Attorney General, and the role of the Department of Homeland Security and the Attorney General, in coordinating with State, local, and tribal officials and the private sector.

(11) The recommendations of the program manager, in consultation with the Information Sharing Council, for a future management structure for the ISE, including whether the position of program manager should continue to remain in existence.

(f) PROGRAM MANAGER.—

(1) DESIGNATION.—Not later than 120 days after the date of the enactment of this Act, with notification to Congress, the President shall designate an individual as the program manager responsible for information sharing across the Federal Government. The individual designated as the program manager shall serve as program manager during the two-year period beginning on the date of designation under this paragraph unless sooner removed from service and replaced by the President (at the President's sole discretion). The program manager shall have and exercise governmentwide authority.

(2) DUTIES AND RESPONSIBILITIES.—

(A) IN GENERAL.—The program manager shall, in consultation with the Information Sharing Council—

(i) plan for and oversee the implementation of, and manage, the ISE;

(ii) assist in the development of policies, procedures, guidelines, rules, and standards as appropriate to foster the development and proper operation of the ISE; and

(iii) assist, monitor, and assess the implementation of the ISE by Federal departments and agencies to ensure adequate progress, technological consistency and policy compliance; and regularly report the findings 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 ISE;

(ii) address development, implementation, and oversight of technical standards and requirements;

(iii) take into account ongoing and planned efforts that support development, implementation and management of the ISE;

(iv) 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;

(v) address and facilitate information sharing between Federal departments and agencies and State, tribal, and local governments;

(vi) address and facilitate, as appropriate, information sharing between Federal departments and agencies and the private sector;

(vii) address and facilitate, as appropriate, information sharing between Federal departments

and agencies with foreign partners and allies; and

(viii) ensure the protection of privacy and civil liberties.

(g) INFORMATION SHARING COUNCIL.—

(1) ESTABLISHMENT.—There is established an Information Sharing Council that shall assist the President and the program manager in their duties under this section. The Information Sharing Council shall serve during the two-year period beginning on the date of the initial designation of the program manager by the President under subsection (f)(1), unless sooner removed from service and replaced by the President (at the sole discretion of the President) with a successor body.

(2) SPECIFIC DUTIES.—In assisting the President and the program manager in their duties under this section, the Information Sharing Council shall—

(A) advise the President and the program manager in developing policies, procedures, guidelines, roles, and standards necessary to establish, implement, and maintain the ISE;

(B) work to ensure coordination among the Federal departments and agencies participating in the ISE in the establishment, implementation, and maintenance of the ISE;

(C) identify and, as appropriate, recommend the consolidation and elimination of current programs, systems, and processes used by Federal departments and agencies to share information, and recommend, as appropriate, the redirection of existing resources to support the ISE;

(D) identify gaps, if any, between existing technologies, programs and systems used by Federal departments and agencies to share information and the parameters of the proposed information sharing environment;

(E) recommend solutions to address any gaps identified under subparagraph (D);

(F) recommend means by which the ISE can be extended to allow interchange of information between Federal departments and agencies and appropriate authorities of State and local governments; and

(G) recommend whether or not, and by which means, the ISE should be expanded so as to allow future expansion encompassing other relevant categories of information.

(3) CONSULTATION.—In performing its duties, the Information Sharing Council shall consider input from persons and entities outside the Federal Government having significant experience and expertise in policy, technical matters, and operational matters relating to the ISE.

(4) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Information Sharing Council shall not be subject to the requirements of the Federal Advisory Committee Act (5 U.S.C. App.).

(h) PERFORMANCE MANAGEMENT REPORTS.—

(1) IN GENERAL.—Not later than two years after the date of the enactment of this Act, and annually thereafter, the President shall submit to Congress a report on the state of the ISE 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 ISE has been implemented, including how the ISE has fared on the performance measures and whether the performance goals set in the preceding year have been met;

(B) objective system-wide performance goals for the following year;

(C) an accounting of how much was spent on the ISE in the preceding year;

(D) actions taken to ensure that procurement of and investments in systems and technology are consistent with the implementation plan for the ISE;

(E) the extent to which all terrorism watch lists are available for combined searching in real time through the ISE 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 State, tribal, and local officials are participating in the ISE;

(G) the extent to which private sector data, including information from owners and operators of critical infrastructure, is incorporated in the ISE, and the extent to which individuals and entities outside the government are receiving information through the ISE;

(H) the measures taken by the Federal government to ensure the accuracy of information in the ISE, in particular the accuracy of information about individuals;

(I) an assessment of the privacy and civil liberties protections of the ISE, including actions taken in the preceding year to implement or enforce privacy and civil liberties protections; and

(J) an assessment of the security protections used in the ISE.

(i) AGENCY RESPONSIBILITIES.—The head of each department or agency that possesses or uses intelligence or terrorism information, operates a system in the ISE, or otherwise participates (or expects to participate) in the ISE shall—

(1) ensure full department or agency compliance with information sharing policies, procedures, guidelines, rules, and standards established under subsections (b) and (f);

(2) ensure the provision of adequate resources for systems and activities supporting operation of and participation in the ISE;

(3) ensure full department or agency cooperation in the development of the ISE to implement governmentwide information sharing; and

(4) submit, at the request of the President or the program manager, any reports on the implementation of the requirements of the ISE within such department or agency.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2005 and 2006.

SEC. 1017. ALTERNATIVE ANALYSIS OF INTELLIGENCE BY THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Not later than 180 days after the effective date of this Act, the Director of National Intelligence shall establish a process and assign an individual or entity the responsibility for ensuring that, as appropriate, elements of the intelligence community conduct alternative analysis (commonly referred to as "red-team analysis") of the information and conclusions in intelligence products.

(b) REPORT.—Not later than 270 days after the effective date of this Act, the Director of National Intelligence shall provide a report to the Select Committee on Intelligence of the Senate and the Permanent Select Committee of the House of Representatives on the implementation of subsection (a).

SEC. 1018. PRESIDENTIAL GUIDELINES ON IMPLEMENTATION AND PRESERVATION OF AUTHORITIES.

The President shall issue guidelines to ensure the effective implementation and execution within the executive branch of the authorities granted to the Director of National Intelligence by this title and the amendments made by this title, in a manner that respects and does not abrogate the statutory responsibilities of the heads of the departments of the United States Government concerning such departments, including, but not limited to:

(1) the authority of the Director of the Office of Management and Budget; and

(2) the authority of the principal officers of the executive departments as heads of their respective departments, including, but not limited to, under—

(A) section 199 of the Revised Statutes (22 U.S.C. 2651);

(B) title II of the Department of Energy Organization Act (42 U.S.C. 7131 et seq.);

(C) the State Department Basic Authorities Act of 1956;

(D) section 102(a) of the Homeland Security Act of 2002 (6 U.S.C. 112(a)); and

(E) sections 301 of title 5, 113(b) and 162(b) of title 10, 503 of title 28, and 301(b) of title 31, United States Code.

SEC. 1019. ASSIGNMENT OF RESPONSIBILITIES RELATING TO ANALYTIC INTEGRITY.

(a) **ASSIGNMENT OF RESPONSIBILITIES.**—For purposes of carrying out section 102A(h) of the National Security Act of 1947 (as added by section 1011(a)), the Director of National Intelligence shall, not later than 180 days after the date of the enactment of this Act, assign an individual or entity to be responsible for ensuring that finished intelligence products produced by any element or elements of the intelligence community are timely, objective, independent of political considerations, based upon all sources of available intelligence, and employ the standards of proper analytic tradecraft.

(b) **RESPONSIBILITIES.**—(1) The individual or entity assigned responsibility under subsection (a)—

(A) may be responsible for general oversight and management of analysis and production, but may not be directly responsible for, or involved in, the specific production of any finished intelligence product;

(B) shall perform, on a regular basis, detailed reviews of finished intelligence product or other analytic products by an element or elements of the intelligence community covering a particular topic or subject matter;

(C) shall be responsible for identifying on an annual basis functional or topical areas of analysis for specific review under subparagraph (B); and

(D) upon completion of any review under subparagraph (B), may draft lessons learned, identify best practices, or make recommendations for improvement to the analytic tradecraft employed in the production of the reviewed product or products.

(2) Each review under paragraph (1)(B) should—

(A) include whether the product or products concerned were based on all sources of available intelligence, properly describe the quality and reliability of underlying sources, properly caveat and express uncertainties or confidence in analytic judgments, properly distinguish between underlying intelligence and the assumptions and judgments of analysts, and incorporate, where appropriate, alternative analyses; and

(B) ensure that the analytic methodologies, tradecraft, and practices used by the element or elements concerned in the production of the product or products concerned meet the standards set forth in subsection (a).

(3) Information drafted under paragraph (1)(D) should, as appropriate, be included in analysis teaching modules and case studies for use throughout the intelligence community.

(c) **ANNUAL REPORTS.**—Not later than December 1 each year, the Director of National Intelligence shall submit to the congressional intelligence committees, the heads of the relevant elements of the intelligence community, and the heads of analytic training departments a report containing a description, and the associated findings, of each review under subsection (b)(1)(B) during such year.

(d) **CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.**—In this section, the term “congressional intelligence committees” means—

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

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1020. SAFEGUARD OF OBJECTIVITY IN INTELLIGENCE ANALYSIS.

(a) **IN GENERAL.**—Not later than 180 days after the effective date of this Act, the Director of National Intelligence shall identify an individual within the Office of the Director of National Intelligence who shall be available to an-

alysts within the Office of the Director of National Intelligence to counsel, conduct arbitration, offer recommendations, and, as appropriate, initiate inquiries into real or perceived problems of analytic tradecraft or politicization, biased reporting, or lack of objectivity in intelligence analysis.

(b) **REPORT.**—Not later than 270 days after the effective date of this Act, the Director of National Intelligence shall provide a report to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives on the implementation of subsection (a).

Subtitle B—National Counterterrorism Center, National Counter Proliferation Center, and National Intelligence Centers

SEC. 1021. NATIONAL COUNTERTERRORISM CENTER.

Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by adding at the end the following new section:

“**NATIONAL COUNTERTERRORISM CENTER**

“**SEC. 119. (a) ESTABLISHMENT OF CENTER.**—There is within the Office of the Director of National Intelligence 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) The Director of the National Counterterrorism Center may not simultaneously serve in any other capacity in the executive branch.

“(c) **REPORTING.**—(1) The Director of the National Counterterrorism Center shall report to the Director of National Intelligence with respect to matters described in paragraph (2) and the President with respect to matters described in paragraph (3).

“(2) The matters described in this paragraph are as follows:

“(A) The budget and programs of the National Counterterrorism Center.

“(B) The activities of the Directorate of Intelligence of the National Counterterrorism Center under subsection (h).

“(C) The conduct of intelligence operations implemented by other elements of the intelligence community; and

“(3) The matters described in this paragraph are the planning and progress of joint counterterrorism operations (other than intelligence operations).

“(d) **PRIMARY MISSIONS.**—The primary missions of the National Counterterrorism Center shall be as follows:

“(1) To serve as the primary organization in the United States Government for analyzing and integrating all intelligence possessed or acquired by the United States Government pertaining to terrorism and counterterrorism, excepting intelligence pertaining exclusively to domestic terrorists and domestic counterterrorism.

“(2) To conduct strategic operational planning for counterterrorism activities, integrating all instruments of national power, including diplomatic, financial, military, intelligence, homeland security, and law enforcement activities within and among agencies.

“(3) To assign roles and responsibilities as part of its strategic operational planning duties to lead Departments or agencies, as appropriate, for counterterrorism activities that are consistent with applicable law and that support counterterrorism strategic operational plans, but shall not direct the execution of any resulting operations.

“(4) To ensure that agencies, as appropriate, have access to and receive all-source intelligence support needed to execute their counterterrorism plans or perform independent, alternative analyses.

“(5) To ensure that such agencies have access to and receive intelligence needed to accomplish their assigned activities.

“(6) To serve as the central and shared knowledge bank on known and suspected terrorists and international terror groups, as well as their goals, strategies, capabilities, and networks of contacts and support.

“(e) **DOMESTIC COUNTERTERRORISM INTELLIGENCE.**—(1) The Center may, consistent with applicable law, the direction of the President, and the guidelines referred to in section 102A(b), receive intelligence pertaining exclusively to domestic counterterrorism from any Federal, State, or local government or other source necessary to fulfill its responsibilities and retain and disseminate such intelligence.

“(2) Any agency authorized to conduct counterterrorism activities may request information from the Center to assist it in its responsibilities, consistent with applicable law and the guidelines referred to in section 102A(b).

“(f) **DUTIES AND RESPONSIBILITIES OF DIRECTOR.**—(1) The Director of the National Counterterrorism Center shall—

“(A) serve as the principal adviser to the Director of National Intelligence on intelligence operations relating to counterterrorism;

“(B) provide strategic operational plans for the civilian and military counterterrorism efforts of the United States Government and for the effective integration of counterterrorism intelligence and operations across agency boundaries, both inside and outside the United States;

“(C) advise the Director of National Intelligence 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;

“(D) disseminate terrorism information, including current terrorism threat analysis, to the President, the Vice President, the Secretaries of State, Defense, and Homeland Security, the Attorney General, the Director of the Central Intelligence Agency, and other officials of the executive branch as appropriate, and to the appropriate committees of Congress;

“(E) support the Department of Justice and the Department of Homeland Security, and other appropriate agencies, in fulfillment of their responsibilities to disseminate terrorism information, consistent with applicable law, guidelines referred to in section 102A(b), Executive orders and other Presidential guidance, to State and local government officials, and other entities, and coordinate dissemination of terrorism information to foreign governments as approved by the Director of National Intelligence;

“(F) develop a strategy for combining terrorist travel intelligence operations and law enforcement planning and operations into a cohesive effort to intercept terrorists, find terrorist travel facilitators, and constrain terrorist mobility;

“(G) have primary responsibility within the United States Government for conducting net assessments of terrorist threats;

“(H) consistent with priorities approved by the President, assist the Director of National Intelligence in establishing requirements for the intelligence community for the collection of terrorism information; and

“(I) perform such other duties as the Director of National Intelligence may prescribe or are prescribed by law.

“(2) Nothing in paragraph (1)(G) shall limit the authority of the departments and agencies of the United States to conduct net assessments.

“(g) **LIMITATION.**—The Director of the National Counterterrorism Center may not direct the execution of counterterrorism operations.

“(h) **RESOLUTION OF DISPUTES.**—The Director of National Intelligence shall resolve disagreements between the National Counterterrorism Center and the head of a department, agency, or element of the United States Government on designations, assignments, plans, or responsibilities under this section. The head of such a department, agency, or element may appeal the

resolution of the disagreement by the Director of National Intelligence to the President.

“(i) **DIRECTORATE OF INTELLIGENCE.**—The Director of the National Counterterrorism Center shall establish and maintain within the National Counterterrorism Center a Directorate of Intelligence which shall have primary responsibility within the United States Government for analysis of terrorism and terrorist organizations (except for purely domestic terrorism and domestic terrorist organizations) from all sources of intelligence, whether collected inside or outside the United States.

“(j) **DIRECTORATE OF STRATEGIC OPERATIONAL PLANNING.**—(1) The Director of the National Counterterrorism Center shall establish and maintain within the National Counterterrorism Center a Directorate of Strategic Operational Planning which shall provide strategic operational plans for counterterrorism operations conducted by the United States Government.

“(2) Strategic operational planning shall include the mission, objectives to be achieved, tasks to be performed, interagency coordination of operational activities, and the assignment of roles and responsibilities.

“(3) The Director of the National Counterterrorism Center shall monitor the implementation of strategic operational plans, and shall obtain information from each element of the intelligence community, and from each other department, agency, or element of the United States Government relevant for monitoring the progress of such entity in implementing such plans.

SEC. 1022. NATIONAL COUNTER PROLIFERATION CENTER.

Title I of the National Security Act of 1947, as amended by section 1021 of this Act, is further amended by adding at the end the following new section:

“NATIONAL COUNTER PROLIFERATION CENTER

“**SEC. 119A. (a) ESTABLISHMENT.**—Not later than 18 months after the date of the enactment of the National Security Intelligence Reform Act of 2004, the President shall establish a National Counter Proliferation Center, taking into account all appropriate government tools to prevent and halt the proliferation of weapons of mass destruction, their delivery systems, and related materials and technologies.

“(b) **MISSIONS AND OBJECTIVES.**—In establishing the National Counter Proliferation Center, the President shall address the following missions and objectives to prevent and halt the proliferation of weapons of mass destruction, their delivery systems, and related materials and technologies:

“(1) Establishing a primary organization within the United States Government for analyzing and integrating all intelligence possessed or acquired by the United States pertaining to proliferation.

“(2) Ensuring that appropriate agencies have full access to and receive all-source intelligence support needed to execute their counter proliferation plans or activities, and perform independent, alternative analyses.

“(3) Establishing a central repository on known and suspected proliferation activities, including the goals, strategies, capabilities, networks, and any individuals, groups, or entities engaged in proliferation.

“(4) Disseminating proliferation information, including proliferation threats and analyses, to the President, to the appropriate departments and agencies, and to the appropriate committees of Congress.

“(5) Conducting net assessments and warnings about the proliferation of weapons of mass destruction, their delivery systems, and related materials and technologies.

“(6) Coordinating counter proliferation plans and activities of the various departments and agencies of the United States Government to prevent and halt the proliferation of weapons of mass destruction, their delivery systems, and related materials and technologies.

“(7) Conducting strategic operational counter proliferation planning for the United States Government to prevent and halt the proliferation of weapons of mass destruction, their delivery systems, and related materials and technologies.

“(c) **NATIONAL SECURITY WAIVER.**—The President may waive the requirements of this section, and any parts thereof, if the President determines that such requirements do not materially improve the ability of the United States Government to prevent and halt the proliferation of weapons of mass destruction, their delivery systems, and related materials and technologies. Such waiver shall be made in writing to Congress and shall include a description of how the missions and objectives in subsection (b) are being met.

“(d) **REPORT TO CONGRESS.**—(1) Not later than nine months after the implementation of this Act, the President shall submit to Congress, in classified form if necessary, the findings and recommendations of the President’s Commission on Weapons of Mass Destruction established by Executive Order in February 2004, together with the views of the President regarding the establishment of a National Counter Proliferation Center.

“(2) If the President decides not to exercise the waiver authority granted by subsection (c), the President shall submit to Congress from time to time updates and plans regarding the establishment of a National Counter Proliferation Center.

“(e) **SENSE OF CONGRESS.**—It is the sense of Congress that a central feature of counter proliferation activities, consistent with the President’s Proliferation Security Initiative, should include the physical interdiction, by air, sea, or land, of weapons of mass destruction, their delivery systems, and related materials and technologies, and enhanced law enforcement activities to identify and disrupt proliferation networks, activities, organizations, and persons.”.

SEC. 1023. NATIONAL INTELLIGENCE CENTERS.

Title I of the National Security Act of 1947, as amended by section 1022 of this Act, is further amended by adding at the end the following new section:

“NATIONAL INTELLIGENCE CENTERS

“**SEC. 119B. (a) AUTHORITY TO ESTABLISH.**—The Director of National Intelligence may establish one or more national intelligence centers to address intelligence priorities, including, but not limited to, regional issues.

“(b) **RESOURCES OF DIRECTORS OF CENTERS.**—(1) The Director of National Intelligence shall ensure that the head of each national intelligence center under subsection (a) has appropriate authority, direction, and control of such center, and of the personnel assigned to such center, to carry out the assigned mission of such center.

“(2) The Director of National Intelligence shall ensure that each national intelligence center has appropriate personnel to accomplish effectively the mission of such center.

“(c) **INFORMATION SHARING.**—The Director of National Intelligence shall, to the extent appropriate and practicable, ensure that each national intelligence center under subsection (a) and the other elements of the intelligence community share information in order to facilitate the mission of such center.

“(d) **MISSION OF CENTERS.**—Pursuant to the direction of the Director of National Intelligence, each national intelligence center under subsection (a) may, in the area of intelligence responsibility assigned to such center—

“(1) have primary responsibility for providing all-source analysis of intelligence based upon intelligence gathered both domestically and abroad;

“(2) have primary responsibility for identifying and proposing to the Director of National Intelligence intelligence collection and analysis and production requirements; and

“(3) perform such other duties as the Director of National Intelligence shall specify.

“(e) **REVIEW AND MODIFICATION OF CENTERS.**—The Director of National Intelligence shall determine on a regular basis whether—

“(1) the area of intelligence responsibility assigned to each national intelligence center under subsection (a) continues to meet appropriate intelligence priorities; and

“(2) the staffing and management of such center remains appropriate for the accomplishment of the mission of such center.

“(f) **TERMINATION.**—The Director of National Intelligence may terminate any national intelligence center under subsection (a).

“(g) **SEPARATE BUDGET ACCOUNT.**—The Director of National Intelligence shall, as appropriate, include in the National Intelligence Program budget a separate line item for each national intelligence center under subsection (a).”.

Subtitle C—Joint Intelligence Community Council

SEC. 1031. JOINT INTELLIGENCE COMMUNITY COUNCIL.

Title I of the National Security Act of 1947 (50 U.S.C. 402 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 Director of National Intelligence, 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 Director of National Intelligence 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 Director of National Intelligence 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 Director of National Intelligence 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.”

Subtitle D—Improvement of Education for the Intelligence Community

SEC. 1041. 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 Director of National Intelligence shall—

(A) identify the linguistic requirements for the Office of the Director of National Intelligence;

(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 Office 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 Office of the Director of National Intelligence 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 Director of National Intelligence shall require the head of each element and component within the Office of the Director of National Intelligence 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 Office; and

(2) prepare such personnel for duty with other departments, agencies, and element of the intelligence community.

SEC. 1042. CROSS-DISCIPLINARY EDUCATION AND TRAINING.

Title X of the National Security Act of 1947 (50 U.S.C. 441g) is amended by adding at the end the following new section:

“FRAMEWORK FOR CROSS-DISCIPLINARY EDUCATION AND TRAINING

“SEC. 1002. The Director of National Intelligence 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. 1043. INTELLIGENCE COMMUNITY SCHOLARSHIP PROGRAM.

Title X of the National Security Act of 1947, as amended by section 1042 of this Act, is further amended by adding at the end the following new section:

“INTELLIGENCE COMMUNITY SCHOLARSHIP PROGRAM

“SEC. 1003. (a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Director of National Intelligence, in consultation with the head of each agency of the intelligence community, 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 (g)(1), in positions needed by the agency and for which the individuals are qualified, in exchange for receiving a scholarship.

“(b) 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 (d);

“(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).

“(c) APPLICATION.—An individual seeking a scholarship under this section shall submit an application to the Director of National Intelligence at such time, in such manner, and containing such information, agreements, or assurances as the Director may require.

“(d) PROGRAMS AND FIELDS OF STUDY.—The Director of National Intelligence 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.

“(e) SCHOLARSHIPS.—

“(1) IN GENERAL.—The Director of National Intelligence 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 (c), a proposed academic program leading to a degree in a program or field of study on the list made available under subsection (d).

“(2) LIMITATION ON YEARS.—An individual may not receive a scholarship under this section for more than 4 academic years, unless the Director of National Intelligence 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 Director of National Intelligence, 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 Director of National Intelligence by regulation.

“(6) PAYMENT TO INSTITUTION OF HIGHER EDUCATION.—The Director of National Intelligence 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.

“(f) SPECIAL CONSIDERATION FOR CURRENT EMPLOYEES.—

“(1) SET ASIDE OF SCHOLARSHIPS.—Notwithstanding paragraphs (1) and (3) of subsection (b), 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.

“(g) EMPLOYEE SERVICE.—

“(1) PERIOD OF SERVICE.—Except as provided in subsection (i)(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 Director of National Intelligence, 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.

“(h) REPAYMENT.—

“(1) IN GENERAL.—Scholarship recipients who fail to maintain a high level of academic standing, as defined by the Director of National Intelligence, 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 (i)(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 Director of National Intelligence under subsection (i)(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.

“(i) 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 Director of National Intelligence 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.

“(g) REGULATIONS.—The Director of National Intelligence shall prescribe regulations necessary to carry out this section.

“(k) DEFINITIONS.—In this section:

“(1) AGENCY.—The term ‘agency’ means each element of the intelligence community as determined by the Director of National Intelligence.

“(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 (a).”

Subtitle E—Additional Improvements of Intelligence Activities

SEC. 1051. SERVICE AND NATIONAL LABORATORIES AND THE INTELLIGENCE COMMUNITY.

The Director of National Intelligence, in cooperation with the Secretary of Defense and the Secretary of Energy, should seek to ensure that each service laboratory of the Department of Defense and each national laboratory of the Department of Energy may, acting through the relevant Secretary and in a manner consistent with the missions and commitments of the laboratory—

(1) assist the Director of National Intelligence in all aspects of technical intelligence, including research, applied sciences, analysis, technology evaluation and assessment, and any other aspect that the relevant Secretary considers appropriate; and

(2) make available to the intelligence community, on a community-wide basis—

(A) the analysis and production services of the service and national laboratories, in a manner that maximizes the capacity and services of such laboratories; and

(B) the facilities and human resources of the service and national laboratories, in a manner that improves the technological capabilities of the intelligence community.

SEC. 1052. OPEN-SOURCE INTELLIGENCE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Director of National Intelligence should establish an intelligence center for the purpose of coordinating the collection, analysis, production, and dissemination of open source intelligence to elements of the intelligence community;

(2) open source intelligence is a valuable source that must be integrated into the intelligence cycle to ensure that United States policymakers are fully and completely informed; and

(3) the intelligence center should ensure that each element of the intelligence community uses open source intelligence consistent with the mission of such element.

(b) REQUIREMENT FOR EFFICIENT USE BY INTELLIGENCE COMMUNITY OF OPEN-SOURCE INTELLIGENCE.—The Director of National Intelligence shall ensure that the intelligence community makes efficient and effective use of open-source information and analysis.

(c) REPORT.—Not later than June 30, 2005, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing the decision of the Director as to whether an open source intelligence center will be established. If the Director decides not to establish an open source intelligence center, such report shall also contain a description of how the intelligence community will use open source intelligence and effectively integrate open source intelligence into the national intelligence cycle.

(d) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term “congressional intelligence committees” means—

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

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1053. NATIONAL INTELLIGENCE RESERVE CORPS.

(a) ESTABLISHMENT.—The Director of National Intelligence 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) TERMS OF PARTICIPATION.—The Director of National Intelligence shall prescribe the terms and conditions under which eligible individuals may participate in the National Intelligence Reserve Corps.

(d) EXPENSES.—The Director of National Intelligence 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.

(e) 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.

(f) TREATMENT UNDER OFFICE OF DIRECTOR OF NATIONAL INTELLIGENCE 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 Office of the Director of National Intelligence.

Subtitle F—Privacy and Civil Liberties

SEC. 1061. PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.

(a) 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 Federal Government may need additional powers and may need to enhance the use of its existing powers.

(2) This potential shift of power and authority to the Federal Government calls for an enhanced system of checks and balances to protect the precious liberties that are vital to our way of life.

(b) ESTABLISHMENT OF BOARD.—There is established within the Executive Office of the President a Privacy and Civil Liberties Oversight Board (referred to in this section as the “Board”).

(c) FUNCTIONS.—

(1) ADVICE AND COUNSEL ON DEVELOPMENT AND IMPLEMENTATION OF POLICY.—For the purpose of providing advice to the President or to the head of any department or agency of the executive branch, the Board shall—

(A) review proposed regulations and executive branch policies related to efforts to protect the Nation from terrorism, including the development and adoption of information sharing guidelines under subsections (d) and (f) of section 1016;

(B) review the implementation of laws, regulations, and executive branch policies related to efforts to protect the Nation from terrorism, including the implementation of information sharing guidelines under subsections (d) and (f) of section 1016;

(C) advise the President and the head of any department or agency of the executive branch to ensure that privacy and civil liberties are appropriately considered in the development and implementation of such regulations and executive branch policies; 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 concerned has explained—

(i) that there is adequate supervision of the use by the executive branch of the power to ensure protection of privacy and civil liberties;

(ii) that there are adequate guidelines and oversight to properly confine the use of the power; and

(iii) that the need for the power, including the risk presented to the national security if the Federal Government does not take certain actions, is balanced with the need to protect privacy and civil liberties.

(2) OVERSIGHT.—The Board shall continually review—

(A) regulations, executive branch policies, and procedures (including the implementation of such regulations, policies, and procedures), related laws pertaining to efforts to protect the Nation from terrorism, and other actions by the executive branch related to efforts to protect the Nation from terrorism to ensure that privacy and civil liberties are protected; and

(B) the information sharing practices of the departments, agencies, and elements of the executive branch to determine whether or not such practices appropriately protect privacy and civil liberties and adhere to the information sharing guidelines under subsections (d) and (f) of section 1016 and to other applicable laws, regulations, and executive branch policies regarding the protection of privacy and civil liberties.

(3) SCOPE.—The Board shall ensure that concerns with respect to privacy and civil liberties are appropriately considered in the implementation of laws, regulations, and executive branch policies related to efforts to protect the Nation against terrorism.

(4) REPORTS TO CONGRESS.—Not less frequently than annually, the Board shall prepare a report to Congress, unclassified to the greatest extent possible (with a classified annex, if necessary), on the Board’s major activities during the preceding period.

(d) 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 the extent permitted by law, to—

(A) have access from any department or agency of the executive branch, or any Federal officer or employee of any such department or agency, to all relevant records, reports, audits, reviews, documents, papers, recommendations, or other relevant material, including classified information consistent with applicable law;

(B) interview or take statements from officers of any department or agency of the executive branch;

(C) request information or assistance from any State, tribal, or local government; and

(D)(i) request that persons (other than departments, agencies, and elements of the executive branch) produce for the Board relevant information, documents, reports, answers, records, accounts, papers, and other documentary and testimonial evidence; and

(ii) if the person to whom such a request is directed does not comply with the request within 45 days of receipt of such request, notify the Attorney General of such person’s failure to comply with such request, which notice shall include all relevant information.

(2) PRODUCTION OF INFORMATION AND EVIDENCE.—

(A) EXPLANATION OF NONCOMPLIANCE.—Upon receiving notification under paragraph (1)(D)(ii) regarding a request, the Attorney General shall provide an opportunity for the person subject to

the request to explain the reasons for not complying with the request.

(B) ACTION BY ATTORNEY GENERAL.—Upon receiving notification under paragraph (1)(D)(ii) regarding a request, the Attorney General shall review the request and may take such steps as appropriate to ensure compliance with the request for the information, documents, reports, answers, records, accounts, papers, and other documentary and testimonial evidence covered by the request.

(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 or agency concerned without delay. If the requested information or assistance may be provided to the Board in accordance with applicable law, the head of the department or agency concerned shall ensure compliance with such request.

(4) EXCEPTIONS FOR NATIONAL SECURITY.—

(A) IN GENERAL.—If the National Intelligence Director, in consultation with the Attorney General, determines that it is necessary to withhold information requested under paragraph (3) to protect the national security interests of the United States, the head of the department or agency concerned shall not furnish such information to the Board.

(B) CERTAIN INFORMATION.—If the Attorney General determines that it is necessary to withhold information requested under paragraph (3) from disclosure to protect sensitive law enforcement or counterterrorism information or ongoing operations, the head of the department or agency concerned shall not furnish such information to the Board.

(e) MEMBERSHIP.—

(1) MEMBERS.—

(A) IN GENERAL.—The Board shall be composed of a chairman, a vice chairman, and three additional members appointed by the President.

(B) CHAIRMAN AND VICE CHAIRMAN.—The chairman and vice chairman shall each be appointed by the President, by and with the advice and consent of the Senate.

(C) APPOINTMENT REQUIREMENTS.—Any individual appointed to the Board shall be appointed from among trustworthy and distinguished citizens outside the Federal Government who are qualified on the basis of achievement, experience, and independence.

(D) FULL-TIME SERVICE OF CHAIRMAN.—The chairman may serve on a full-time basis.

(E) SERVICE AT PLEASURE OF PRESIDENT.—The chairman, vice chairman, and other members of the Board shall each serve at the pleasure of the President.

(2) 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.

(3) QUORUM AND MEETINGS.—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.

(f) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—

(A) CHAIRMAN ON FULL-TIME BASIS.—If the chairman serves on a full-time basis, the rate of pay for the chairman shall be the annual rate of basic pay in effect for a position at level III of the Executive Schedule under section 5314 of title 5, United States Code.

(B) CHAIRMAN AND VICE CHAIRMAN ON PART-TIME BASIS.—The chairman, if serving on a part-time basis, and the vice chairman shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay in effect for a position at level III of the Executive Schedule under section 5314 of title 5, United States Code, for each day during which the such official is engaged in the actual performance of the duties of the Board.

(C) MEMBERS.—Each member of the Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Board.

(2) TRAVEL EXPENSES.—Members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for persons employed intermittently by the Federal 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.

(g) STAFF.—

(1) APPOINTMENT AND COMPENSATION.—The chairman, in accordance with rules agreed upon by the Board, shall appoint and fix the compensation of an executive director and such other personnel as may be necessary to enable the Board to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) DETAILEES.—Federal employees 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.

(h) SECURITY CLEARANCES.—The appropriate departments and agencies of the executive branch shall cooperate with the Board to expeditiously provide Board members and staff with appropriate security clearances to the extent possible under applicable procedures and requirements. Promptly upon commencing its work, the Board shall adopt, after consultation with the Secretary of Defense, the Attorney General, and the National Intelligence Director, rules and procedures of the Board for physical, communications, computer, document, personnel, and other security in relation to the work of the Board.

(i) APPLICABILITY OF CERTAIN LAWS.—

(1) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Board and its activities.

(2) FREEDOM OF INFORMATION ACT.—For purposes of the Freedom of Information Act, the Board shall be treated as an agency (as that term is defined in section 551(1) of title 5, United States Code).

(j) CONSTRUCTION.—Except as otherwise provided in this section, nothing in this section shall be construed to require any consultation with the Board by any department or agency of the executive branch or any Federal officer or employee, or any waiting period that must be observed by any department or agency of the executive branch or any Federal officer or employee, before developing, proposing, or implementing any legislation, law, regulation, policy, or guideline related to efforts to protect the Nation from terrorism.

(k) PRESIDENTIAL RESPONSIBILITY.—The Board shall perform its functions within the executive branch and under the general supervision of the President.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 1062. SENSE OF CONGRESS ON DESIGNATION OF PRIVACY AND CIVIL LIBERTIES OFFICERS.

It is the sense of Congress that each executive department or agency with law enforcement or antiterrorism functions should designate a privacy and civil liberties officer.

Subtitle G—Conforming and Other Amendments

SEC. 1071. CONFORMING AMENDMENTS RELATING TO ROLES OF DIRECTOR OF NATIONAL INTELLIGENCE 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 “Director of National Intelligence”:

(A) Section 101(h)(2)(A) (50 U.S.C. 402(h)(2)(A)).

(B) Section 101(h)(5) (50 U.S.C. 402(h)(5)).

(C) Section 101(i)(2)(A) (50 U.S.C. 402(i)(2)(A)).

(D) Section 101(j) (50 U.S.C. 402(j)).

(E) Section 105(a) (50 U.S.C. 403–5(a)).

(F) Section 105(b)(6)(A) (50 U.S.C. 403–5(b)(6)(A)).

(G) Section 105B(a)(1) (50 U.S.C. 403–5b(a)(1)).

(H) Section 105B(b) (50 U.S.C. 403–5b(b)), the first place it appears.

(I) Section 110(b) (50 U.S.C. 404e(b)).

(J) Section 110(c) (50 U.S.C. 404e(c)).

(K) Section 112(a)(1) (50 U.S.C. 404g(a)(1)).

(L) Section 112(d)(1) (50 U.S.C. 404g(d)(1)).

(M) Section 113(b)(2)(A) (50 U.S.C. 404h(b)(2)(A)).

(N) Section 114(a)(1) (50 U.S.C. 404i(a)(1)).

(O) Section 114(b)(1) (50 U.S.C. 404i(b)(1)).

(P) Section 115(a)(1) (50 U.S.C. 404j(a)(1)).

(Q) Section 115(b) (50 U.S.C. 404j(b)).

(R) Section 115(c)(1)(B) (50 U.S.C. 404j(c)(1)(B)).

(S) Section 116(a) (50 U.S.C. 404k(a)).

(T) Section 117(a)(1) (50 U.S.C. 404l(a)(1)).

(U) Section 303(a) (50 U.S.C. 405(a)), both places it appears.

(V) Section 501(d) (50 U.S.C. 413(d)).

(W) Section 502(a) (50 U.S.C. 413a(a)).

(X) Section 502(c) (50 U.S.C. 413a(c)).

(Y) Section 503(b) (50 U.S.C. 413b(b)).

(Z) Section 504(a)(3)(C) (50 U.S.C. 414(a)(3)(C)).

(AA) Section 504(d)(2) (50 U.S.C. 414(d)(2)).

(BB) Section 506A(a)(1) (50 U.S.C. 415a–1(a)(1)).

(CC) Section 603(a) (50 U.S.C. 423(a)).

(DD) Section 702(a)(1) (50 U.S.C. 432(a)(1)).

(EE) Section 702(a)(6)(B)(viii) (50 U.S.C. 432(a)(6)(B)(viii)).

(FF) Section 702(b)(1) (50 U.S.C. 432(b)(1)), both places it appears.

(GG) Section 703(a)(1) (50 U.S.C. 432a(a)(1)).

(HH) Section 703(a)(6)(B)(viii) (50 U.S.C. 432a(a)(6)(B)(viii)).

(II) Section 703(b)(1) (50 U.S.C. 432a(b)(1)), both places it appears.

(JJ) Section 704(a)(1) (50 U.S.C. 432b(a)(1)).

(KK) Section 704(f)(2)(H) (50 U.S.C. 432b(f)(2)(H)).

(LL) Section 704(g)(1) (50 U.S.C. 432b(g)(1)), both places it appears.

(MM) Section 1001(a) (50 U.S.C. 441g(a)).

(NN) Section 1102(a)(1) (50 U.S.C. 442a(a)(1)).

(OO) Section 1102(b)(1) (50 U.S.C. 442a(b)(1)).

(PP) Section 1102(c)(1) (50 U.S.C. 442a(c)(1)).

(QQ) 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 “Director of National Intelligence”:

(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 “Director of National Intelligence, the Director of the Central Intelligence Agency”.

(5) Section 504(a)(2) of that Act (50 U.S.C. 414(a)(2)) is amended by striking “Director of Central Intelligence” and inserting “Director of the Central Intelligence Agency”.

(6) Section 701 of that Act (50 U.S.C. 431) is amended—

(A) in subsection (a), by striking “Operational files of the Central Intelligence Agency may be exempted by the Director of Central Intelligence” and inserting “The Director of the Central Intelligence Agency, with the coordination of the Director of National Intelligence, 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 Director of National Intelligence”.

(7) The heading for section 114 of that Act (50 U.S.C. 404i) is amended to read as follows:

“ADDITIONAL ANNUAL REPORTS FROM THE DIRECTOR OF NATIONAL INTELLIGENCE”.

(b) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—(1) The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by striking “Director of Central Intelligence” each place it appears in the following provisions and inserting “Director of National Intelligence”:

(A) Section 6 (50 U.S.C. 403g).

(B) Section 17(f) (50 U.S.C. 403q(f)), both places it appears.

(2) That Act is further amended by striking “of Central Intelligence” in each of the following provisions:

(A) Section 2 (50 U.S.C. 403b).

(A) Section 16(c)(1)(B) (50 U.S.C. 403p(c)(1)(B)).

(B) Section 17(d)(1) (50 U.S.C. 403q(d)(1)).

(C) Section 20(c) (50 U.S.C. 403t(c)).

(3) That Act is further amended by striking “Director of Central Intelligence” each place it appears in the following provisions and inserting “Director of the Central Intelligence Agency”:

(A) Section 14(b) (50 U.S.C. 403n(b)).

(B) Section 16(b)(2) (50 U.S.C. 403p(b)(2)).

(C) Section 16(b)(3) (50 U.S.C. 403p(b)(3)), both places it appears.

(D) Section 21(g)(1) (50 U.S.C. 403u(g)(1)).

(E) Section 21(g)(2) (50 U.S.C. 403u(g)(2)).

(c) CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.—Section 101 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2001) is amended by striking paragraph (2) and inserting the following new paragraph (2):

“(2) DIRECTOR.—The term ‘Director’ means the Director of the Central Intelligence Agency.”.

(d) CIA VOLUNTARY SEPARATION PAY ACT.—Subsection (a)(1) of section 2 of the Central Intelligence Agency Voluntary Separation Pay Act (50 U.S.C. 2001 note) is amended to read as follows:

“(1) the term ‘Director’ means the Director of the Central Intelligence Agency;”.

(e) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—(1) The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by striking “Director of Central Intelligence” each place it appears and inserting “Director of National Intelligence”.

(f) CLASSIFIED INFORMATION PROCEDURES ACT.—Section 9(a) of the Classified Information

Procedures Act (5 U.S.C. App.) is amended by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”.

(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 “Director of National Intelligence”.

(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 “Director of National Intelligence”:

(i) Section 313(a) (50 U.S.C. 404n(a)).

(ii) Section 343(a)(1) (50 U.S.C. 404n-2(a)(1)).

(B) That Act is further amended by striking “Director of Central Intelligence” each place it appears in the following provisions and inserting “Director of National Intelligence”:

(i) Section 904(e)(4) (50 U.S.C. 402c(e)(4)).

(ii) Section 904(e)(5) (50 U.S.C. 402c(e)(5)).

(iii) Section 904(h) (50 U.S.C. 402c(h)), each place it appears.

(iv) Section 904(m) (50 U.S.C. 402c(m)).

(C) Section 341 of that Act (50 U.S.C. 404n-1) is amended by striking “Director of Central Intelligence, acting as the head of the intelligence community, shall establish in the Central Intelligence Agency” and inserting “Director of National Intelligence shall establish within the Central Intelligence Agency”.

(D) Section 352(b) of that Act (50 U.S.C. 404-3 note) is amended by striking “Director” and inserting “Director of National Intelligence”.

(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 “Director of National Intelligence”:

(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 “Director of National Intelligence”.

(C) Section 404 of that Act (18 U.S.C. 4124 note) is amended by striking “Director of Central Intelligence” and inserting “Director of the Central Intelligence Agency”.

SEC. 1072. OTHER CONFORMING AMENDMENTS

(a) NATIONAL SECURITY ACT OF 1947.—(1) Section 101(j) of the National Security Act of 1947 (50 U.S.C. 402(j)) is amended by striking “Deputy Director of Central Intelligence” and inserting “Principal Deputy Director of National Intelligence”.

(2) Section 105(a) of that Act (50 U.S.C. 403-5(a)) is amended by striking “The Secretary” in the matter preceding paragraph (1) and inserting “Consistent with sections 102 and 102A, the Secretary”.

(3) Section 105(b) of that Act (50 U.S.C. 403-5(b)) is amended by striking “103 and 104” in the matter preceding paragraph (1) and inserting “102 and 102A”.

(4) Section 112(d)(1) of that Act (50 U.S.C. 404g(d)(1)) is amended by striking “section 103(c)(6) of this Act” and inserting “section 102A(i) of this Act”.

(5) 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 Director of National

Intelligence, or with respect to employees of the Central Intelligence Agency, to the Director of the Central Intelligence Agency”.

(6) 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 Director of National Intelligence”.

(7) Section 701(c)(3) of that Act (50 U.S.C. 431(c)(3)) is amended by striking “Office of the Director of Central Intelligence” and inserting “Office of the Director of National Intelligence”.

(8) 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 Director of National Intelligence”.

(b) CENTRAL INTELLIGENCE ACT OF 1949.—Section 6 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403g) is amended by striking “section 103(c)(7) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(7))” and inserting “section 102A(i) of the National Security Act of 1947”.

(c) CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.—Section 201(c) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2011(c)) is amended by striking “paragraph (6) of section 103(c) of the National Security Act of 1947 (50 U.S.C. 403-3(c)) that the Director of Central Intelligence” and inserting “section 102A(i) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(1)) that the Director of National Intelligence”.

(d) INTELLIGENCE AUTHORIZATION ACTS.—(1) PUBLIC LAW 107-306.—(A) Section 343(c) of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 50 U.S.C. 404n-2(c)) is amended by striking “section 103(c)(6) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(6))” and inserting “section 102A(i) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(1))”.

(B)(i) Section 902 of that Act (also known as the Counterintelligence Enhancements Act of 2002) (50 U.S.C. 402b) is amended by striking “President” each place it appears and inserting “Director of National Intelligence”.

(ii) Section 902(a)(2) of that Act is amended by striking “Director of Central Intelligence” and inserting “Director of the Central Intelligence Agency”.

(C) Section 904 of that Act (50 U.S.C. 402c) is amended—

(i) in subsection (c), by striking “Office of the Director of Central Intelligence” and inserting “Office of the Director of National Intelligence”; and

(ii) in subsection (l), by striking “Office of the Director of Central Intelligence” and inserting “Office of the Director of National Intelligence”.

(2) PUBLIC LAW 108-177.—(A) Section 317 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108-177; 50 U.S.C. 403-3 note) is amended—

(i) in subsection (g), by striking “Assistant Director of Central Intelligence for Analysis and Production” and inserting “Deputy Director of National Intelligence”; and

(ii) in subsection (h)(2)(C), by striking “Assistant Director” and inserting “Deputy Director of National Intelligence”.

(B) Section 318(e) of that Act (50 U.S.C. 441g note) is amended by striking “Assistant Director of Central Intelligence for Analysis and Production” and inserting “Deputy Director of National Intelligence”.

SEC. 1073. ELEMENTS OF INTELLIGENCE COMMUNITY UNDER NATIONAL SECURITY ACT OF 1947.

Paragraph (4) of section 3 of the National Security Act of 1947 (50 U.S.C. 401a) is amended to read as follows:

“(4) The term ‘intelligence community’ includes the following:

“(A) The Office of the Director of National Intelligence.

“(B) The Central Intelligence Agency.

“(C) The National Security Agency.

“(D) The Defense Intelligence Agency.

“(E) The National Geospatial-Intelligence Agency.

“(F) The National Reconnaissance Office.

“(G) Other offices within the Department of Defense for the collection of specialized national intelligence through reconnaissance programs.

“(H) The intelligence elements of the Army, the Navy, the Air Force, the Marine Corps, the Federal Bureau of Investigation, and the Department of Energy.

“(I) The Bureau of Intelligence and Research of the Department of State.

“(J) The Office of Intelligence and Analysis of the Department of the Treasury.

“(K) The elements of the Department of Homeland Security concerned with the analysis of intelligence information, including the Office of Intelligence of the Coast Guard.

“(L) Such other elements of any other department or agency as may be designated by the President, or designated jointly by the Director of National Intelligence and the head of the department or agency concerned, as an element of the intelligence community.”

SEC. 1074. REDESIGNATION OF NATIONAL FOREIGN INTELLIGENCE PROGRAM AS NATIONAL INTELLIGENCE PROGRAM.

(a) REDESIGNATION.—Paragraph (6) of section 3 of the National Security Act of 1947 (50 U.S.C. 401a) is amended by striking “Foreign”.

(b) CONFORMING AMENDMENTS.—(1)(A) Section 506 of the National Security Act of 1947 (50 U.S.C. 415a) is amended—

(i) in subsection (a), by striking “National Foreign Intelligence Program” and inserting “National Intelligence Program”; and

(ii) in the section heading, by striking “FOREIGN”.

(B) Section 105 of that Act (50 U.S.C. 403–5) is amended—

(i) in paragraphs (2) and (3) of subsection (a), by striking “National Foreign Intelligence Program” and inserting “National Intelligence Program”; and

(ii) in the section heading, by striking “FOREIGN”.

(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”.

SEC. 1075. REPEAL OF SUPERSEDED AUTHORITY.

Section 111 of the National Security Act of 1947 (50 U.S.C. 404f) is repealed.

SEC. 1076. CLERICAL AMENDMENTS TO NATIONAL SECURITY ACT OF 1947.

The table of contents in the first section of the National Security Act of 1947 is amended—

(1) by striking the items relating to sections 102 through 105 and inserting the following new items:

“Sec. 101A. Joint Intelligence Community Council.

“Sec. 102. Director of National Intelligence.

“Sec. 102A. Responsibilities and authorities of the Director of National Intelligence.

“Sec. 103. Office of the Director of National Intelligence.

“Sec. 103A. Deputy Directors of National Intelligence.

“Sec. 103B. National Intelligence Council.

“Sec. 103C. General Counsel.

“Sec. 103D. Civil Liberties Protection Officer.

“Sec. 103E. Director of Science and Technology.

“Sec. 103F. National Counterintelligence Executive.

“Sec. 104. Central Intelligence Agency.

“Sec. 104A. Director of the Central Intelligence Agency.

“Sec. 105. Responsibilities of the Secretary of Defense pertaining to the National Intelligence Program.”;

(2) by striking the item relating to section 111;

(3) by striking the item relating to section 114 and inserting the following new item:

“Sec. 114. Additional annual reports from the Director of National Intelligence.”;

(4) by inserting after the item relating to section 118 the following new items:

“Sec. 119. National Counterterrorism Center.

“Sec. 119A. National Counter Proliferation Center.

“Sec. 119B. National intelligence centers.

(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, counter-narcotics, and counterintelligence.”;

and

(6) by inserting after the item relating to section 1001 the following new items:

“Sec. 1002. Framework for cross-disciplinary education and training.

“Sec. 1003. Intelligence Community Scholarship Program.”.

SEC. 1077. CONFORMING AMENDMENTS RELATING TO PROHIBITING DUAL SERVICE OF THE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

Section 1 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a) is amended—

(1) by redesignating paragraphs (a), (b), and (c) as paragraphs (1), (2), and (3), respectively; and

(2) by striking paragraph (2), as so redesignated, and inserting the following new paragraph (2):

“(2) ‘Director’ means the Director of the Central Intelligence Agency; and”.

SEC. 1078. AUTHORITY TO ESTABLISH INSPECTOR GENERAL FOR THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

The Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting after section 8J the following new section:

“AUTHORITY TO ESTABLISH INSPECTOR GENERAL OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

“SEC. 8K. If the Director of National Intelligence determines that an Office of Inspector General would be beneficial to improving the operations and effectiveness of the Office of the Director of National Intelligence, the Director of National Intelligence is authorized to establish, with any of the duties, responsibilities, and authorities set forth in this Act, an Office of Inspector General.”.

SEC. 1079. 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 Office of the Director of National Intelligence; or”.

(b) DELETION OF INFORMATION ABOUT FOREIGN GIFTS.—Section 7342(f)(4) of title 5, United States Code, is amended—

(1) by inserting “(A)” after “(4)”;

(2) in subparagraph (A), as so designated, by striking “the Director of Central Intelligence” and inserting “the Director of the Central Intelligence Agency”; and

(3) by adding at the end the following new subparagraph:

“(B) In transmitting such listings for the Office of the Director of National Intelligence, the Director of National Intelligence may delete the information described in subparagraphs (A) and

(C) of paragraphs (2) and (3) if the Director certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources.”.

(c) EXEMPTION FROM FINANCIAL DISCLOSURES.—Section 105(a)(1) of the Ethics in Government Act (5 U.S.C. App.) is amended by inserting “the Office of the Director of National Intelligence,” before “the Central Intelligence Agency”.

SEC. 1080. CONSTRUCTION OF AUTHORITY OF DIRECTOR OF NATIONAL INTELLIGENCE TO ACQUIRE AND MANAGE PROPERTY AND SERVICES.

Section 113(e) of title 40, United States Code, is amended—

(1) in paragraph (18), by striking “or” at the end;

(2) in paragraph (19), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following new paragraph:

“(20) the Office of the Director of National Intelligence.”.

SEC. 1081. 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 Director of National Intelligence.

(b) DIRECTOR OF CENTRAL INTELLIGENCE AS HEAD OF CIA.—Any reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the Central Intelligence Agency in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to the Director of the Central Intelligence Agency.

(c) COMMUNITY MANAGEMENT STAFF.—Any reference to the Community Management Staff in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to the staff of the Office of the Director of National Intelligence.

Subtitle H—Transfer, Termination, Transition, and Other Provisions

SEC. 1091. TRANSFER OF COMMUNITY MANAGEMENT STAFF.

(a) TRANSFER.—There shall be transferred to the Office of the Director of National Intelligence such staff of the Community Management Staff as of the date of the enactment of this Act as the Director of National Intelligence determines to be appropriate, including all functions and activities discharged by the Community Management Staff as of that date.

(b) ADMINISTRATION.—The Director of National Intelligence shall administer the Community Management Staff after the date of the enactment of this Act as a component of the Office of the Director of National Intelligence under section 103 of the National Security Act of 1947, as amended by section 1011(a) of this Act.

SEC. 1092. TRANSFER OF TERRORIST THREAT INTEGRATION CENTER.

(a) TRANSFER.—There shall be transferred to the National Counterterrorism Center the Terrorist Threat Integration Center (TTIC) or its successor entity, including all functions and activities discharged by the Terrorist Threat Integration Center or its successor entity as of the date of the enactment of this Act.

(b) ADMINISTRATION.—The Director of the National Counterterrorism Center shall administer the Terrorist Threat Integration Center after the date of the enactment of this Act as a component of the Directorate of Intelligence of the National Counterterrorism Center under section 119(i) of the National Security Act of 1947, as added by section 1021(a) of this Act.

SEC. 1093. TERMINATION OF POSITIONS OF ASSISTANT DIRECTORS OF CENTRAL INTELLIGENCE.

(a) **TERMINATION.**—The positions referred to in subsection (b) are hereby abolished.

(b) **COVERED POSITIONS.**—The positions referred to in this subsection are as follows:

(1) The Assistant Director of Central Intelligence for Collection.

(2) The Assistant Director of Central Intelligence for Analysis and Production.

(3) The Assistant Director of Central Intelligence for Administration.

SEC. 1094. IMPLEMENTATION PLAN.

The President shall transmit to Congress a plan for the implementation of this title and the amendments made by this title. The plan shall address, at a minimum, the following:

(1) The transfer of personnel, assets, and obligations to the Director of National Intelligence pursuant to this title.

(2) Any consolidation, reorganization, or streamlining of activities transferred to the Director of National Intelligence pursuant to this title.

(3) The establishment of offices within the Office of the Director of National Intelligence to implement the duties and responsibilities of the Director of National Intelligence as described in this title.

(4) Specification of any proposed disposition of property, facilities, contracts, records, and other assets and obligations to be transferred to the Director of National Intelligence.

(5) Recommendations for additional legislative or administrative action as the President considers appropriate.

SEC. 1095. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON IMPLEMENTATION OF INTELLIGENCE COMMUNITY REFORM.

(a) **REPORT.**—Not later than one year after the effective date of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the progress made in the implementation of this title, including the amendments made by this title. The report shall include a comprehensive description of the progress made, and may include such recommendations for additional legislative or administrative action as the Director considers appropriate.

(b) **CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.**—In this section, the term “congressional intelligence committees” means—

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

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1096. TRANSITIONAL AUTHORITIES.

(a) **IN GENERAL.**—Upon the request of the Director of National Intelligence, the head of any executive agency may, on a reimbursable basis, provide services or detail personnel to the Director of National Intelligence.

(b) **TRANSFER OF PERSONNEL.**—In addition to any other authorities available under law for such purposes, in the fiscal year after the effective date of this Act, the Director of National Intelligence—

(1) is authorized within the Office of the Director of National Intelligence 500 new personnel billets; and

(2) with the approval of the Director of the Office of Management and Budget, may detail not more than 150 personnel funded within the National Intelligence Program to the Office of the Director of National Intelligence for a period of not more than 2 years.

SEC. 1097. EFFECTIVE DATES.

(a) **IN GENERAL.**—Except as otherwise expressly provided in this Act, this title and the amendments made by this title shall take effect not later than six months after the date of the enactment of this Act.

(b) **SPECIFIC EFFECTIVE DATES.**—(1)(A) Not later than 60 days after the date of the appoint-

ment of the first Director of National Intelligence, the Director of National Intelligence shall first appoint individuals to positions within the Office of the Director of National Intelligence.

(B) Subparagraph (A) shall not apply with respect to the Principal Deputy Director of National Intelligence.

(2) Not later than 180 days after the effective date of this Act, the President shall transmit to Congress the implementation plan required by section 1094.

(3) Not later than one year after the date of the enactment of this Act, the Director of National Intelligence shall prescribe regulations, policies, procedures, standards, and guidelines required under section 102A of the National Security Act of 1947, as amended by section 1011(a) of this Act.

Subtitle I—Other Matters**SEC. 1101. STUDY OF PROMOTION AND PROFESSIONAL MILITARY EDUCATION SCHOOL SELECTION RATES FOR MILITARY INTELLIGENCE OFFICERS.**

(a) **STUDY.**—The Secretary of Defense shall conduct a study of the promotion selection rates, and the selection rates for attendance at professional military education schools, of intelligence officers of the Armed Forces, particularly in comparison to the rates for other officers of the same Armed Force who are in the same grade and competitive category.

(b) **REPORT.**—The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report providing the Secretary’s findings resulting from the study under subsection (a) and the Secretary’s recommendations (if any) for such changes in law as the Secretary considers needed to ensure that intelligence officers, as a group, are selected for promotion, and for attendance at professional military education schools, at rates not less than the rates for all line (or the equivalent) officers of the same Armed Force (both in the zone and below the zone) in the same grade. The report shall be submitted not later than April 1, 2005.

SEC. 1102. EXTENSION AND IMPROVEMENT OF AUTHORITIES OF PUBLIC INTEREST DECLASSIFICATION BOARD.

(a) **DIRECTION.**—Section 703(a) of the Public Interest Declassification Act of 2000 (title VII of Public Law 106-567; 114 Stat. 2856; 50 U.S.C. 435 note) is amended—

(1) by inserting “(1)” after “ESTABLISHMENT.—”; and

(2) by adding at the end the following new paragraph:

“(2) The Board shall report directly to the President or, upon designation by the President, the Vice President, the Attorney General, or other designee of the President. The other designee of the President under this paragraph may not be an agency head or official authorized to classify information under Executive Order 12958, or any successor order.”.

(b) **PURPOSES.**—Section 703(b) of that Act (114 Stat. 2856) is amended by adding at the end the following new paragraph:

“(5) To review and make recommendations to the President in a timely manner with respect to any congressional request, made by the committee of jurisdiction, to declassify certain records or to reconsider a declination to declassify specific records.”.

(c) **RECOMMENDATIONS ON SPECIAL SEARCHES.**—Section 704(c)(2)(A) of that Act (114 Stat. 2860) is amended by inserting before the period the following: “, and also including specific requests for the declassification of certain records or for the reconsideration of declinations to declassify specific records”.

(d) **DECLASSIFICATION REVIEWS.**—Section 704 of that Act (114 Stat. 2859) is further amended by adding at the end the following new subsection:

“(e) **DECLASSIFICATION REVIEWS.**—If requested by the President, the Board shall review in a

timely manner certain records or declinations to declassify specific records, the declassification of which has been the subject of specific congressional request described in section 703(b)(5).”.

(e) **NOTIFICATION OF REVIEW.**—Section 706 of that Act (114 Stat. 2861) is amended by adding at the end the following new subsection:

“(f) **NOTIFICATION OF REVIEW.**—In response to a specific congressional request for declassification review described in section 703(b)(5), the Board shall advise the originators of the request in a timely manner whether the Board intends to conduct such review.”.

(f) **EXTENSION.**—Section 710(b) of that Act (114 Stat. 2864) is amended by striking “4 years” and inserting “8 years”.

SEC. 1103. 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 those to which such provision is held invalid shall not be affected thereby.

TITLE II—FEDERAL BUREAU OF INVESTIGATION**SEC. 2001. 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, 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, analysts, and related personnel of the Bureau; and

(B) in furtherance of the requirement under subparagraph (A) and to the maximum extent practicable, afford agents, analysts, and related personnel of the Bureau the opportunity to work in the career specialty selected by such agents, analysts, and related personnel 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) **DISCHARGE OF IMPROVEMENTS.**—(1) The Director of the Federal Bureau of Investigation shall carry out subsections (b) through (d) through the head of the Directorate of Intelligence of the Federal Bureau of Investigation.

(2) The Director of the Federal Bureau of Investigation shall carry out subsections (b) through (d) under the joint guidance of the Attorney General and the National Intelligence Director in a manner consistent with section 112(e).

(f) **BUDGET MATTERS.**—The Director of the Federal Bureau of Investigation shall, establish a budget structure of the Federal Bureau of Investigation to reflect the four principal missions of the Bureau as follows:

- (1) Intelligence.
- (2) Counterterrorism and counterintelligence.
- (3) Criminal Enterprises/Federal Crimes.
- (4) Criminal justice services.

(g) **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. 2002. DIRECTORATE OF INTELLIGENCE OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) **DIRECTORATE OF INTELLIGENCE OF FEDERAL BUREAU OF INVESTIGATION.**—The element

of the Federal Bureau of Investigation known as of the date of the enactment of this Act as the Office of Intelligence is hereby redesignated as the Directorate of Intelligence of the Federal Bureau of Investigation.

(b) **HEAD OF DIRECTORATE.**—The head of the Directorate of Intelligence shall be the Executive Assistant Director for Intelligence of the Federal Bureau of Investigation.

(c) **RESPONSIBILITIES.**—The Directorate of Intelligence shall be responsible for the following:

(1) Supervision of all national intelligence programs, projects, and activities of the Bureau.

(2) The discharge by the Bureau of the requirements in section 105B of the National Security Act of 1947 (50 U.S.C. 403–5b).

(3) The oversight of Bureau field intelligence operations.

(4) Coordinating human source development and management by the Bureau.

(5) Coordinating collection by the Bureau against nationally-determined intelligence requirements.

(6) Strategic analysis.

(7) Intelligence program and budget management.

(8) The intelligence workforce.

(9) Any other responsibilities specified by the Director of the Federal Bureau of Investigation or specified by law.

(d) **STAFF.**—The Directorate of Intelligence shall consist of such staff as the Director of the Federal Bureau of Investigation considers appropriate for the activities of the Directorate.

SEC. 2003. FEDERAL BUREAU OF INVESTIGATION INTELLIGENCE CAREER SERVICE.

(a) **ESTABLISHMENT OF FEDERAL BUREAU OF INVESTIGATION INTELLIGENCE CAREER SERVICE.**—The Director of the Federal Bureau of Investigation may—

(1) in consultation with the Director of the Office of Personnel Management—

(A) establish positions for intelligence analysts, and prescribe standards and procedures for establishing and classifying such positions, without regard to chapter 51 of title 5, United States Code; and

(B) 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) appoint individuals to such positions; and

(3) establish a performance management system for such individuals with at least one level of performance above a retention standard.

(b) **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 the appropriate committees of Congress.

(c) **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 the appropriate committees of Congress.

(d) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress means”—

(1) the Committees on Appropriations, Homeland Security and Governmental Affairs, and the Judiciary and the Select Committee on Intelligence of the Senate; and

(2) the Committees on Appropriations, Government Reform, and the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 2004. FEDERAL BUREAU OF INVESTIGATION RESERVE SERVICE.

(a) **IN GENERAL.**—Chapter 35 of title 5, United States Code, is amended by adding at the end the following:

“SUBCHAPTER VII—RETENTION OF RETIRED SPECIALIZED EMPLOYEES AT THE FEDERAL BUREAU OF INVESTIGATION

“§3598. Federal Bureau of Investigation Reserve Service

“(a) **ESTABLISHMENT.**—The Director of the Federal Bureau of Investigation may provide for the establishment and training of a Federal Bureau of Investigation Reserve Service (hereinafter in this section referred to as the ‘FBI Reserve Service’) for temporary reemployment of employees in the Bureau during periods of emergency, as determined by the Director.

“(b) **MEMBERSHIP.**—Membership in the FBI Reserve Service shall be limited to individuals who previously served as full-time employees of the Bureau.

“(c) **ANNUITANTS.**—If an individual receiving an annuity from the Civil Service Retirement and Disability Fund on the basis of such individual's service becomes temporarily reemployed pursuant to this section, such annuity shall not be discontinued thereby. An individual so reemployed shall not be considered an employee for the purposes of chapter 83 or 84.

“(d) **NO IMPACT ON BUREAU PERSONNEL CEILING.**—FBI Reserve Service members reemployed on a temporary basis pursuant to this section shall not count against any personnel ceiling applicable to the Bureau.

“(e) **EXPENSES.**—The Director may provide members of the FBI Reserve Service transportation and per diem in lieu of subsistence, in accordance with applicable provisions of this title, for the purpose of participating in any training that relates to service as a member of the FBI Reserve Service.

“(f) **LIMITATION ON MEMBERSHIP.**—Membership of the FBI Reserve Service is not to exceed 500 members at any given time.

“(g) **LIMITATION ON DURATION OF SERVICE.**—An individual may not be reemployed under this section for more than 180 days in connection with any particular emergency unless, in the judgment of the Director, the public interest so requires.”.

(b) **CLERICAL AMENDMENT.**—The analysis for chapter 35 of title 5, United States Code, is amended by adding at the end the following:

“SUBCHAPTER VII—RETENTION OF RETIRED SPECIALIZED EMPLOYEES AT THE FEDERAL BUREAU OF INVESTIGATION

“3598. Federal Bureau of Investigation Reserve Service.”.

SEC. 2005. FEDERAL BUREAU OF INVESTIGATION MANDATORY SEPARATION AGE.

(a) **CIVIL SERVICE RETIREMENT SYSTEM.**—Section 8335(b) of title 5, United States Code, is amended—

(1) by striking “(b)” and inserting “(b)(1)”; and

(2) by adding at the end the following: “(2) In the case of employees of the Federal Bureau of Investigation, the second sentence of paragraph (1) shall be applied by substituting ‘65 years of age’ for ‘60 years of age’. The Federal Bureau of Investigation may not grant more than 50 exemptions in any fiscal year in accordance with the preceding sentence, and the authority to grant such exemptions shall cease to be available after September 30, 2007.”.

(b) **FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.**—Section 8425(b) of title 5, United States Code, is amended—

(1) by striking “(b)” and inserting “(b)(1)”; and

(2) by adding at the end the following: “(2) In the case of employees of the Federal Bureau of Investigation, the second sentence of paragraph (1) shall be applied by substituting ‘65 years of age’ for ‘60 years of age’. The Federal Bureau of Investigation may not grant more than 50 exemptions in any fiscal year in accordance with the preceding sentence, and the authority to grant such exemptions shall cease to be available after September 30, 2007.”.

SEC. 2006. FEDERAL BUREAU OF INVESTIGATION USE OF TRANSLATORS.

Not later than 30 days after the date of the enactment of this Act, and annually thereafter, the Attorney General of the United States shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that contains, with respect to each preceding 12-month period—

(1) the number of translators employed, or contracted for, by the Federal Bureau of Investigation or other components of the Department of Justice;

(2) any legal or practical impediments to using translators employed by the Federal, State, or local agencies on a full-time, part-time, or shared basis;

(3) the needs of the Federal Bureau of Investigation for the specific translation services in certain languages, and recommendations for meeting those needs;

(4) the status of any automated statistical reporting system, including implementation and future viability;

(5) the storage capabilities of the digital collection system or systems utilized;

(6) a description of the establishment and compliance with audio retention policies that satisfy the investigative and intelligence goals of the Federal Bureau of Investigation; and

(7) a description of the implementation of quality control procedures and mechanisms for monitoring compliance with quality control procedures.

TITLE III—SECURITY CLEARANCES**SEC. 3001. SECURITY CLEARANCES.**

(a) **DEFINITIONS.**—In this section:

(1) The term “agency” means—

(A) an executive agency (as that term is defined in section 105 of title 5, United States Code);

(B) a military department (as that term is defined in section 102 of title 5, United States Code); and

(C) an element of the intelligence community.

(2) The term “authorized investigative agency” means an agency designated by the head of the agency selected pursuant to subsection (b) to conduct a counterintelligence investigation or investigation of persons who are proposed for access to classified information to ascertain whether such persons satisfy the criteria for obtaining and retaining access to such information.

(3) The term “authorized adjudicative agency” means an agency authorized by law, regulation, or direction of the Director of National Intelligence to determine eligibility for access to classified information in accordance with Executive Order 12968.

(4) The term “highly sensitive program” means—

(A) a government program designated as a Special Access Program (as that term is defined in section 4.1(h) of Executive Order 12958 or any successor Executive order); or

(B) a government program that applies restrictions required for—

(i) restricted data (as that term is defined in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y))); or

(ii) other information commonly referred to as “sensitive compartmented information”.

(5) The term “current investigation file” means, with respect to a security clearance, a file on an investigation or adjudication that has been conducted during—

(A) the 5-year period beginning on the date the security clearance was granted, in the case of a Top Secret Clearance, or the date access was granted to a highly sensitive program;

(B) the 10-year period beginning on the date the security clearance was granted in the case of a Secret Clearance; and

(C) the 15-year period beginning on the date the security clearance was granted in the case of a Confidential Clearance.

(6) The term “personnel security investigation” means any investigation required for the purpose of determining the eligibility of any military, civilian, or government contractor personnel to access classified information.

(7) The term “periodic reinvestigations” means investigations conducted for the purpose of updating a previously completed background investigation—

(A) every 5 years in the case of a top secret clearance or access to a highly sensitive program;

(B) every 10 years in the case of a secret clearance; or

(C) every 15 years in the case of a Confidential Clearance.

(8) The term “appropriate committees of Congress” means—

(A) the Permanent Select Committee on Intelligence and the Committees on Armed Services, Homeland Security, Government Reform, and the Judiciary of the House of Representatives; and

(B) the Select Committee on Intelligence and the Committees on Armed Services, Homeland Security and Governmental Affairs, and the Judiciary of the Senate.

(b) **SELECTION OF ENTITY.**—Not later than 90 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 be responsible for—

(1) directing day-to-day oversight of investigations and adjudications for personnel security clearances, including for highly sensitive programs, throughout the United States Government;

(2) developing and implementing uniform and consistent policies and procedures to ensure the effective, efficient, and timely completion of security clearances and determinations for access to highly sensitive programs, including the standardization of security questionnaires, financial disclosure requirements for security clearance applicants, and polygraph policies and procedures;

(3) serving as the final authority to designate an authorized investigative agency or authorized adjudicative agency;

(4) ensuring reciprocal recognition of access to classified information among the agencies of the United States Government, including acting as the final authority to arbitrate and resolve disputes involving the reciprocity of security clearances and access to highly sensitive programs pursuant to subsection (d);

(5) ensuring, to the maximum extent practicable, that sufficient resources are available in each agency to achieve clearance and investigative program goals; and

(6) reviewing and coordinating the development of tools and techniques for enhancing the conduct of investigations and granting of clearances.

(c) **PERFORMANCE OF SECURITY CLEARANCE INVESTIGATIONS.**—(1) Notwithstanding any other provision of law, not later than 180 days after the date of the enactment of this Act, the President shall, in consultation with the head of the entity selected pursuant to subsection (b), select a single agency of the executive branch to conduct, to the maximum extent practicable, 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. The head of the entity selected pursuant to subsection (b) may designate other agencies to conduct such investigations if the head of the entity selected pursuant to subsection (b) considers it appropriate for national security and efficiency purposes.

(2) The agency 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, integrate reporting of security clearance applications, security clearance investigations, and determinations of eligibility for security clearances, with the database required by subsection (e); and

(C) ensure that security clearance investigations are conducted in accordance with uniform standards and requirements established under subsection (b), including uniform security questionnaires and financial disclosure requirements.

(d) **RECIPROCITY OF SECURITY CLEARANCE AND ACCESS DETERMINATIONS.**—(1) All security clearance background investigations and determinations completed by an authorized investigative agency or authorized adjudicative agency shall be accepted by all agencies.

(2) All security clearance background investigations initiated by an authorized investigative agency shall be transferable to any other authorized investigative agency.

(3)(A) An authorized investigative agency or authorized adjudicative agency may not establish additional investigative or adjudicative requirements (other than requirements for the conduct of a polygraph examination) that exceed requirements specified in Executive Orders establishing security requirements for access to classified information without the approval of the head of the entity selected pursuant to subsection (b).

(B) Notwithstanding subparagraph (A), the head of the entity selected pursuant to subsection (b) may establish such additional requirements as the head of such entity considers necessary for national security purposes.

(4) An authorized investigative agency or authorized adjudicative agency may not conduct an investigation for purposes of determining whether to grant a security clearance to an individual where a current investigation or clearance of equal level already exists or has been granted by another authorized adjudicative agency.

(5) The head of the entity selected pursuant to subsection (b) may disallow the reciprocal recognition of an individual security clearance by an agency under this section on a case-by-case basis if the head of the entity selected pursuant to subsection (b) determines that such action is necessary for national security purposes.

(6) The head of the entity selected pursuant to subsection (b) shall establish a review procedure by which agencies can seek review of actions required under this section.

(e) **DATABASE ON SECURITY CLEARANCES.**—(1) Not later than 12 months after the date of the enactment of this Act, the Director of the Office of Personnel Management shall, in cooperation with the heads of the entities selected pursuant to subsections (b) and (c), establish and commence operating and maintaining an integrated, secure, database into which appropriate data relevant to the granting, denial, or revocation of a security clearance or access pertaining to military, civilian, or government contractor personnel shall be entered from all authorized investigative and adjudicative agencies.

(2) The database under this subsection shall function to integrate information from existing Federal clearance tracking systems from other authorized investigative and adjudicative agencies into a single consolidated database.

(3) Each authorized investigative or adjudicative agency shall check the database under this subsection to determine whether an individual the agency has identified as requiring a security clearance has already been granted or denied a security clearance, or has had a security clearance revoked, by any other authorized investigative or adjudicative agency.

(4) The head of the entity selected pursuant to subsection (b) shall evaluate the extent to which an agency is submitting information to, and requesting information from, the database under

this subsection as part of a determination of whether to certify the agency as an authorized investigative agency or authorized adjudicative agency.

(5) The head of the entity selected pursuant to subsection (b) may authorize an agency to withhold information about certain individuals from the database under this subsection if the head of the entity considers it necessary for national security purposes.

(f) **EVALUATION OF USE OF AVAILABLE TECHNOLOGY IN CLEARANCE INVESTIGATIONS AND ADJUDICATIONS.**—(1) The head of the entity selected pursuant to subsection (b) shall evaluate the use of available information technology and databases to expedite investigative and adjudicative processes for all and to verify standard information submitted as part of an application for a security clearance.

(2) The evaluation shall assess the application of the technologies described in paragraph (1) for—

(A) granting interim clearances to applicants at the secret, top secret, and special access program levels before the completion of the appropriate full investigation;

(B) expediting investigations and adjudications of security clearances, including verification of information submitted by the applicant;

(C) ongoing verification of suitability of personnel with security clearances in effect for continued access to classified information;

(D) use of such technologies to augment periodic reinvestigations;

(E) assessing the impact of the use of such technologies on the rights of applicants to the verify, correct, or challenge information obtained through such technologies; and

(F) such other purposes as the head of the entity selected pursuant to subsection (b) considers appropriate.

(3) An individual subject to verification utilizing the technology described in paragraph (1) shall be notified of such verification, shall provide consent to such use, and shall have access to data being verified in order to correct errors or challenge information the individual believes is incorrect.

(4) Not later than one year after the date of the enactment of this Act, the head of the entity selected pursuant to subsection (b) shall submit to the President and the appropriate committees of Congress a report on the results of the evaluation, including recommendations on the use of technologies described in paragraph (1).

(g) **REDUCTION IN LENGTH OF PERSONNEL SECURITY CLEARANCE PROCESS.**—(1) The head of the entity selected pursuant to subsection (b) shall, within 90 days of selection under that subsection, develop, in consultation with the appropriate committees of congress and each authorized adjudicative agency, a plan to reduce the length of the personnel security clearance process.

(2)(A) To the extent practical the plan under paragraph (1) shall require that each authorized adjudicative agency make a determination on at least 90 percent of all applications for a personnel security clearance within an average of 60 days after the date of receipt of the completed application for a security clearance by an authorized investigative agency. Such 60-day average period shall include—

(i) a period of not longer than 40 days to complete the investigative phase of the clearance review; and

(ii) a period of not longer than 20 days to complete the adjudicative phase of the clearance review.

(B) Determinations on clearances not made within 60 days shall be made without delay.

(3)(A) The plan under paragraph (1) shall take effect 5 years after the date of the enactment of this Act.

(B) During the period beginning on a date not later than 2 years after the date after the enactment of this Act and ending on the date on

which the plan under paragraph (1) takes effect, each authorized adjudicative agency shall make a determination on at least 80 percent of all applications for a personnel security clearance pursuant to this section within an average of 120 days after the date of receipt of the application for a security clearance by an authorized investigative agency. Such 120-day average period shall include—

(i) a period of not longer than 90 days to complete the investigative phase of the clearance review; and

(ii) a period of not longer than 30 days to complete the adjudicative phase of the clearance review.

(h) **REPORTS.**—(1) Not later than February 15, 2006, and annually thereafter through 2011, the head of the entity selected pursuant to subsection (b) shall submit to the appropriate committees of Congress a report on the progress made during the preceding year toward meeting the requirements of this section.

(2) Each report shall include, for the period covered by such report—

(A) the periods of time required by the authorized investigative agencies and authorized adjudicative agencies for conducting investigations, adjudicating cases, and granting clearances, from date of submission to ultimate disposition and notification to the subject and the subject's employer;

(B) a discussion of any impediments to the smooth and timely functioning of the requirements of this section; and

(C) such other information or recommendations as the head of the entity selected pursuant to subsection (b) considers appropriate.

(i) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated such sums as may be necessary for fiscal year 2005 and each fiscal year thereafter for the implementation, maintenance, and operation of the database required by subsection (e).

TITLE IV—TRANSPORTATION SECURITY

Subtitle A—National Strategy for Transportation Security

SEC. 4001. NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.

(a) **IN GENERAL.**—Section 114 of title 49, United States Code, is amended by adding at the end the following:

“(t) **TRANSPORTATION SECURITY STRATEGIC PLANNING.**—

“(1) **IN GENERAL.**—The Secretary of Homeland Security shall develop, prepare, implement, and update, as needed—

“(A) a National Strategy for Transportation Security; and

“(B) transportation modal security plans.

“(2) **ROLE OF SECRETARY OF TRANSPORTATION.**—The Secretary of Homeland Security shall work jointly with the Secretary of Transportation in developing, revising, and updating the documents required by paragraph (1).

“(3) **CONTENTS OF NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.**—The National Strategy for Transportation Security shall include the following:

“(A) An identification and evaluation of the transportation assets in the United States that, in the interests of national security and commerce, must be protected from attack or disruption by terrorist or other hostile forces, including modal security plans for aviation, bridge and tunnel, commuter rail and ferry, highway, maritime, pipeline, rail, mass transit, over-the-road bus, and other public transportation infrastructure assets that could be at risk of such an attack or disruption.

“(B) The development of risk-based priorities across all transportation modes and realistic deadlines for addressing security needs associated with those assets referred to in subparagraph (A).

“(C) The most appropriate, practical, and cost-effective means of defending those assets against threats to their security.

“(D) A forward-looking strategic plan that sets forth the agreed upon roles and missions of Federal, state, regional, and local authorities and establishes mechanisms for encouraging private sector cooperation and participation in the implementation of such plan.

“(E) A comprehensive delineation of response and recovery responsibilities and issues regarding threatened and executed acts of terrorism within the United States.

“(F) A prioritization of research and development objectives that support transportation security needs, giving a higher priority to research and development directed toward protecting vital transportation assets.

“(4) **SUBMISSIONS OF PLANS TO CONGRESS.**—

“(A) **INITIAL STRATEGY.**—The Secretary of Homeland Security shall submit the National Strategy for Transportation Security, including the transportation modal security plans, developed under this subsection to the appropriate congressional committees not later than April 1, 2005.

“(B) **SUBSEQUENT VERSIONS.**—After December 31, 2005, the Secretary of Homeland Security shall submit the National Strategy for Transportation Security, including the transportation modal security plans and any revisions to the National Strategy for Transportation Security and the transportation modal security plans, to appropriate congressional committees not less frequently than April 1 of each even-numbered year.

“(C) **PERIODIC PROGRESS REPORT.**—

“(i) **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 the appropriate congressional committees an assessment of the progress made on implementing the National Strategy for Transportation Security.

“(ii) **CONTENT.**—Each progress report under this subparagraph shall include, at a minimum, recommendations for improving and implementing the National Strategy for Transportation Security and the transportation modal security plans that the Secretary, in consultation with the Secretary of Transportation, considers appropriate.

“(D) **CLASSIFIED MATERIAL.**—Any part of the National Strategy for Transportation Security or the transportation modal security plans that involve information that is properly classified under criteria established by Executive order shall be submitted to the appropriate congressional committees separately in a classified format.

“(E) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this subsection, the term “appropriate congressional committees” means the Committee on Transportation and Infrastructure and the Select Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate.

“(5) **PRIORITY STATUS.**—

“(A) **IN GENERAL.**—The National Strategy for Transportation Security shall be the governing document for Federal transportation security efforts.

“(B) **OTHER PLANS AND REPORTS.**—The National Strategy for Transportation Security shall include, as an integral part or as an appendix—

“(i) the current National Maritime Transportation Security Plan under section 70103 of title 46;

“(ii) the report required by section 44938 of this title;

“(iii) transportation modal security plans required under this section; and

“(iv) any other transportation security plan or report that the Secretary of Homeland Security determines appropriate for inclusion.”.

(b) AVIATION SECURITY PLANNING; OPERATIONAL CRITERIA.—Section 44904 of title 49, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following:

“(c) MODAL SECURITY PLAN FOR AVIATION.—In addition to the requirements set forth in subparagraphs (B) through (F) of section 114(t)(3), the modal security plan for aviation prepared under section 114(t) shall—

“(1) establish a damage mitigation and recovery plan for the aviation system in the event of a terrorist attack; and

“(2) include a threat matrix document that outlines each threat to the United States civil aviation system and the corresponding layers of security in place to address such threat.

“(d) OPERATIONAL CRITERIA.—Not later than 90 days after the date of the submission of the National Strategy for Transportation Security under section 114(t)(4)(A), the Assistant Secretary of Homeland Security (Transportation Security Administration) shall issue operational criteria to protect airport infrastructure and operations against the threats identified in the plans prepared under section 114(t)(1) and shall approve best practices guidelines for airport assets.”.

Subtitle B—Aviation Security

SEC. 4011. PROVISION FOR THE USE OF BIOMETRIC OR OTHER TECHNOLOGY.

(a) USE OF BIOMETRIC IDENTIFIER TECHNOLOGY.—Section 44903(h) of title 49, United States Code, is amended—

(1) in paragraph (4)(E) by striking “may provide for” and inserting “shall issue, not later than March 31, 2005, guidance for”; and

(2) by adding at the end the following:

“(5) USE OF BIOMETRIC TECHNOLOGY IN AIRPORT ACCESS CONTROL SYSTEMS.—In issuing guidance under paragraph (4)(E), the Assistant Secretary of Homeland Security (Transportation Security Administration) in consultation with representatives of the aviation industry, the biometric identifier industry, and the National Institute of Standards and Technology, shall establish, at a minimum—

“(A) comprehensive technical and operational system requirements and performance standards for the use of biometric identifier technology in airport access control systems (including airport perimeter access control systems) to ensure that the biometric identifier systems are effective, reliable, and secure;

“(B) a list of products and vendors that meet the requirements and standards set forth in subparagraph (A);

“(C) procedures for implementing biometric identifier systems—

“(i) to ensure that individuals do not use an assumed identity to enroll in a biometric identifier system; and

“(ii) to resolve failures to enroll, false matches, and false non-matches; and

“(D) best practices for incorporating biometric identifier technology into airport access control systems in the most effective manner, including a process to best utilize existing airport access control systems, facilities, and equipment and existing data networks connecting airports.

“(6) USE OF BIOMETRIC TECHNOLOGY FOR LAW ENFORCEMENT OFFICER TRAVEL.—

“(A) IN GENERAL.—Not later than 120 days after the date of enactment of this paragraph, the Assistant Secretary, in consultation with the Attorney General, shall—

“(i) establish a law enforcement officer travel credential that incorporates biometric identifier technology and is uniform across all Federal, State, local, tribal, and territorial government law enforcement agencies;

“(ii) establish a process by which the travel credential will be used to verify the identity of a Federal, State, local, tribal, or territorial law enforcement officer seeking to carry a weapon

on board an aircraft, without unnecessarily disclosing to the public that the individual is a law enforcement officer;

“(iii) establish procedures—

“(I) to ensure that only Federal, State, local, tribal, and territorial government law enforcement officers are issued a law enforcement travel credential;

“(II) to resolve failures to enroll, false matches, and false non-matches relating to use of the law enforcement travel credential; and

“(III) to invalidate any law enforcement travel credential that is lost, stolen, or no longer authorized for use;

“(iv) begin issuance of the travel credential to each Federal, State, local, tribal, or territorial government law enforcement officer authorized by the Assistant Secretary to carry a weapon on board an aircraft; and

“(v) take such other actions with respect to the travel credential as the Assistant Secretary considers appropriate.

“(B) FUNDING.—There is authorized to be appropriated such sums as may be necessary to carry out this paragraph.

“(7) DEFINITIONS.—In this subsection, the following definitions apply:

“(A) BIOMETRIC IDENTIFIER INFORMATION.—The term ‘biometric identifier information’ means the distinct physical or behavioral characteristics of an individual that are used for unique identification, or verification of the identity, of an individual.

“(B) BIOMETRIC IDENTIFIER.—The term ‘biometric identifier’ means a technology that enables the automated identification, or verification of the identity, of an individual based on biometric information.

“(C) FAILURE TO ENROLL.—The term ‘failure to enroll’ means the inability of an individual to enroll in a biometric identifier system due to an insufficiently distinctive biometric sample, the lack of a body part necessary to provide the biometric sample, a system design that makes it difficult to provide consistent biometric identifier information, or other factors.

“(D) FALSE MATCH.—The term ‘false match’ means the incorrect matching of one individual’s biometric identifier information to another individual’s biometric identifier information by a biometric identifier system.

“(E) FALSE NON-MATCH.—The term ‘false non-match’ means the rejection of a valid identity by a biometric identifier system.

“(F) SECURE AREA OF AN AIRPORT.—The term ‘secure area of an airport’ means the sterile area and the Secure Identification Display Area of an airport (as such terms are defined in section 1540.5 of title 49, Code of Federal Regulations, or any successor regulation to such section).”.

(b) AVIATION SECURITY RESEARCH AND DEVELOPMENT.—There is 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 advanced biometric technology applications to aviation security, including mass identification technology.

(c) SENSE OF CONGRESS ON TRANSFER OF TECHNOLOGY.—It is the sense of Congress that the national intelligence community and the Department of Homeland Security should share information on and technological advancements to biometric systems, biometric technology, and biometric identifier systems obtained through research and development programs conducted by various Federal agencies.

(d) BIOMETRIC CENTER OF EXCELLENCE.—There is authorized to be appropriated \$1,000,000, in addition to any amounts otherwise authorized by law, for the establishment of a competitive center of excellence that will develop and expedite the Federal Government’s use of biometric identifiers.

SEC. 4012. ADVANCED AIRLINE PASSENGER PRESCREENING.

(a) IN GENERAL.—

(1) DOMESTIC FLIGHTS.—Section 44903(j)(2) of title 49, United States Code, is amended by adding at the end the following:

“(C) ADVANCED AIRLINE PASSENGER PRESCREENING.—

“(i) COMMENCEMENT OF TESTING.—Not later than January 1, 2005, the Assistant Secretary of Homeland Security (Transportation Security Administration), or the designee of the Assistant Secretary, shall commence testing of an advanced passenger prescreening system that will allow the Department of Homeland Security to assume the performance of comparing passenger information, as defined by the Assistant Secretary, to the automatic selectee and no fly lists, utilizing all appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government.

“(ii) ASSUMPTION OF FUNCTION.—Not later than 180 days after completion of testing under clause (i), the Assistant Secretary, or the designee of the Assistant Secretary, shall begin to assume the performance of the passenger prescreening function of comparing passenger information to the automatic selectee and no fly lists and utilize all appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government in performing that function.

“(iii) REQUIREMENTS.—In assuming performance of the function under clause (ii), the Assistant Secretary shall—

“(I) establish a procedure to enable airline passengers, who are delayed or prohibited from boarding a flight because the advanced passenger prescreening system determined that they might pose a security threat, to appeal such determination and correct information contained in the system;

“(II) ensure that Federal Government databases that will be used to establish the identity of a passenger under the system will not produce a large number of false positives;

“(III) establish an internal oversight board to oversee and monitor the manner in which the system is being implemented;

“(IV) establish sufficient operational safeguards to reduce the opportunities for abuse;

“(V) implement substantial security measures to protect the system from unauthorized access;

“(VI) adopt policies establishing effective oversight of the use and operation of the system; and

“(VII) ensure that there are no specific privacy concerns with the technological architecture of the system.

(iv) PASSENGER INFORMATION.—Not later than 180 days after the completion of the testing of the advanced passenger prescreening system, the Assistant Secretary, by order or interim final rule—

“(I) shall require air carriers to supply to the Assistant Secretary the passenger information needed to begin implementing the advanced passenger prescreening system; and

“(II) shall require entities that provide systems and services to air carriers in the operation of air carrier reservations systems to provide to air carriers passenger information in possession of such entities, but only to the extent necessary to comply with subclause (I).

(D) SCREENING OF EMPLOYEES AGAINST WATCHLIST.—The Assistant Secretary of Homeland Security (Transportation Security Administration), in coordination with the Secretary of Transportation and the Administrator of the Federal Aviation Administration, shall ensure that individuals are screened against all appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government before—

“(i) being certificated by the Federal Aviation Administration;

“(ii) being granted unescorted access to the secure area of an airport; or

“(iii) being granted unescorted access to the air operations area (as defined in section 1540.5 of title 49, Code of Federal Regulations, or any

successor regulation to such section) of an airport.

“(E) AIRCRAFT CHARTER CUSTOMER AND LESSEE PRESCREENING.—

“(i) IN GENERAL.—Not later than 90 days after the date on which the Assistant Secretary assumes the performance of the advanced passenger prescreening function under subparagraph (C)(ii), the Assistant Secretary shall establish a process by which operators of aircraft to be used in charter air transportation with a maximum takeoff weight greater than 12,500 pounds and lessors of aircraft with a maximum takeoff weight greater than 12,500 pounds may—

“(I) request the Department of Homeland Security to use the advanced passenger prescreening system to compare information about any individual seeking to charter an aircraft with a maximum takeoff weight greater than 12,500 pounds, any passenger proposed to be transported aboard such aircraft, and any individual seeking to lease an aircraft with a maximum takeoff weight greater than 12,500 pounds to the automatic selectee and no fly lists, utilizing all appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government; and

“(II) refuse to charter or lease an aircraft with a maximum takeoff weight greater than 12,500 pounds or to transport aboard such aircraft any persons identified on such watch list.

“(ii) REQUIREMENTS.—The requirements of subparagraph (C)(iii) shall apply to this subparagraph.

“(iii) NO FLY AND AUTOMATIC SELECTEE LISTS.—The Secretary of Homeland Security, in consultation with the Terrorist Screening Center, shall design and review, as necessary, guidelines, policies, and operating procedures for the collection, removal, and updating of data maintained, or to be maintained, in the no fly and automatic selectee lists.

“(F) APPLICABILITY.—Section 607 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 44903 note; 117 Stat. 2568) shall not apply to the advanced passenger prescreening system established under subparagraph (C).

“(G) 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 and other individuals who have been misidentified and have corrected erroneous information. To prevent repeated delays of misidentified passengers and other individuals, the Transportation Security Administration record shall contain information determined by the Assistant Secretary to authenticate the identity of such a passenger or individual.

“(H) DEFINITION.—In this paragraph, the term ‘secure area of an airport’ means the sterile area and the Secure Identification Display Area of an airport (as such terms are defined in section 1540.5 of title 49, Code of Federal Regulations, or any successor regulation to such section).”

(2) INTERNATIONAL FLIGHTS.—Section 44909(c) of title 49, United States Code, is amended—

(i) by striking “paragraph (5),” in paragraph (4) and inserting “paragraphs (5) and (6),”; and

(ii) by adding at the end the following:

“(6) PRESCREENING INTERNATIONAL PASSENGERS.—

“(A) IN GENERAL.—Not later than 60 days after date of enactment of this paragraph, 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 information 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.

“(B) APPEAL PROCEDURES.—

“(i) IN GENERAL.—The Secretary of Homeland Security shall establish a timely and fair process for individuals identified as a threat under subparagraph (A) to appeal to the Department of Homeland Security the determination and correct any erroneous information.

“(ii) RECORDS.—The process shall include the establishment of a method by which the Secretary will be able to maintain a record of air passengers and other individuals who have been misidentified and have corrected erroneous information. To prevent repeated delays of misidentified passengers and other individuals, the Department of Homeland Security record shall contain information determined by the Secretary to authenticate the identity of such a passenger or individual.”

(b) REPORT ON EFFECTS ON PRIVACY AND CIVIL LIBERTIES.—

(1) REQUIREMENT FOR REPORT.—Not later than 180 days after the date of the enactment of this Act, the Security Privacy Officer of the Department of Homeland Security shall submit a report assessing the impact of the automatic selectee and no fly lists on privacy and civil liberties to the Committee on the Judiciary, the Committee on Homeland Security and 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.

(2) CONTENT.—The report submitted under paragraph (1) shall include—

(A) any recommendations for practices, procedures, regulations, or legislation that the Security Privacy Officer considers necessary to minimize adverse effects of automatic selectee and no fly lists on privacy, discrimination, due process, and other civil liberties;

(B) a discussion of the implications of applying those lists to other modes of transportation; and

(C) the effect that implementation of the recommendations would have on the effectiveness of the use of such lists to protect the United States against terrorist attacks.

(3) FORM.—To the greatest extent consistent with the protection of law enforcement-sensitive information and classified information, and the administration of applicable law, the report shall be submitted in unclassified form and shall be available to the public. The report may contain a classified annex if necessary.

(c) REPORT ON CRITERIA FOR CONSOLIDATED TERRORIST WATCH LIST.—

(1) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Homeland Security, the Secretary of State, and the Attorney General, shall submit to Congress a report on the Terrorist Screening Center consolidated screening watch list.

(2) CONTENTS.—The report shall include—

(A) the criteria for placing the name of an individual on the watch list;

(B) the minimum standards for reliability and accuracy of identifying information;

(C) the degree of information certainty and the range of threat levels that are to be identified for an individual; and

(D) the range of applicable consequences that are to apply to an individual, if located.

(3) FORM.—To the greatest extent consistent with the protection of law enforcement-sensitive information and classified information and the administration of applicable law, the report shall be submitted in unclassified form and shall be available to the public. The report may contain a classified annex if necessary.

SEC. 4013. DEPLOYMENT AND USE OF DETECTION EQUIPMENT AT AIRPORT SCREENING CHECKPOINTS.

(a) IN GENERAL.—Subchapter I of chapter 449, of title 49, United States Code, is amended by adding at the end the following:

“§44925. Deployment and use of detection equipment at airport screening checkpoints.

“(a) WEAPONS AND EXPLOSIVES.—The Secretary of Homeland Security shall give a high priority to developing, testing, improving, and deploying, at airport screening checkpoints, equipment that detects nonmetallic, chemical, biological, and radiological weapons, and explosives, in all forms, on individuals and in their personal property. The Secretary shall ensure that the equipment alone, or as part of an integrated system, can detect under realistic operating conditions the types of weapons and explosives that terrorists would likely try to smuggle aboard an air carrier aircraft.

“(b) STRATEGIC PLAN FOR DEPLOYMENT AND USE OF EXPLOSIVE DETECTION EQUIPMENT AT AIRPORT SCREENING CHECKPOINTS.—

“(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall submit to the appropriate congressional committees a strategic plan to promote the optimal utilization and deployment of explosive detection equipment at airports to screen individuals and their personal property. Such equipment includes walk-through explosive detection portals, document scanners, shoe scanners, and backscatter x-ray scanners. The plan may be submitted in a classified format.

“(2) CONTENT.—The strategic plan shall include, at minimum—

“(A) a description of current efforts to detect explosives in all forms on individuals and in their personal property;

“(B) a description of the operational applications of explosive detection equipment at airport screening checkpoints;

“(C) a deployment schedule and a description of the quantities of equipment needed to implement the plan;

“(D) a description of funding needs to implement the plan, including a financing plan that provides for leveraging of non-Federal funding;

“(E) a description of the measures taken and anticipated to be taken in carrying out subsection (d); and

“(F) a description of any recommended legislative actions.

“(c) PORTAL DETECTION SYSTEMS.—There is 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, development, and installation of detection systems and other devices for the detection of biological, chemical, radiological, and explosive materials.

“(d) INTERIM ACTION.—Until measures are implemented that enable the screening of all passengers for explosives, the Assistant Secretary shall provide, by such means as the Assistant Secretary considers appropriate, explosives detection screening for all passengers identified for additional screening and their personal property that will be carried aboard a passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation.”

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 of title 49, United States Code, is amended by inserting after the item relating to section 44924 the following:

“44925. Deployment and use of detection equipment at airport screening checkpoints.”

SEC. 4014. ADVANCED AIRPORT CHECKPOINT SCREENING DEVICES.

(a) ADVANCED INTEGRATED AIRPORT CHECKPOINT SCREENING SYSTEM PILOT PROGRAM.—Not

later than March 31, 2005, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall develop and initiate a pilot program to deploy and test advanced airport checkpoint screening devices and technology as an integrated system at not less than 5 airports in the United States.

(b) FUNDING.—Of the amounts appropriated pursuant to section 48301(a) of title 49, United States Code, for each of fiscal years 2005 and 2006, not more than \$150,000,000 shall be available to carry out subsection (a).

SEC. 4015. IMPROVEMENT OF SCREENER JOB PERFORMANCE.

(a) REQUIRED ACTION.—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall take such action as may be necessary to improve the job performance of airport screening personnel.

(b) HUMAN FACTORS STUDY.—In carrying out this section, the Assistant Secretary shall provide, not later than 180 days after the date of the enactment of this Act, to the appropriate congressional committees a report on the results of any human factors study conducted by the Department of Homeland Security to better understand problems in screener performance and to improve screener performance.

SEC. 4016. FEDERAL AIR MARSHALS.

(a) FEDERAL AIR MARSHAL ANONYMITY.—The Director of the Federal Air Marshal Service of the Department of Homeland Security shall continue operational initiatives to protect the anonymity of Federal air marshals.

(b) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Homeland Security for the use of the Bureau of Immigration 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 shall remain available until expended.

(c) FEDERAL LAW ENFORCEMENT COUNTERTERRORISM TRAINING.—

(1) AVAILABILITY OF INFORMATION.—The Assistant Secretary for Immigration and Customs Enforcement and the Director of Federal Air Marshal Service of the Department of Homeland Security, shall make available, as practicable, appropriate information on in-flight counterterrorism and weapons handling procedures and tactics training to Federal law enforcement officers who fly while in possession of a firearm.

(2) IDENTIFICATION OF FRAUDULENT DOCUMENTS.—The Assistant Secretary for Immigration and Customs Enforcement and the Director of Federal Air Marshal Service of the Department of Homeland Security, in coordination with the Assistant Secretary of Homeland Security (Transportation Security Administration), shall ensure that Transportation Security Administration screeners and Federal air marshals receive training in identifying fraudulent identification documents, including fraudulent or expired visas and passports. Such training shall also be made available to other Federal law enforcement agencies and local law enforcement agencies located in a State that borders Canada or Mexico.

SEC. 4017. INTERNATIONAL AGREEMENTS TO ALLOW MAXIMUM DEPLOYMENT OF FEDERAL AIR MARSHALS.

The President is encouraged to pursue aggressively international agreements with foreign governments to allow the maximum deployment of Federal air marshals on international flights.

SEC. 4018. FOREIGN AIR MARSHAL TRAINING.

Section 44917 of title 49, United States Code, is amended by adding at the end the following:

“(d) TRAINING FOR FOREIGN LAW ENFORCEMENT PERSONNEL.—

“(1) IN GENERAL.—The Assistant Secretary for Immigration and Customs Enforcement of the

Department of Homeland Security, after consultation with the Secretary of State, may direct the Federal Air Marshal Service to provide appropriate air marshal training to law enforcement personnel of foreign countries.

“(2) WATCHLIST SCREENING.—The Federal Air Marshal Service may only provide appropriate air marshal training to law enforcement personnel of foreign countries after comparing the identifying information and records of law enforcement personnel of foreign countries against all appropriate records in the consolidated and integrated terrorist watchlists maintained by the Federal Government.

“(3) FEES.—The Assistant Secretary shall establish reasonable fees and charges to pay expenses incurred in carrying out this subsection. Funds collected under this subsection shall be credited to the account in the Treasury from which the expenses were incurred and shall be available to the Assistant Secretary for purposes for which amounts in such account are available.”

SEC. 4019. IN-LINE CHECKED BAGGAGE SCREENING.

(a) IN-LINE BAGGAGE SCREENING EQUIPMENT.—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall take such action as may be necessary to expedite the installation and use of in-line baggage screening equipment at airports at which screening is required by section 44901 of title 49, United States Code.

(b) SCHEDULE.—Not later than 180 days after the date of enactment of this Act, the Assistant Secretary shall submit to the appropriate congressional committees a schedule to expedite the installation and use of in-line baggage screening equipment at such airports, with an estimate of the impact that such equipment, facility modification, and baggage conveyor placement will have on staffing needs and levels related to aviation security.

(c) REPLACEMENT OF TRACE-DETECTION EQUIPMENT.—Not later than 180 days after the date of enactment of this Act, the Assistant Secretary shall establish and submit to the appropriate congressional committees a schedule for replacing trace-detection equipment, as soon as practicable and where appropriate, with explosive detection system equipment.

(d) COST-SHARING STUDY.—The Secretary of Homeland Security, in consultation with representatives of air carriers, airport operators, and other interested parties, shall submit to the appropriate congressional committees, in conjunction with the submission of the budget for fiscal year 2006 to Congress under section 1105(a) of title 31, United States Code—

(1) a proposed formula for cost-sharing among the Federal Government, State and local governments, and the private sector for projects to install in-line baggage screening equipment that reflects the benefits that each of such entities derive from such projects, including national security benefits and labor and other cost savings;

(2) recommendations, including recommended legislation, for an equitable, feasible, and expeditious system for defraying the costs of the in-line baggage screening equipment authorized by this title; and

(3) the results of a review of innovative financing approaches and possible cost savings associated with the installation of in-line baggage screening equipment at airports.

(e) AUTHORIZATION FOR EXPIRING AND NEW LOIS.—

(1) IN GENERAL.—Section 44923(i) of title 49, United States Code, is amended by striking “\$250,000,000 for each of fiscal years 2004 through 2007.” and inserting “\$400,000,000 for each of fiscal years 2005, 2006, and 2007.”

(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, and letters of intent issued under section 367 of the Department of Transportation and Related Agencies Appropriation Act, 2003 (49 U.S.C. 47110 note).

SEC. 4020. CHECKED BAGGAGE SCREENING AREA MONITORING.

(a) IN GENERAL.—The Under Secretary for Border and Transportation Security of the Department of Homeland Security shall provide, subject to the availability of funds, assistance to airports at which screening is required by section 44901 of title 49, United States Code, and that have checked baggage screening 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 is 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 shall remain available until expended.

SEC. 4021. WIRELESS COMMUNICATION.

(a) STUDY.—The Assistant Secretary of Homeland Security (Transportation Security Administration), in consultation with the Administrator of the Federal Aviation Administration, shall conduct a study to determine the viability of providing devices or methods, including wireless methods, to enable a flight crew to discreetly notify the pilot in the case of a security breach or safety issue occurring in the cabin.

(b) MATTERS TO BE CONSIDERED.—In conducting the study, the Transportation Security Administration and the Federal Aviation Administration shall consider technology that is readily available and can be quickly integrated and customized for use aboard aircraft for flight crew communication.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Transportation Security Administration shall submit to the appropriate congressional committees a report on the results of the study.

SEC. 4022. IMPROVED PILOT LICENSES.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall begin to issue improved pilot licenses consistent with the requirements of title 49, United States Code, and title 14, Code of Federal Regulations.

(b) REQUIREMENTS.—Improved pilots licenses issued under subsection (a) shall—

(1) be resistant to tampering, alteration, and counterfeiting;

(2) include a photograph of the individual to whom the license is issued; and

(3) be capable of accommodating a digital photograph, a biometric identifier, or any other unique identifier that the Administrator considers necessary.

(c) TAMPERING.—To the extent practical, the Administrator shall develop methods to determine or reveal whether any component or security feature of a license issued under subsection (a) has been tampered, altered, or counterfeited.

(d) USE OF DESIGNEES.—The Administrator may use designees to carry out subsection (a) to the extent feasible in order to minimize the burdens on pilots.

SEC. 4023. AVIATION SECURITY STAFFING.

(a) AVIATION SECURITY STAFFING.—Not later than 90 days after the date of enactment of this Act, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall develop and submit to the appropriate congressional committees standards for determining the aviation security staffing for all airports at which screening is required under section 44901 of title 49, United States Code, necessary to—

(1) provide necessary levels of aviation security; and

(2) ensure that the average aviation security-related delay experienced by airline passengers is minimized.

(b) GAO ANALYSIS.—As soon as practicable after the date on which the Assistant Secretary has developed standards under subsection (a), the Comptroller General shall conduct an expedited analysis of, and submit a report to the appropriate congressional committees on, the standards for effectiveness, administrability, ease of compliance, and consistency with the requirements of existing law.

(c) 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 authority 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. 4024. IMPROVED EXPLOSIVE DETECTION SYSTEMS.

(a) PLAN AND GUIDELINES.—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall develop a plan and guidelines for implementing improved explosive detection system equipment.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is 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 improved explosive detection systems for aviation security under section 44913 of title 49, United States Code.

SEC. 4025. PROHIBITED ITEMS LIST.

Not later than 60 days after the date of enactment of this Act, the Assistant Secretary for Homeland Security (Transportation Security Administration) shall complete a review of the list of items prohibited from being carried aboard a passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation set forth in section 1540 of title 49, Code of Federal Regulations, and shall release a revised list that includes—

(1) butane lighters; and

(2) any other modification that the Assistant Secretary considers appropriate.

SEC. 4026. MAN-PORTABLE AIR DEFENSE SYSTEMS (MANPADS).

(a) UNITED STATES POLICY ON NONPROLIFERATION AND EXPORT CONTROL.—

(1) TO LIMIT AVAILABILITY AND TRANSFER OF MANPADS.—The President shall pursue, on an urgent basis, further strong international diplomatic and cooperative efforts, including bilateral and multilateral treaties, in the appropriate forum to limit the availability, transfer, and proliferation of MANPADSs worldwide.

(2) TO LIMIT THE PROLIFERATION OF MANPADS.—The President is encouraged to seek to enter into agreements with the governments of foreign countries that, at a minimum, would—

(A) prohibit the entry into force of a MANPADS manufacturing license agreement and MANPADS co-production agreement, other than the entry into force of a manufacturing license or co-production agreement with a country that is party to such an agreement;

(B) prohibit, except pursuant to transfers between governments, the export of a MANPADS, including any component, part, accessory, or attachment thereof, without an individual validated license; and

(C) prohibit the reexport or retransfer of a MANPADS, including any component, part, accessory, or attachment thereof, to a third person, organization, or government unless the

written consent of the government that approved the original export or transfer is first obtained.

(3) TO ACHIEVE DESTRUCTION OF MANPADS.—The President should continue to pursue further strong international diplomatic and cooperative efforts, including bilateral and multilateral treaties, in the appropriate forum to assure the destruction of excess, obsolete, and illicit stocks of MANPADSs worldwide.

(4) REPORTING AND BRIEFING REQUIREMENT.—

(A) PRESIDENT'S REPORT.—Not later than 180 days after the date of enactment of this Act, the President shall transmit to the appropriate congressional committees a report that contains a detailed description of the status of diplomatic efforts under paragraphs (1), (2), and (3) and of efforts by the appropriate United States agencies to comply with the recommendations of the General Accounting Office set forth in its report GAO-04-519, entitled "Nonproliferation: Further Improvements Needed in U.S. Efforts to Counter Threats from Man-Portable Air Defense Systems".

(B) ANNUAL BRIEFINGS.—Annually after the date of submission of the report under subparagraph (A) and until completion of the diplomatic and compliance efforts referred to in subparagraph (A), the Secretary of State shall brief the appropriate congressional committees on the status of such efforts.

(b) FAA AIRWORTHINESS CERTIFICATION OF MISSILE DEFENSE SYSTEMS FOR COMMERCIAL AIRCRAFT.—

(1) IN GENERAL.—As soon as practicable, but not later than the date of completion of Phase II of the Department of Homeland Security's counter-man-portable air defense system (MANPADS) development and demonstration program, the Administrator of the Federal Aviation Administration shall establish a process for conducting airworthiness and safety certification of missile defense systems for commercial aircraft certified as effective and functional by the Department of Homeland Security. The process shall require a certification by the Administrator that such systems can be safely integrated into aircraft systems and ensure airworthiness and aircraft system integrity.

(2) CERTIFICATION ACCEPTANCE.—Under the process, the Administrator shall accept the certification of the Department of Homeland Security that a missile defense system is effective and functional to defend commercial aircraft against MANPADSs.

(3) EXPEDITIOUS CERTIFICATION.—Under the process, the Administrator shall expedite the airworthiness and safety certification of missile defense systems for commercial aircraft certified by the Department of Homeland Security.

(4) REPORTS.—Not later than 90 days after the first airworthiness and safety certification for a missile defense system for commercial aircraft is issued by the Administrator, and annually thereafter until December 31, 2008, the Federal Aviation Administration shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that contains a detailed description of each airworthiness and safety certification issued for a missile defense system for commercial aircraft.

(c) PROGRAMS TO REDUCE MANPADS.—

(1) IN GENERAL.—The President is encouraged to pursue strong programs to reduce the number of MANPADSs worldwide so that fewer MANPADSs will be available for trade, proliferation, and sale.

(2) REPORTING AND BRIEFING REQUIREMENTS.—Not later than 180 days after the date of enactment of this Act, the President shall transmit to the appropriate congressional committees a report that contains a detailed description of the status of the programs being pursued under subsection (a). Annually thereafter until the programs are no longer needed, the Secretary of State shall brief the appropriate congressional committees on the status of programs.

(3) FUNDING.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

(d) MANPADS VULNERABILITY ASSESSMENTS REPORT.—

(1) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Secretary of Homeland Security shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing the Department of Homeland Security's plans to secure airports and the aircraft arriving and departing from airports against MANPADSs attacks.

(2) MATTERS TO BE ADDRESSED.—The Secretary's report shall address, at a minimum, the following:

(A) The status of the Department's efforts to conduct MANPADSs vulnerability assessments at United States airports at which the Department is conducting assessments.

(B) How intelligence is shared between the United States intelligence agencies and Federal, State, and local law enforcement to address the MANPADS threat and potential ways to improve such intelligence sharing.

(C) Contingency plans that the Department has developed in the event that it receives intelligence indicating a high threat of a MANPADS attack on aircraft at or near United States airports.

(D) The feasibility and effectiveness of implementing public education and neighborhood watch programs in areas surrounding United States airports in cases in which intelligence reports indicate there is a high risk of MANPADS attacks on aircraft.

(E) Any other issues that the Secretary deems relevant.

(3) FORMAT.—The report required by this subsection may be submitted in a classified format.

(e) DEFINITIONS.—In this section, the following definitions apply:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Armed Services, the Committee on International Relations, and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Commerce, Science, and Transportation of the Senate.

(2) MANPADS.—The term "MANPADS" means—

(A) a surface-to-air missile system designed to be man-portable and carried and fired by a single individual; and

(B) any other surface-to-air missile system designed to be operated and fired by more than one individual acting as a crew and portable by several individuals.

SEC. 4027. TECHNICAL CORRECTIONS.

(a) ADMINISTRATIVE IMPOSITION OF PENALTIES.—Section 46301(d) of title 49, United States Code, is amended—

(1) in the first sentence of paragraph (2) by striking "46302, 46303," and inserting "46302 (for a violation relating to section 46504),";

(2) in the second sentence of paragraph (2)—

(A) by striking "Under Secretary of Transportation for Security" and inserting "Secretary of Homeland Security"; and

(B) by striking "44909" and inserting "44909), 46302 (except for a violation relating to section 46504), 46303,";

(3) in paragraphs (2), (3), and (4) by striking "Under Secretary or" each place it occurs and inserting "Secretary of Homeland Security or"; and

(4) in paragraph (4)(A) by moving clauses (i), (ii), and (iii) 2 ems to the left.

(b) COMPROMISE AND SETOFF FOR FALSE INFORMATION.—Section 46302(b)(1) of title 49, United States Code, is amended by striking

“Secretary of Transportation” and inserting “Secretary of Homeland Security and, for a violation relating to section 46504, the Secretary of Transportation.”.

(c) CARRYING A WEAPON.—Section 46303 of title 49, United States Code, is amended—

(1) in subsection (b)(1) by striking “Secretary of Transportation” and inserting “Secretary of Homeland Security”; and

(2) in subsection (c)(2) by striking “Under Secretary of Transportation for Security” and inserting “Secretary of Homeland Security”.

SEC. 4028. REPORT ON SECONDARY FLIGHT DECK BARRIERS.

Not later than 6 months after the date of the enactment of this Act, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall submit to the appropriate congressional committees a report on the costs and benefits associated with the use of secondary flight deck barriers, including the recommendation of the Assistant Secretary whether or not the use of such barriers should be mandated for all air carriers. The report may be submitted in a classified form.

SEC. 4029. EXTENSION OF AUTHORIZATION OF AVIATION SECURITY FUNDING.

Section 48301(a) of title 49, United States Code, is amended by striking “and 2005” and inserting “2005, and 2006”.

Subtitle C—Air Cargo Security

SEC. 4051. PILOT PROGRAM TO EVALUATE USE OF BLAST RESISTANT CARGO AND BAGGAGE CONTAINERS.

(a) IN GENERAL.—Beginning not later than 180 days after the date of enactment of this Act, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall carry out a pilot program to evaluate the use of blast-resistant containers for cargo and baggage on passenger aircraft to minimize the potential effects of detonation of an explosive device.

(b) INCENTIVES FOR PARTICIPATION IN PILOT PROGRAM.—

(1) IN GENERAL.—As part of the pilot program, the Assistant Secretary shall provide incentives to air carriers to volunteer to test the use of blast-resistant containers for cargo and baggage on passenger aircraft.

(2) APPLICATIONS.—To volunteer to participate in the incentive program, an air carrier shall submit to the Assistant Secretary an application that is in such form and contains such information as the Assistant Secretary requires.

(3) TYPES OF INCENTIVES.—Incentives provided by the Assistant Secretary to air carriers that volunteer to participate in the pilot program shall include the use of, and financial assistance to cover increased costs to the carriers associated with the use and maintenance of, blast-resistant containers, including increased fuel costs.

(c) TECHNOLOGICAL IMPROVEMENTS.—The Secretary of Homeland Security, in cooperation with the Secretary of Transportation, shall support efforts to explore alternative technologies for minimizing the potential effects of detonation of an explosive device on cargo and passenger aircraft.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsections (a) and (b) \$2,000,000. Such sums shall remain available until expended.

SEC. 4052. AIR CARGO SECURITY.

(a) AIR CARGO SCREENING TECHNOLOGY.—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall develop technology to better identify, track, and screen air cargo.

(b) IMPROVED AIR CARGO AND AIRPORT SECURITY.—There is 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.

Such sums shall remain available until expended.

(c) RESEARCH, DEVELOPMENT, AND DEPLOYMENT.—To carry out subsection (a), there is authorized to be appropriated to the Secretary, in addition to any amounts otherwise authorized by law, for research and development related to enhanced air cargo security technology as well as for deployment and installation of enhanced air cargo security technology—

- (1) \$100,000,000 for fiscal year 2005;
- (2) \$100,000,000 for fiscal year 2006; and
- (3) \$100,000,000 for fiscal year 2007.

Such sums shall remain available until expended.

(d) ADVANCED CARGO SECURITY GRANTS.—

(1) IN GENERAL.—The Secretary shall establish and carry out a program to issue competitive grants to encourage the development of advanced air cargo security technology, including use of innovative financing or other means of funding such activities. The Secretary may make available funding for this purpose from amounts appropriated pursuant to subsection (c).

(2) ELIGIBILITY CRITERIA, ETC.—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 rapidly as possible.

SEC. 4053. AIR CARGO SECURITY REGULATIONS.

Not later than 240 days after the date of enactment of this Act, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall issue a final rule in Docket Number TSA-2004-19515 to amend transportation security regulations to enhance and improve the security of air cargo transported in both passenger and all-cargo aircraft.

SEC. 4054. REPORT ON INTERNATIONAL AIR CARGO THREATS.

(a) REPORT.—Not later than 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 to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report 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 such a classified and redacted format as the Secretary determines appropriate or necessary.

Subtitle D—Maritime Security

SEC. 4071. WATCH LISTS FOR PASSENGERS ABOARD VESSELS.

(a) WATCH LISTS.—

(1) 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—

(A) 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;

(B) 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 ships or to subject them to specific additional security scrutiny, through the use of “no transport” and “automatic selectee” lists or other means.

(2) WAIVER.—The Secretary may waive the requirement in paragraph (1)(B) with respect to cruise ships embarking at foreign ports if the Secretary determines that the application of such requirement to such cruise ships is impracticable.

(b) COOPERATION FROM OPERATORS OF CRUISE SHIPS.—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) MAINTENANCE OF ACCURACY AND INTEGRITY OF “NO TRANSPORT” AND “AUTOMATIC SELECTEE” LISTS.—

(1) WATCH LIST DATABASE.—The Secretary of Homeland Security, in consultation with the Terrorist Screening Center, shall develop guidelines, policies, and operating procedures for the collection, removal, and updating of data maintained, or to be maintained, in the “no transport” and “automatic selectee” lists described in subsection (a)(1) that are designed to ensure the accuracy and integrity of the lists.

(2) ACCURACY OF ENTRIES.—In developing the “no transport” and “automatic selectee” lists under subsection (a)(1)(B), the Secretary 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 watch list 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” means a vessel on an international voyage that embarks or disembarks passengers at a port of United States jurisdiction to which subpart C of part 160 of title 33, Code of Federal Regulations, applies and that provides overnight accommodations.

SEC. 4072. DEADLINES FOR COMPLETION OF CERTAIN PLANS, REPORTS, AND ASSESSMENTS.

(a) NATIONAL MARITIME TRANSPORTATION SECURITY PLAN.—Section 70103(a)(1) of title 46, United States Code, is amended by striking “The Secretary” and inserting “Not later than April 1, 2005, the Secretary”.

(b) FACILITY AND VESSEL VULNERABILITY ASSESSMENTS.—Section 70102(b)(1) of title 46, United States Code, is amended by striking “, the Secretary” and inserting “and by not later than December 31, 2004, the Secretary”.

(c) STRATEGIC PLAN REPORTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

(1) 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;

(2) a report on the status of negotiations under section 103(a) of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70111);

(3) the report required by section 107(b) of the Maritime Transportation Security Act of 2002 (33 U.S.C. 1226 note); and

(4) a report on the status of the development of the system and standards required by section 111 of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70116 note).

(d) OTHER REPORTS.—Not later than 90 days after the date of the enactment of this Act—

(1) the Secretary of Homeland Security shall submit to the appropriate congressional committees—

(A) a report on the establishment of the National Maritime Security Advisory Committee under section 70112 of title 46, United States Code; and

(B) a report on the status of the program required by section 70116 of title 46, United States Code, to evaluate and certify secure systems of international intermodal transportation;

(2) the Secretary of Transportation shall submit to the appropriate congressional committees 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 submit to the appropriate congressional committees the report required by section 110(b) of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70101 note).

Subtitle E—General Provisions

SEC. 4081. DEFINITIONS.

In this title (other than in sections 4001 and 4026), the following definitions apply:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) AVIATION DEFINITIONS.—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.

(3) SECURE AREA OF AN AIRPORT.—The term “secure area of an airport” means the sterile area and the Secure Identification Display Area of an airport (as such terms are defined in section 1540.5 of title 49, Code of Federal Regulations, or any successor regulations).

SEC. 4082. EFFECTIVE DATE.

This title shall take effect on the date of enactment of this Act.

TITLE V—BORDER PROTECTION, IMMIGRATION, AND VISA MATTERS

Subtitle A—Advanced Technology Northern Border Security Pilot Program

SEC. 5101. ESTABLISHMENT.

The Secretary of Homeland Security may carry out a pilot program to test various advanced technologies that will improve border security between ports of entry along the northern border of the United States.

SEC. 5102. PROGRAM REQUIREMENTS.

(a) REQUIRED FEATURES.—The Secretary of Homeland Security shall design the pilot program under this subtitle to have the following features:

(1) Use of advanced technological systems, including sensors, video, and unmanned aerial vehicles, for border surveillance.

(2) Use of advanced computing and decision integration software for—

(A) evaluation of data indicating border incursions;

(B) assessment of threat potential; and

(C) rapid real-time communication, monitoring, intelligence gathering, deployment, and response.

(3) Testing of advanced technology systems and software to determine best and most cost-effective uses of advanced technology to improve border security.

(4) Operation of the program in remote stretches of border lands with long distances be-

tween 24-hour ports of entry with a relatively small presence of United States border patrol officers.

(5) Capability to expand the program upon a determination by the Secretary that expansion would be an appropriate and cost-effective means of improving border security.

(b) COORDINATION WITH OTHER AGENCIES.—The Secretary of Homeland Security shall ensure that the operation of the pilot program under this subtitle—

(1) is coordinated among United States, State, local, and Canadian law enforcement and border security agencies; and

(2) includes ongoing communication among such agencies.

SEC. 5103. ADMINISTRATIVE PROVISIONS.

(a) PROCUREMENT OF ADVANCED TECHNOLOGY.—The Secretary of Homeland Security may enter into contracts for the procurement or use of such advanced technologies as the Secretary determines appropriate for the pilot program under this subtitle.

(b) PROGRAM PARTNERSHIPS.—In carrying out the pilot program under this subtitle, the Secretary of Homeland Security may provide for the establishment of cooperative arrangements for participation in the pilot program by such participants as law enforcement and border security agencies referred to in section 5102(b), institutions of higher education, and private sector entities.

SEC. 5104. REPORT.

(a) REQUIREMENT FOR REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report on the pilot program under this subtitle.

(b) CONTENT.—The report under subsection (a) shall include the following matters:

(1) A discussion of the implementation of the pilot program, including the experience under the pilot program.

(2) A recommendation regarding whether to expand the pilot program along the entire northern border of the United States and a timeline for the implementation of the expansion.

SEC. 5105. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out the pilot program under this subtitle.

Subtitle B—Border and Immigration Enforcement

SEC. 5201. BORDER SURVEILLANCE.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the President and the appropriate committees of Congress a comprehensive plan for the systematic surveillance of the southwest border of the United States by remotely piloted aircraft.

(b) CONTENTS.—The plan submitted under subsection (a) shall include—

(1) recommendations for establishing command and control centers, operations sites, infrastructure, maintenance, and procurement;

(2) cost estimates for the implementation of the plan and ongoing operations;

(3) recommendations for the appropriate agent within the Department of Homeland Security to be the executive agency for remotely piloted aircraft operations;

(4) the number of remotely piloted aircraft required for the plan;

(5) the types of missions the plan would undertake, including—

(A) protecting the lives of people seeking illegal entry into the United States;

(B) interdicting illegal movement of people, weapons, and other contraband across the border;

(C) providing investigative support to assist in the dismantling of smuggling and criminal networks along the border;

(D) using remotely piloted aircraft to serve as platforms for the collection of intelligence

against smugglers and criminal networks along the border; and

(E) further validating and testing of remotely piloted aircraft for airspace security missions;

(6) the equipment necessary to carry out the plan; and

(7) a recommendation regarding whether to expand the pilot program along the entire southwest border.

(c) IMPLEMENTATION.—The Secretary of Homeland Security shall implement the plan submitted under subsection (a) as a pilot program as soon as sufficient funds are appropriated and available for this purpose.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

SEC. 5202. INCREASE IN FULL-TIME BORDER PATROL AGENTS.

In each of the fiscal years 2006 through 2010, the Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase by not less than 2,000 the number of positions for full-time active-duty border patrol agents within the Department of Homeland Security above the number of such positions for which funds were allotted for the preceding fiscal year. In each of the fiscal years 2006 through 2010, in addition to the border patrol agents assigned along the northern border of the United States during the previous fiscal year, the Secretary shall assign a number of border patrol agents equal to not less than 20 percent of the net increase in border patrol agents during each such fiscal year.

SEC. 5203. INCREASE IN FULL-TIME IMMIGRATION AND CUSTOMS ENFORCEMENT INVESTIGATORS.

In each of fiscal years 2006 through 2010, the Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase by not less than 800 the number of positions for full-time active duty investigators within the Department of Homeland Security investigating violations of immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) above the number of such positions for which funds were made available during the preceding fiscal year.

SEC. 5204. INCREASE IN DETENTION BED SPACE.

(a) IN GENERAL.—Subject to the availability of appropriated funds, the Secretary of Homeland Security shall increase by not less than 8,000, in each of the fiscal years 2006 through 2010, 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.

(b) PRIORITY.—The Secretary shall give priority for the use of these additional beds to the detention of individuals charged with removability under section 237(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)) or inadmissibility under section 212(a)(3) of that Act (8 U.S.C. 1182(a)(3)).

Subtitle C—Visa Requirements

SEC. 5301. IN PERSON INTERVIEWS OF VISA APPLICANTS.

(a) REQUIREMENT FOR INTERVIEWS.—Section 222 of the Immigration and Nationality Act (8 U.S.C. 1202) is amended by adding at the end the following new subsection:

“(h) Notwithstanding any other provision of this Act, the Secretary of State shall require every alien applying for a nonimmigrant visa—

“(1) who is at least 14 years of age and not more than 79 years of age to submit to an in person interview with a consular officer unless the requirement for such interview is waived—

“(A) by a consular official and such alien is—

“(i) within that class of nonimmigrants enumerated in subparagraph (A) or (G) of section 101(a)(15);

“(ii) within the NATO visa category;

“(iii) within that class of nonimmigrants enumerated in section 101(a)(15)(C)(iii) (referred to as the ‘C-3 visa’ category); or

“(iv) granted a diplomatic or official visa on a diplomatic or official passport or on the equivalent thereof;

“(B) by a consular official and such alien is applying for a visa—

“(i) not more than 12 months after the date on which such alien’s prior visa expired;

“(ii) for the visa classification for which such prior visa was issued;

“(iii) from the consular post located in the country of such alien’s usual residence, unless otherwise prescribed in regulations that require an applicant to apply for a visa in the country of which such applicant is a national; and

“(iv) the consular officer has no indication that such alien has not complied with the immigration laws and regulations of the United States; or

“(C) by the Secretary of State if the Secretary determines that such waiver is—

“(i) in the national interest of the United States; or

“(ii) necessary as a result of unusual or emergent circumstances; and

“(2) notwithstanding paragraph (1), to submit to an in person interview with a consular officer if such alien—

“(A) is not a national or resident of the country in which such alien is applying for a visa;

“(B) was previously refused a visa, unless such refusal was overcome or a waiver of ineligibility has been obtained;

“(C) is listed in the Consular Lookout and Support System (or successor system at the Department of State);

“(D) is a national of a country officially designated by the Secretary of State as a state sponsor of terrorism, except such nationals who possess nationalities of countries that are not designated as state sponsors or terrorism;

“(E) requires a security advisory opinion or other Department of State clearance, unless such alien is—

“(i) within that class of nonimmigrants enumerated in subparagraph (A) or (G) of section 101(a)(15);

“(ii) within the NATO visa category;

“(iii) within that class of nonimmigrants enumerated in section 101(a)(15)(C)(iii) (referred to as the ‘C-3 visa’ category); or

“(iv) an alien who qualifies for a diplomatic or official visa, or its equivalent; or

“(F) is identified as a member of a group or sector that the Secretary of State determines—

“(i) poses a substantial risk of submitting inaccurate information in order to obtain a visa;

“(ii) has historically had visa applications denied at a rate that is higher than the average rate of such denials; or

“(iii) poses a security threat to the United States.”.

SEC. 5302. VISA APPLICATION REQUIREMENTS.

Section 222(c) of the Immigration and Nationality Act (8 U.S.C. 1202(c)) is amended by inserting “The alien shall provide complete and accurate information in response to any request for information contained in the application.” after the second sentence.

SEC. 5303. EFFECTIVE DATE.

Notwithstanding section 1086 or any other provision of this Act, sections 5301 and 5302 shall take effect 90 days after the date of enactment of this Act.

SEC. 5304. REVOCATION OF VISAS AND OTHER TRAVEL DOCUMENTATION.

(a) LIMITATION ON REVIEW.—Section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)) is amended by adding at the end the following: “There shall be no means of judicial review (including review pursuant to section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title) of a revocation under this subsection, except in the context of a removal

proceeding if such revocation provides the sole ground for removal under section 237(a)(1)(B).”.

(b) CLASSES OF DEPORTABLE ALIENS.—Section 237(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(1)(B)) is amended by striking “United States is” and inserting the following: “United States, or whose nonimmigrant visa (or other documentation authorizing admission into the United States as a nonimmigrant) has been revoked under section 221(i), is”.

(c) REVOCATION OF PETITIONS.—Section 205 of the Immigration and Nationality Act (8 U.S.C. 1155) is amended—

(1) by striking “Attorney General” and inserting “Secretary of Homeland Security”; and

(2) by striking the final two sentences.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act and shall apply to revocations under sections 205 and 221(i) of the Immigration and Nationality Act (8 U.S.C. 1155, 1201(i)) made before, on, or after such date.

Subtitle D—Immigration Reform

SEC. 5401. BRINGING IN AND HARBORING CERTAIN ALIENS.

(a) CRIMINAL PENALTIES.—Section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)) is amended by adding at the end the following:

“(4) In the case of a person who has brought aliens into the United States in violation of this subsection, the sentence otherwise provided for may be increased by up to 10 years if—

“(A) the offense was part of an ongoing commercial organization or enterprise;

“(B) aliens were transported in groups of 10 or more; and

“(C) (i) aliens were transported in a manner that endangered their lives; or

“(ii) the aliens presented a life-threatening health risk to people in the United States.”.

(b) OUTREACH PROGRAM.—Section 274 of the Immigration and Nationality Act (8 U.S.C. 1324), as amended by subsection (a), is further amended by adding at the end the following:

“(e) OUTREACH PROGRAM.—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, as appropriate, shall develop and implement an outreach program to educate the public in the United States and abroad about the penalties for bringing in and harboring aliens in violation of this section.”.

SEC. 5402. 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.—

“(i) IN GENERAL.—Any alien who has received military-type training from or on behalf of any organization that, at the time the training was received, was a terrorist organization (as defined in subclause (I) or (II) of section 212(a)(3)(B)(vi)), is deportable.

“(ii) DEFINITION.—As used in this subparagraph, the term ‘military-type training’ includes training in means or methods that can cause death or serious bodily injury, destroy or damage property, or disrupt services to critical infrastructure, or training on the use, storage, production, or assembly of any explosive, firearm, or other weapon, including any weapon of mass destruction (as defined in section 2332a(c)(2) of title 18, United States Code).”.

SEC. 5403. STUDY AND REPORT ON TERRORISTS IN THE ASYLUM SYSTEM.

(a) STUDY.—Commencing not later than 30 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study to evaluate the extent to which weaknesses in the United States asylum system and withholding of removal system have been or could be exploited by aliens connected to, charged in connection with, or tied to terrorist activity.

(b) ELEMENTS.—The study under subsection (a) shall address, but not be limited to, the following:

(1) The number of aliens connected to, tied to, charged in connection with, or who claim to have been accused of or charged in connection with terrorist activity who have applied for, been granted, or been denied asylum.

(2) The number of aliens connected to, tied to, charged in connection with, or who claim to have been accused of or charged in connection with terrorist activity who have applied for, been granted, or been denied release from detention.

(3) The number of aliens connected to, tied to, charged in connection with, or who claim to have been accused of or charged in connection with terrorist activity who have been denied asylum but who remain at large in the United States.

(4) The effect of the confidentiality provisions of section 208.6 of title 8, Code of Federal Regulations, on the ability of the United States Government to establish that an alien is connected to or tied to terrorist activity, such that the alien is barred from asylum or withholding of removal, is removable from the United States, or both.

(5) The effect that precedential decisions, if any, holding that the extrajudicial punishment of an individual connected to terrorism, or guerrilla or militant activity abroad, or threats of such punishment, constitute persecution on account of political opinion as defined in section 101(a)(42) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)), have had on the ability of the United States Government to remove aliens whom the United States Government believes are connected to or have ties to terrorism,

(6) The extent to which court precedents have affected the ability of the United States Government to determine or prove that an alien the United States Government believes to be connected to or tied to terrorism is in fact so connected or tied, including—

(A) so-called “imputed political opinion”;

(B) judicial review, reversal, or both of the credibility determinations of immigration judges; and

(C) the need to use classified information in removal proceedings against aliens suspected of connections or ties to terrorism.

(7) The likelihood that an alien connected to or with ties to terrorism has been granted asylum or withholding of removal.

(8) The likelihood that an alien connected to or with ties to terrorism has used the United States asylum system to enter or remain in the United States in order to plan, conspire, or carry out, or attempt to plan, conspire, or carry out, an act of terrorism.

(c) CONSIDERATION AND ASSESSMENT.—Solely for purposes of conducting the study under subsection (a), the Comptroller General shall consider the possibility, and assess the likelihood, that an alien whom the United States Government accuses or has accused of having a connection to or ties to terrorism is in fact connected to or tied to terrorism, notwithstanding any administrative or judicial determination to the contrary.

(d) SCOPE.—In conducting the study under subsection (a), the Comptroller General shall seek information from the Department of Homeland Security, the Federal Bureau of Investigation, the Central Intelligence Agency, the Department of Justice, foreign governments, experts in the field of alien terrorists, and any other appropriate source.

(e) PRIVACY.—

(1) IN GENERAL.—Notwithstanding section 208.6 of title 8, Code of Federal Regulations, the Comptroller General shall, for purposes of the study under subsection (a), have access to the applications and administrative and judicial

records of alien applicants for asylum and withholding of removal. Except for purposes of preparing the reports under subsection (f), such information shall not be further disclosed or disseminated, nor shall the names or personal identifying information of any applicant be released.

(2) SECURITY OF RECORDS.—The Comptroller General shall ensure that records received pursuant to this section are appropriately secured to prevent their inadvertent disclosure.

(f) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress and the Secretary of Homeland Security a report on the findings and recommendations of the Comptroller General under the study under subsection (a).

(2) ELEMENTS.—The report under paragraph (1) shall include the following:

(A) The assessment of the Comptroller General on each matter specified in subsection (b).

(B) Any recommendations of the Comptroller General for such administrative action on any matter specified in subsection (a) as the Comptroller General considers necessary to better protect the national security of the United States.

(C) Any recommendations of the Comptroller General for such legislative action on any matter specified in subsection (a) as the Comptroller General considers necessary to better protect the national security of the United States.

(3) FORM.—If necessary, the Comptroller General may submit a classified and unclassified version of the report under paragraph (1).

(g) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives.

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

SEC. 5501. 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)”;

(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 enactment of this Act.

SEC. 5502. 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. 5503. 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)”;

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

SEC. 5504. 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 “; or”;

(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. 5505. 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 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. 5506. 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.

TITLE VI—TERRORISM PREVENTION

Subtitle A—Individual Terrorists as Agents of Foreign Powers

SEC. 6001. INDIVIDUAL TERRORISTS AS AGENTS OF FOREIGN POWERS.

(a) IN GENERAL.—Section 101(b)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(b)(1)) is amended by adding at the end the following new subparagraph:

“(C) engages in international terrorism or activities in preparation therefore; or”.

(b) SUNSET.—The amendment made by subsection (a) shall be subject to the sunset provision in section 224 of Public Law 107-56 (115 Stat. 295), including the exception provided in subsection (b) of such section 224.

SEC. 6002. ADDITIONAL SEMIANNUAL REPORTING REQUIREMENTS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) ADDITIONAL REPORTING REQUIREMENTS.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) by redesignating—

(A) title VI as title VII; and

(B) section 601 as section 701; and

(2) by inserting after title V the following new title:

“TITLE VI—REPORTING REQUIREMENT

“SEC. 601. SEMIANNUAL REPORT OF THE ATTORNEY GENERAL.

“(a) REPORT.—On a semiannual basis, the Attorney General shall submit to the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, and the committees on the Judiciary of the House of Representatives and the Senate, in a manner consistent with the protection of the national security, a report setting forth with respect to the preceding 6-month period—

“(1) the aggregate number of persons targeted for orders issued under this Act, including a breakdown of those targeted for—

“(A) electronic surveillance under section 105;

“(B) physical searches under section 304;

“(C) pen registers under section 402; and

“(D) access to records under section 501;

“(2) the number of individuals covered by an order issued pursuant to section 101(b)(1)(C);

“(3) the number of times that the Attorney General has authorized that information obtained under this Act may be used in a criminal proceeding or any information derived therefrom may be used in a criminal proceeding;

“(4) a summary of significant legal interpretations of this Act involving matters before the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review, including interpretations presented in applications or pleadings filed with the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review by the Department of Justice; and

“(5) copies of all decisions (not including orders) or opinions of the Foreign Intelligence Surveillance Court or Foreign Intelligence Surveillance Court of Review that include significant construction or interpretation of the provisions of this Act.

“(b) FREQUENCY.—The first report under this section shall be submitted not later than 6 months after the date of enactment of this section. Subsequent reports under this section shall be submitted semi-annually thereafter.”.

(b) CLERICAL AMENDMENT.—The table of contents for the Foreign Intelligence Act of 1978 (50 U.S.C. 1801 et seq.) is amended by striking the items relating to title VI and inserting the following new items:

“TITLE VI—REPORTING REQUIREMENT
“Sec. 601. Semiannual report of the Attorney General.

“TITLE VII—EFFECTIVE DATE
“Sec. 701. Effective date.”.

Subtitle B—Money Laundering and Terrorist Financing

SEC. 6101. ADDITIONAL AUTHORIZATION FOR FINCEN.

Subsection (d) of section 310 of title 31, United States Code, is amended—

(1) by striking “APPROPRIATIONS.—There are authorized” and inserting “APPROPRIATIONS.—“(1) IN GENERAL.—There are authorized”; and (2) by adding at the end the following new paragraph:

“(2) AUTHORIZATION FOR FUNDING KEY TECHNOLOGICAL IMPROVEMENTS IN MISSION-CRITICAL FINCEN SYSTEMS.—There are authorized to be appropriated for fiscal year 2005 the following amounts, which are authorized to remain available until expended:

“(A) BSA DIRECT.—For technological improvements to provide authorized law enforcement and financial regulatory agencies with Web-based access to FinCEN data, to fully develop and implement the highly secure network required under section 362 of Public Law 107–56 to expedite the filing of, and reduce the filing costs for, financial institution reports, including suspicious activity reports, collected by FinCEN under chapter 53 and related provisions of law, and enable FinCEN to immediately alert financial institutions about suspicious activities that warrant immediate and enhanced scrutiny, and to provide and upgrade advanced information-sharing technologies to materially improve the Government’s ability to exploit the information in the FinCEN data banks, \$16,500,000.

“(B) ADVANCED ANALYTICAL TECHNOLOGIES.—To provide advanced analytical tools needed to ensure that the data collected by FinCEN under chapter 53 and related provisions of law are utilized fully and appropriately in safeguarding financial institutions and supporting the war on terrorism, \$5,000,000.

“(C) DATA NETWORKING MODERNIZATION.—To improve the telecommunications infrastructure to support the improved capabilities of the FinCEN systems, \$3,000,000.

“(D) ENHANCED COMPLIANCE CAPABILITY.—To improve the effectiveness of the Office of Compliance in FinCEN, \$3,000,000.

“(E) DETECTION AND PREVENTION OF FINANCIAL CRIMES AND TERRORISM.—To provide development of, and training in the use of, tech-

nology to detect and prevent financial crimes and terrorism within and without the United States, \$8,000,000.”.

SEC. 6102. MONEY LAUNDERING AND FINANCIAL CRIMES STRATEGY REAUTHORIZATION.

(a) PROGRAM.—Section 5341(a)(2) of title 31, United States Code, is amended—

(1) by striking “February 1” and inserting “August 1”; and

(2) by striking “and 2003,” and inserting “2003, 2005, and 2007.”.

(b) REAUTHORIZATION OF APPROPRIATIONS.—Section 5355 of title 31, United States Code, is amended by adding at the end the following:

“2004 \$15,000,000.
“2005 \$15,000,000.”.

Subtitle C—Money Laundering Abatement and Financial Antiterrorism Technical Corrections

SEC. 6201. SHORT TITLE.

This subtitle may be cited as the “International Money Laundering Abatement and Financial Antiterrorism Technical Corrections Act of 2004”.

SEC. 6202. TECHNICAL CORRECTIONS TO PUBLIC LAW 107–56.

(a) The heading of title III of Public Law 107–56 is amended to read as follows:

“TITLE III—INTERNATIONAL MONEY LAUNDERING ABATEMENT AND FINANCIAL ANTITERRORISM ACT OF 2001”.

(b) The table of contents for Public Law 107–56 is amended by striking the item relating to title III and inserting the following:

“TITLE III—INTERNATIONAL MONEY LAUNDERING ABATEMENT AND FINANCIAL ANTITERRORISM ACT OF 2001”.

(c) Section 302 of Public Law 107–56 is amended—

(1) in subsection (a)(4), by striking the comma after “movement of criminal funds”; and

(2) in subsection (b)(7), by inserting “or types of accounts” after “classes of international transactions”; and

(3) in subsection (b)(10), by striking “subchapters II and III” and inserting “subchapter II”.

(d) Section 303(a) of Public Law 107–56 is amended by striking “Anti-Terrorist Financing Act” and inserting “Financial Antiterrorism Act”.

(e) The heading for section 311 of Public Law 107–56 is amended by striking “OR INTERNATIONAL TRANSACTIONS” and inserting “INTERNATIONAL TRANSACTIONS, OR TYPES OF ACCOUNTS”.

(f) Section 314 of Public Law 107–56 is amended—

(1) in paragraph (1)—
(A) by inserting a comma after “organizations engaged in”; and
(B) by inserting a comma after “credible evidence of engaging in”; and

(2) in paragraph (2)(A)—
(A) by striking “and” after “nongovernmental organizations.”; and
(B) by inserting a comma after “unwittingly involved in such finances”; and

(3) in paragraph (3)(A)—
(A) by striking “to monitor accounts of” and inserting “monitor accounts of.”; and
(B) by striking the comma after “organizations identified”; and

(4) in paragraph (3)(B), by inserting “financial” after “size, and nature of the”.

(g) Section 321(a) of Public Law 107–56 is amended by striking “5312(2)” and inserting “5312(a)(2)”.

(h) Section 325 of Public Law 107–56 is amended by striking “as amended by section 202 of this title,” and inserting “as amended by section 352.”.

(i) Subsections (a)(2) and (b)(2) of section 327 of Public Law 107–56 are each amended by strik-

ing “2001” and all that follows and inserting a period.

(j) Section 356(c)(4) of Public Law 107–56 is amended by striking “or business or other grantor trust” and inserting “, business trust, or other grantor trust”.

(k) Section 358(e) of Public Law 107–56 is amended—

(1) by striking “Section 123(a)” and inserting “That portion of section 123(a)”;

(2) by striking “is amended to read” and inserting “that precedes paragraph (1) of such section is amended to read”; and

(3) in the amendment made in that subsection (e), by striking “person.” and inserting the following: “person—”.

(l) Section 360 of Public Law 107–56 is amended—

(1) in subsection (a), by inserting “the” after “utilization of the funds of”; and

(2) in subsection (b), by striking “at such institutions” and inserting “at such institution”.

(m) Section 362(a)(1) of Public Law 107–56 is amended by striking “subchapter II or III” and inserting “subchapter II”.

(n) Section 365 of Public Law 107–56 is amended—

(1) by redesignating the second of the 2 subsections designated as subsection (c) (relating to a clerical amendment) as subsection (d); and
(2) by redesignating subsection (f) as subsection (e).

(o) Section 365(d) of Public Law 107–56 (as so redesignated by subsection (n) of this section) is amended by striking “section 5332 (as added by section 112 of this title)” and inserting “section 5330”.

SEC. 6203. TECHNICAL CORRECTIONS TO OTHER PROVISIONS OF LAW.

(a) Section 310(c) of title 31, United States Code, is amended by striking “the Network” each place such term appears and inserting “FinCEN”.

(b) Section 5312(a)(3)(C) of title 31, United States Code, is amended by striking “sections 5333 and 5316” and inserting “sections 5316 and 5331”.

(c) Section 5318(i) of title 31, United States Code, is amended—

(1) in paragraph (3)(B), by inserting a comma after “foreign political figure” the second place such term appears; and

(2) in the heading of paragraph (4), by striking “DEFINITION” and inserting “DEFINITIONS”.

(d) Section 5318(k)(1)(B) of title 31, United States Code, is amended by striking “section 5318A(f)(1)(B)” and inserting “section 5318A(e)(1)(B)”.

(e) The heading for section 5318A of title 31, United States Code, is amended to read as follows:

“§5318A. Special measures for jurisdictions, financial institutions, international transactions, or types of accounts of primary money laundering concern”.

(f) Section 5318A of title 31, United States Code, is amended—

(1) in subsection (a)(4)(A), by striking “, as defined in section 3 of the Federal Deposit Insurance Act,” and inserting “(as defined in section 3 of the Federal Deposit Insurance Act)”;

(2) in subsection (a)(4)(B)(iii), by striking “or class of transactions” and inserting “class of transactions, or type of account”; and

(3) in subsection (b)(1)(A), by striking “or class of transactions to be” and inserting “class of transactions, or type of account to be”; and

(4) in subsection (e)(3), by inserting “or subsection (i) or (j) of section 5318” after “identification of individuals under this section”.

(g) Section 5324(b) of title 31, United States Code, is amended by striking “5333” each place such term appears and inserting “5331”.

(h) Section 5332 of title 31, United States Code, is amended—

(1) in subsection (b)(2), by striking “, subject to subsection (d) of this section”; and

(2) in subsection (c)(1), by striking “, subject to subsection (d) of this section.”.

(i) The table of sections for subchapter II of chapter 53 of title 31, United States Code, is amended by striking the item relating to section 5318A and inserting the following:

“5318A. Special measures for jurisdictions, financial institutions, international transactions, or types of accounts of primary money laundering concern.”.

(j) Section 18(w)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1828(w)(3)) is amended by inserting a comma after “agent of such institution”.

(k) Section 21(a)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1829b(a)(2)) is amended by striking “recognizes that” and inserting “recognizing that”.

(l) Section 626(e) of the Fair Credit Reporting Act (15 U.S.C. 1681v(e)) is amended by striking “governmental agency” and inserting “government agency”.

SEC. 6204. REPEAL OF REVIEW.

Title III of Public Law 107-56 is amended by striking section 303 (31 U.S.C. 5311 note).

SEC. 6205. EFFECTIVE DATE.

The amendments made by this subchapter to Public Law 107-56, the United States Code, the Federal Deposit Insurance Act, and any other provision of law shall take effect as if such amendments had been included in Public Law 107-56, as of the date of enactment of such Public Law, and no amendment made by such Public Law that is inconsistent with an amendment made by this subchapter shall be deemed to have taken effect.

Subtitle D—Additional Enforcement Tools

SEC. 6301. BUREAU OF ENGRAVING AND PRINTING SECURITY PRINTING.

(a) PRODUCTION OF DOCUMENTS.—Section 5114(a) of title 31, United States Code (relating to engraving and printing currency and security documents), is amended—

(1) by striking “(a) The Secretary of the Treasury” and inserting:

“(a) AUTHORITY TO ENGRAVE AND PRINT.—

“(1) IN GENERAL.—The Secretary of the Treasury”; and

(2) by adding at the end the following new paragraphs:

“(2) ENGRAVING AND PRINTING FOR OTHER GOVERNMENTS.—The Secretary of the Treasury may produce currency, postage stamps, and other security documents for foreign governments if—

“(A) the Secretary of the Treasury determines that such production will not interfere with engraving and printing needs of the United States; and

“(B) the Secretary of State determines that such production would be consistent with the foreign policy of the United States.

“(3) PROCUREMENT GUIDELINES.—Articles, material, and supplies procured for use in the production of currency, postage stamps, and other security documents for foreign governments pursuant to paragraph (2) shall be treated in the same manner as articles, material, and supplies procured for public use within the United States for purposes of title III of the Act of March 3, 1933 (41 U.S.C. 10a et seq.; commonly referred to as the Buy American Act).”.

(b) REIMBURSEMENT.—Section 5143 of title 31, United States Code (relating to payment for services of the Bureau of Engraving and Printing), is amended—

(1) in the first sentence, by inserting “or to a foreign government under section 5114” after “agency”;

(2) in the second sentence, by inserting “and other” after “including administrative”; and

(3) in the last sentence, by inserting “, and the Secretary shall take such action, in coordination with the Secretary of State, as may be appropriate to ensure prompt payment by a foreign government of any invoice or statement of

account submitted by the Secretary with respect to services rendered under section 5114” before the period at the end.

SEC. 6302. REPORTING OF CERTAIN CROSS-BORDER TRANSMITTALS OF FUNDS.

Section 5318 of title 31, United States Code, is amended by adding at the end the following new subsection:

“(n) REPORTING OF CERTAIN CROSS-BORDER TRANSMITTALS OF FUNDS.—

“(1) IN GENERAL.—Subject to paragraphs (3) and (4), the Secretary shall prescribe regulations requiring such financial institutions as the Secretary determines to be appropriate to report to the Financial Crimes Enforcement Network certain cross-border electronic transmittals of funds, if the Secretary determines that reporting of such transmittals is reasonably necessary to conduct the efforts of the Secretary against money laundering and terrorist financing.

“(2) LIMITATION ON REPORTING REQUIREMENTS.—Information required to be reported by the regulations prescribed under paragraph (1) shall not exceed the information required to be retained by the reporting financial institution pursuant to section 21 of the Federal Deposit Insurance Act and the regulations promulgated thereunder, unless—

“(A) the Board of Governors of the Federal Reserve System and the Secretary jointly determine that a particular item or items of information are not currently required to be retained under such section or such regulations; and

“(B) the Secretary determines, after consultation with the Board of Governors of the Federal Reserve System, that the reporting of such information is reasonably necessary to conduct the efforts of the Secretary to identify cross-border money laundering and terrorist financing.

“(3) FORM AND MANNER OF REPORTS.—In prescribing the regulations required under paragraph (1), the Secretary shall, subject to paragraph (2), determine the appropriate form, manner, content, and frequency of filing of the required reports.

“(4) FEASIBILITY REPORT.—

“(A) IN GENERAL.—Before prescribing the regulations required under paragraph (1), and as soon as is practicable after the date of enactment of the National Intelligence Reform Act of 2004, the Secretary shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives that—

“(i) identifies the information in cross-border electronic transmittals of funds that may be found in particular cases to be reasonably necessary to conduct the efforts of the Secretary to identify money laundering and terrorist financing, and outlines the criteria to be used by the Secretary to select the situations in which reporting under this subsection may be required;

“(ii) outlines the appropriate form, manner, content, and frequency of filing of the reports that may be required under such regulations;

“(iii) identifies the technology necessary for the Financial Crimes Enforcement Network to receive, keep, exploit, protect the security of, and disseminate information from reports of cross-border electronic transmittals of funds to law enforcement and other entities engaged in efforts against money laundering and terrorist financing; and

“(iv) discusses the information security protections required by the exercise of the Secretary’s authority under this subsection.

“(B) CONSULTATION.—In reporting the feasibility report under subparagraph (A), the Secretary may consult with the Bank Secrecy Act Advisory Group established by the Secretary, and any other group considered by the Secretary to be relevant.

“(5) REGULATIONS.—

“(A) IN GENERAL.—Subject to subparagraph (B), the regulations required by paragraph (1) shall be prescribed in final form by the Secretary, in consultation with the Board of Gov-

ernors of the Federal Reserve System, before the end of the 3-year period beginning on the date of enactment of the National Intelligence Reform Act of 2004.

“(B) TECHNOLOGICAL FEASIBILITY.—No regulations shall be prescribed under this subsection before the Secretary certifies to the Congress that the Financial Crimes Enforcement Network has the technological systems in place to effectively and efficiently receive, keep, exploit, protect the security of, and disseminate information from reports of cross-border electronic transmittals of funds to law enforcement and other entities engaged in efforts against money laundering and terrorist financing.”.

SEC. 6303. TERRORISM FINANCING.

(a) REPORT ON TERRORIST FINANCING.—

(1) IN GENERAL.—Not later than 270 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, 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 paragraph (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 PENALTY.—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. Any administrative proceeding under this clause shall be conducted in accordance with section 8(i). 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.

“(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:

“(u) 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.—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 paragraph (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 PENALTY.—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. Any administrative proceeding under this clause shall be conducted in accordance with subsection (k). 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.

“(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 any other effective date established pursuant to this Act, 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.

Subtitle E—Criminal History Background Checks

SEC. 6401. PROTECT ACT.

Public Law 108–21 is amended—

(1) in section 108(a)(2)(A) by striking “an 18 month” and inserting “a 30-month”; and

(2) in section 108(a)(3)(A) by striking “an 18-month” and inserting “a 30-month”.

SEC. 6402. REVIEWS OF CRIMINAL RECORDS OF APPLICANTS FOR PRIVATE SECURITY OFFICER EMPLOYMENT.

(a) SHORT TITLE.—This section may be cited as the “Private Security Officer Employment Authorization Act of 2004”.

(b) FINDINGS.—Congress finds that—

(1) employment of private security officers in the United States is growing rapidly;

(2) private security officers function as an adjunct to, but not a replacement for, public law enforcement by helping to reduce and prevent crime;

(3) such private security officers protect individuals, property, and proprietary information,

and provide protection to such diverse operations as banks, hospitals, research and development centers, manufacturing facilities, defense and aerospace contractors, high technology businesses, nuclear power plants, chemical companies, oil and gas refineries, airports, communication facilities and operations, office complexes, schools, residential properties, apartment complexes, gated communities, and others;

(4) sworn law enforcement officers provide significant services to the citizens of the United States in its public areas, and are supplemented by private security officers;

(5) the threat of additional terrorist attacks requires cooperation between public and private sectors and demands professional, reliable, and responsible security officers for the protection of people, facilities, and institutions;

(6) the trend in the Nation toward growth in such security services has accelerated rapidly;

(7) such growth makes available more public sector law enforcement officers to combat serious and violent crimes, including terrorism;

(8) the American public deserves the employment of qualified, well-trained private security personnel as an adjunct to sworn law enforcement officers; and

(9) private security officers and applicants for private security officer positions should be thoroughly 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 Act if the Attorney General determines by regulation that such exclusion would serve the public interest); but

(B) does not include—

(i) employees whose duties are primarily internal audit or credit functions;

(ii) employees of electronic security system companies acting as technicians or monitors; or

(iii) employees whose duties primarily involve the secure movement of prisoners.

(4) SECURITY SERVICES.—The term “security services” means acts to protect people or property as defined by regulations promulgated by the Attorney General.

(5) STATE IDENTIFICATION BUREAU.—The term “State identification bureau” means the State entity designated by the Attorney General for the submission and receipt of criminal history record information.

(d) CRIMINAL HISTORY RECORD INFORMATION SEARCH.—

(1) IN GENERAL.—

(A) SUBMISSION OF FINGERPRINTS.—An authorized employer may submit to the State identification bureau of a participating State, fingerprints or other means of positive identification, as determined by the Attorney General, of an employee of such employer for purposes of a criminal history record information search pursuant to this Act.

(B) EMPLOYEE RIGHTS.—

(i) PERMISSION.—An authorized employer shall obtain written consent from an employee to submit to the State identification bureau of the participating State the request to search the criminal history record information of the employee under this Act.

(ii) ACCESS.—An authorized employer shall provide to the employee confidential access to any information relating to the employee received by the authorized employer pursuant to this Act.

(C) PROVIDING INFORMATION TO THE STATE IDENTIFICATION BUREAU.—Upon receipt of a request for a criminal history record information search from an authorized employer pursuant to this Act, submitted through the State identification bureau of a participating State, the Attorney General shall—

(i) search the appropriate records of the Criminal Justice Information Services Division of the Federal Bureau of Investigation; and

(ii) promptly provide any resulting identification and criminal history record information to the submitting State identification bureau requesting the information.

(D) USE OF INFORMATION.—

(i) IN GENERAL.—Upon receipt of the criminal history record information from the Attorney General by the State identification bureau, the information shall be used only as provided in clause (ii).

(ii) TERMS.—In the case of—

(I) a participating State that has no State standards for qualification to be a private security officer, the State shall notify an authorized employer as to the fact of whether an employee has been—

(aa) convicted of a felony, an offense involving dishonesty or a false statement if the conviction occurred during the previous 10 years, or an offense involving the use or attempted use of physical force against the person of another if the conviction occurred during the previous 10 years; or

(bb) charged with a criminal felony for which there has been no resolution during the preceding 365 days; or

(II) a participating State that has State standards for qualification to be a private security officer, the State shall use the information received pursuant to this Act in applying the State standards and shall only notify the employer of the results of the application of the State standards.

(E) FREQUENCY OF REQUESTS.—An authorized employer may request a criminal history record information search for an employee only once every 12 months of continuous employment by that employee unless the authorized employer has good cause to submit additional requests.

(2) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall issue such final or interim final regulations as may be necessary to carry out this Act, including—

(A) measures relating to the security, confidentiality, accuracy, use, submission, dissemination, destruction of information and audits, and record keeping;

(B) standards for qualification as an authorized employer; and

(C) the imposition of reasonable fees necessary for conducting the background checks.

(3) CRIMINAL PENALTIES FOR USE OF INFORMATION.—Whoever knowingly and intentionally uses any information obtained pursuant to this Act other than for the purpose of determining the suitability of an individual for employment as a private security officer shall be fined under title 18, United States Code, or imprisoned for not more than 2 years, or both.

(4) USER FEES.—

(A) IN GENERAL.—The Director of the Federal Bureau of Investigation may—

(i) collect fees to process background checks provided for by this Act; and

(ii) establish such fees at a level to include an additional amount to defray expenses for the automation of fingerprint identification and criminal justice information services and associated costs.

(B) LIMITATIONS.—Any fee collected under this subsection—

(i) shall, consistent with Public Law 101–515 and Public Law 104–99, be credited to the appro-

priation to be used for salaries and other expenses incurred through providing the services described in such Public Laws and in subparagraph (A);

(ii) shall be available for expenditure only to pay the costs of such activities and services; and

(iii) shall remain available until expended.

(C) STATE COSTS.—Nothing in this Act shall be construed as restricting the right of a State to assess a reasonable fee on an authorized employer for the costs to the State of administering this Act.

(5) STATE OPT OUT.—A State may decline to participate in the background check system authorized by this Act by enacting a law or issuing an order by the Governor (if consistent with State law) providing that the State is declining to participate pursuant to this subsection.

SEC. 6403. CRIMINAL HISTORY BACKGROUND CHECKS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall report to the Judiciary Committee of the Senate and the Judiciary Committee of the House of Representatives regarding all statutory requirements for criminal history record checks that are required to be conducted by the Department of Justice or any of its components.

(b) DEFINITIONS.—As used in this section—

(1) the terms “criminal history information” and “criminal history records” include—

(A) an identifying description of the individual to whom the information or records pertain;

(B) notations of arrests, detentions, indictments, or other formal criminal charges pertaining to such individual; and

(C) any disposition to a notation described in subparagraph (B), including acquittal, sentencing, correctional supervision, or release; and

(2) the term “IAFIS” means the Integrated Automated Fingerprint Identification System of the Federal Bureau of Allocation, which serves as the national depository for fingerprint, biometric, and criminal history information, through which fingerprints are processed electronically.

(c) IDENTIFICATION OF INFORMATION.—The Attorney General shall identify—

(1) the number of criminal history record checks requested, including the type of information requested;

(2) the usage of different terms and definitions regarding criminal history information; and

(3) the variation in fees charged for such information and who pays such fees.

(d) RECOMMENDATIONS.—The Attorney General shall make recommendations to Congress for improving, standardizing, and consolidating the existing statutory authorization, programs, and procedures for the conduct of criminal history record checks for non-criminal justice purposes. In making these recommendations to Congress, the Attorney General shall consider—

(1) the effectiveness and efficiency of utilizing commercially available databases as a supplement to IAFIS criminal history information checks;

(2) any security concerns created by the existence of these commercially available databases concerning their ability to provide sensitive information that is not readily available about law enforcement or intelligence officials, including their identity, residence, and financial status;

(3) the effectiveness of utilizing State databases;

(4) any feasibility studies by the Department of Justice of the resources and structure of the Federal Bureau of Investigation to establish a system to provide criminal history information;

(5) privacy rights and other employee protections, including—

(A) employee consent;

(B) access to the records used if employment was denied;

(C) the disposition of the fingerprint submissions after the records are searched;

(D) an appeal mechanism; and
 (E) penalties for misuse of the information;
 (6) the scope and means of processing background checks for private employers utilizing data maintained by the Federal Bureau of Investigation that the Attorney General should be allowed to authorize in cases where the authority for such checks is not available at the State level;

(7) any restrictions that should be placed on the ability of an employer to charge an employee or prospective employee for the cost associated with the background check;

(8) which requirements should apply to the handling of incomplete records;

(9) the circumstances under which the criminal history information should be disseminated to the employer;

(10) the type of restrictions that should be prescribed for the handling of criminal history information by an employer;

(11) the range of Federal and State fees that might apply to such background check requests;

(12) any requirements that should be imposed concerning the time for responding to such background check requests;

(13) any infrastructure that may need to be developed to support the processing of such checks, including—

(A) the means by which information is collected and submitted in support of the checks; and

(B) the system capacity needed to process such checks at the Federal and State level;

(14) the role that States should play; and

(15) any other factors that the Attorney General determines to be relevant to the subject of the report.

(e) **CONSULTATION.**—In developing the report under this section, the Attorney General shall consult with representatives of State criminal history record repositories, the National Crime Prevention and Privacy Compact Council, appropriate representatives of private industry, and representatives of labor, as determined appropriate by the Attorney General.

Subtitle F—Grand Jury Information Sharing

SEC. 6501. GRAND JURY INFORMATION SHARING.

(a) **RULE AMENDMENTS.**—Rule 6(e) of the Federal Rules of Criminal Procedure is amended—

(1) in paragraph (3)—

(A) in subparagraph (A)(ii), by striking “or state subdivision or of an Indian tribe” and inserting “, state subdivision, Indian tribe, or foreign government”;

(B) in subparagraph (D)—

(i) by inserting after the first sentence the following: “An attorney for the government may also disclose any grand jury matter involving, within the United States or elsewhere, a threat of attack or other grave hostile acts of a foreign power or its agent, a threat of domestic or international sabotage or terrorism, or clandestine intelligence gathering activities by an intelligence service or network of a foreign power or by its agent, to any appropriate Federal, State, State subdivision, Indian tribal, or foreign government official, for the purpose of preventing or responding to such threat or activities.”; and

(ii) in clause (i)—

(I) by striking “Federal”; and

(II) by adding at the end the following: “Any State, State subdivision, Indian tribal, or foreign government official who receives information under Rule 6(e)(3)(D) may use the information only consistent with such guidelines as the Attorney General and the Director of National Intelligence shall jointly issue.”; and

(C) in subparagraph (E)—

(i) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively;

(ii) by inserting after clause (ii) the following:

“(iii) at the request of the government, when sought by a foreign court or prosecutor for use in an official criminal investigation.”; and

(iii) in clause (iv), as redesignated—

(I) by striking “state or Indian tribal” and inserting “State, Indian tribal, or foreign”; and

(II) by striking “or Indian tribal official” and inserting “Indian tribal, or foreign government official”;

(2) in paragraph (7), by inserting “, or of guidelines jointly issued by the Attorney General and the Director of National Intelligence pursuant to Rule 6,” after “Rule 6”.

(b) **CONFORMING AMENDMENT.**—Section 203(c) of Public Law 107–56 (18 U.S.C. 2517 note) is amended by striking “Rule 6(e)(3)(C)(i)(V) and (VI)” and inserting “Rule 6(e)(3)(D)”.

Subtitle G—Providing Material Support to Terrorism

SEC. 6601. SHORT TITLE.

This subtitle may be cited as the “Material Support to Terrorism Prohibition Enhancement Act of 2004”.

SEC. 6602. RECEIVING MILITARY-TYPE TRAINING FROM A FOREIGN TERRORIST ORGANIZATION.

Chapter 113B of title 18, United States Code, is amended by adding after section 2339C the following new section:

“§2339D. Receiving military-type training from a foreign terrorist organization

“(a) **OFFENSE.**—Whoever knowingly receives military-type training from or on behalf of any organization designated at the time of the training by the Secretary of State under section 219(a)(1) of the Immigration and Nationality Act as a foreign terrorist organization shall be fined under this title or imprisoned for ten years, or both. To violate this subsection, a person must have knowledge that the organization is a designated terrorist organization (as defined in subsection (c)(4)), that the organization has engaged or engages in terrorist activity (as defined in section 212 of the Immigration and Nationality Act), or that the organization has engaged or engages in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989).

“(b) **EXTRATERRITORIAL JURISDICTION.**—There is extraterritorial Federal jurisdiction over an offense under this section. There is jurisdiction over an offense under subsection (a) if—

“(1) an offender is a national of the United States (as defined in 101(a)(22) of the Immigration and Nationality Act) or an alien lawfully admitted for permanent residence in the United States (as defined in section 101(a)(20) of the Immigration and Nationality Act);

“(2) an offender is a stateless person whose habitual residence is in the United States;

“(3) after the conduct required for the offense occurs an offender is brought into or found in the United States, even if the conduct required for the offense occurs outside the United States;

“(4) the offense occurs in whole or in part within the United States;

“(5) the offense occurs in or affects interstate or foreign commerce; or

“(6) an offender aids or abets any person over whom jurisdiction exists under this paragraph in committing an offense under subsection (a) or conspires with any person over whom jurisdiction exists under this paragraph to commit an offense under subsection (a).

“(c) **DEFINITIONS.**—As used in this section—

“(1) the term ‘military-type training’ includes training in means or methods that can cause death or serious bodily injury, destroy or damage property, or disrupt services to critical infrastructure, or training on the use, storage, production, or assembly of any explosive, firearm or other weapon, including any weapon of mass destruction (as defined in section 2232a(c)(2));

“(2) the term ‘serious bodily injury’ has the meaning given that term in section 1365(h)(3);

“(3) the term ‘critical infrastructure’ means systems and assets vital to national defense, national security, economic security, public health or safety including both regional and national infrastructure. Critical infrastructure may be publicly or privately owned; examples of critical infrastructure include gas and oil production,

storage, or delivery systems, water supply systems, telecommunications networks, electrical power generation or delivery systems, financing and banking systems, emergency services (including medical, police, fire, and rescue services), and transportation systems and services (including highways, mass transit, airlines, and airports); and

“(4) the term ‘foreign terrorist organization’ means an organization designated as a terrorist organization under section 219(a)(1) of the Immigration and Nationality Act.”.

SEC. 6603. ADDITIONS TO OFFENSE OF PROVIDING MATERIAL SUPPORT TO TERRORISM.

(a) **IN GENERAL.**—Chapter 113B of title 18, United States Code, is amended—

(1) in section 2332b(g)(5)(B)(i)—

(A) by inserting “1361 (relating to government property or contracts),” before “1362”; and

(B) by inserting “2156 (relating to national defense material, premises, or utilities),” before “2280”; and

(2) in section 2339A—

(A) by striking “or” before “section 46502”; and

(B) by inserting “or any offense listed in section 2332b(g)(5)(B) (except for sections 2339A and 2339B)” after “section 60123(b) of title 49,”.

(b) **DEFINITIONS.**—Section 2339A(b) of title 18, United States Code, is amended to read as follows:

“(b) **DEFINITIONS.**—As used in this section—

“(1) the term ‘material support or resources’ means any property, tangible or intangible, or service, including currency or monetary instruments or financial securities, financial services, lodging, training, expert advice or assistance, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel (1 or more individuals who may be or include oneself), and transportation, except medicine or religious materials;

“(2) the term ‘training’ means instruction or teaching designed to impart a specific skill, as opposed to general knowledge; and

“(3) the term ‘expert advice or assistance’ means advice or assistance derived from scientific, technical or other specialized knowledge.”.

(c) **ADDITION TO OFFENSE OF PROVIDING MATERIAL SUPPORT TO TERRORIST ORGANIZATIONS.**—Section 2339B(a)(1) of title 18, United States Code, is amended—

(1) by striking “, within the United States or subject to the jurisdiction of the United States,”; and

(2) by adding at the end the following: “To violate this paragraph, a person must have knowledge that the organization is a designated terrorist organization (as defined in subsection (g)(6)), that the organization has engaged or engages in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act), or that the organization has engaged or engages in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989).”.

(d) **FEDERAL AUTHORITY.**—Section 2339B(d) of title 18 is amended by striking “There” and inserting the following:

“(1) **IN GENERAL.**—There is jurisdiction over an offense under subsection (a) if—

“(A) an offender is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))) or an alien lawfully admitted for permanent residence in the United States (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)));

“(B) an offender is a stateless person whose habitual residence is in the United States;

“(C) after the conduct required for the offense occurs an offender is brought into or found in the United States, even if the conduct required for the offense occurs outside the United States;

“(D) the offense occurs in whole or in part within the United States;

“(E) the offense occurs in or affects interstate or foreign commerce; or

“(F) an offender aids or abets any person over whom jurisdiction exists under this paragraph in committing an offense under subsection (a) or conspires with any person over whom jurisdiction exists under this paragraph to commit an offense under subsection (a).”.

“(2) EXTRATERRITORIAL JURISDICTION.—There”.

(e) DEFINITION.—Section 2339B(g)(4) of title 18, United States Code, is amended to read as follows:

“(4) the term ‘material support or resources’ has the same meaning given that term in section 2339A (including the definitions of ‘training’ and ‘expert advice or assistance’ in that section);”.

(f) ADDITIONAL PROVISIONS.—Section 2339B of title 18, United States Code, is amended by adding at the end the following:

“(h) PROVISION OF PERSONNEL.—No person may be prosecuted under this section in connection with the term ‘personnel’ unless that person has knowingly provided, attempted to provide, or conspired to provide a foreign terrorist organization with 1 or more individuals (who may be or include himself) to work under that terrorist organization’s direction or control or to organize, manage, supervise, or otherwise direct the operation of that organization. Individuals who act entirely independently of the foreign terrorist organization to advance its goals or objectives shall not be considered to be working under the foreign terrorist organization’s direction and control.

“(i) RULE OF CONSTRUCTION.—Nothing in this section shall be construed or applied so as to abridge the exercise of rights guaranteed under the First Amendment to the Constitution of the United States.

“(j) EXCEPTION.—No person may be prosecuted under this section in connection with the term ‘personnel’, ‘training’, or ‘expert advice or assistance’ if the provision of that material support or resources to a foreign terrorist organization was approved by the Secretary of State with the concurrence of the Attorney General. The Secretary of State may not approve the provision of any material support that may be used to carry out terrorist activity (as defined in section 212(a)(3)(B)(iii) of the Immigration and Nationality Act).”.

(g) SUNSET PROVISION.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendments made by this section shall cease to be effective on December 31, 2006.

(2) EXCEPTION.—This section and the amendments made by this section shall continue in effect with respect to any particular offense that—

(A) is prohibited by this section or amendments made by this section; and

(B) began or occurred before December 31, 2006.

SEC. 6604. FINANCING OF TERRORISM.

(a) FINANCING TERRORISM.—Section 2339c(c)(2) of title 18, United States Code, is amended—

(1) by striking “, resources, or funds” and inserting “or resources, or any funds or proceeds of such funds”;

(2) in subparagraph (A), by striking “were provided” and inserting “are to be provided, or knowing that the support or resources were provided,”; and

(3) in subparagraph (B)—

(A) by striking “or any proceeds of such funds”; and

(B) by striking “were provided or collected” and inserting “are to be provided or collected, or knowing that the funds were provided or collected.”.

(b) DEFINITIONS.—Section 2339c(e) of title 18, United States Code, is amended—

(1) by striking “and” at the end of paragraph (12);

(2) by redesignating paragraph (13) as paragraph (14); and

(3) by inserting after paragraph (12) the following:

“(13) the term ‘material support or resources’ has the same meaning given that term in section 2339B(g)(4) of this title; and”.

Subtitle H—Stop Terrorist and Military Hoaxes Act of 2004

SEC. 6701. SHORT TITLE.

This subtitle may be cited as the “Stop Terrorist and Military Hoaxes Act of 2004”.

SEC. 6702. HOAXES AND RECOVERY COSTS.

(a) PROHIBITION ON HOAXES.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1037 the following:

“§ 1038. False information and hoaxes

“(a) CRIMINAL VIOLATION.—

“(1) IN GENERAL.—Whoever engages in any conduct with intent to convey false or misleading information under circumstances where such information may reasonably be believed and where such information indicates that an activity has taken, is taking, or will take place that would constitute a violation of chapter 2, 10, 11B, 39, 40, 44, 111, or 113B of this title, section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), or section 46502, the second sentence of section 46504, section 46505 (b)(3) or (c), section 46506 if homicide or attempted homicide is involved, or section 60123(b) of title 49, shall—

“(A) be fined under this title or imprisoned not more than 5 years, or both;

“(B) if serious bodily injury results, be fined under this title or imprisoned not more than 20 years, or both; and

“(C) if death results, be fined under this title or imprisoned for any number of years up to life, or both.

“(2) ARMED FORCES.—Any person who makes a false statement, with intent to convey false or misleading information, about the death, injury, capture, or disappearance of a member of the Armed Forces of the United States during a war or armed conflict in which the United States is engaged—

“(A) shall be fined under this title, imprisoned not more than 5 years, or both;

“(B) if serious bodily injury results, shall be fined under this title, imprisoned not more than 20 years, or both; and

“(C) if death results, shall be fined under this title, imprisoned for any number of years or for life, or both.

“(b) CIVIL ACTION.—Whoever engages in any conduct with intent to convey false or misleading information under circumstances where such information may reasonably be believed and where such information indicates that an activity has taken, is taking, or will take place that would constitute a violation of chapter 2, 10, 11B, 39, 40, 44, 111, or 113B of this title, section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), or section 46502, the second sentence of section 46504, section 46505 (b)(3) or (c), section 46506 if homicide or attempted homicide is involved, or section 60123(b) of title 49 is liable in a civil action to any party incurring expenses incident to any emergency or investigative response to that conduct, for those expenses.

“(c) REIMBURSEMENT.—

“(1) IN GENERAL.—The court, in imposing a sentence on a defendant who has been convicted of an offense under subsection (a), shall order the defendant to reimburse any state or local government, or private not-for-profit organization that provides fire or rescue service incurring expenses incident to any emergency or investigative response to that conduct, for those expenses.

“(2) LIABILITY.—A person ordered to make reimbursement under this subsection shall be jointly and severally liable for such expenses with each other person, if any, who is ordered to make reimbursement under this subsection for the same expenses.

“(3) CIVIL JUDGMENT.—An order of reimbursement under this subsection shall, for the purposes of enforcement, be treated as a civil judgment.

“(d) ACTIVITIES OF LAW ENFORCEMENT.—This section does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or political subdivision of a State, or of an intelligence agency of the United States.”.

(b) CLERICAL AMENDMENT.—The table of sections as the beginning of chapter 47 of title 18, United States Code, is amended by adding after the item for section 1037 the following:

“1038. False information and hoaxes.”.

SEC. 6703. OBSTRUCTION OF JUSTICE AND FALSE STATEMENTS IN TERRORISM CASES.

(a) ENHANCED PENALTY.—Section 1001(a) and the third undesignated paragraph of section 1505 of title 18, United States Code, are amended by striking “be fined under this title or imprisoned not more than 5 years, or both” and inserting “be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both”.

(b) SENTENCING GUIDELINES.—Not later than 30 days of the enactment of this section, the United States Sentencing Commission shall amend the Sentencing Guidelines to provide for an increased offense level for an offense under sections 1001(a) and 1505 of title 18, United States Code, if the offense involves international or domestic terrorism, as defined in section 2331 of such title.

SEC. 6704. CLARIFICATION OF DEFINITION.

Section 1958 of title 18, United States Code, is amended—

(1) in subsection (a), by striking “facility in” and inserting “facility of”; and

(2) in subsection (b)(2), by inserting “or foreign” after “interstate”.

Subtitle I—Weapons of Mass Destruction Prohibition Improvement Act of 2004

SEC. 6801. SHORT TITLE.

This subtitle may be cited as the “Weapons of Mass Destruction Prohibition Improvement Act of 2004”.

SEC. 6802. WEAPONS OF MASS DESTRUCTION.

(a) EXPANSION OF JURISDICTIONAL BASES AND SCOPE.—Section 2332a of title 18, United States Code, is amended—

(1) so that paragraph (2) of subsection (a) reads as follows:

“(2) against any person or property within the United States, and

“(A) the mail or any facility of interstate or foreign commerce is used in furtherance of the offense;

“(B) such property is used in interstate or foreign commerce or in an activity that affects interstate or foreign commerce;

“(C) any perpetrator travels in or causes another to travel in interstate or foreign commerce in furtherance of the offense; or

“(D) the offense, or the results of the offense, affect interstate or foreign commerce, or, in the case of a threat, attempt, or conspiracy, would have affected interstate or foreign commerce;”;

(2) in paragraph (3) of subsection (a), by striking the comma at the end and inserting “; or”;

(3) in subsection (a), by adding the following at the end:

“(4) against any property within the United States that is owned, leased, or used by a foreign government.”;

(4) at the end of subsection (c)(1), by striking “and”;

(5) in subsection (c)(2), by striking the period at the end and inserting “; and”; and

(6) in subsection (c), by adding at the end the following:

“(3) the term ‘property’ includes all real and personal property.”.

(b) RESTORATION OF THE COVERAGE OF CHEMICAL WEAPONS.—Section 2332a of title 18, United States Code, as amended by subsection (a), is further amended—

(1) in the section heading, by striking “certain”;

(2) in subsection (a), by striking “(other than a chemical weapon as that term is defined in section 229F)”;

(3) in subsection (b), by striking “(other than a chemical weapon (as that term is defined in section 229F))”.

(c) EXPANSION OF CATEGORIES OF RESTRICTED PERSONS SUBJECT TO PROHIBITIONS RELATING TO SELECT AGENTS.—Section 175b(d)(2) of title 18, United States Code, is amended—

(1) in subparagraph (G) by—

(A) inserting “(i)” after “(G)”;

(B) inserting “, or (ii) acts for or on behalf of, or operates subject to the direction or control of, a government or official of a country described in this subparagraph” after “terrorism”;

(C) striking “or” after the semicolon.

(2) in subparagraph (H) by striking the period and inserting “; or”;

(3) by adding at the end the following new subparagraph:

“(I) is a member of, acts for or on behalf of, or operates subject to the direction or control of, a terrorist organization as defined in section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)).”

(d) CONFORMING AMENDMENT TO REGULATIONS.—

(1) Section 175b(a)(1) of title 18, United States Code, is amended by striking “as a select agent in Appendix A” and all that follows and inserting the following: “as a non-overlap or overlap select biological agent or toxin in sections 73.4 and 73.5 of title 42, Code of Federal Regulations, pursuant to section 351A of the Public Health Service Act, and is not excluded under sections 73.4 and 73.5 or exempted under section 73.6 of title 42, Code of Federal Regulations.”

(2) The amendment made by paragraph (1) shall take effect at the same time that sections 73.4, 73.5, and 73.6 of title 42, Code of Federal Regulations, become effective.

(e) ENHANCING PROSECUTION OF WEAPONS OF MASS DESTRUCTION OFFENSES.—Section 1961(1)(B) of title 18, United States Code, is amended by adding at the end the following: “sections 175–178 (relating to biological weapons), sections 229–229F (relating to chemical weapons), section 831 (relating to nuclear materials).”

SEC. 6803. PARTICIPATION IN NUCLEAR AND WEAPONS OF MASS DESTRUCTION THREATS TO THE UNITED STATES.

(a) Section 57(b) of the Atomic Energy Act of 1954 (42 U.S.C. 2077(b)) is amended by striking “in the production of any special nuclear material” and inserting “or participate in the development or production of any special nuclear material”.

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

(1) by inserting “, inside or outside of the United States,” after “for any person”;

(2) by inserting “participate in the development of,” after “interstate or foreign commerce.”

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

(1) in the table of sections at the beginning of chapter 39, by inserting after the item relating to section 831 the following:

“832. Participation in nuclear and weapons of mass destruction threats to the United States.”;

(2) by inserting after section 831 the following:

“§832. Participation in nuclear and weapons of mass destruction threats to the United States

“(a) Whoever, within the United States or subject to the jurisdiction of the United States, willfully participates in or knowingly provides

material support or resources (as defined in section 2339A) to a nuclear weapons program or other weapons of mass destruction program of a foreign terrorist power, or attempts or conspires to do so, shall be imprisoned for not more than 20 years.

“(b) There is extraterritorial Federal jurisdiction over an offense under this section.

“(c) Whoever without lawful authority develops, possesses, or attempts or conspires to develop or possess a radiological weapon, or threatens to use or uses a radiological weapon against any person within the United States, or a national of the United States while such national is outside of the United States or against any property that is owned, leased, funded, or used by the United States, whether that property is within or outside of the United States, shall be imprisoned for any term of years or for life.

“(d) As used in this section—

“(1) ‘nuclear weapons program’ means a program or plan for the development, acquisition, or production of any nuclear weapon or weapons;

“(2) ‘weapons of mass destruction program’ means a program or plan for the development, acquisition, or production of any weapon or weapons of mass destruction (as defined in section 2332a(c));

“(3) ‘foreign terrorist power’ means a terrorist organization designated under section 219 of the Immigration and Nationality Act, or a state sponsor of terrorism designated under section 6(j) of the Export Administration Act of 1979 or section 620A of the Foreign Assistance Act of 1961; and

“(4) ‘nuclear weapon’ means any weapon that contains or uses nuclear material as defined in section 831(f)(1).”

(3) in section 2332b(g)(5)(B)(i), by inserting after “nuclear materials,” the following: “832 (relating to participation in nuclear and weapons of mass destruction threats to the United States).”

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

SEC. 6901. SHORT TITLE.

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

SEC. 6902. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The criminal use of man-portable air defense systems (referred to in this section as “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 (commonly known as “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. 6903. 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 25 years or to imprisonment for life.

“(2) OTHER CIRCUMSTANCES.—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 not less than 30 years or imprisoned for life.

“(3) SPECIAL CIRCUMSTANCES.—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 imprisonment 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. 6904. ATOMIC WEAPONS.

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

(1) by inserting at the beginning “a.” before “It”;

(2) by inserting “knowingly” after “for any person to”;

(3) by striking “or” before “export”;

(4) by striking “transfer or receive in interstate or foreign commerce,” before “manufacture”;

(5) by inserting “receive,” after “acquire,”;

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

(7) by 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 25 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 not less than 30 years or 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 imprisonment for life.”.

SEC. 6905. 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 ac-

quire, 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 be sentenced to a term of imprisonment not less than 25 years or to imprisonment for life.

“(2) OTHER CIRCUMSTANCES.—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 not less than 30 years or imprisoned for life.

“(3) SPECIAL CIRCUMSTANCES.—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 imprisonment for life.”.

SEC. 6906. 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 25 years or to imprisonment for life.

“(2) OTHER CIRCUMSTANCES.—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 not less than 30 years or imprisoned for life.

“(3) SPECIAL CIRCUMSTANCES.—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 imprisonment 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. 6907. 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. 6908. 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. 6909. 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),”; and

(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. 6910. 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. 6911. 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.”.

Subtitle K—Pretrial Detention of Terrorists

SEC. 6951. SHORT TITLE.

This subtitle may be cited as the “Pretrial Detention of Terrorists Act of 2004”.

SEC. 6952. 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 “or an offense listed in section 2332b(g)(5)(B) of title 18, United States Code, for which a maximum term of imprisonment of 10 years or more is prescribed” after “or 2332b of this title,”; and

(2) in subsections (f)(1)(A) and (g)(1), by inserting “, or an offense listed in section 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed” after “violence” each place such term appears.

TITLE VII—IMPLEMENTATION OF 9/11 COMMISSION RECOMMENDATIONS

SEC. 7001. SHORT TITLE.

This title may be cited as the “9/11 Commission Implementation Act of 2004”.

Subtitle A—Diplomacy, Foreign Aid, and the Military in the War on Terrorism

SEC. 7101. 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 title in particular.

SEC. 7102. 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 often focusing on remote regions and failing states as locations to seek sanctuary.

(b) SENSE OF CONGRESS ON UNITED STATES POLICY ON TERRORIST SANCTUARIES.—It is the sense of Congress that it should be the policy of the United States—

(1) to identify foreign countries that are being used as terrorist sanctuaries;

(2) to assess current United States resources and tools being used to assist foreign governments to eliminate such sanctuaries;

(3) to develop and implement a coordinated strategy to prevent terrorists from using such foreign countries as sanctuaries; and

(4) to work in bilateral and multilateral fora to elicit the cooperation needed to identify and address terrorist sanctuaries that may exist today, but, so far, remain unknown to governments.

(c) AMENDMENTS TO EXISTING LAW TO INCLUDE TERRORIST SANCTUARIES.—

(1) IN GENERAL.—Section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) is amended—

(A) by redesignating paragraph (5) as paragraph (6); and

(B) by inserting after paragraph (4) the following:

“(5)(A) As used in paragraph (1), the term ‘repeatedly provided support for acts of international terrorism’ shall include the recurring use of any part of the territory of the country as a sanctuary for terrorists or terrorist organizations.

“(B) In this paragraph—

“(i) the term ‘territory of a country’ means the land, waters, and airspace of the country; and

“(ii) the term ‘sanctuary’ means an area in the territory of a country—

“(I) that is used by a terrorist or terrorist organization—

“(aa) to carry out terrorist activities, including training, financing, and recruitment; or

“(bb) as a transit point; and

“(II) the government of which expressly consents to, or with knowledge, allows, tolerates, or disregards such use of its territory.”.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection or the amendments made by this subsection shall be construed as affecting any determination made by the Secretary of State pursuant to section 6(j) of the Export Administration Act of 1979 with respect to a country prior to the date of enactment of this Act.

(3) IMPLEMENTATION.—The President shall implement the amendments made by paragraph (1) by exercising the authorities of the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

(d) AMENDMENTS TO GLOBAL PATTERNS OF TERRORISM REPORT.—

(1) IN GENERAL.—Section 140(a)(1) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(a)(1)) is amended—

(A) by striking “(1)” and inserting “(1)(A)”; and

(B) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively;

(C) in subparagraph (A)(iii) (as redesignated), by adding “and” at the end; and

(D) by adding at the end the following:

“(B) detailed assessments with respect to each foreign country whose territory is being used as a sanctuary for terrorists or terrorist organizations.”.

(2) CONTENTS.—Section 140(b) of such Act (22 U.S.C. 2656f(b)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “subsection (a)(1)” and inserting “subsection (a)(1)(A)”; and

(ii) by striking “and” at the end;

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

“(2) with respect to subsection (a)(1)(B)—

“(A) the extent of knowledge by the government of the country with respect to terrorist activities in the territory of the country; and

“(B) the actions by the country—

“(i) to eliminate each terrorist sanctuary in the territory of the country;

“(ii) to cooperate with United States antiterrorism efforts; and

“(iii) to prevent the proliferation of and trafficking in weapons of mass destruction in and through the territory of the country.”;

(D) in paragraph (3), as redesignated, by striking the period at the end and inserting a semicolon; and

(E) by inserting after paragraph (3) the following:

“(4) a strategy for addressing, and where possible eliminating, terrorist sanctuaries that shall include—

“(A) a description of terrorist sanctuaries, together with an assessment of the priorities of addressing and eliminating such sanctuaries;

“(B) an outline of strategies for disrupting or eliminating the security provided to terrorists by such sanctuaries;

“(C) a description of efforts by the United States to work with other countries in bilateral and multilateral fora to address or eliminate 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; and

“(5) an update of the information contained in the report required to be transmitted to Congress under 7119(b) of the 9/11 Commission Implementation Act of 2004.”.

(3) DEFINITIONS.—Section 140(d) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(d)) is amended—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(4) the terms ‘territory’ and ‘territory of the country’ mean the land, waters, and airspace of the country; and

“(5) the terms ‘terrorist sanctuary’ and ‘sanctuary’ mean an area in the territory of the country—

“(A) that is used by a terrorist or terrorist organization—

“(i) to carry out terrorist activities, including training, fundraising, financing, and recruitment; or

“(ii) as a transit point; and

“(B) the government of which expressly consents to, or with knowledge, allows, tolerates, or disregards such use of its territory and is not subject to a determination under—

“(i) section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A));

“(ii) section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)); or

“(iii) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)).”.

(4) EFFECTIVE DATE.—The amendments made by this subsection apply with respect to the report required to be transmitted under section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f), by April 30, 2006, and by April 30 of each subsequent year.

SEC. 7103. UNITED STATES COMMITMENT TO THE FUTURE OF PAKISTAN.

(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 terrorism.

(2) Due to its location, topography, social conditions, and other factors, Pakistan can be attractive to extremists seeking refuge or opportunities to recruit or train, or a place from which to operate against Coalition Forces in Afghanistan.

(3) 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.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should—

(1) help to ensure a promising, stable, and secure future for Pakistan over the long term;

(2) provide a comprehensive program of assistance to encourage and enable Pakistan—

(A) to continue and improve upon its commitment to combating extremists;

(B) to seek to resolve any outstanding difficulties with its neighbors and other countries in its region;

(C) to continue to make efforts to fully control its territory and borders;

(D) to progress toward becoming a more effective and participatory democracy;

(E) to participate more vigorously in the global marketplace and to continue to modernize its economy;

(F) to take all necessary steps to halt the spread of weapons of mass destruction;

(G) to improve and expand access to education for all citizens; and

(H) to increase the number and level of exchanges between the Pakistani people and the American people; and

(3) continue to provide assistance to Pakistan at not less than the overall levels requested by the President for fiscal year 2005.

(c) EXTENSION OF PAKISTAN WAIVERS.—The Act entitled “An Act to authorize the President to exercise waivers of foreign assistance restrictions with respect to Pakistan through September 30, 2003, and for other purposes”, approved October 27, 2001 (Public Law 107–57; 115 Stat. 403), as amended by section 2213 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1232), is further amended—

(1) in section 1(b)—

(A) in the heading, by striking “FISCAL YEAR 2004” and inserting “FISCAL YEARS 2005 and 2006”; and

(B) in paragraph (1), by striking “2004” and inserting “2005 or 2006”;

(2) in section 3(2), by striking “and 2004,” and inserting “2004, 2005, and 2006”; and

(3) in section 6, by striking “2004” and inserting “2006”.

SEC. 7104. ASSISTANCE FOR AFGHANISTAN.

(a) SHORT TITLE.—This section may be cited as the “Afghanistan Freedom Support Act Amendments of 2004”.

(b) COORDINATION OF ASSISTANCE.—

(1) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(A) 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.

(B) 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—

(i) improving security throughout the country;

(ii) disarming and demobilizing militias;

(iii) curtailing the rule of the warlords;

(iv) promoting equitable economic development;

(v) protecting the human rights of the people of Afghanistan;

(vi) continuing to hold elections for public officials; and

(vii) ending the cultivation, production, and trafficking of narcotics.

(C) The United States and the international community must make a long-term commitment to addressing the unstable 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.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should take, with respect to Afghanistan, the following actions:

(A) Work 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) Use 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) Take appropriate steps to increase the assistance provided under programs of the Department of State and the United States Agency for International Development throughout Afghanistan and to increase the number of personnel of those agencies in Afghanistan as necessary to support the increased assistance.

(c) COORDINATOR FOR ASSISTANCE.—

(1) FINDINGS.—Congress makes the following findings:

(A) The Final Report of the National Commission on Terrorist Attacks Upon the United States criticized the provision of United States assistance to Afghanistan for being too inflexible.

(B) The Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7501 et seq.) contains provisions that provide for flexibility in the provision of assistance for Afghanistan and are not subject to the requirements of typical foreign assistance programs and provide for the designation of a coordinator to oversee United States assistance for Afghanistan.

(2) DESIGNATION OF COORDINATOR.—Section 104(a) of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7514(a)) is amended in the matter preceding paragraph (1) by striking “is strongly urged to” and inserting “shall”.

(d) ASSISTANCE PLAN; INTERNATIONAL COORDINATION.—Section 104 of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7514) is amended by adding at the end the following:

“(c) ASSISTANCE PLAN.—

“(1) SUBMISSION TO CONGRESS.—The coordinator designated under subsection (a) shall annually submit the Afghanistan assistance plan of the Administration to—

“(A) the Committee on Foreign Relations of the Senate;

“(B) the Committee on International Relations of the House of Representatives;

“(C) the Committee on Appropriations of the Senate; and

“(D) the Committee on Appropriations of the House of Representatives.

“(2) CONTENTS.—The assistance plan submitted under paragraph (1) shall describe—

“(A) how the plan relates to the strategy provided pursuant to section 304; and

“(B) how the plan builds upon United States assistance provided to Afghanistan since 2001.

“(d) COORDINATION WITH INTERNATIONAL COMMUNITY.—

“(1) IN GENERAL.—The coordinator designated under subsection (a) shall work with the international community and the Government of Afghanistan to ensure that assistance to Afghanistan is implemented in a coherent, consistent, and efficient manner to prevent duplication and waste.

“(2) INTERNATIONAL FINANCIAL INSTITUTIONS.—The coordinator designated under subsection (a), under the direction of the Secretary of State, shall work through the Secretary of the Treasury and the United States Executive Directors at the international financial institutions (as defined in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r(c)(2))) to coordinate United States assistance for Afghanistan with international financial institutions.

(e) GENERAL PROVISIONS RELATING TO THE AFGHANISTAN FREEDOM SUPPORT ACT OF 2002.—

(1) ASSISTANCE TO PROMOTE ECONOMIC, POLITICAL AND SOCIAL DEVELOPMENT.—

(A) DECLARATION OF POLICY.—Congress reaffirms the authorities contained in title I of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7501 et seq.), relating to economic and democratic development assistance for Afghanistan.

(B) PROVISION OF ASSISTANCE.—Section 103(a) of such Act (22 U.S.C. 7513(a)) is amended in the matter preceding paragraph (1) by striking “section 512 of Public Law 107–115 or any other similar” and inserting “any other”.

(2) DECLARATIONS OF GENERAL POLICY.—Congress makes the following declarations:

(A) The United States reaffirms the support that it and other countries expressed for the report entitled “Securing Afghanistan’s Future” in their Berlin Declaration of April 2004. The United States should help enable the growth needed to create an economically sustainable Afghanistan capable of the poverty reduction and social development foreseen in the report.

(B) The United States supports the parliamentary elections to be held in Afghanistan by April 2005 and will help ensure that such elections are not undermined, including by warlords or narcotics traffickers.

(C) The United States continues to urge North Atlantic Treaty Organization members and other friendly countries to make much greater military contributions toward securing the peace in Afghanistan.

(3) FORM OF REPORTS.—Section 304 of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7554) is amended—

(A) by striking “The Secretary” and inserting the following:

“(a) IN GENERAL.—The Secretary”;

(B) by striking “The first report” and inserting the following:

“(b) DEADLINE FOR SUBMISSION.—The first report”;

(C) by adding at the end the following:

“(c) FORM OF REPORTS.—Any report or other matter that is required to be submitted to Congress (including a committee of Congress) by this Act may contain a classified annex.”.

(4) LONG-TERM STRATEGY.—

(A) STRATEGY.—Title III of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7551 et seq.) is amended by adding at the end the following:

“SEC. 305. FORMULATION OF LONG-TERM STRATEGY FOR AFGHANISTAN.

“(a) STRATEGY.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the President shall formulate a 5-year strategy for Afghanistan and submit such strategy to—

“(A) the Committee on Foreign Relations of the Senate;

“(B) the Committee on International Relations of the House of Representatives;

“(C) the Committee on Appropriations of the Senate; and

“(D) the Committee on Appropriations of the House of Representatives.

“(2) CONTENTS.—The strategy formulated under paragraph (1) shall include specific and measurable goals for addressing the long-term development and security needs of Afghanistan, including sectors such as agriculture and irrigation, parliamentary and democratic development, the judicial system and rule of law, human rights, education, health, telecommunications, electricity, women’s rights, counter-narcotics, police, border security, anti-corruption, and other law-enforcement activities, as well as the anticipated costs and time frames associated with achieving those goals.

“(b) MONITORING.—

“(1) ANNUAL REPORT.—The President shall transmit on an annual basis through 2010 a report describing the progress made toward the implementation of the strategy required by subsection (a) and any changes to the strategy since the date of the submission of the last report to—

“(A) the Committee on Foreign Relations of the Senate;

“(B) the Committee on International Relations of the House of Representatives;

“(C) the Committee on Appropriations of the Senate; and

“(D) the Committee on Appropriations of the House of Representatives.”.

(B) CLERICAL AMENDMENT.—The table of contents for such Act (22 U.S.C. 7501 note) is amended by adding after the item relating to section 303 the following new item:

“Sec. 305. Formulation of long-term strategy for Afghanistan.”.

(f) EDUCATION, THE RULE OF LAW, AND RELATED ISSUES.—

(1) DECLARATION OF POLICY.—Congress declares that, although Afghanistan has adopted a new constitution and made progress on primary education, the United States must invest in a concerted effort in Afghanistan to improve the rule of law, good governance, and effective policing, to accelerate work on secondary and university education systems, and to establish new initiatives to increase the capacity of civil society.

(2) AMENDMENT.—Section 103(a)(5) of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7513(a)(5)) is amended to read as follows:

“(5) EDUCATION, THE RULE OF LAW, AND RELATED ISSUES.—

“(A) EDUCATION.—To assist in the development of the capacity of the Government of Afghanistan to provide education to the people of Afghanistan, including assistance such as—

“(i) support for an educated citizenry through improved access to basic education, with particular emphasis on basic education for children, especially orphans;

“(ii) programs to enable the Government of Afghanistan to recruit and train teachers, with special focus on the recruitment and training of female teachers;

“(iii) programs to enable the Government of Afghanistan to develop school curricula that incorporate relevant information such as landmine awareness, food security and agricultural education, civic education, and human rights education, including education relating to religious freedom;

“(iv) programs to construct, renovate, or rebuild, and to equip and provide teacher training, for primary schools, secondary schools, and universities; and

“(v) programs to increase educational exchanges and partnerships between the United States and Afghanistan.

“(B) RULE OF LAW.—To assist in the development of the rule of law and good governance and reduced corruption in Afghanistan, including assistance such as—

“(i) support for the activities of the Government of Afghanistan to implement its constitu-

tion, to develop modern legal codes and court rules, to provide for the creation of legal assistance programs, and other initiatives to promote the rule of law in Afghanistan;

“(ii) support for improvements in the capacity and physical infrastructure of the justice system in Afghanistan, such as for professional training (including for women) to improve the administration of justice, for programs to enhance prosecutorial and judicial capabilities and to protect participants in judicial cases, for improvements in the instruction of law enforcement personnel (including human rights training), and for the promotion of civilian police roles that support democracy;

“(iii) support for rehabilitation and rebuilding of courthouses and detention facilities;

“(iv) support for the effective administration of justice at the national, regional, and local levels, including programs to improve penal institutions and the rehabilitation of prisoners, and to establish a responsible and community-based police force;

“(v) support to increase the transparency, accountability, and participatory nature of governmental institutions, including programs designed to combat corruption and other programs for the promotion of good governance, such as the development of regulations relating to financial disclosure for public officials, political parties, and candidates for public office, and transparent budgeting processes and financial management systems;

“(vi) support for establishment of a central bank and central budgeting authority;

“(vii) support for international organizations that provide civil advisers to the Government of Afghanistan; and

“(viii) support for Afghan and international efforts to investigate human rights atrocities committed in Afghanistan by the Taliban regime, opponents of such regime, and terrorist groups operating in Afghanistan, including the collection of forensic evidence relating to such atrocities.

“(C) CIVIL SOCIETY AND DEMOCRACY.—To support the development of democratic institutions in Afghanistan, including assistance for—

“(i) international monitoring and observing of, and the promotion of, free and fair elections;

“(ii) strengthening democratic political parties;

“(iii) international exchanges and professional training for members or officials of government, political, and civic or other nongovernmental entities;

“(iv) national, regional, and local elections and political party development;

“(v) an independent media;

“(vi) programs that support the expanded participation of women and members of all ethnic groups in government at national, regional, and local levels; and

“(vii) programs to strengthen civil society organizations that promote human rights, including religious freedom, freedom of expression, and freedom of association, and support human rights monitoring.

“(D) PROTECTION OF SITES.—To provide for the protection of Afghanistan’s culture, history, and national identity, including the rehabilitation of Afghanistan’s museums and sites of cultural significance.”.

(3) CONFORMING AMENDMENT.—Section 103(a)(4) of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7513(a)(4)) is amended—

(A) in subparagraph (K), by striking “and” at the end;

(B) in subparagraph (L), by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“(M) assistance in identifying and surveying key road and rail routes that are essential for economic renewal in Afghanistan and the region and support for the establishment of a customs service and training for customs officers.”.

(g) MONITORING OF ASSISTANCE FOR AFGHANISTAN.—Section 103 of the Afghanistan Freedom

Support Act of 2002 (22 U.S.C. 7513), is amended by adding at the end the following:

“(d) MONITORING OF ASSISTANCE FOR AFGHANISTAN.—

“(1) REPORT.—

“(A) IN GENERAL.—The Secretary of State, in consultation with the Administrator for the United States Agency for International Development, 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 the obligations of United States assistance for Afghanistan from all United States Government departments and agencies.

“(B) CONTENTS.—Each such report shall set forth, for the preceding annual period and cumulatively, a description of—

“(i) the activities and the purposes for which funds were obligated;

“(ii) the source of the funds stated specifically by fiscal year, agency, and program;

“(iii) the participation of each United States Government department or agency; and

“(iv) such other information as the Secretary considers appropriate to fully inform Congress on such matters.

“(C) ADDITIONAL REQUIREMENTS.—The first report submitted under this paragraph shall include a cumulative account of information described in subparagraph (B) from all prior periods beginning with fiscal year 2001. The first report under this paragraph shall be submitted not later than March 15, 2005. Subsequent reports shall be submitted every 12 months thereafter and may be included in the report required under section 206(c)(2).

(2) SUBMISSION OF INFORMATION FOR REPORT.—The head of each United States Government agency referred to in paragraph (1) shall provide on a timely basis to the Secretary of State such information as the Secretary may reasonably require to allow the Secretary to prepare and submit the report required under paragraph (1).”.

(h) UNITED STATES POLICY TO SUPPORT DISARMAMENT OF PRIVATE MILITIAS AND EXPANSION OF INTERNATIONAL PEACEKEEPING AND SECURITY OPERATIONS IN AFGHANISTAN.—

(1) UNITED STATES POLICY RELATING TO DISARMAMENT OF PRIVATE MILITIAS.—

(A) IN GENERAL.—It shall be the policy of the United States to take immediate steps to provide active support for the disarmament, demobilization, and reintegration of armed soldiers, particularly child soldiers, in Afghanistan, in close consultation with the President of Afghanistan.

(B) REPORT.—The report required under section 206(c)(2) of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7536(c)(2)) shall include a description of the progress to implement paragraph (1).

(2) INTERNATIONAL PEACEKEEPING AND SECURITY OPERATIONS.—Section 206 of such Act (22 U.S.C. 7536) is amended by adding at the end the following:

“(e) UNITED STATES POLICY RELATING TO INTERNATIONAL PEACEKEEPING AND SECURITY OPERATIONS.—It shall be the policy of the United States to make every effort to support the expansion of international peacekeeping and security operations in Afghanistan in order to—

“(1) increase the area in which security is provided and undertake vital tasks related to promoting security, such as disarming warlords, militias, and irregulars, and disrupting opium production; and

“(2) safeguard highways in order to allow the free flow of commerce and to allow material assistance to the people of Afghanistan, and aid personnel in Afghanistan, to move more freely.”.

(i) EFFORTS TO EXPAND INTERNATIONAL PEACEKEEPING AND SECURITY OPERATIONS IN AFGHANISTAN.—Section 206(d)(1) of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7536(d)(1)) is amended to read as follows:

“(1) *EFFORTS TO EXPAND INTERNATIONAL PEACEKEEPING AND SECURITY OPERATIONS IN AFGHANISTAN.*—

“(A) *EFFORTS.*—The President shall encourage, and, as authorized by law, enable other countries to actively participate in expanded international peacekeeping and security operations in Afghanistan, especially through the provision of military personnel for extended periods of time.

“(B) *REPORTS.*—The President shall prepare and transmit a report on the efforts carried out pursuant to subparagraph (A) to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives. The first report under this subparagraph shall be transmitted not later than 60 days after the date of the enactment of the Afghanistan Freedom Support Act Amendments of 2004 and subsequent reports shall be transmitted every 6 months thereafter and may be included in the report required by subsection (c)(2).”

(j) *PROVISIONS RELATING TO COUNTER-NARCOTICS EFFORTS IN AFGHANISTAN.*—

(1) *AUTHORIZATION OF ASSISTANCE.*—Section 103(a)(3)(A) of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7513(a)(3)(A)) is amended—

(A) in clause (i), by striking “establish crop substitution programs,” and inserting “promote alternatives to poppy cultivation, including the introduction of high value crops that are suitable for export and the provision of appropriate technical assistance and credit mechanisms for farmers.”;

(B) in clause (ii), by inserting before the semicolon at the end the following: “, and to create special counternarcotics courts, prosecutors, and places of incarceration”;

(C) in clause (iii), by inserting before the semicolon at the end the following: “, in particular, notwithstanding section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420), by providing non-lethal equipment, training (including training in internationally recognized standards of human rights, the rule of law, anti-corruption, and the promotion of civilian police roles that support democracy), and payments, during fiscal years 2005 through 2008, for salaries for special counternarcotics police and supporting units”;

(D) in clause (iv), by striking “and” at the end;

(E) in clause (v), by striking the period at the end and inserting “; and”;

(F) by adding after clause (v) the following:

“(vi) assist the Afghan National Army with respect to any of the activities under this paragraph.”

(2) *SENSE OF CONGRESS AND REPORT.*—Title II of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7531 et seq.) is amended—

(A) by redesignating sections 207 and 208 as sections 208 and 209, respectively; and

(B) by inserting after section 206 the following:

“**SEC. 207. SENSE OF CONGRESS AND REPORT REGARDING COUNTER-DRUG EFFORTS IN AFGHANISTAN.**

“(a) *SENSE OF CONGRESS.*—It is the sense of Congress that—

“(1) The President should make the substantial reduction of illegal drug production and trafficking in Afghanistan a priority in the Global War on Terrorism;

“(2) The Secretary of Defense, in coordination with the Secretary of State and the heads of other appropriate Federal agencies, should expand cooperation with the Government of Afghanistan and international organizations involved in counter-drug activities to assist in providing a secure environment for counter-drug personnel in Afghanistan; and

“(3) The United States, in conjunction with the Government of Afghanistan and coalition partners, should undertake additional efforts to reduce illegal drug trafficking and related ac-

tivities that provide financial support for terrorist organizations in Afghanistan and neighboring countries.

“(b) *REPORT REQUIRED.*—(1) The Secretary of Defense and the Secretary of State shall jointly prepare a report that describes—

“(A) the progress made toward substantially reducing poppy cultivation and heroin production capabilities in Afghanistan; and

“(B) the extent to which profits from illegal drug activity in Afghanistan are used to financially support terrorist organizations and groups seeking to undermine the Government of Afghanistan.

“(2) The report required by this subsection shall be submitted to Congress not later than 120 days after the date of the enactment of the 9/11 Recommendations Implementation Act.”

(3) *CLERICAL AMENDMENT.*—The table of contents for such Act (22 U.S.C. 7501 note) is amended by striking the items relating to sections 207 and 208 and inserting the following:

“Sec. 207. Sense of Congress and report regarding counter-drug efforts in Afghanistan.

“Sec. 208. Relationship to other authority.

“Sec. 209. Authorization of appropriations.”

(k) *ADDITIONAL AMENDMENTS TO AFGHANISTAN FREEDOM SUPPORT ACT OF 2002.*—

(1) *EXTENSION OF REPORTS ON IMPLEMENTATION OF STRATEGY.*—Section 206(c)(2) of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7536(c)(2)) is amended in the matter preceding subparagraph (A) by striking “2007” and inserting “2010”.

(2) *TECHNICAL AMENDMENT.*—Section 103(a)(7)(A)(xii) of such Act (22 U.S.C. 7513(a)(7)(A)(xii)) is amended by striking “National” and inserting “Afghan Independent”.

(l) *REPEAL OF PROHIBITION ON ASSISTANCE.*—Section 620D of the Foreign Assistance Act of 1961 (22 U.S.C. 2374; relating to prohibition on assistance to Afghanistan) is repealed.

(m) *AUTHORIZATION OF APPROPRIATIONS.*—Section 108(a) of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7518(a)) is amended by striking “\$1,825,000,000 for fiscal year 2004” and all that follows and inserting “such sums as may be necessary for each of the fiscal years 2005 and 2006.”

SEC. 7105. THE RELATIONSHIP BETWEEN THE UNITED STATES AND SAUDI ARABIA.

(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, there have been problems in cooperation between the United States and Saudi Arabia.

(2) The Government of Saudi Arabia has not always responded promptly or fully to United States requests for assistance in the global war on Islamist terrorism.

(3) The Government of Saudi Arabia has not done all it can to prevent financial or other support from being provided to, or reaching, extremist organizations in Saudi Arabia or other countries.

(4) Counterterrorism cooperation between the Governments of the United States and Saudi Arabia has improved significantly since the terrorist bombing attacks in Riyadh, Saudi Arabia, on May 12, 2003, and the Government of Saudi Arabia is now pursuing al Qaeda and other terrorist groups operating inside Saudi Arabia.

(5) The United States must enhance its cooperation and strong relationship with Saudi Arabia based upon a shared and public commitment to political and economic reform, greater tolerance and respect for religious and cultural diversity and joint efforts to prevent funding for and support of extremist organizations in Saudi Arabia and elsewhere.

(b) *SENSE OF CONGRESS.*—It is the sense of Congress that there should be a more robust dialogue between the people and Government of the

United States and the people and Government of Saudi Arabia in order to improve the relationship between the United States and Saudi Arabia.

SEC. 7106. 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 countries with predominantly Muslim populations and influential broadcasters who reach Muslim 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 countries with predominantly Muslim populations 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 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 Muslims; and

(4) the United States should work to defeat extremism in all its form, especially in nations with predominantly Muslim populations by providing assistance to governments, non-governmental organizations, and individuals who promote modernization.

SEC. 7107. 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 importance of individual educational and economic opportunity, encourage widespread political participation, condemn 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 encourage the governments of all countries with predominantly Muslim populations, including those that are friends and allies of the United States, to promote the value of life and the importance of individual education and economic opportunity, encourage widespread political participation, condemn violence and promote the rule of law, openness in discussing differences among people, and tolerance for opposing points of view.

SEC. 7108. PROMOTION OF FREE MEDIA AND OTHER AMERICAN VALUES.

(a) *PROMOTION OF UNITED STATES VALUES THROUGH BROADCAST MEDIA.*—

(1) *FINDINGS.*—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(A) 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 neither convincingly presented nor widely understood.

(B) If the United States does not act to vigorously define its message in countries with predominantly Muslim populations, the image of the United States will be defined by Islamic extremists who seek to demonize the United States.

(C) Recognizing that many Muslim audiences rely on satellite television and radio, the United States Government has launched promising initiatives in television and radio broadcasting to the Islamic world, including Iran and Afghanistan.

(2) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) the United States must do more to defend and promote its values and ideals to the broadest possible audience in countries with predominantly Muslim populations;

(B) United States efforts to defend and promote these values and ideals are beginning to ensure that accurate expressions of these values reach large Muslim audiences and should be robustly supported;

(C) the United States Government could and should do more to engage Muslim audiences in the struggle of ideas; and

(D) the United States Government should more intensively employ existing broadcast media in the Islamic world as part of this engagement.

(b) ENHANCING FREE AND INDEPENDENT MEDIA.—

(1) FINDINGS.—Congress makes the following findings:

(A) Freedom of speech and freedom of the press are fundamental human rights.

(B) The United States has a national interest in promoting these freedoms by supporting free media abroad, which is essential to the development of free and democratic societies consistent with our own.

(C) Free media is undermined, endangered, or nonexistent in many repressive and transitional societies around the world, including in Eurasia, Africa, and the Middle East.

(D) Individuals lacking access to a plurality of free media are vulnerable to misinformation and propaganda and are potentially more likely to adopt anti-United States views.

(E) Foreign governments have a responsibility to actively and publicly discourage and rebut unprofessional and unethical media while respecting journalistic integrity and editorial independence.

(2) STATEMENT OF POLICY.—It shall be the policy of the United States, acting through the Secretary of State, to—

(A) ensure that the promotion of freedom of the press and freedom of media worldwide is a priority of United States foreign policy and an integral component of United States public diplomacy;

(B) respect the journalistic integrity and editorial independence of free media worldwide; and

(C) ensure that widely accepted standards for professional and ethical journalistic and editorial practices are employed when assessing international media.

(c) ESTABLISHMENT OF MEDIA NETWORK.—

(1) GRANTS FOR ESTABLISHMENT OF NETWORK.—The Secretary of State shall, utilizing amounts authorized to be appropriated by subsection (e)(2), make grants to the National Endowment for Democracy (NED) under the National Endowment for Democracy Act (22 U.S.C. 4411 et seq.) for utilization by the Endowment to provide funding to a private sector group to establish and manage a free and independent media network as specified in paragraph (2).

(2) MEDIA NETWORK.—The media network established using funds under paragraph (1) shall provide an effective forum to convene a broad range of individuals, organizations, and governmental participants involved in journalistic ac-

tivities and the development of free and independent media in order to—

(A) fund a clearinghouse to collect and share information concerning international media development and training;

(B) improve research in the field of media assistance and program evaluation to better inform decisions regarding funding and program design for government and private donors;

(C) explore the most appropriate use of existing means to more effectively encourage the involvement of the private sector in the field of media assistance; and

(D) identify effective methods for the development of a free and independent media in societies in transition.

(d) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated for each of fiscal years 2005 and 2006, unless otherwise authorized by Congress, such sums as may be necessary to carry out United States Government broadcasting activities consistent with this section 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.

(2) GRANTS FOR MEDIA NETWORK.—In addition to the amounts authorized to be appropriated under paragraph (1), there are authorized to be appropriated for each of fiscal years 2005 and 2006, unless otherwise authorized by Congress, such sums as may be necessary for grants under subsection (c)(1) for the establishment of the media network described in subsection (c)(2).

SEC. 7109. PUBLIC DIPLOMACY RESPONSIBILITIES OF THE DEPARTMENT OF STATE.

(a) IN GENERAL.—The State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by inserting after section 59 the following new section:

“SEC. 60. PUBLIC DIPLOMACY RESPONSIBILITIES OF THE DEPARTMENT OF STATE.

“(a) INTEGRAL COMPONENT.—The Secretary of State shall make public diplomacy an integral component in the planning and execution of United States foreign policy.

“(b) COORDINATION AND DEVELOPMENT OF STRATEGY.—The Secretary shall make every effort to—

“(1) coordinate, subject to the direction of the President, the public diplomacy activities of Federal agencies; and

“(2) coordinate with the Broadcasting Board of Governors to—

“(A) develop a comprehensive and coherent strategy for the use of public diplomacy resources; and

“(B) develop and articulate long-term measurable objectives for United States public diplomacy.

“(c) OBJECTIVES.—The strategy developed pursuant to subsection (b) shall include public diplomacy efforts targeting developed and developing countries and select and general audiences, using appropriate media to properly explain the foreign policy of the United States to the governments and populations of such countries, with the objectives of increasing support for United States policies and providing news and information. The Secretary shall, through the most effective mechanisms, counter misinformation and propaganda concerning the United States. The Secretary shall continue to articulate the importance of freedom, democracy, and human rights as fundamental principles underlying United States foreign policy goals.

“(d) IDENTIFICATION OF UNITED STATES FOREIGN ASSISTANCE.—In cooperation with the United States Agency for International Development (USAID) and other public and private as-

sistance organizations and agencies, the Secretary should ensure that information relating to foreign assistance provided by the United States, nongovernmental organizations, and private entities of the United States is disseminated widely, and particularly, to the extent practicable, within countries and regions that receive such assistance. The Secretary should ensure that, to the extent practicable, projects funded by USAID not involving commodities, including projects implemented by private voluntary organizations, are identified as provided by the people of the United States.”.

(b) FUNCTIONS OF THE UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY.—

(1) AMENDMENT.—Section 1(b)(3) of such Act (22 U.S.C. 2651a(b)(3)) is amended by adding at the end the following new sentence: “The Under Secretary for Public Diplomacy shall—

“(A) prepare an annual strategic plan for public diplomacy in collaboration with overseas posts and in consultation with the regional and functional bureaus of the Department;

“(B) ensure the design and implementation of appropriate program evaluation methodologies;

“(C) provide guidance to Department personnel in the United States and overseas who conduct or implement public diplomacy policies, programs, and activities;

“(D) assist the United States Agency for International Development and the Broadcasting Board of Governors to present the policies of the United States clearly and effectively; and

“(E) submit statements of United States policy and editorial material to the Broadcasting Board of Governors for broadcast consideration.”.

(2) CONSULTATION.—The Under Secretary of State for Public Diplomacy, in carrying out the responsibilities described in section 1(b)(3) of such Act (as amended by paragraph (1)), shall consult with public diplomacy officers operating at United States overseas posts and in the regional bureaus of the Department of State.

SEC. 7110. PUBLIC DIPLOMACY TRAINING.

(a) STATEMENT OF POLICY.—The following should be the policy of the United States:

(1) The Foreign Service should recruit individuals with expertise and professional experience in public diplomacy.

(2) United States chiefs of mission should have a prominent role in the formulation of public diplomacy strategies for the countries and regions to which they are assigned and should be accountable for the operation and success of public diplomacy efforts at their posts.

(3) Initial and subsequent training of Foreign Service officers should be enhanced to include information and training on public diplomacy and the tools and technology of mass communication.

(b) PERSONNEL.—

(1) QUALIFICATIONS.—In the recruitment, training, and assignment of members of the Foreign Service, the Secretary of State—

(A) should emphasize the importance of public diplomacy and applicable skills and techniques;

(B) should consider the priority recruitment into the Foreign Service, including at middle-level entry, of individuals with expertise and professional experience in public diplomacy, mass communications, or journalism; and

(C) shall give special consideration to individuals with language facility and experience in particular countries and regions.

(2) LANGUAGES OF SPECIAL INTEREST.—The Secretary of State shall seek to increase the number of Foreign Service officers proficient in languages spoken in countries with predominantly Muslim populations. Such increase should be accomplished through the recruitment of new officers and incentives for officers in service.

(c) PUBLIC DIPLOMACY SUGGESTED FOR PROMOTION IN FOREIGN SERVICE.—Section 603(b) of the Foreign Service Act of 1980 (22 U.S.C.

4003(b)) is amended by adding at the end the following: "The precepts for selection boards shall include, whether the member of the Service or the member of the Senior Foreign Service, as the case may be, has demonstrated—

(1) a willingness and ability to explain United States policies in person and through the media when occupying positions for which such willingness and ability is, to any degree, an element of the member's duties, or

(2) other experience in public diplomacy.

SEC. 7111. PROMOTING DEMOCRACY AND HUMAN RIGHTS AT INTERNATIONAL ORGANIZATIONS.

(a) **SUPPORT AND EXPANSION OF DEMOCRACY CAUCUS.—**

(1) **IN GENERAL.—**The President, acting through the Secretary of State and the relevant United States chiefs of mission, should—

(A) continue to strongly support and seek to expand the work of the democracy caucus at the United Nations General Assembly and the United Nations Human Rights Commission; and

(B) seek to establish a democracy caucus at the United Nations Conference on Disarmament and at other broad-based international organizations.

(2) **PURPOSES OF THE CAUCUS.—**A democracy caucus at an international organization should—

(A) forge common positions, including, as appropriate, at the ministerial level, on matters of concern before the organization and work within and across regional lines to promote agreed positions;

(B) work to revise an increasingly outmoded system of membership selection, regional voting, and decisionmaking; and

(C) establish a rotational leadership agreement to provide member countries an opportunity, for a set period of time, to serve as the designated president of the caucus, responsible for serving as its voice in each organization.

(b) **LEADERSHIP AND MEMBERSHIP OF INTERNATIONAL ORGANIZATIONS.—**The President, acting through the Secretary of State, the relevant United States chiefs of mission, and, where appropriate, the Secretary of the Treasury, should use the voice, vote, and influence of the United States to—

(1) where appropriate, reform the criteria for leadership and, in appropriate cases, for membership, at all United Nations bodies and at other international organizations and multilateral institutions to which the United States is a member so as to exclude countries that violate the principles of the specific organization;

(2) make it a policy of the United Nations and other international organizations and multilateral institutions of which the United States is a member that a member country may not stand in nomination for membership or in nomination or in rotation for a significant leadership position in such bodies if the member country is subject to sanctions imposed by the United Nations Security Council; and

(3) work to ensure that no member country stand in nomination for membership, or in nomination or in rotation for a significant leadership position in such organizations, or for membership on the United Nations Security Council, if the government of the member country has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism.

(c) **INCREASED TRAINING IN MULTILATERAL DIPLOMACY.—**

(1) **STATEMENT OF POLICY.—**It shall be the policy of the United States that training courses should be established for Foreign Service Officers and civil service employees of the State Department, including appropriate chiefs of mission, on the conduct of multilateral diplomacy, including the conduct of negotiations at international organizations and multilateral institutions, negotiating skills that are required at multilateral settings, coalition-building techniques, and lessons learned from previous United States multilateral negotiations.

(2) **PERSONNEL.—**

(A) **IN GENERAL.—**The Secretary shall ensure that the training described in paragraph (1) is provided at various stages of the career of members of the Service.

(B) **ACTIONS OF THE SECRETARY.—**The Secretary shall ensure that—

(i) officers of the Service receive training on the conduct of diplomacy at international organizations and other multilateral institutions and at broad-based multilateral negotiations of international instruments as part of their training upon entry into the Service; and

(ii) officers of the Service, including chiefs of mission, who are assigned to United States missions representing the United States to international organizations and other multilateral institutions or who are assigned in Washington, D.C., to positions that have as their primary responsibility formulation of policy toward such organizations and institutions or toward participation in broad-based multilateral negotiations of international instruments, receive specialized training in the areas described in paragraph (1) prior to beginning of service for such assignment or, if receiving such training at that time is not practical, within the first year of beginning such assignment.

(3) **TRAINING FOR CIVIL SERVICE EMPLOYEES.—**The Secretary shall ensure that employees of the Department of State who are members of the civil service and who are assigned to positions described in paragraph (2) receive training described in paragraph (1) prior to the beginning of service for such assignment or, if receiving such training at such time is not practical, within the first year of beginning such assignment.

SEC. 7112. 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) **DECLARATION OF POLICY.—**Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress declares that—

(1) the United States should commit to a long-term and sustainable investment in promoting engagement with people of all levels of society in countries with predominantly Muslim populations, particularly with youth and those who influence youth;

(2) such an investment should make use of the talents and resources in the private sector and should include programs to increase the number of people who can be exposed to the United States and its fundamental ideas and values in order to dispel misconceptions; and

(3) such programs should include youth exchange programs, young ambassadors programs, international visitor programs, academic and cultural exchange programs, American Corner programs, library programs, journalist exchange programs, sister city programs, and other programs related to people-to-people diplomacy.

(c) **SENSE OF CONGRESS.—**It is the sense of Congress that the United States should significantly increase its investment in the people-to-people programs described in subsection (b).

(d) **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 Muslim world.

(e) **AVAILABILITY OF FUNDS.—**Of the amounts authorized to be appropriated in each of the fiscal years 2005 and 2006 for educational and cul-

tural exchange programs, there shall be 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. 7112. PILOT PROGRAM TO PROVIDE GRANTS TO AMERICAN-SPONSORED SCHOOLS IN PREDOMINANTLY MUSLIM COUNTRIES TO PROVIDE SCHOLARSHIPS.

(a) **FINDINGS.—**Congress makes the following findings:

(1) During the 2003–2004 school year, the Office of Overseas Schools of the Department of State is financially assisting 189 elementary and secondary schools in foreign countries.

(2) United States-sponsored elementary and secondary schools are located in more than 20 countries with predominantly Muslim populations in the Near East, Africa, South Asia, Central Asia, and East Asia.

(3) United States-sponsored elementary and secondary schools provide an American-style education in English, with curricula that typically include an emphasis on the development of critical thinking and analytical skills.

(b) **STATEMENT OF POLICY.—**The United States has an interest in increasing the level of financial support provided to United States-sponsored elementary and secondary schools in countries with predominantly Muslim populations in order to—

(1) increase the number of students in such countries who attend such schools;

(2) increase the number of young people who may thereby gain at any early age an appreciation for the culture, society, and history of the United States; and

(3) increase the number of young people who may thereby improve their proficiency in the English language.

(c) **PILOT PROGRAM.—**The Secretary of State, acting through the Director of the Office of Overseas Schools of the Department of State, may conduct a pilot program to make grants to United States-sponsored elementary and secondary schools in countries with predominantly Muslim populations for the purpose of providing full or partial merit-based scholarships to students from lower-income and middle-income families of such countries to attend such schools.

(d) **DETERMINATION OF ELIGIBLE STUDENTS.—**For purposes of the pilot program, a United States-sponsored elementary and secondary school that receives a grant under the pilot program may establish criteria to be implemented by such school to determine what constitutes lower-income and middle-income families in the country (or region of the country, if regional variations in income levels in the country are significant) in which such school is located.

(e) **RESTRICTION ON USE OF FUNDS.—**Amounts appropriated to the Secretary of State pursuant to the authorization of appropriations in subsection (h) shall be used for the sole purpose of making grants under this section, and may not be used for the administration of the Office of Overseas Schools of the Department of State or for any other activity of the Office.

(f) **VOLUNTARY PARTICIPATION.—**Nothing in this section shall be construed to require participation in the pilot program by a United States-sponsored elementary or secondary school in a predominantly Muslim country.

(g) **REPORT.—**Not later than April 15, 2006, the Secretary of State shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the pilot program. The report shall assess the success of the program, examine any obstacles encountered in its implementation, and address whether it should be continued, and if so, provide recommendations to increase its effectiveness.

(h) **FUNDING.—**There are authorized to be appropriated to the Secretary of State for each of the fiscal years 2005 and 2006, unless otherwise authorized by Congress, such sums as necessary

to implement the pilot program under this section.

SEC. 7113. 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 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 Secretary of State is authorized to establish through an existing international organization, such as the United Nations Educational, Science and Cultural Organization (UNESCO) or other similar body, an International Youth Opportunity Fund to provide financial assistance for the improvement of public education in the Middle East and other countries of strategic interest with predominantly Muslim populations.

(2) **INTERNATIONAL PARTICIPATION.**—The Secretary should seek the cooperation of the international community in establishing and generously supporting the Fund.

SEC. 7114. 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 countries with predominantly Muslim populations are drawing interest from other countries in the Middle East region, and countries with predominantly Muslim populations can become full participants in the rules-based global trading system, as the United States considers lowering its barriers to trade.

(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 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 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. 7115. MIDDLE EAST PARTNERSHIP INITIATIVE.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for each of fiscal years 2005 and 2006, (unless otherwise authorized by Congress) such sums as may be necessary for the Middle East Partnership Initiative.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that, given the importance of the rule of law and economic reform to development in the Middle East, a significant portion of the funds authorized to be appropriated under subsection (a) should be made available to promote the rule of law in the Middle East.

SEC. 7116. 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 to counterterrorism.

(b) **IN GENERAL.**—The Secretary of State is authorized in consultation with relevant United States Government agencies, to negotiate on a bilateral or multilateral basis, as appropriate, international agreements under which parties to an agreement work in partnership to address and interdict acts of international terrorism.

(c) **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 multilateral strategy to fight 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 the following purposes:

(A) To meet annually, or more frequently as the President determines appropriate, to develop in common with such other governments 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 dissemi-

nation 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, long-term issues that can contribute to strengthening stability and security in the Middle East.

SEC. 7117. 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) 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.

(2) The capture of al Qaeda financial facilitators has provided a windfall of intelligence that can be used to continue the cycle of disruption.

(3) 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 counterterrorism efforts.

SEC. 7118. DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.

(a) **PERIOD OF DESIGNATION.**—Section 219(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1189(a)(4)) is amended—

(1) in subparagraph (A)—

(A) by striking "Subject to paragraphs (5) and (6), a" and inserting "A"; and

(B) by striking "for a period of 2 years beginning under paragraph (2)(B)" and inserting "until revoked under paragraph (5) or (6) or set aside pursuant to subsection (c)";

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

"(B) **REVIEW OF DESIGNATION UPON PETITION.**—

"(i) **IN GENERAL.**—The Secretary shall review the designation of a foreign terrorist organization under the procedures set forth in clauses (iii) and (iv) if the designated organization files a petition for revocation within the petition period described in clause (ii).

"(ii) **PETITION PERIOD.**—For purposes of clause (i)—

"(I) if the designated organization has not previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date on which the designation was made; or

"(II) if the designated organization has previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date of the determination made under clause (iv) on that petition.

"(iii) **PROCEDURES.**—Any foreign terrorist organization that submits a petition for revocation under this subparagraph must provide evidence in that petition that the relevant circumstances described in paragraph (1) are sufficiently different from the circumstances that were the basis for the designation such that a revocation with respect to the organization is warranted.

"(iv) **DETERMINATION.**—

"(I) **IN GENERAL.**—Not later than 180 days after receiving a petition for revocation submitted under this subparagraph, the Secretary shall make a determination as to such revocation.

"(II) **CLASSIFIED INFORMATION.**—The Secretary may consider classified information in

making a determination in response to a petition for revocation. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court *ex parte* and in camera for purposes of judicial review under subsection (c).

“(III) PUBLICATION OF DETERMINATION.—A determination made by the Secretary under this clause shall be published in the Federal Register.

“(IV) PROCEDURES.—Any revocation by the Secretary shall be made in accordance with paragraph (6).”; and

(3) by adding at the end the following:

“(C) OTHER REVIEW OF DESIGNATION.—

“(i) IN GENERAL.—If in a 5-year period no review has taken place under subparagraph (B), the Secretary shall review the designation of the foreign terrorist organization in order to determine whether such designation should be revoked pursuant to paragraph (6).

“(ii) PROCEDURES.—If a review does not take place pursuant to subparagraph (B) in response to a petition for revocation that is filed in accordance with that subparagraph, then the review shall be conducted pursuant to procedures established by the Secretary. The results of such review and the applicable procedures shall not be reviewable in any court.

“(iii) PUBLICATION OF RESULTS OF REVIEW.—The Secretary shall publish any determination made pursuant to this subparagraph in the Federal Register.”.

(b) ALIASES.—Section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

“(b) AMENDMENTS TO A DESIGNATION.—

“(1) IN GENERAL.—The Secretary may amend a designation under this subsection if the Secretary finds that the organization has changed its name, adopted a new alias, dissolved and then reconstituted itself under a different name or names, or merged with another organization.

“(2) PROCEDURE.—Amendments made to a designation in accordance with paragraph (1) shall be effective upon publication in the Federal Register. Subparagraphs (B) and (C) of subsection (a)(2) shall apply to an amended designation upon such publication. Paragraphs (2)(A)(i), (4), (5), (6), (7), and (8) of subsection (a) shall also apply to an amended designation.

“(3) ADMINISTRATIVE RECORD.—The administrative record shall be corrected to include the amendments as well as any additional relevant information that supports those amendments.

“(4) CLASSIFIED INFORMATION.—The Secretary may consider classified information in amending a designation in accordance with this subsection. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court *ex parte* and in camera for purposes of judicial review under subsection (c).”.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) is amended—

(1) in subsection (a)—

(A) in paragraph (3)(B), by striking “subsection (b)” and inserting “subsection (c)”; and

(B) in paragraph (6)(A)—

(i) in the matter preceding clause (i), by striking “or a redesignation made under paragraph (4)(B)” and inserting “at any time, and shall revoke a designation upon completion of a review conducted pursuant to subparagraphs (B) and (C) of paragraph (4)”; and

(ii) in clause (i), by striking “or redesignation”;

(C) in paragraph (7), by striking “, or the revocation of a redesignation under paragraph (6).”; and

(D) in paragraph (8)—

(i) by striking “, or if a redesignation under this subsection has become effective under paragraph (4)(B).”; and

(ii) by striking “or redesignation”; and

(2) in subsection (c), as so redesignated—

(A) in paragraph (1), by striking “of the designation in the Federal Register,” and all that follows through “review of the designation” and inserting “in the Federal Register of a designation, an amended designation, or a determination in response to a petition for revocation, the designated organization may seek judicial review”; and

(B) in paragraph (2), by inserting “, amended designation, or determination in response to a petition for revocation” after “designation”;

(C) in paragraph (3), by inserting “, amended designation, or determination in response to a petition for revocation” after “designation”; and

(D) in paragraph (4), by inserting “, amended designation, or determination in response to a petition for revocation” after “designation” each place that term appears.

(d) SAVINGS PROVISION.—For purposes of applying section 219 of the Immigration and Nationality Act on or after the date of enactment of this Act, the term “designation”, as used in that section, includes all redesignations made pursuant to section 219(a)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1189(a)(4)(B)) prior to the date of enactment of this Act, and such redesignations shall continue to be effective until revoked as provided in paragraph (5) or (6) of section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

SEC. 7119. REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than 180 days after the date of 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) CONTENTS.—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 the terrorist sanctuaries that exist;

(B) an outline of strategies, tactics, and tools 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 elicit the cooperation needed to identify and address terrorist sanctuaries that may exist unknown to governments; 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 a United States strategy to engage with Pakistan and to support it over the long term, including—

(A) recommendations on the composition and levels of assistance required in future years, with special consideration of the proper balance between security assistance and other forms of assistance;

(B) a description of the composition and levels of assistance, other than security assistance, at present and in the recent past, structured to permit a comparison of current and past practice with that recommended for the future;

(C) measures that could be taken to ensure that all forms of foreign assistance to Pakistan have the greatest possible long-term positive impact on the welfare of the Pakistani people and

on the ability of Pakistan to cooperate in global efforts against terror; and

(D) measures that could be taken to alleviate difficulties, misunderstandings, and complications in the relationship between the United States and Pakistan.

(3) 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, including a description of—

(A) steps that could usefully be taken to institutionalize and make more transparent government to government relationships between the United States and Saudi Arabia, including the utility of undertaking periodic, formal, and visible high-level dialogues between government officials of both countries to address challenges in the relationship between the 2 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 increase the contribution of Saudi Arabia to the stability of the Middle East and the Islamic world, particularly to the Middle East peace process, by eliminating support from or within Saudi Arabia for extremist groups or tendencies;

(D) political and economic reform in Saudi Arabia and throughout the Islamic world;

(E) ways to promote greater tolerance and respect for cultural and religious diversity in Saudi Arabia and throughout the Islamic world; and

(F) ways to assist the Government of Saudi Arabia in reversing the impact of any financial, moral, intellectual, or other support provided in the past from Saudi sources to extremist groups in Saudi Arabia and other countries, and to prevent this support from continuing in the future.

(4) 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.

(5) 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 predominantly Muslim populations, including increasing appearances by United States Government officials, experts, and citizens.

(C) An assessment of the major themes of biased or false media coverage of the United States in foreign countries and the actions taken to address this type of media coverage.

(D) 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.

(E) Any recommendations the President may have for additional funding and legislation necessary to achieve the objectives of the strategy.

(6) 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 section 7111(b) without compromising the security of the United States; and

(B) a proposed schedule for implementing any recommendations described in subparagraph (A).

(7) 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 predominantly 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 might be eligible for assistance under the International Youth Opportunity Fund described in section 7113(b) and related programs.

(E) A description of the efforts of the United States to encourage countries in the Middle East and other countries with predominantly Muslim populations designated by the President to develop and implement a national education plan.

(F) A description of activities that could be 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 predominantly Muslim populations designated by the President, international organizations, and other countries that share the objectives of the International Youth Opportunity Fund.

(8) ECONOMIC REFORM.—A description of the efforts of the United States Government to encourage development and promote economic reform in countries that have a predominantly Muslim population, including a description of—

(A) efforts to integrate countries with predominantly Muslim populations 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.

(c) FORM OF REPORT.—Any report or other matter that is required to be submitted to Congress (including a committee of Congress) under this section may contain a classified annex.

SEC. 7120. CASE-ZABLOCKI ACT REQUIREMENTS.

(a) AVAILABILITY OF TREATIES AND INTERNATIONAL AGREEMENTS.—Section 112a of title 1, United States Code, is amended by adding at the end the following:

“(d) The Secretary of State shall make publicly available through the Internet website of the Department of State each treaty or international agreement proposed to be published in the compilation entitled ‘United States Treaties and Other International Agreements’ not later than 180 days after the date on which the treaty or agreement enters into force.”

(b) TRANSMISSION TO CONGRESS.—Section 112b(a) of title 1, United States Code, is amended by striking “Committee on Foreign Affairs” and inserting “Committee on International Relations”.

(c) REPORT.—Section 112b of title 1, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following:

“(d)(1) The Secretary of State shall annually submit to Congress a report that contains an index of all international agreements, listed by country, date, title, and summary of each such agreement (including a description of the duration of activities under the agreement and the agreement itself), that the United States—

“(A) has signed, proclaimed, or with reference to which any other final formality has been executed, or that has been extended or otherwise modified, during the preceding calendar year; and

“(B) has not been published, or is not proposed to be published, in the compilation entitled ‘United States Treaties and Other International Agreements’.

“(2) The report described in paragraph (1) may be submitted in classified form.”

(d) DETERMINATION OF INTERNATIONAL AGREEMENT.—Subsection (e) of section 112b of title 1, United States Code, as redesignated, is amended—

(1) by striking “(e) The Secretary of State” and inserting the following:

“(e)(1) Subject to paragraph (2), the Secretary of State”; and

(2) by adding at the end the following:

“(2)(A) An arrangement shall constitute an international agreement within the meaning of this section (other than subsection (c)) irrespective of the duration of activities under the arrangement or the arrangement itself.

“(B) Arrangements that constitute an international agreement within the meaning of this section (other than subsection (c)) include the following:

“(i) A bilateral or multilateral counterterrorism agreement.

“(ii) A bilateral agreement with a country that is subject to a determination under section 6(j)(1)(A) of the Export Administration Act of

1979 (50 U.S.C. App. 2405(j)(1)(A)), section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)), or section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)).”

(e) ENFORCEMENT OF REQUIREMENTS.—Section 139(b) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 is amended to read as follows:

“(b) EFFECTIVE DATE.—Subsection (a) shall take effect 60 days after the date of enactment of the 911 Commission Implementation Act of 2004 and shall apply during fiscal years 2005, 2006, and 2007.”

SEC. 7121. EFFECTIVE DATE.

Notwithstanding any other provision of this Act, this subtitle shall take effect on the date of enactment of this Act.

Subtitle B—Terrorist Travel and Effective Screening

SEC. 7201. 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 Director of the National Counterterrorism Center 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 and an assessment regarding vulnerabilities within the United States and foreign travel systems that may be exploited by international terrorists, human smugglers and traffickers, and their facilitators.

(2) **COORDINATION.**—The strategy shall be developed in coordination with all relevant Federal agencies.

(3) **CONTENTS.**—The strategy may address—

(A) a program for collecting, analyzing, disseminating, and utilizing information and intelligence regarding terrorist travel tactics and methods, and outline which Federal intelligence, diplomatic, and law enforcement agencies will be held accountable for implementing each element of the strategy;

(B) the intelligence and law enforcement collection, analysis, operations, and reporting required to identify and disrupt terrorist travel tactics, practices, patterns, and trends, and the terrorist travel facilitators, document forgers, human smugglers, travel agencies, and corrupt border and transportation officials who assist terrorists;

(C) the training and training materials required by consular, border, and immigration officials to effectively detect and disrupt terrorist travel described under subsection (c)(3);

(D) the new technology and procedures required and actions to be taken to integrate existing counterterrorist travel document and mobility intelligence into border security processes, including consular, port of entry, border patrol, maritime, immigration benefits, and related law enforcement activities;

(E) the actions required to integrate current terrorist mobility intelligence into military force protection measures;

(F) 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;

(G) the actions to be taken 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;

(H) the development and implementation of procedures to enable the National Counterterrorism Center, or its designee, to timely receive terrorist travel intelligence and documentation obtained at consulates and ports of entry, and by law enforcement officers and military personnel;

(I) the use of foreign and technical assistance to advance border security measures and law enforcement operations against terrorist travel facilitators;

(J) the feasibility of developing 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;

(K) the feasibility of digitally transmitting suspect passport information to a central cadre of specialists, either as an interim measure until such time as experts described under subparagraph (J) are available at consular, port of entry, and immigration benefits offices, or otherwise;

(L) the development of a mechanism to ensure the coordination and dissemination of terrorist travel intelligence and operational information among the Department of Homeland Security, the Department of State, the National Counterterrorism Center, and other appropriate agencies;

(M) granting consular officers and immigration adjudicators, as appropriate, the security clearances necessary to access law enforcement sensitive and intelligence databases; and

(N) how to integrate travel document screening for terrorism indicators into border screening, and how to integrate the intelligence community into a robust travel document screening process to intercept terrorists.

(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 the maximum extent feasible, 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. To the extent possible, technologies acquired and deployed under this plan shall be compatible with systems used by the Department of Homeland Security to detect fraudulent documents and identify genuine 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 7209(b) submitted for identification purposes to a United States consular, border, or immigration official.

(d) **TRAINING PROGRAM.**—

(1) **REVIEW, EVALUATION, AND REVISION OF EXISTING TRAINING PROGRAMS.**—The Secretary of Homeland Security shall—

(A) review and evaluate the training regarding travel and identity documents, and techniques, patterns, and trends associated with terrorist travel that is provided to personnel of the Department of Homeland Security;

(B) in coordination with the Secretary of State, review and evaluate the training described in subparagraph (A) that is provided to relevant personnel of the Department of State; and

(C) in coordination with the Secretary of State, develop and implement an initial training and periodic retraining program—

(i) to teach border, immigration, and consular officials (who inspect or review travel or identity documents as part of their official duties) how to effectively detect, intercept, and disrupt terrorist travel; and

(ii) to ensure that the officials described in clause (i) regularly receive the most current information on such matters and are periodically retrained on the matters described in paragraph (2).

(2) **REQUIRED TOPICS OF REVISED PROGRAMS.**—The training program developed under paragraph (1)(C) shall include training in—

(A) methods for identifying fraudulent and genuine travel documents;

(B) methods for detecting terrorist indicators on travel documents and other relevant identity documents;

(C) recognition of travel patterns, tactics, and behaviors exhibited by terrorists;

(D) effective utilization of information contained in databases and data systems available to the Department of Homeland Security; and

(E) other topics determined to be appropriate by the Secretary of Homeland Security, in consultation with the Secretary of State or the Director of National Intelligence.

(3) **IMPLEMENTATION.**—

(A) **DEPARTMENT OF HOMELAND SECURITY.**—

(i) **IN GENERAL.**—The Secretary of Homeland Security shall provide all border and immigration officials who inspect or review travel or identity documents as part of their official duties with the training described in paragraph (1)(C).

(ii) **REPORT TO CONGRESS.**—Not later than 12 months after the date of enactment of this Act, and annually thereafter for a period of 3 years, the Secretary of Homeland Security shall submit a report to Congress that—

(I) describes the number of border and immigration officials who inspect or review identity documents as part of their official duties, and the proportion of whom have received the revised training program described in paragraph (1)(C)(i);

(II) explains the reasons, if any, for not completing the requisite training described in paragraph (1)(C)(i);

(III) provides a timetable for completion of the training described in paragraph (1)(C)(i) for those who have not received such training; and

(IV) describes the status of periodic retraining of appropriate personnel described in paragraph (1)(C)(ii).

(B) **DEPARTMENT OF STATE.**—

(i) **IN GENERAL.**—The Secretary of State shall provide all consular officers who inspect or review travel or identity documents as part of their official duties with the training described in paragraph (1)(C).

(ii) **REPORT TO CONGRESS.**—Not later than 12 months after the date of enactment of this Act, and annually thereafter for a period of 3 years, the Secretary of State shall submit a report to Congress that—

(I) describes the number of consular officers who inspect or review travel or identity documents as part of their official duties, and the proportion of whom have received the revised training program described in paragraph (1)(C)(i);

(II) explains the reasons, if any, for not completing the requisite training described in paragraph (1)(C)(i);

(III) provides a timetable for completion of the training described in paragraph (1)(C)(i) for those who have not received such training; and

(IV) describes the status of periodic retraining of appropriate personnel described in paragraph (1)(C)(ii).

(4) **ASSISTANCE TO OTHERS.**—The Secretary of Homeland Security may assist States, Indian tribes, local governments, and private organizations to establish training programs related to terrorist travel intelligence.

(5) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2005 through 2009 to carry out the provisions of this subsection.

(e) **ENHANCING CLASSIFIED COUNTERTERRORIST TRAVEL EFFORTS.**—

(1) **IN GENERAL.**—The Director of National Intelligence 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. 7202. ESTABLISHMENT OF HUMAN SMUGGLING AND TRAFFICKING CENTER.

(a) **ESTABLISHMENT.**—There is established a Human Smuggling and Trafficking Center (referred to in this section as the “Center”).

(b) **OPERATION.**—The Secretary of State, the Secretary of Homeland Security, and the Attorney General shall operate the Center in accordance with the Memorandum of Understanding entitled, “Human Smuggling and Trafficking Center (HSTC), Charter”.

(c) **FUNCTIONS.**—In addition to such other responsibilities as the President may assign, the Center shall—

(1) serve as the focal point for interagency efforts to address terrorist travel;

(2) serve as a clearinghouse with respect to all relevant information from all Federal Government agencies in support of the United States strategy to prevent separate, but related, issues of clandestine terrorist travel and facilitation of migrant smuggling and trafficking of persons;

(3) ensure cooperation among all relevant policy, law enforcement, diplomatic, and intelligence agencies of the Federal Government to

improve effectiveness and to convert all information available to the Federal Government relating to clandestine terrorist travel and facilitation, migrant smuggling, and trafficking of persons into tactical, operational, and strategic intelligence that can be used to combat such illegal activities; and

(4) prepare and submit to Congress, on an annual basis, a strategic assessment regarding vulnerabilities in the United States and foreign travel system that may be exploited by international terrorists, human smugglers and traffickers, and their facilitators.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the President shall transmit to Congress a report regarding the implementation of this section, including a description of the staffing and resource needs of the Center.

(e) RELATIONSHIP TO THE NCTC.—As part of its mission to combat terrorist travel, the Center shall work to support the efforts of the National Counterterrorism Center.

SEC. 7203. RESPONSIBILITIES AND FUNCTIONS OF CONSULAR OFFICERS.

(a) INCREASED NUMBER OF CONSULAR OFFICERS.—The Secretary of State, in each of fiscal years 2006 through 2009, may increase by 150 the number of positions for consular officers above the number of such positions for which funds were allotted for the preceding fiscal year.

(b) LIMITATION ON USE OF FOREIGN NATIONALS FOR VISA SCREENING.—

(1) IMMIGRANT VISAS.—Section 222(b) of the Immigration and Nationality Act (8 U.S.C. 1202(b)) is amended by adding at the end the following: "All immigrant visa applications shall be reviewed and adjudicated by a consular officer."

(2) NONIMMIGRANT VISAS.—Section 222(d) of the Immigration and Nationality Act (8 U.S.C. 1202(d)) is amended by adding at the end the following: "All nonimmigrant visa applications shall be reviewed and adjudicated by a consular officer."

(c) TRAINING FOR CONSULAR OFFICERS IN DETECTION OF FRAUDULENT DOCUMENTS.—Section 305(a) of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1734(a)) is amended by adding at the end the following: "In accordance with section 7201(d) of the 9/11 Commission Implementation Act of 2004, and as part of the consular training provided to such officers by the Secretary of State, such officers shall also receive training in detecting fraudulent documents and general document forensics and shall be required as part of such training to work with immigration officers conducting inspections of applicants for admission into the United States at ports of entry."

(d) ASSIGNMENT OF ANTI-FRAUD SPECIALISTS.—

(1) SURVEY REGARDING DOCUMENT FRAUD.—The Secretary of State, in coordination with the Secretary of Homeland Security, shall conduct a survey of each diplomatic and consular post at which visas are issued to assess the extent to which fraudulent documents are presented by visa applicants to consular officers at such posts.

(2) REQUIREMENT FOR SPECIALIST.—

(A) IN GENERAL.—Not later than July 31, 2005, the Secretary of State, in coordination with the Secretary of Homeland Security, shall identify the diplomatic and consular posts at which visas are issued that experience the greatest frequency of presentation of fraudulent documents by visa applicants. The Secretary of State shall assign or designate at each such post at least 1 full-time anti-fraud specialist employed by the Department of State to assist the consular officers at each such post in the detection of such fraud.

(B) EXCEPTIONS.—The Secretary of State is not required to assign or designate a specialist under subparagraph (A) at a diplomatic or consular post if an employee of the Department of Homeland Security, who has sufficient training

and experience in the detection of fraudulent documents, is assigned on a full-time basis to such post under section 428 of the Homeland Security Act of 2002 (6 U.S.C. 236).

SEC. 7204. INTERNATIONAL AGREEMENTS TO TRACK AND CURTAIL TERRORIST TRAVEL THROUGH THE USE OF FRAUDULENTLY OBTAINED DOCUMENTS.

(a) FINDINGS.—Congress makes the following findings:

(1) International terrorists travel across international borders to raise funds, recruit members, train for operations, escape capture, communicate, and plan and carry out attacks.

(2) The international terrorists who planned and carried out the attack on the World Trade Center on February 26, 1993, the attack on the embassies of the United States in Kenya and Tanzania on August 7, 1998, the attack on the USS Cole on October 12, 2000, and the attack on the World Trade Center and the Pentagon on September 11, 2001, traveled across international borders to plan and carry out these attacks.

(3) The international terrorists who planned other attacks on the United States, including the plot to bomb New York City landmarks in 1993, the plot to bomb the New York City subway in 1997, and the millennium plot to bomb Los Angeles International Airport on December 31, 1999, traveled across international borders to plan and carry out these attacks.

(4) Many of the international terrorists who planned and carried out large-scale attacks against foreign targets, including the attack in Bali, Indonesia, on October 11, 2002, and the attack in Madrid, Spain, on March 11, 2004, traveled across international borders to plan and carry out these attacks.

(5) Throughout the 1990s, international terrorists, including those involved in the attack on the World Trade Center on February 26, 1993, the plot to bomb New York City landmarks in 1993, and the millennium plot to bomb Los Angeles International Airport on December 31, 1999, traveled on fraudulent passports and often had more than 1 passport.

(6) Two of the September 11, 2001, hijackers were carrying passports that had been manipulated in a fraudulent manner.

(7) The National Commission on Terrorist Attacks Upon the United States, (commonly referred to as the 9/11 Commission), stated that "Targeting travel is at least as powerful a weapon against terrorists as targeting their money."

(b) INTERNATIONAL AGREEMENTS TO TRACK AND CURTAIL TERRORIST TRAVEL.—

(1) INTERNATIONAL AGREEMENT ON LOST, STOLEN, OR FALSIFIED DOCUMENTS.—The President should lead efforts to track and curtail the travel of terrorists by supporting the drafting, adoption, and implementation of international agreements, and relevant United Nations Security Council resolutions to track and stop international travel by terrorists and other criminals through the use of lost, stolen, or falsified documents to augment United Nations and other international anti-terrorism efforts.

(2) CONTENTS OF INTERNATIONAL AGREEMENT.—The President should seek, as appropriate, the adoption or full implementation of effective international measures to—

(A) share information on lost, stolen, and fraudulent passports and other travel documents for the purposes of preventing the undetected travel of persons using such passports and other travel documents that were obtained improperly;

(B) establish and implement a real-time verification system of passports and other travel documents with issuing authorities;

(C) share with officials at ports of entry in any such country information relating to lost, stolen, and fraudulent passports and other travel documents;

(D) encourage countries—

(i) to criminalize—

(I) the falsification or counterfeiting of travel documents or breeder documents for any purpose;

(II) the use or attempted use of false documents to obtain a visa or cross a border for any purpose;

(III) the possession of tools or implements used to falsify or counterfeit such documents;

(IV) the trafficking in false or stolen travel documents and breeder documents for any purpose;

(V) the facilitation of travel by a terrorist; and

(VI) attempts to commit, including conspiracies to commit, the crimes specified in subclauses (I) through (V);

(ii) to impose significant penalties to appropriately punish violations and effectively deter the crimes specified in clause (i); and

(iii) to limit the issuance of citizenship papers, passports, identification documents, and similar documents to persons—

(I) whose identity is proven to the issuing authority;

(II) who have a bona fide entitlement to or need for such documents; and

(III) who are not issued such documents principally on account of a disproportional payment made by them or on their behalf to the issuing authority;

(E) provide technical assistance to countries to help them fully implement such measures; and

(F) permit immigration and border officials—

(i) to confiscate a lost, stolen, or falsified passport at ports of entry;

(ii) to permit the traveler to return to the sending country without being in possession of the lost, stolen, or falsified passport; and

(iii) to detain and investigate such traveler upon the return of the traveler to the sending country.

(3) INTERNATIONAL CIVIL AVIATION ORGANIZATION.—The United States shall lead efforts to track and curtail the travel of terrorists by supporting efforts at the International Civil Aviation Organization to continue to strengthen the security features of passports and other travel documents.

(c) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and at least annually thereafter, the President shall submit to the appropriate congressional committees a report on progress toward achieving the goals described in subsection (b).

(2) TERMINATION.—Paragraph (1) shall cease to be effective when the President certifies to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that the goals described in subsection (b) have been fully achieved.

SEC. 7205. INTERNATIONAL STANDARDS FOR TRANSLITERATION OF NAMES INTO THE ROMAN ALPHABET FOR INTERNATIONAL TRAVEL DOCUMENTS AND NAME-BASED WATCHLIST SYSTEMS.

(a) FINDINGS.—Congress makes the following findings:

(1) The current lack of a single convention for translating Arabic names enabled some of the 19 hijackers of aircraft used in the terrorist attacks against the United States that occurred on September 11, 2001, to vary the spelling of their names to defeat name-based terrorist watchlist systems and to make more difficult any potential efforts to locate them.

(2) Although the development and utilization of terrorist watchlist systems using biometric identifiers will be helpful, the full development and utilization of such systems will take several years, and name-based terrorist watchlist systems will always be useful.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should seek to enter into an international agreement to modernize and improve standards for the transliteration of

names into the Roman alphabet in order to ensure 1 common spelling for such names for international travel documents and name-based watchlist systems.

SEC. 7206. IMMIGRATION SECURITY INITIATIVE.

(a) IN GENERAL.—Section 235A(b) of the Immigration and Nationality Act (8 U.S.C. 1225a(b)) is amended—

(1) in the subsection heading, by inserting “AND IMMIGRATION SECURITY INITIATIVE” after “PROGRAM”;

(2) by striking “Attorney General” and inserting “Secretary of Homeland Security”; and

(3) by adding at the end the following: “Beginning not later than December 31, 2006, the number of airports selected for an assignment under this subsection shall be at least 50.”

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out the amendments made by subsection (a)—

(1) \$25,000,000 for fiscal year 2005;

(2) \$40,000,000 for fiscal year 2006; and

(3) \$40,000,000 for fiscal year 2007.

SEC. 7207. CERTIFICATION REGARDING TECHNOLOGY FOR VISA WAIVER PARTICIPANTS.

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.

SEC. 7208. BIOMETRIC ENTRY AND EXIT DATA SYSTEM.

(a) FINDING.—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) POLICIES AND PROCEDURES.—

(A) ESTABLISHMENT.—The Secretary of Homeland Security 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.

(B) TRAINING.—The Secretary shall develop training on the rules, guidelines, policies, and procedures established under subparagraph (A), and on immigration law and procedure. All personnel authorized to access information maintained in the databases and data system shall receive such training.

(2) DATA COLLECTED FROM FOREIGN NATIONALS.—The Secretary of Homeland Security, the Secretary of State, and the Attorney General, after consultation with directors of the relevant intelligence agencies, shall standardize the information and data collected from foreign nationals, and the procedures utilized to collect such data, to ensure that the information is consistent and valuable to officials accessing that data across multiple agencies.

(3) 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 and for limiting access to the information in the databases or data systems to authorized personnel.

(4) REQUIREMENTS.—The rules, guidelines, policies, and procedures established under this subsection shall—

(A) incorporate a simple and timely method for—

(i) correcting errors in a timely and effective manner;

(ii) determining which government officer provided data so that the accuracy of the data can be ascertained; and

(iii) clarifying information known to cause false hits or misidentification errors;

(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;

(C) strictly limit the agency personnel authorized to enter data into the system;

(D) identify classes of information to be designated as temporary or permanent entries, with corresponding expiration dates for temporary entries; and

(E) identify classes of prejudicial information requiring additional authority of supervisory personnel before entry.

(5) CENTRALIZING AND STREAMLINING CORRECTION PROCESS.—

(A) IN GENERAL.—The President, or agency director designated by the President, shall establish a clearinghouse bureau in the Department of Homeland Security, to centralize and streamline the process through which members of the public can seek corrections to erroneous or inaccurate information contained in agency databases, which is related to immigration status, or which otherwise impedes lawful admission to the United States.

(B) TIME SCHEDULES.—The process described in subparagraph (A) shall include specific time schedules for reviewing data correction requests, rendering decisions on such requests, and implementing appropriate corrective action in a timely manner.

(g) INTEGRATED BIOMETRIC ENTRY-EXIT SCREENING SYSTEM.—The biometric entry and exit data system shall facilitate efficient immigration benefits processing by—

(1) ensuring that the system’s tracking capabilities encompass data related to all immigration benefits processing, including—

(A) visa applications with the Department of State;

(B) immigration related filings with the Department of Labor;

(C) cases pending before the Executive Office for Immigration Review; and

(D) matters pending or under investigation before the Department of Homeland Security;

(2) utilizing a biometric based identity number tied to an applicant's biometric algorithm established under the entry and exit data system to track all immigration related matters concerning the applicant;

(3) providing that—

(A) all information about an applicant's immigration related history, including entry and exit history, can be queried through electronic means; and

(B) database access and usage guidelines include stringent safeguards to prevent misuse of data;

(4) providing real-time updates to the information described in paragraph (3)(A), including pertinent data from all agencies referred to in paragraph (1); and

(5) providing continuing education in counterterrorism techniques, tools, and methods for all Federal personnel employed in the evaluation of immigration documents and immigration-related policy.

(h) **ENTRY-EXIT SYSTEM GOALS.**—The Department of Homeland Security shall operate the biometric entry and exit system so that it—

(1) serves as a vital counterterrorism tool;

(2) screens travelers efficiently and in a welcoming manner;

(3) provides inspectors and related personnel with adequate real-time information;

(4) ensures flexibility of training and security protocols to most effectively comply with security mandates;

(5) integrates relevant databases and plans for database modifications to address volume increase and database usage; and

(6) improves database search capacities by utilizing language algorithms to detect alternate names.

(i) **DEDICATED SPECIALISTS AND FRONT LINE PERSONNEL TRAINING.**—In implementing the provisions of subsections (g) and (h), the Department of Homeland Security and the Department of State shall—

(1) develop cross-training programs that focus on the scope and procedures of the entry and exit data system;

(2) provide extensive community outreach and education on the entry and exit data system's procedures;

(3) provide clear and consistent eligibility guidelines for applicants in low-risk traveler programs; and

(4) establish ongoing training modules on immigration law to improve adjudications at our ports of entry, consulates, and embassies.

(j) **COMPLIANCE STATUS REPORTS.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security, the Secretary of State, the Attorney General, and the head of any other department or agency subject to the requirements of this section, shall issue individual status reports and a joint status report detailing the compliance of the department or agency with each requirement under this section.

(k) **EXPEDITING REGISTERED TRAVELERS ACROSS INTERNATIONAL BORDERS.**—

(1) **FINDINGS.**—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(A) Expediting the travel of previously screened and known travelers across the borders of the United States should be a high priority.

(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 pro-

gram 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.

(l) **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. 7209. TRAVEL DOCUMENTS.

(a) **FINDINGS.**—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(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.

(3) Additional safeguards are needed to ensure that terrorists cannot enter the United States.

(b) **PASSPORTS.**—

(1) **DEVELOPMENT OF PLAN.**—The Secretary of Homeland Security, in consultation with the Secretary of State, shall develop and implement a plan as expeditiously as possible to require a passport or other document, or combination of documents, deemed by the Secretary of Homeland Security to be sufficient to denote identity and citizenship, 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)). This plan shall be implemented not later than January 1, 2008, and shall seek to expedite the travel of frequent travelers, including those who reside in border communities, and in doing so, shall make readily available a registered traveler program (as described in section 7208(k)).

(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 Homeland Security determines that the alternative documentation that is the basis for the waiver of the documentary requirement is sufficient to denote identity and citizenship;

(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. 7210. 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 makes the following findings:

(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.

(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 Federal Government should exchange terrorist information with trusted allies;

(2) the Federal Government should move toward real-time verification of passports with issuing authorities;

(3) where practicable, the Federal Government should conduct screening before a passenger departs on a flight destined for the United States;

(4) the Federal Government should work with other countries to ensure effective inspection regimes at all airports;

(5) the Federal 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 Federal 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 Federal 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 before 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;

(D) the Committee on International Relations of the House of Representatives;

(E) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(F) the Select Committee on Homeland Security of the House of Representatives (or any successor committee).

SEC. 7211. 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 AMENDMENT.—Section 656 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (5 U.S.C. 301 note) is repealed.

SEC. 7212. 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) standards for information to be included on each driver's license or personal identification card, including—

(i) the person's full legal name;

(ii) the person's date of birth;

(iii) the person's gender;

(iv) the person's driver's license or personal identification card number;

(v) a digital photograph of the person;

(vi) the person's address of principal residence; and

(vii) the person's signature;

(E) standards for common machine-readable identity information to be included on each driver's license or personal identification card, including defined minimum data elements;

(F) 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

(G) 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 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 title, 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. 561 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.

(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 shall include an assessment of the benefits and costs of the recommendation; 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. 7213. SOCIAL SECURITY CARDS AND NUMBERS.

(a) SECURITY ENHANCEMENTS.—The Commissioner of Social Security shall—

(1) not later than 1 year after the date of enactment of this Act—

(A) restrict the issuance of multiple replacement social security cards to any individual to 3 per year and 10 for the life of the individual, except that the Commissioner may allow for reasonable exceptions from the limits under this paragraph on a case-by-case basis in compelling circumstances;

(B) establish minimum standards for the verification of documents or records submitted by an individual to establish eligibility for an original or replacement social security card, other than for purposes of enumeration at birth; and

(C) require independent verification of any birth record submitted by an individual to establish eligibility for a social security account number, other than for purposes of enumeration at birth, except that the Commissioner may allow for reasonable exceptions from the requirement for independent verification under this subparagraph on a case by case basis in compelling circumstances; and

(2) notwithstanding section 205(r) of the Social Security Act (42 U.S.C. 405(r)) and any agreement entered into thereunder, not later than 18 months after the date of enactment of this Act with respect to death indicators and not later than 36 months after the date of enactment of this Act with respect to fraud indicators, add death and fraud indicators to the social security number verification systems for employers, State agencies issuing driver's licenses and identity cards, and other verification routines that the Commissioner determines to be appropriate.

(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 18 months after the date of enactment of this Act, the task force shall establish, and the Commissioner shall provide for the implementation of, 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) ENUMERATION AT BIRTH.—

(1) IMPROVEMENT OF APPLICATION PROCESS.—As soon as practicable after the date of enactment of this Act, the Commissioner of Social Security shall undertake to make improvements to the enumeration at birth program for the issuance of social security account numbers to newborns. Such improvements shall be designed to prevent—

(A) the assignment of social security account numbers to unnamed children;

(B) the issuance of more than 1 social security account number to the same child; and

(C) other opportunities for fraudulently obtaining a social security account number.

(2) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Commissioner shall transmit to each House of Congress a report specifying in detail the extent to which the improvements required under paragraph (1) have been made.

(d) STUDY REGARDING PROCESS FOR ENUMERATION AT BIRTH.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Commissioner of Social Security shall conduct a study to determine the most efficient options for ensuring the integrity of the process for enumeration at birth. This study shall include an examination of available methods for reconciling hospital birth records with birth registrations submitted to agencies of States and political subdivisions thereof and with information provided to the Commissioner as part of the process for enumeration at birth.

(2) REPORT.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Commissioner shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate regarding the results of the study conducted under paragraph (1).

(B) CONTENTS.—The report submitted under subparagraph (A) shall contain such recommendations for legislative changes as the Commissioner considers necessary to implement needed improvements in the process for enumeration at birth.

(e) 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. 7214. PROHIBITION OF THE DISPLAY OF SOCIAL SECURITY ACCOUNT NUMBERS ON DRIVER'S LICENSES OR MOTOR VEHICLE REGISTRATIONS.

(a) IN GENERAL.—Section 205(c)(2)(C)(vi) of the Social Security Act (42 U.S.C. 405(c)(2)(C)(vi)) is amended—

(1) by inserting "(I)" after "(vi)"; and

(2) by adding at the end the following new subclause:

"(II) Any State or political subdivision thereof (and any person acting as an agent of such an agency or instrumentality), in the administration of any driver's license or motor vehicle registration law within its jurisdiction, may not display a social security account number issued by the Commissioner of Social Security (or any derivative of such number) on any driver's license, motor vehicle registration, or personal identification card (as defined in section 7212(a)(2) of the 9/11 Commission Implementation Act of 2004), or include, on any such license, registration, or personal identification card, a magnetic strip, bar code, or other means of communication which conveys such number (or derivative thereof)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(2) shall apply with respect to licenses, registrations, and identification cards issued or reissued 1 year after the date of enactment of this Act.

(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. 7215. TERRORIST TRAVEL PROGRAM.

The Secretary of Homeland Security, in consultation with the Director of the National Counterterrorism Center, and consistent with the strategy developed under section 7201, shall establish a program to oversee the implementation of the Department's responsibilities with respect to terrorist travel, including the analysis,

coordination, and dissemination of terrorist travel intelligence and operational information—

(1) among appropriate subdivisions of the Department of Homeland Security, including—

(A) the Bureau of Customs and Border Protection;

(B) United States Immigration and Customs Enforcement;

(C) United States Citizenship and Immigration Services;

(D) the Transportation Security Administration; and

(E) any other subdivision, as determined by the Secretary; and

(2) between the Department of Homeland Security and other appropriate Federal agencies.

SEC. 7216. INCREASE IN PENALTIES FOR FRAUD AND RELATED ACTIVITY.

Section 1028(b)(4) of title 18, United States Code, is amended by striking “25 years” and inserting “30 years”.

SEC. 7217. STUDY ON ALLEGEDLY LOST OR STOLEN PASSPORTS.

(a) IN GENERAL.—Not later than May 31, 2005, the Secretary of State, in consultation with the Secretary of Homeland Security, shall submit a report, containing the results of a study on the subjects described in subsection (b), to—

(1) the Committee on the Judiciary of the Senate;

(2) the Committee on the Judiciary of the House of Representatives;

(3) the Committee on Foreign Relations of the Senate;

(4) the Committee on International Relations of the House of Representatives;

(5) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(6) the Select Committee on Homeland Security of the House of Representatives (or any successor committee).

(b) CONTENTS.—The study referred to in subsection (a) shall examine the feasibility, cost, potential benefits, and relative importance to the objectives of tracking suspected terrorists’ travel, and apprehending suspected terrorists, of establishing a system, in coordination with other countries, through which border and visa issuance officials have access in real-time to information on newly issued passports to persons whose previous passports were allegedly lost or stolen.

(c) INCENTIVES.—The study described in subsection (b) shall make recommendations on incentives that might be offered to encourage foreign nations to participate in the initiatives described in subsection (b).

SEC. 7218. ESTABLISHMENT OF VISA AND PASSPORT SECURITY PROGRAM IN THE DEPARTMENT OF STATE.

(a) ESTABLISHMENT.—There is established, within the Bureau of Diplomatic Security of the Department of State, the Visa and Passport Security Program (in this section referred to as the “Program”).

(b) PREPARATION OF STRATEGIC PLAN.—

(1) IN GENERAL.—The Assistant Secretary for Diplomatic Security, in coordination with the appropriate officials of the Bureau of Consular Affairs, the coordinator for counterterrorism, the National Counterterrorism Center, and the Department of Homeland Security, and consistent with the strategy mandated by section 7201, shall ensure the preparation of a strategic plan to target and disrupt individuals and organizations, within the United States and in foreign countries, that are involved in the fraudulent production, distribution, use, or other similar activity—

(A) of a United States visa or United States passport;

(B) of documents intended to help fraudulently procure a United States visa or United States passport, or other documents intended to gain unlawful entry into the United States; or

(C) of passports and visas issued by foreign countries intended to gain unlawful entry into the United States.

(2) EMPHASIS.—The strategic plan shall—

(A) focus particular emphasis on individuals and organizations that may have links to domestic terrorist organizations or foreign terrorist organizations (as such term is defined in section 219 of the Immigration and Nationality Act (8 U.S.C. 1189));

(B) require the development of a strategic training course under the Antiterrorism Assistance Training (ATA) program of the Department of State (or any successor or related program) under chapter 8 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349a et seq.) (or other relevant provisions of law) to train participants in the identification of fraudulent documents and the forensic detection of such documents which may be used to obtain unlawful entry into the United States; and

(C) determine the benefits and costs of providing technical assistance to foreign governments to ensure the security of passports, visas, and related documents and to investigate, arrest, and prosecute individuals who facilitate travel by the creation of false passports and visas, documents to obtain such passports and visas, and other types of travel documents.

(c) PROGRAM.—

(1) INDIVIDUAL IN CHARGE.—

(A) DESIGNATION.—The Assistant Secretary for Diplomatic Security shall designate an individual to be in charge of the Program.

(B) QUALIFICATION.—The individual designated under subparagraph (A) shall have expertise and experience in the investigation and prosecution of visa and passport fraud.

(2) PROGRAM COMPONENTS.—The Program shall include the following:

(A) ANALYSIS OF METHODS.—Analyze, in coordination with other appropriate government agencies, methods used by terrorists to travel internationally, particularly the use of false or altered travel documents to illegally enter foreign countries and the United States, and consult with the Bureau of Consular Affairs and the Secretary of Homeland Security on recommended changes to the visa issuance process that could combat such methods, including the introduction of new technologies into such process.

(B) IDENTIFICATION OF INDIVIDUALS AND DOCUMENTS.—Identify, in cooperation with the Human Trafficking and Smuggling Center, individuals who facilitate travel by the creation of false passports and visas, documents used to obtain such passports and visas, and other types of travel documents, and ensure that the appropriate agency is notified for further investigation and prosecution or, in the case of such individuals abroad for which no further investigation or prosecution is initiated, ensure that all appropriate information is shared with foreign governments in order to facilitate investigation, arrest, and prosecution of such individuals.

(C) IDENTIFICATION OF FOREIGN COUNTRIES NEEDING ASSISTANCE.—Identify foreign countries that need technical assistance, such as law reform, administrative reform, prosecutorial training, or assistance to police and other investigative services, to ensure passport, visa, and related document security and to investigate, arrest, and prosecute individuals who facilitate travel by the creation of false passports and visas, documents used to obtain such passports and visas, and other types of travel documents.

(D) INSPECTION OF APPLICATIONS.—Randomly inspect visa and passport applications for accuracy, efficiency, and fraud, especially at high terrorist threat posts, in order to prevent a recurrence of the issuance of visas to those who submit incomplete, fraudulent, or otherwise irregular or incomplete applications.

(d) REPORT.—Not later than 90 days after the date on which the strategy required under section 7201 is submitted to Congress, the Assistant Secretary for Diplomatic Security shall submit to Congress a report containing—

(1) a description of the strategic plan prepared under subsection (b); and

(2) an evaluation of the feasibility of establishing civil service positions in field offices of the Bureau of Diplomatic Security to investigate visa and passport fraud, including an evaluation of whether to allow diplomatic security agents to convert to civil service officers to fill such positions.

SEC. 7219. EFFECTIVE DATE.

Notwithstanding any other provision of this Act, this subtitle shall take effect on the date of enactment of this Act.

SEC. 7220. IDENTIFICATION STANDARDS.

(a) PROPOSED STANDARDS.—

(1) IN GENERAL.—The Secretary of Homeland Security—

(A) shall propose minimum standards for identification documents required of domestic commercial airline passengers for boarding an aircraft; and

(B) may, from time to time, propose minimum standards amending or replacing standards previously proposed and transmitted to Congress and approved under this section.

(2) SUBMISSION TO CONGRESS.—Not later than 6 months after the date of enactment of this Act, the Secretary shall submit the standards under paragraph (1)(A) to the Senate and the House of Representatives on the same day while each House is in session.

(3) EFFECTIVE DATE.—Any proposed standards submitted to Congress under this subsection shall take effect when an approval resolution is passed by the House and the Senate under the procedures described in subsection (b) and becomes law.

(b) CONGRESSIONAL APPROVAL PROCEDURES.—

(1) RULEMAKING POWER.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of such approval resolutions; and it supersedes other rules only to the extent that they are inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(2) APPROVAL RESOLUTION.—For the purpose of this subsection, the term “approval resolution” means a joint resolution of Congress, the matter after the resolving clause of which is as follows: “That the Congress approves the proposed standards issued under section 7220 of the 9/11 Commission Implementation Act of 2004, transmitted by the President to the Congress on _____”, the blank space being filled in with the appropriate date.

(3) INTRODUCTION.—Not later than the first day of session following the day on which proposed standards are transmitted to the House of Representatives and the Senate under subsection (a), an approval resolution—

(A) shall be introduced (by request) in the House by the Majority Leader of the House of Representatives, for himself or herself and the minority leader of the House of Representatives, or by Members of the House of Representatives designated by the Majority Leader and Minority Leader of the House; and

(B) shall be introduced (by request) in the Senate by the Majority Leader of the Senate, for himself or herself and the Minority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate.

(4) PROHIBITIONS.—

(A) AMENDMENTS.—No amendment to an approval resolution shall be in order in either the House of Representative of the Senate.

(B) MOTIONS TO SUSPEND.—No motion to suspend the application of this paragraph shall be

in order in either House, nor shall it be in order in either House for the Presiding Officer to entertain a request to suspend the application of this paragraph by unanimous consent.

(5) REFERRAL.—

(A) IN GENERAL.—An approval resolution shall be referred to the committees of the House of Representatives and of the Senate with jurisdiction. Each committee shall make its recommendations to the House of Representatives or the Senate, as the case may be, within 45 days after its introduction. Except as provided in subparagraph (B), if a committee to which an approval resolution has been referred has not reported it at the close of the 45th day after its introduction, such committee shall be automatically discharged from further consideration of the resolution and it shall be placed on the appropriate calendar.

(B) FINAL PASSAGE.—A vote on final passage of the resolution shall be taken in each House on or before the close of the 15th day after the resolution is reported by the committee or committees of that House to which it was referred, or after such committee or committees have been discharged from further consideration of the resolution.

(C) COMPUTATION OF DAYS.—For purposes of this paragraph, in computing a number of days in either House, there shall be excluded any day on which that House is not in session.

(6) COORDINATION WITH ACTION OF OTHER HOUSE.—If prior to the passage by one House of an approval resolution of that House, that House receives the same approval resolution from the other House, then the procedure in that House shall be the same as if no approval resolution has been received from the other House, but the vote on final passage shall be on the approval resolution of the other House.

(7) FLOOR CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(A) MOTION TO PROCEED.—A motion in the House of Representatives to proceed to the consideration of an approval resolution shall be highly privileged and not debatable. An amendment to the motion shall not be in order, not shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) DEBATE.—Debate in the House of Representatives on an implementing bill or approval resolution shall be limited to not more than 4 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion to further limit debate shall not be debatable. It shall not be in order to move to reconsider an approval resolution or to move to reconsider the vote by which an approval resolution is agreed to or disagreed to.

(C) MOTION TO POSTPONE.—Motions to postpone made in the House of Representatives with respect to the consideration of an approval resolution and motions to proceed to the consideration of other business shall be decided without debate.

(D) APPEALS.—All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to an approval resolution shall be decided without debate.

(E) RULES OF THE HOUSE OF REPRESENTATIVES.—Except to the extent specifically provided in subparagraphs (A) through (D), consideration of an approval resolution shall be governed by the Rules of the House of Representatives applicable to other resolutions in similar circumstances.

(8) FLOOR CONSIDERATION IN THE SENATE.—

(A) MOTION TO PROCEED.—A motion in the Senate to proceed to the consideration of an approval resolution shall be privileged and not debatable. An amendment to the motion shall not be in order, not shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) DEBATE ON RESOLUTION.—Debate in the Senate on an approval resolution, and appeals

in connection therewith, shall be limited to not more than 10 hours, which shall be equally divided between, and controlled by, the Majority Leader and the Minority Leader, or their designees.

(C) DEBATE ON MOTIONS AND APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with an approval resolution shall be limited to not more than 1 hour, which shall be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the Minority Leader or designee. Such leaders, or either of them, may, from time under their control on the passage of an approval resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(D) LIMIT ON DEBATE.—A motion in the Senate to further limit debate is not debatable. A motion to recommit an approval resolution is not in order.

(c) DEFAULT STANDARDS.—

(1) IN GENERAL.—If the standards proposed under subsection (a)(1)(A) are not approved pursuant to the procedures described in subsection (b), then not later than 1 year after rejection by a vote of either House of Congress, domestic commercial airline passengers seeking to board an aircraft shall present, for identification purposes—

(A) a valid, unexpired passport;

(B) domestically issued documents that the Secretary of Homeland Security designates as reliable for identification purposes;

(C) any document issued by the Attorney General or the Secretary of Homeland Security under the authority of 1 of the immigration laws (as defined under section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)); or

(D) a document issued by the country of nationality of any alien not required to possess a passport for admission to the United States that the Secretary designates as reliable for identification purposes

(2) EXCEPTION.—The documentary requirements described in paragraph (1)—

(A) shall not apply to individuals below the age of 17, or such other age as determined by the Secretary of Homeland Security;

(B) may be waived by the Secretary of Homeland Security in the case of an unforeseen medical emergency.

(d) RECOMMENDATION TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall recommend to Congress—

(1) categories of Federal facilities that the Secretary determines to be at risk for terrorist attack and requiring minimum identification standards for access to such facilities; and

(2) appropriate minimum identification standards to gain access to those facilities.

Subtitle C—National Preparedness

SEC. 7301. 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 decisionmakers who are represented at the incident command level help to ensure an effective response, the efficient use of resources, and responder safety.

(4) The incident command system also enables emergency managers and first responders to manage, generate, receive, evaluate, share, and use information.

(5) Regular joint training at all levels is essential to ensuring close coordination during an actual incident.

(6) In Homeland Security Presidential Directive 5, the President directed the Secretary of Homeland Security to develop an incident command system, to be known as the National Incident Management System (NIMS), and directed all Federal agencies to make the adoption of NIMS a condition for the receipt of Federal emergency preparedness assistance by States, territories, tribes, and local governments beginning in fiscal year 2005.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States needs to implement the recommendations of the National Commission on Terrorist Attacks Upon the United States by adopting a unified incident command system and significantly enhancing communications connectivity between and among all levels of government agencies, emergency response providers (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101), and other organizations with emergency response capabilities;

(2) 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;

(3) emergency response agencies nationwide should adopt the Incident Command System known as NIMS;

(4) when multiple agencies or multiple jurisdictions are involved, they should follow a unified command system based on NIMS;

(5) the regular use of, and training in, NIMS by States and, to the extent practicable, territories, tribes, and local governments, should be a condition for receiving Federal preparedness assistance; and

(6) 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. 7302. 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 pre-planned 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, in accordance with 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) **IMMUNITIES.**—This section shall not abrogate any other immunities from liability that any party has under any other Federal or State law.

(e) **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.

(f) **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. 7303. ENHANCEMENT OF PUBLIC SAFETY COMMUNICATIONS INTEROPERABILITY.

(a) **COORDINATION OF PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS PROGRAMS.**—

(1) **PROGRAM.**—The Secretary of Homeland Security, in consultation with the Secretary of Commerce and the Chairman of the Federal Communications Commission, shall establish a program to enhance public safety interoperable communications at all levels of government. Such program shall—

(A) establish a comprehensive national approach to achieving public safety interoperable communications;

(B) coordinate with other Federal agencies in carrying out subparagraph (A);

(C) develop, in consultation with other appropriate Federal agencies and State and local authorities, appropriate minimum capabilities for communications interoperability for Federal, State, and local public safety agencies;

(D) accelerate, in consultation with other Federal agencies, including the National Institute of Standards and Technology, the private sector, and nationally recognized standards organizations as appropriate, the development of national voluntary consensus standards for public safety interoperable communications, recognizing—

(i) the value, life cycle, and technical capabilities of existing communications infrastructure;

(ii) the need for cross-border interoperability between States and nations;

(iii) the unique needs of small, rural communities; and

(iv) the interoperability needs for daily operations and catastrophic events;

(E) encourage the development and implementation of flexible and open architectures incorporating, where possible, technologies that currently are commercially available, with appropriate levels of security, for short-term and long-term solutions to public safety communications interoperability;

(F) assist other Federal agencies in identifying priorities for research, development, and testing and evaluation with regard to public safety interoperable communications;

(G) identify priorities within the Department of Homeland Security for research, development, and testing and evaluation with regard to public safety interoperable communications;

(H) establish coordinated guidance for Federal grant programs for public safety interoperable communications;

(I) provide technical assistance to State and local public safety agencies regarding planning, acquisition strategies, interoperability architectures, training, and other functions necessary to achieve public safety communications interoperability;

(J) develop and disseminate best practices to improve public safety communications interoperability; and

(K) develop appropriate performance measures and milestones to systematically measure the Nation's progress toward achieving public safety communications interoperability, including the development of national voluntary consensus standards.

(2) **OFFICE FOR INTEROPERABILITY AND COMPATIBILITY.**—

(A) **ESTABLISHMENT OF OFFICE.**—The Secretary may establish an Office for Interoperability and Compatibility within the Directorate of Science and Technology to carry out this subsection.

(B) **FUNCTIONS.**—If the Secretary establishes such office, the Secretary shall, through such office—

(i) carry out Department of Homeland Security responsibilities and authorities relating to the SAFECOM Program; and

(ii) carry out section 510 of the Homeland Security Act of 2002, as added by subsection (d).

(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.

(b) **REPORT.**—Not later than 120 days after the date of enactment of this Act, the Secretary shall report to the Congress on Department of Homeland Security plans for accelerating the development of national voluntary consensus standards for public safety interoperable communications, a schedule of milestones for such development, and achievements of such development.

(c) **INTERNATIONAL INTEROPERABILITY.**—Not later than 18 months 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.

(d) **HIGH RISK AREA COMMUNICATIONS CAPABILITIES.**—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. URBAN AND OTHER HIGH RISK AREA COMMUNICATIONS CAPABILITIES.

“(a) **IN GENERAL.**—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 provide technical guidance, training, and other assistance, as appropriate, to support the rapid establishment of consistent, secure, and effective interoperable communications capabilities in the event of an emergency in urban and other areas determined by the Secretary to be at consistently high levels of risk from terrorist attack.

“(b) **MINIMUM CAPABILITIES.**—The interoperable communications capabilities established under subsection (a) shall ensure the ability of all levels of government agencies, emergency response providers (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)), and other organizations with emergency response capabilities—

“(1) to communicate with each other in the event of an emergency; and

“(2) to have appropriate and timely access to the Information Sharing Environment described in section 1016 of the National Security Intelligence Reform Act of 2004.”

(e) **MULTIYEAR INTEROPERABILITY GRANTS.**—

(1) **MULTIYEAR 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 multiyear 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.

(f) **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.

(g) **DEFINITIONS.**—In this section:

(1) **INTEROPERABLE COMMUNICATIONS.**—The term “interoperable communications” means the ability of emergency response providers and relevant Federal, State, and local government agencies to communicate with each other as necessary, through a dedicated public safety network utilizing information technology systems and radio communications systems, and to exchange voice, data, or video with one another on demand, in real time, as necessary.

(2) **EMERGENCY RESPONSE PROVIDERS.**—The term “emergency response providers” has the meaning that term has under section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(h) **CLARIFICATION OF RESPONSIBILITY FOR INTEROPERABLE COMMUNICATIONS.**—

(1) **UNDER SECRETARY FOR EMERGENCY PREPAREDNESS AND RESPONSE.**—Section 502(7) of the Homeland Security Act of 2002 (6 U.S.C. 312(7)) is amended—

(A) by striking “developing comprehensive programs for developing interoperative communications technology, and”; and

(B) by striking “such” and inserting “interoperable communications”.

(2) **OFFICE FOR DOMESTIC PREPAREDNESS.**—Section 430(c) of such Act (6 U.S.C. 238(c)) is amended—

(A) in paragraph (7) by striking “and” after the semicolon;

(B) in paragraph (8) by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(9) helping to ensure the acquisition of interoperable communication technology by State and local governments and emergency response providers.”

(i) **SENSE OF CONGRESS REGARDING INTEROPERABLE COMMUNICATIONS.**—

(1) **FINDING.**—The Congress finds that—

(A) many first responders working in the same jurisdiction or in different jurisdictions cannot effectively and efficiently communicate with one another; and

(B) their inability to do so threatens the public's safety and may result in unnecessary loss of lives and property.

(2) **SENSE OF CONGRESS.**—It is the sense of Congress that interoperable emergency communications systems and radios should continue to be deployed as soon as practicable for use by the first responder community, and that upgraded and new digital communications systems and new digital radios must meet prevailing national, voluntary consensus standards for interoperability.

SEC. 7304. REGIONAL MODEL STRATEGIC PLAN PILOT PROJECTS.

(a) **PILOT PROJECTS.**—Consistent with sections 302 and 430 of the Homeland Security Act of 2002 (6 U.S.C. 182, 238), not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall establish not fewer than 2 pilot projects in high threat urban areas or regions that are likely to implement a national model strategic plan.

(b) **PURPOSES.**—The purposes of the pilot projects required by this section shall be to develop a regional strategic plan to foster inter-agency communication in the area in which it is established and coordinate the gathering of all Federal, State, and local first responders in that area, consistent with the national strategic plan developed by the Department of Homeland Security.

(c) **SELECTION CRITERIA.**—In selecting urban areas for the location of pilot projects under this section, the Secretary shall consider—

(1) the level of risk to the area, as determined by the Department of Homeland Security;

(2) the number of Federal, State, and local law enforcement agencies located in the area;

(3) the number of potential victims from a large scale terrorist attack in the area; and

(4) such other criteria reflecting a community's risk and vulnerability as the Secretary determines is appropriate.

(d) **INTERAGENCY ASSISTANCE.**—The Secretary of Homeland Security shall consult with the Secretary of Defense as necessary for the development of the pilot projects required by this section, including examining relevant standards, equipment, and protocols in order to improve interagency communication among first responders.

(e) **REPORTS TO CONGRESS.**—The Secretary of Homeland Security shall submit to Congress—

(1) an interim report regarding the progress of the interagency communications pilot projects required by this section 6 months after the date of enactment of this Act; and

(2) a final report 18 months after that date of enactment.

(f) **FUNDING.**—There are authorized to be made available to the Secretary of Homeland Security, such sums as may be necessary to carry out this section.

SEC. 7305. 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) Preparedness in the private sector and public sector for rescue, restart and recovery of operations should include, as appropriate—

(A) a plan for evacuation;

(B) adequate communications capabilities; and

(C) a plan for continuity of operations.

(3) 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 establishes a common set of criteria and terminology for preparedness, disaster management, emergency management, and business continuity programs.

(4) The mandate of the Department of Homeland Security extends to working with the private sector, as well as government entities.

(b) **SENSE OF CONGRESS ON PRIVATE SECTOR PREPAREDNESS.**—It is the sense of Congress that the Secretary of Homeland Security should promote, where appropriate, the adoption of voluntary national preparedness standards 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.

SEC. 7306. CRITICAL INFRASTRUCTURE AND READINESS ASSESSMENTS.

(a) **FINDINGS.**—Congress makes the following findings:

(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) The report of the National Commission on Terrorist Attacks Upon the United States recommended that 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 in conjunction with the reporting requirements of Public Law 108-330, 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. 7307. NORTHERN COMMAND AND DEFENSE OF THE UNITED STATES HOMELAND.

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 military and paramilitary threats within the United States, should it be called upon to do so by the President.

SEC. 7308. EFFECTIVE DATE.

Notwithstanding any other provision of this Act, this subtitle shall take effect on the date of enactment of this Act.

Subtitle D—Homeland Security

SEC. 7401. SENSE OF CONGRESS ON FIRST RESPONDER FUNDING.

It is the sense of Congress that Congress must pass legislation in the first session of the 109th Congress to reform the system for distributing grants to enhance State and local government prevention of, preparedness for, and response to acts of terrorism.

SEC. 7402. COORDINATION OF INDUSTRY EFFORTS.

Section 102(f) of the Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 112(f)) is amended—

(1) in paragraph (6), by striking “and” at the end;

(2) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(8) coordinating industry efforts, with respect to functions of the Department of Homeland Security, to identify private sector resources and capabilities that could be effective in supplementing Federal, State, and local government agency efforts to prevent or respond to a terrorist attack;

“(9) coordinating with the Directorate of Border and Transportation Security and the Assistant Secretary for Trade Development of the Department of Commerce on issues related to the travel and tourism industries; and

“(10) consulting with the Office of State and Local Government Coordination and Preparedness on all matters of concern to the private sector, including the tourism industry.”

SEC. 7403. STUDY REGARDING NATIONWIDE EMERGENCY NOTIFICATION SYSTEM.

(a) **STUDY.**—The Secretary of Homeland Security, in coordination with the Chairman of the Federal Communications Commission, and in consultation with the heads of other appropriate Federal agencies and representatives of providers and participants in the telecommunications industry, shall conduct a study to determine whether it is cost-effective, efficient, and feasible to establish and implement an emergency telephonic alert notification system that will—

(1) alert persons in the United States of imminent or current hazardous events caused by acts of terrorism; and

(2) provide information to individuals regarding appropriate measures that may be undertaken to alleviate or minimize threats to their safety and welfare posed by such events.

(b) **TECHNOLOGIES TO CONSIDER.**—In conducting the study, the Secretary shall consider the use of the telephone, wireless communications, and other existing communications networks to provide such notification.

(c) **REPORT.**—Not later than 9 months after the date of enactment of this Act, the Secretary shall submit to Congress a report regarding the conclusions of the study.

SEC. 7404. PILOT STUDY TO MOVE WARNING SYSTEMS INTO THE MODERN DIGITAL AGE.

(a) **PILOT STUDY.**—The Secretary of Homeland Security, from funds made 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, the Secretary of Transportation, 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 of Homeland Security 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 enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report regarding the findings, conclusions, and recommendations of the pilot study.

(c) **PROHIBITION ON USE OF HIGHWAY TRUST FUND.**—No funds derived from the Highway Trust Fund may be transferred to, made available to, or obligated by the Secretary of Homeland Security to carry out this section

SEC. 7405. REQUIRED COORDINATION.

The Secretary of Homeland Security shall ensure that there is effective and ongoing coordination of Federal efforts to prevent, prepare for, and respond to acts of terrorism and other major disasters and emergencies among the divisions of the Department of Homeland Security, including the Directorate of Emergency Preparedness and Response and the Office for State and Local Government Coordination and Preparedness.

SEC. 7406. 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.”

SEC. 7407. RESPONSIBILITIES OF COUNTER-NARCOTICS OFFICE.

(a) **AMENDMENT.**—Section 878 of the Homeland Security Act of 2002 (6 U.S.C. 458) is amended to read as follows:

“SEC. 878. OFFICE OF COUNTERNARCOTICS ENFORCEMENT.

“(a) **OFFICE.**—There is established in the Department an Office of Counternarcotics Enforcement, which shall be headed by a Director appointed by the President, by and with the advice and consent of the Senate.

“(b) **ASSIGNMENT OF PERSONNEL.**—

“(1) **IN GENERAL.**—The Secretary shall assign permanent staff to the Office, consistent with effective management of Department resources.

“(2) **LIAISONS.**—The Secretary shall designate senior employees from each appropriate subdivision of the Department that has significant counternarcotics responsibilities to act as a liaison between that subdivision and the Office of Counternarcotics Enforcement.

“(c) **LIMITATION ON CONCURRENT EMPLOYMENT.**—Except as provided in subsection (d), the Director of the Office of Counternarcotics Enforcement shall not be employed by, assigned to, or serve as the head of, any other branch of the Federal Government, any State or local government, or any subdivision of the Department other than the Office of Counternarcotics Enforcement.

“(d) **ELIGIBILITY TO SERVE AS THE UNITED STATES INTERDICTION COORDINATOR.**—The Director of the Office of Counternarcotics Enforcement may be appointed as the United States Interdiction Coordinator by the Director of the Office of National Drug Control Policy, and shall be the only person at the Department eligible to be so appointed.

“(e) **RESPONSIBILITIES.**—The Secretary shall direct the Director of the Office of Counternarcotics Enforcement—

“(1) to coordinate policy and operations within the Department, between the Department and other Federal departments and agencies, and between the Department and State and local agencies with respect to stopping the entry of illegal drugs into the United States;

“(2) to ensure the adequacy of resources within the Department for stopping the entry of illegal drugs into the United States;

“(3) to recommend the appropriate financial and personnel resources necessary to help the Department better fulfill its responsibility to stop the entry of illegal drugs into the United States;

“(4) within the Joint Terrorism Task Force construct to track and sever connections between illegal drug trafficking and terrorism; and

“(5) to be a representative of the Department on all task forces, committees, or other entities whose purpose is to coordinate the counternarcotics enforcement activities of the Department and other Federal, State or local agencies.

“(f) **SAVINGS CLAUSE.**—Nothing in this section shall be construed to authorize direct control of the operations conducted by the Directorate of Border and Transportation Security, the Coast Guard, or joint terrorism task forces.

“(g) **REPORTS TO CONGRESS.**—

“(1) **ANNUAL BUDGET REVIEW.**—The Director of the Office of Counternarcotics Enforcement shall, not later than 30 days after the submission by the President to Congress of any request for expenditures for the Department, submit to the Committees on Appropriations and the authorizing committees of jurisdiction of the House of Representatives and the Senate a review and evaluation of such request. The review and evaluation shall—

“(A) identify any request or subpart of any request that affects or may affect the counternarcotics activities of the Department or any of its subdivisions, or that affects the ability of the Department or any subdivision of the Department to meet its responsibility to stop the entry of illegal drugs into the United States;

“(B) describe with particularity how such requested funds would be or could be expended in furtherance of counternarcotics activities; and

“(C) compare such requests with requests for expenditures and amounts appropriated by Congress in the previous fiscal year.

“(2) **EVALUATION OF COUNTERNARCOTICS ACTIVITIES.**—The Director of the Office of Counternarcotics Enforcement shall, not later than February 1 of each year, submit to the Committees on Appropriations and the authorizing committees of jurisdiction of the House of Representatives and the Senate a review and evaluation of the counternarcotics activities of the Department for the previous fiscal year. The review and evaluation shall—

“(A) describe the counternarcotics activities of the Department and each subdivision of the De-

partment (whether individually or in cooperation with other subdivisions of the Department, or in cooperation with other branches of the Federal Government or with State or local agencies), including the methods, procedures, and systems (including computer systems) for collecting, analyzing, sharing, and disseminating information concerning narcotics activity within the Department and between the Department and other Federal, State, and local agencies;

“(B) describe the results of those activities, using quantifiable data whenever possible;

“(C) state whether those activities were sufficient to meet the responsibility of the Department to stop the entry of illegal drugs into the United States, including a description of the performance measures of effectiveness that were used in making that determination; and

“(D) recommend, where appropriate, changes to those activities to improve the performance of the Department in meeting its responsibility to stop the entry of illegal drugs into the United States.

“(3) **CLASSIFIED OR LAW ENFORCEMENT SENSITIVE INFORMATION.**—Any content of a review and evaluation described in the reports required in this subsection that involves information classified under criteria established by an Executive order, or whose public disclosure, as determined by the Secretary, would be detrimental to the law enforcement or national security activities of the Department or any other Federal, State, or local agency, shall be presented to Congress separately from the rest of the review and evaluation.”

(b) **CONFORMING AMENDMENTS.**—Section 103(a) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)) is amended—

(1) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and

(2) by inserting after paragraph (7) the following:

“(8) A Director of the Office of Counternarcotics Enforcement.”

(c) **AUTHORIZATION OF APPROPRIATIONS.**—Of the amounts appropriated for the Department of Homeland Security for Departmental management and operations for fiscal year 2005, there is authorized up to \$6,000,000 to carry out section 878 of the Department of Homeland Security Act of 2002.

SEC. 7408. USE OF COUNTERNARCOTICS ENFORCEMENT ACTIVITIES IN CERTAIN EMPLOYEE PERFORMANCE APPRAISALS.

(a) **IN GENERAL.**—Subtitle E of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 411 et seq.) is amended by adding at the end the following:

“(b) **SEC. 843. USE OF COUNTERNARCOTICS ENFORCEMENT ACTIVITIES IN CERTAIN EMPLOYEE PERFORMANCE APPRAISALS.**

“(a) **IN GENERAL.**—Each subdivision of the Department that is a National Drug Control Program Agency shall include as one of the criteria in its performance appraisal system, for each employee directly or indirectly involved in the enforcement of Federal, State, or local narcotics laws, the performance of that employee with respect to the enforcement of Federal, State, or local narcotics laws, relying to the greatest extent practicable on objective performance measures, including—

“(1) the contribution of that employee to seizures of narcotics and arrests of violators of Federal, State, or local narcotics laws; and

“(2) the degree to which that employee cooperated with or contributed to the efforts of other employees, either within the Department or other Federal, State, or local agencies, in counternarcotics enforcement.

“(b) **DEFINITIONS.**—For purposes of this section—

“(1) the term ‘National Drug Control Program Agency’ means—

“(A) a National Drug Control Program Agency, as defined in section 702(7) of the Office of

National Drug Control Policy Reauthorization Act of 1998 (as last in effect); and

“(B) any subdivision of the Department that has a significant counternarcotics responsibility, as determined by—

“(i) the counternarcotics officer, appointed under section 878; or

“(ii) if applicable, the counternarcotics officer’s successor in function (as determined by the Secretary); and

“(2) the term ‘performance appraisal system’ means a system under which periodic appraisals of job performance of employees are made, whether under chapter 43 of title 5, United States Code, or otherwise.”

(b) **CLERICAL AMENDMENT.**—The table of contents for the Homeland Security Act of 2002 is amended by inserting after the item relating to section 842 the following:

“Sec. 843. Use of counternarcotics enforcement activities in certain employee performance appraisals.”

Subtitle E—Public Safety Spectrum

SEC. 7501. DIGITAL TELEVISION CONVERSION DEADLINE.

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

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

(2) Section 309(j)(14) of the Communications Act of 1934 (47 U.S.C. 309(j)(14)) requires each television broadcaster to cease analog transmissions and return 6 megahertz of spectrum not later than—

(A) December 31, 2006; or

(B) the date on which more than 85 percent of the television households in the market of such broadcaster can view digital broadcast television channels using a digital television, a digital-to-analog converter box, cable service, or satellite service.

(3) Twenty-four megahertz of spectrum occupied by television broadcasters has been earmarked for use by first responders as soon as the television broadcasters return the spectrum broadcasters being used to provide analog transmissions. This spectrum would be ideal to provide first responders with interoperable communications channels.

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

(5) The 85 percent penetration test described in paragraph (2)(B) 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.

(6) While proposals to require broadcasters to return, on a date certain, the spectrum earmarked for future public safety use may improve the ability of public safety entities to begin planning for use of this spectrum, such proposals have certain deficiencies. The proposals would require the dislocation of up to 75 broadcast stations, which also serve a critical public safety function by broadcasting weather, traffic, disaster, and other safety alerts. Such disparate treatment of broadcasters would be unfair to the broadcasters and their respective viewers. Requiring the return of all analog broadcast spectrum by a date certain would have the benefit of addressing the digital television transition in a comprehensive fashion that treats all broadcasters and viewers equally, while freeing spectrum for advanced commercial services.

(7) The Federal Communications Commission should consider all regulatory means available to expedite the return of the analog spectrum.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) Congress must act to pass legislation in the first session of the 109th Congress that establishes a comprehensive approach to the timely

return of analog broadcast spectrum as early as December 31, 2006; and

(2) any delay in the adoption of the legislation described in paragraph (1) will delay the ability of public safety entities to begin planning to use this needed spectrum.

SEC. 7502. STUDIES ON TELECOMMUNICATIONS CAPABILITIES AND REQUIREMENTS.

(a) **ALLOCATIONS OF SPECTRUM FOR EMERGENCY RESPONSE PROVIDERS.**—The Federal Communications Commission shall, in consultation with the Secretary of Homeland Security and the National Telecommunications and Information Administration, conduct a study to assess short-term and long-term needs for allocations of additional portions of the electromagnetic spectrum for Federal, State, and local emergency response providers, including whether or not an additional allocation of spectrum in the 700 megahertz band should be granted by Congress to such emergency response providers.

(b) **STRATEGIES TO MEET PUBLIC SAFETY TELECOMMUNICATIONS REQUIREMENTS.**—The Secretary of Homeland Security shall, in consultation with the Federal Communications Commission and the National Telecommunications and Information Administration, conduct a study to assess strategies that may be used to meet public safety telecommunications needs, including—

(1) the need and efficacy of deploying nationwide interoperable communications networks (including the potential technical and operational standards and protocols for nationwide interoperable broadband mobile communications networks that may be used by Federal, State, regional, and local governmental and nongovernmental public safety, homeland security, and other emergency response personnel);

(2) the capacity of public safety entities to utilize wireless broadband applications; and

(3) the communications capabilities of all emergency response providers, including hospitals and health care workers, and current efforts to promote communications coordination and training among emergency response providers.

(c) **STUDY REQUIREMENTS.**—In conducting the studies required by subsections (a) and (b), the Secretary of Homeland Security and the Federal Communications Commission shall—

(1) seek input from Federal, State, local, and regional emergency response providers regarding the operation and administration of a potential nationwide interoperable broadband mobile communications network; and

(2) consider the use of commercial wireless technologies to the greatest extent practicable.

(d) **REPORTS.**—(1) Not later than one year after the date of enactment of this Act, the Federal Communications Commission (in the case of the study required by subsection (a)) and the Secretary of Homeland Security (in the case of the study required by subsection (b)) shall submit to the appropriate committees of Congress a report on such study, including the findings of such study.

(2) In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Energy and Commerce and the Select Committee on Homeland Security of the House of Representatives.

Subtitle F—Presidential Transition

SEC. 7601. PRESIDENTIAL TRANSITION.

(a) **SERVICES PROVIDED PRESIDENT-ELECT.**—Section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended—

(1) by adding after subsection (a)(8)(A)(iv) the following:

“(v) Activities under this paragraph shall include the preparation of a detailed classified, compartmented summary by the relevant outgoing executive branch officials of specific oper-

ational threats to national security; major military or covert operations; and pending decisions on possible uses of military force. This summary shall be provided to the President-elect as soon as possible after the date of the general elections held to determine the electors of President and Vice President under section 1 or 2 of title 3, United States Code.”;

(2) by redesignating subsection (f) as subsection (g); and

(3) by adding after subsection (e) the following:

“(f)(1) The President-elect should submit to the Federal Bureau of Investigation or other appropriate agency and then, upon taking effect and designation, to the agency designated by the President under section 115(b) of the National Intelligence Reform Act of 2004, the names of candidates for high level national security positions through the level of undersecretary of cabinet departments as soon as possible after the date of the general elections held to determine the electors of President and Vice President under section 1 or 2 of title 3, United States Code.

“(2) The responsible agency or agencies shall undertake and complete as expeditiously as possible the background investigations necessary to provide appropriate security clearances to the individuals who are candidates described under paragraph (1) before the date of the inauguration of the President-elect as President and the inauguration of the Vice-President-elect as Vice President.”.

(b) **SENSE OF THE SENATE REGARDING EXPEDITED CONSIDERATION OF NATIONAL SECURITY NOMINEES.**—It is the sense of the Senate that—

(1) the President-elect should submit the nominations of candidates for high-level national security positions, through the level of undersecretary of cabinet departments, to the Senate by the date of the inauguration of the President-elect as President; and

(2) for all such national security nominees received by the date of inauguration, the Senate committees to which these nominations are referred should, to the fullest extent possible, complete their consideration of these nominations, and, if such nominations are reported by the committees, the full Senate should vote to confirm or reject these nominations, within 30 days of their submission.

(c) **SECURITY CLEARANCES FOR TRANSITION TEAM MEMBERS.**—

(1) **DEFINITION.**—In this section, the term “major party” shall have the meaning given under section 9002(6) of the Internal Revenue Code of 1986.

(2) **IN GENERAL.**—Each major party candidate for President may submit, before the date of the general election, requests for security clearances for prospective transition team members who will have a need for access to classified information to carry out their responsibilities as members of the President-elect’s transition team.

(3) **COMPLETION DATE.**—Necessary background investigations and eligibility determinations to permit appropriate prospective transition team members to have access to classified information shall be completed, to the fullest extent practicable, by the day after the date of the general election.

(d) **EFFECTIVE DATE.**—Notwithstanding section 351, this section and the amendments made by this section shall take effect on the date of enactment of this Act.

Subtitle G—Improving International Standards and Cooperation to Fight Terrorist Financing

SEC. 7701. IMPROVING INTERNATIONAL STANDARDS AND COOPERATION TO FIGHT TERRORIST FINANCING.

(a) **FINDINGS.**—Congress makes the following findings:

(1) The global war on terrorism and cutting off terrorist financing is a policy priority for the United States and its partners, working bilat-

erally and multilaterally through the United Nations, the United Nations Security Council and its committees, such as the 1267 and 1373 Committees, the Financial Action Task Force (FATF), and various international financial institutions, including the International Monetary Fund (IMF), the International Bank for Reconstruction and Development (IBRD), and the regional multilateral development banks, and other multilateral fora.

(2) The international financial community has become engaged in the global fight against terrorist financing. The Financial Action Task Force has focused on the new threat posed by terrorist financing to the international financial system, resulting in the establishment of the FATF’s Eight Special Recommendations on Terrorist Financing as the international standard on combating terrorist financing. The Group of Seven and the Group of Twenty Finance Ministers are developing action plans to curb the financing of terror. In addition, other economic and regional fora, such as the Asia-Pacific Economic Cooperation (APEC) Forum, and the Western Hemisphere Financial Ministers, have been used to marshal political will and actions in support of combating the financing of terrorism (CFT) standards.

(3) FATF’s Forty Recommendations on Money Laundering and the Eight Special Recommendations on Terrorist Financing are the recognized global standards for fighting money laundering and terrorist financing. The FATF has engaged in an assessment process for jurisdictions based on their compliance with these standards.

(4) In March 2004, the IMF and IBRD Boards agreed to make permanent a pilot program of collaboration with the FATF to assess global compliance with the FATF Forty Recommendations on Money Laundering and the Eight Special Recommendations on Terrorist Financing. As a result, anti-money laundering (AML) and combating the financing of terrorism (CFT) assessments are now a regular part of their Financial Sector Assessment Program (FSAP) and Offshore Financial Center assessments, which provide for a comprehensive analysis of the strength of a jurisdiction’s financial system. These reviews assess potential systemic vulnerabilities, consider sectoral development needs and priorities, and review the state of implementation of and compliance with key financial codes and regulatory standards, among them the AML and CFT standards.

(5) To date, 70 FSAPs have been conducted, with over 24 of those incorporating AML and CFT assessments. The international financial institutions (IFIs), the FATF, and the FATF-style regional bodies together are expected to assess AML and CFT regimes in up to 40 countries or jurisdictions per year. This will help countries and jurisdictions identify deficiencies in their AML and CFT regimes and help focus technical assistance efforts.

(6) Technical assistance programs from the United States and other nations, coordinated with the Department of State and other departments and agencies, are playing an important role in helping countries and jurisdictions address shortcomings in their AML and CFT regimes and bringing their regimes into conformity with international standards. Training is coordinated within the United States Government, which leverages multilateral organizations and bodies and international financial institutions to internationalize the conveyance of technical assistance.

(7) In fulfilling its duties in advancing incorporation of AML and CFT standards into the IFIs as part of the IFIs’ work on protecting the integrity of the international monetary system, the Department of the Treasury, under the guidance of the Secretary of the Treasury, has effectively brought together all of the key United States Government agencies. In particular, United States Government agencies continue to work together to foster broad support

for this important undertaking in various multilateral fora, and United States Government agencies recognize the need for close coordination and communication within our own Government.

(b) SENSE OF CONGRESS REGARDING SUCCESS IN MULTILATERAL ORGANIZATIONS.—It is the sense of Congress that the Secretary of the Treasury should continue to promote the dissemination of international AML and CFT standards, and to press for full implementation of the FATF 40 + 8 Recommendations by all countries in order to curb financial risks and hinder terrorist financing around the globe. The efforts of the Secretary in this regard should include, where necessary or appropriate, multilateral action against countries whose counter-money laundering regimes and efforts against the financing of terrorism fall below recognized international standards.

SEC. 7702. DEFINITIONS.

In this subtitle—

(1) the term “international financial institutions” has the same meaning as in section 1701(c)(2) of the International Financial Institutions Act;

(2) the term “Financial Action Task Force” means the international policy-making and standard-setting body dedicated to combating money laundering and terrorist financing that was created by the Group of Seven in 1989; and

(3) the terms “Interagency Paper on Sound Practices to Strengthen the Resilience of the U.S. Financial System” and “Interagency Paper” mean the interagency paper prepared by the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Securities and Exchange Commission that was announced in the Federal Register on April 8, 2003.

SEC. 7703. EXPANDED REPORTING AND TESTIMONY REQUIREMENTS FOR THE SECRETARY OF THE TREASURY.

(a) REPORTING REQUIREMENTS.—Section 1503(a) of the International Financial Institutions Act (22 U.S.C. 2620–2(a)) is amended by adding at the end the following:

“(15) Work with the International Monetary Fund to—

“(A) foster strong global anti-money laundering (AML) and combat the financing of terrorism (CFT) regimes;

“(B) ensure that country performance under the Financial Action Task Force anti-money laundering and counterterrorist financing standards is effectively and comprehensively monitored;

“(C) ensure note is taken of AML and CFT issues in Article IV reports, International Monetary Fund programs, and other regular reviews of country progress;

“(D) ensure that effective AML and CFT regimes are considered to be indispensable elements of sound financial systems; and

“(E) emphasize the importance of sound AML and CFT regimes to global growth and development.”.

(b) TESTIMONY.—Section 1705(b) of the International Financial Institutions Act (22 U.S.C. 262r–4(b)) is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) in paragraph (3), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(4) the status of implementation of international anti-money laundering and counterterrorist financing standards by the International Monetary Fund, the multilateral development banks, and other multilateral financial policymaking bodies.”.

SEC. 7704. COORDINATION OF UNITED STATES GOVERNMENT EFFORTS.

The Secretary of the Treasury, or the designee of the Secretary, as the lead United States Government official to the Financial Action Task Force (FATF), shall continue to convene the

interagency United States Government FATF working group. This group, which includes representatives from all relevant Federal agencies, shall meet at least once a year to advise the Secretary on policies to be pursued by the United States regarding the development of common international AML and CFT standards, to assess the adequacy and implementation of such standards, and to recommend to the Secretary improved or new standards, as necessary.

Subtitle H—Emergency Financial Preparedness

SEC. 7801. DELEGATION AUTHORITY OF THE SECRETARY OF THE TREASURY.

Section 306(d) of title 31, United States Code, is amended by inserting “or employee” after “another officer”.

SEC. 7802. TREASURY SUPPORT FOR FINANCIAL SERVICES INDUSTRY PREPAREDNESS AND RESPONSE AND CONSUMER EDUCATION.

(a) FINDINGS.—Congress finds that the Secretary of the Treasury—

(1) has successfully communicated and coordinated with the private-sector financial services industry about financial infrastructure preparedness and response issues;

(2) has successfully reached out to State and local governments and regional public-private partnerships, such as ChicagoFIRST, that protect employees and critical infrastructure by enhancing communication and coordinating plans for disaster preparedness and business continuity; and

(3) has set an example for the Department of Homeland Security and other Federal agency partners, whose active participation is vital to the overall success of the activities described in paragraphs (1) and (2).

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Treasury, in consultation with the Secretary of Homeland Security, other Federal agency partners, and private-sector financial organization partners, should—

(1) furnish sufficient personnel and technological and financial resources to educate consumers and employees of the financial services industry about domestic counterterrorist financing activities, particularly about—

(A) how the public and private sector organizations involved in such activities can combat terrorism while protecting and preserving the lives and civil liberties of consumers and employees of the financial services industry; and

(B) how the consumers and employees of the financial services industry can assist the public and private sector organizations involved in such activities; and

(2) submit annual reports to Congress on efforts to accomplish subparagraphs (A) and (B) of paragraph (1).

(c) REPORT ON PUBLIC-PRIVATE PARTNERSHIPS.—Before the end of the 6-month period beginning on the date of enactment of this Act, the Secretary of the Treasury shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate containing—

(1) information on the efforts that the Department of the Treasury has made to encourage the formation of public-private partnerships to protect critical financial infrastructure and the type of support that the Department has provided to such partnerships; and

(2) recommendations for administrative or legislative action regarding such partnerships, as the Secretary may determine to be appropriate.

SEC. 7803. EMERGENCY SECURITIES RESPONSE ACT OF 2004.

(a) SHORT TITLE.—This section may be cited as the “Emergency Securities Response Act of 2004”.

(b) EXTENSION OF EMERGENCY ORDER AUTHORITY OF THE SECURITIES AND EXCHANGE COMMISSION.—

(1) EXTENSION OF AUTHORITY.—Section 12(k)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(k)(2)) is amended to read as follows:

“(2) EMERGENCY ORDERS.—

“(A) IN GENERAL.—The Commission, in an emergency, may by order summarily take such action to alter, supplement, suspend, or impose requirements or restrictions with respect to any matter or action subject to regulation by the Commission or a self-regulatory organization under the securities laws, as the Commission determines is necessary in the public interest and for the protection of investors—

“(i) to maintain or restore fair and orderly securities markets (other than markets in exempted securities);

“(ii) to ensure prompt, accurate, and safe clearance and settlement of transactions in securities (other than exempted securities); or

“(iii) to reduce, eliminate, or prevent the substantial disruption by the emergency of—

“(I) securities markets (other than markets in exempted securities), investment companies, or any other significant portion or segment of such markets; or

“(II) the transmission or processing of securities transactions (other than transactions in exempted securities).

“(B) EFFECTIVE PERIOD.—An order of the Commission under this paragraph shall continue in effect for the period specified by the Commission, and may be extended. Except as provided in subparagraph (C), an order of the Commission under this paragraph may not continue in effect for more than 10 business days, including extensions.

“(C) EXTENSION.—An order of the Commission under this paragraph may be extended to continue in effect for more than 10 business days if, at the time of the extension, the Commission finds that the emergency still exists and determines that the continuation of the order beyond 10 business days is necessary in the public interest and for the protection of investors to attain an objective described in clause (i), (ii), or (iii) of subparagraph (A). In no event shall an order of the Commission under this paragraph continue in effect for more than 30 calendar days.

“(D) SECURITY FUTURES.—If the actions described in subparagraph (A) involve a security futures product, the Commission shall consult with and consider the views of the Commodity Futures Trading Commission.

“(E) EXEMPTION.—In exercising its authority under this paragraph, the Commission shall not be required to comply with the provisions of—

“(i) section 19(c); or

“(ii) section 553 of title 5, United States Code.”.

(c) CONSULTATION; DEFINITION OF EMERGENCY.—Section 12(k)(6) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(k)(6)) is amended to read as follows:

“(6) CONSULTATION.—Prior to taking any action described in paragraph (1)(B), the Commission shall consult with and consider the views of the Secretary of the Treasury, the Board of Governors of the Federal Reserve System, and the Commodity Futures Trading Commission, unless such consultation is impracticable in light of the emergency.

“(7) DEFINITIONS.—For purposes of this subsection—

“(A) the term ‘emergency’ means—

“(i) a major market disturbance characterized by or constituting—

“(I) sudden and excessive fluctuations of securities prices generally, or a substantial threat thereof, that threaten fair and orderly markets; or

“(II) a substantial disruption of the safe or efficient operation of the national system for clearance and settlement of transactions in securities, or a substantial threat thereof; or

“(ii) a major disturbance that substantially disrupts, or threatens to substantially disrupt—

“(I) the functioning of securities markets, investment companies, or any other significant portion or segment of the securities markets; or

“(II) the transmission or processing of securities transactions; and

“(B) notwithstanding section 3(a)(47), the term ‘securities laws’ does not include the Public Utility Holding Company Act of 1935.”.

(d) **PARALLEL AUTHORITY OF THE SECRETARY OF THE TREASURY WITH RESPECT TO GOVERNMENT SECURITIES.**—Section 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5) is amended by adding at the end the following:

“(h) **EMERGENCY AUTHORITY.**—The Secretary may, by order, take any action with respect to a matter or action subject to regulation by the Secretary under this section, or the rules of the Secretary under this section, involving a government security or a market therein (or significant portion or segment of that market), that the Commission may take under section 12(k)(2) with respect to transactions in securities (other than exempted securities) or a market therein (or significant portion or segment of that market).”.

(e) **JOINT REPORT ON IMPLEMENTATION OF FINANCIAL SYSTEM RESILIENCE RECOMMENDATIONS.**—

(1) **REPORT REQUIRED.**—Not later than April 30, 2006, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Securities and Exchange Commission shall prepare and submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a joint report on the efforts of the private sector to implement the Interagency Paper on Sound Practices to Strengthen the Resilience of the U.S. Financial System.

(2) **CONTENTS OF REPORT.**—The report required by paragraph (1) shall—

(A) examine the efforts to date of private sector financial services firms covered by the Interagency Paper to implement enhanced business continuity plans;

(B) examine the extent to which the implementation of such business continuity plans has been done in a geographically dispersed manner, including an analysis of the extent to which such firms have located their main and backup facilities in separate electrical networks, in different watersheds, in independent transportation systems, and using separate telecommunications centers, and the cost and technological implications of further dispersal;

(C) examine the need to cover a larger range of private sector financial services firms that play significant roles in critical financial markets than those covered by the Interagency Paper; and

(D) recommend legislative and regulatory changes that will—

(i) expedite the effective implementation of the Interagency Paper by all covered financial services entities; and

(ii) optimize the effective implementation of business continuity planning by the financial services industry.

(3) **CONFIDENTIALITY.**—Any information provided to the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, or the Securities and Exchange Commission for the purposes of the preparation and submission of the report required by paragraph (1) shall be treated as privileged and confidential. For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of that section 552.

(4) **DEFINITION.**—As used in this subsection, the terms “Interagency Paper on Sound Practices to Strengthen the Resilience of the U.S. Financial System” and “Interagency Paper” mean the interagency paper prepared by the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Securities and Exchange Commission that was announced in the Federal Register on April 8, 2003.

SEC. 7804. PRIVATE SECTOR PREPAREDNESS.

It is the sense of Congress that the insurance industry and credit-rating agencies, where relevant, should carefully consider a company’s compliance with standards for private sector disaster and emergency preparedness in assessing insurability and creditworthiness, to ensure that private sector investment in disaster and emergency preparedness is appropriately encouraged.

TITLE VIII—OTHER MATTERS

Subtitle A—Intelligence Matters

SEC. 8101. INTELLIGENCE COMMUNITY USE OF NATIONAL INFRASTRUCTURE SIMULATION AND ANALYSIS CENTER.

(a) **IN GENERAL.**—The Director of National Intelligence shall establish a formal relationship, including information sharing, between the elements of the intelligence community and the National Infrastructure Simulation and Analysis Center.

(b) **PURPOSE.**—The purpose of the relationship under subsection (a) shall be to permit the intelligence community to 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.

Subtitle B—Department of Homeland Security Matters

SEC. 8201. HOMELAND SECURITY GEOSPATIAL INFORMATION.

(a) **FINDINGS.**—Congress makes the following findings:

(1) Geospatial technologies and geospatial data improve government capabilities to detect, plan for, prepare for, and respond to disasters in order to save lives and protect property.

(2) Geospatial data improves the ability of information technology applications and systems to enhance public security in a cost-effective manner.

(3) Geospatial information preparedness in the United States, and specifically in the Department of Homeland Security, is insufficient because of—

- (A) inadequate geospatial data compatibility;
- (B) insufficient geospatial data sharing; and
- (C) technology interoperability barriers.

(b) **HOMELAND SECURITY GEOSPATIAL 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) **GEOSPATIAL INFORMATION FUNCTIONS.**—

“(1) **DEFINITIONS.**—As used in this subsection:

“(A) **GEOSPATIAL INFORMATION.**—The term ‘geospatial information’ means graphical or digital data depicting natural or manmade physical features, phenomena, or boundaries of the earth and any information related thereto, including surveys, maps, charts, remote sensing data, and images.

“(B) **GEOSPATIAL TECHNOLOGY.**—The term ‘geospatial technology’ means any technology utilized by analysts, specialists, surveyors, photogrammetrists, hydrographers, geodesists, cartographers, architects, or engineers for the collection, storage, retrieval, or dissemination of geospatial information, including—

- “(i) global satellite surveillance systems;
- “(ii) global position systems;
- “(iii) geographic information systems;
- “(iv) mapping equipment;
- “(v) geocoding technology; and
- “(vi) remote sensing devices.

“(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 geospatial information needs of the Department.

“(C) **COORDINATION OF GEOSPATIAL INFORMATION.**—The Chief Information Officer shall establish and carry out a program to provide for the efficient use of geospatial information, which shall include—

“(i) providing such geospatial information as may be necessary to implement the critical infrastructure protection programs;

“(ii) providing leadership and coordination in meeting the geospatial 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 geospatial 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 geospatial 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 geospatial 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 geospatial data; and

“(II) execute information sharing agreements regarding geospatial 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.”.

Subtitle C—HOMELAND SECURITY CIVIL RIGHTS AND CIVIL LIBERTIES PROTECTION

SEC. 8301. SHORT TITLE.

This subtitle may be cited as the “Homeland Security Civil Rights and Civil Liberties Protection Act of 2004”.

SEC. 8302. 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. 8303. 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. 8304. PROTECTION OF CIVIL RIGHTS AND CIVIL LIBERTIES BY OFFICE OF INSPECTOR GENERAL.

Section 81 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. 8305. 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”

SEC. 8306. PROTECTIONS FOR HUMAN RESEARCH SUBJECTS OF THE DEPARTMENT OF HOMELAND SECURITY.

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 the Department.

Subtitle D—Other Matters

SEC. 8401. AMENDMENTS TO CLINGER-COHEN ACT PROVISIONS TO ENHANCE AGENCY PLANNING FOR INFORMATION SECURITY NEEDS.

Chapter 113 of title 40, United States Code, is amended—

(1) in section 11302(b), by inserting “security,” after “use.”;

(2) in section 11302(c), by inserting “, including information security risks,” after “risks” both places it appears;

(3) in section 11312(b)(1), by striking “information technology investments” and inserting “investments in information technology (including information security needs)”;

(4) in section 11315(b)(2), by inserting “, secure,” after “sound”.

SEC. 8402. ENTERPRISE ARCHITECTURE.

(a) **ENTERPRISE ARCHITECTURE DEFINED.**—In this section, the term “enterprise architecture” means a detailed outline or blueprint of the information technology of the Federal Bureau of Investigation that will satisfy the ongoing mission and goals of the Federal Bureau of Investigation and that sets forth specific and identifiable benchmarks.

(b) **ENTERPRISE ARCHITECTURE.**—The Federal Bureau of Investigation shall—

(1) continually maintain and update an enterprise architecture; and

(2) maintain a state of the art and up to date information technology infrastructure that is in compliance with the enterprise architecture of the Federal Bureau of Investigation.

(c) **REPORT.**—Subject to subsection (d), the Director of the Federal Bureau of Investigation shall, on an annual basis, submit to the Committees on the Judiciary of the Senate and House of Representatives a report on whether the major information technology investments of the Federal Bureau of Investigation are in compliance with the enterprise architecture of the Federal Bureau of Investigation and identify any inability or expectation of inability to meet the terms set forth in the enterprise architecture.

(d) **FAILURE TO MEET TERMS.**—If the Director of the Federal Bureau of Investigation identifies any inability or expectation of inability to meet the terms set forth in the enterprise architecture in a report under subsection (c), the report under subsection (c) shall—

(1) be twice a year until the inability is corrected;

(2) include a statement as to whether the inability or expectation of inability to meet the terms set forth in the enterprise architecture is substantially related to resources; and

(3) if the inability or expectation of inability is substantially related to resources, include a request for additional funding that would resolve the problem or a request to reprogram funds that would resolve the problem.

(e) **ENTERPRISE ARCHITECTURE, AGENCY PLANS AND REPORTS.**—This section shall be carried out in compliance with the requirements set forth in section 1016 (e) and (h).

SEC. 8403. FINANCIAL DISCLOSURE AND RECORDS.

(a) **STUDY.**—Not later than 90 days after the date of enactment of this Act, the Office of Government Ethics shall submit to Congress a report—

(1) evaluating the financial disclosure process for employees of the executive branch of Government; and

(2) making recommendations for improving that process.

(b) **TRANSMITTAL OF RECORD RELATING TO PRESIDENTIALLY APPOINTED POSITIONS TO PRESIDENTIAL CANDIDATES.**—

(1) **DEFINITION.**—In this section, the term “major party” has the meaning given that term under section 9002(6) of the Internal Revenue Code of 1986.

(2) **TRANSMITTAL.**—

(A) **IN GENERAL.**—Not later than 15 days after the date on which a major party nominates a candidate for President, the Office of Personnel Management shall transmit an electronic record to that candidate on Presidentially appointed positions.

(B) **OTHER CANDIDATES.**—After making transmittals under subparagraph (A), the Office of Personnel Management may transmit an electronic record on Presidentially appointed positions to any other candidate for President.

(3) **CONTENT.**—The record transmitted under this subsection shall provide—

(A) all positions which are appointed by the President, including the title and description of the duties of each position;

(B) the name of each person holding a position described under subparagraph (A);

(C) any vacancy in the positions described under subparagraph (A), and the period of time any such position has been vacant;

(D) the date on which an appointment made after the applicable Presidential election for any position described under subparagraph (A) is necessary to ensure effective operation of the Government; and

(E) any other information that the Office of Personnel Management determines is useful in making appointments.

(c) **REDUCTION OF POSITIONS REQUIRING APPOINTMENT WITH SENATE CONFIRMATION.**—

(1) **DEFINITION.**—In this subsection, the term “agency” means an Executive agency as defined under section 105 of title 5, United States Code.

(2) **REDUCTION PLAN.**—

(A) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the head of each agency shall submit a Presidential appointment reduction plan to—

(i) the President;

(ii) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(iii) the Committee on Government Reform of the House of Representatives.

(B) **CONTENT.**—The plan under this paragraph shall provide for the reduction of—

(i) the number of positions within that agency that require an appointment by the President,

by and with the advice and consent of the Senate; and

(ii) the number of levels of such positions within that agency.

(d) OFFICE OF GOVERNMENT ETHICS REVIEW OF CONFLICT OF INTEREST LAW.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Government Ethics, in consultation with the Attorney General of the United States, shall conduct a comprehensive review of conflict of interest laws relating to executive branch employment and submit a report to—

(A) the President;

(B) the Committees on Homeland Security and Governmental Affairs and the Judiciary of the Senate;

(C) the Committees on Government Reform and the Judiciary of the House of Representatives.

(2) CONTENTS.—The report under this subsection shall examine sections 203, 205, 207, and 208 of title 18, United States Code.

SEC. 8404. EXTENSION OF REQUIREMENT FOR AIR CARRIERS TO HONOR TICKETS FOR SUSPENDED AIR PASSENGER SERVICE.

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 and inserting “after November 19, 2005.”.

And the House agree to the same.

PETER HOEKSTRA,
DAVID DREIER,
HENRY HYDE,
DUNCAN HUNTER,
JANE HARMAN,
ROBERT MENENDEZ,
IKE SKELTON,

Managers on the Part of the House.

SUSAN M. COLLINS,
JOE LIEBERMAN,
TRENT LOTT,
RICHARD J. DURBIN,
MIKE DEWINE,
PAT ROBERTS,
JOHN D. ROCKEFELLER IV,
GEORGE V. VOINOVICH,
JOHN E. SUNUNU,
BOB GRAHAM,
FRANK LAUTENBERG,
NORM COLEMAN,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF THE CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2845), to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text. The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment.

A summary of the substitute agreed to in conference is set forth below:

This legislation in part implements the recommendations of the National Commission on Terrorist Attacks Upon the United States (the “9/11 Commission”) but also responds to other studies and related commissions which focused on intelligence reform for protecting the United State against acts of terrorism. In July 2004, the 9/11 Commis-

sion released a comprehensive report chronicling the circumstances leading up to the terrorist attacks of September 11, 2001. The Commission made over forty recommendations to strengthen the United States’s ability to prevent future terrorist attacks. These recommendations included reorganization of the U.S. Intelligence Community by creating an empowered Director of National Intelligence (DNI) and a National Counterterrorism Center (NCTC). The recommendations also spanned a variety of other areas such as foreign policy and transportation security. This conference report makes a number of necessary changes in government structure, law enforcement, and security arrangements to protect the American people better.

Intelligence

DNI. A number of past studies have found that the current Director of Central Intelligence lacks sufficient authority to steward the Intelligence Community and transform it into an agile network to fight terrorist networks. In response, and as envisioned by the Senate bill and the House amendment, the conference report creates a DNI appointed by the President, confirmed by the Senate, and without the responsibility of directing the Central Intelligence Agency. Also as envisioned by the Senate bill and the House amendment, the DNI would head the Intelligence Community; serve as the principal intelligence adviser to the President; and oversee and direct the implementation of the National Intelligence Program.

The conference report’s formulation of the DNI’s authorities is a composite of the authorities in the Senate bill and the House amendment. For example, relying on various House and Senate provisions, the conference report gives the DNI strong authority concerning the National Intelligence Program, such as unambiguous authority to task collection and analysis. The conference report does not expand authority under which information is classified, which is pursuant to Executive Order or other Presidential directive, but rather directs the DNI to establish and implement guidelines for the intelligence community for the purpose of such classification of information. In addition, the Conferees recognize the need to provide the DNI with enhanced personnel transfer flexibility in order to maximize the Intelligence Community’s functionality. The Conferees encourage the DNI to consult with the Committees of the Congress enumerated by this provision to establish mutually agreeable procedures to fulfill the notice requirements in this provision.

NCTC. The NCTC is an innovation designed to achieve horizontal integration or “matrix management” for the Executive Branch—meaning seamless coordination across departmental lines against interdisciplinary problems epitomized by terrorism. Once again fusing perspectives from the Senate bill and the House amendment, the NCTC would be the primary Executive Branch organization for counterterrorism intelligence and strategic operational planning.

Security Clearances and FBI Restructuring. The conference report rationalizes the Executive Branch’s security clearance process, which currently cannot satisfy the demand for clearances in government and the private sector. Merging visions articulated in the Senate bill and the House amendment, the conference report seeks to bring greater efficiency, speed, and interagency reciprocity to the security clearance process while maintaining the highest standards. Finally, the conference report contains a series of provisions, taken from the Senate bill and the House amendment, to restructure and buttress the FBI’s intelligence capability.

Information Sharing. In order to help the government better “connect the dots,” the conference report requires that the President establish an Information Sharing Environment to facilitate the sharing of terrorism information, through the use of policy guidelines and technologies.

Other issues

Intelligence reorganization, while critical, is only one part of the larger task of protecting the United States against terrorism and combating the root causes of terrorism. Indeed, the transnational threat of terrorism cuts across a disparate array of issues: e.g., diplomacy, economic development, immigration, and transportation. Thus the conference report focuses not only on intelligence reform but also on a spectrum of other reforms designed to protect Americans.

Foreign Relations. The conference report has a number of provisions concerning relations between the United States and key Middle Eastern and South Asian countries as well as to improve the manner in which the United States conducts its foreign relations. For example, the conference report attempts to improve U.S. public diplomacy, educational and cultural exchange programs, and foreign media outreach in order to build good will and promote democracy and prosperity in the Middle East. The conference report also includes provisions designed to strengthen United States policy to develop and implement a strategy to eliminate terrorist sanctuaries.

Transportation Security. The conference report blends House and Senate language on similar concerns. The conference report requires a national transportation security strategy, improves the use of passenger watchlists, and otherwise enhances the safety of aviation and other forms of travel. Additionally, the conference report includes House provisions relating to the use of biometric technology to regulate access to secure areas of airports and Senate provisions relating to air cargo and general aviation security.

Terrorist Travel and Effective Screening. These sections include an array of measures to disrupt terrorist travel and intercept terrorists. For instance, the conference report would improve intelligence collection and analysis on terrorist travel. Also, it would tighten security standards for key identification documents including driver’s licenses, birth certificates, and social security numbers.

Border Protection, Immigration, and Visa Matters. These provisions are designed to enhance security of U.S. borders and the enforcement of border and immigration laws. For example, the conference report blends House and Senate provisions that call for an increase in the number of full-time border patrol agents. The conference report also includes Senate provisions that permit the Secretary of Homeland Security to carry out a pilot program to test advanced technologies that will improve border security between ports of entry along the northern border of the United States. And it includes a House provision that increases detention bed space available for immigration detention and removal.

Terrorism Prevention. These sections include measures to provide additional enforcement tools against terrorist activity, e.g. money laundering and terrorist financing laws. The conference report adopts a House provision to amend the Foreign Intelligence Surveillance Act concerning “lone wolf” terrorists; a similar provision had previously passed the Senate.

Diplomacy, Foreign Aid, and the Military in the War on Terrorism. In these provisions,

the conference report guides the Executive Branch concerning the use of all elements of national power—including diplomacy, military action, intelligence, law enforcement, economic policy, foreign aid, public diplomacy, and homeland defense—to win the war on terrorism. The conference report adopts Senate language on U.S.-Saudi relations and efforts to combat Islamist terrorism. In addition, it includes House language on terrorist sanctuaries and U.S. assistance to Afghanistan and Pakistan.

National Preparedness. The conference report consolidates several sections on the Incident Command System and interoperable communications from the Senate bill and the House amendment. It includes a Senate provision authorizing mutual aid for first responders in the National Capital Region.

Civil liberties and privacy

The conference report creates a Privacy and Civil Liberties Oversight Board that is charged with ensuring that privacy and civil liberties concerns are appropriately considered in the implementation of laws, regulations, and policies of the government related to efforts to protect the Nation against terrorism. The conference report also expresses a sense of the Congress that a civil liberties and privacy officer should be designated for each department and agency that carries out law enforcement or anti-terrorism functions.

The task of protecting the United States against terrorism poses a daunting challenge. This conference report is a significant step in the right direction for America.

PETER HOEKSTRA,
DAVID DREIER,
HENRY HYDE,
DUNCAN HUNTER,
JANE HARMAN,
ROBERT MENENDEZ,
IKE SKELTON,

Managers on the Part of the House.

SUSAN M. COLLINS,
JOE LIEBERMAN,
TRENT LOTT,
RICHARD J. DURBIN,
MIKE DEWINE,
PAT ROBERTS,
JOHN D. ROCKEFELLER, IV,
GEORGE V. VOINOVICH,
JOHN E. SUNUNU,
BOB GRAHAM,
FRANK LAUTENBERG,
NORM COLEMAN,

Managers on the Part of the Senate.

**WAIVING A REQUIREMENT OF
CLAUSE 6(a) OF RULE XIII WITH
RESPECT TO CONSIDERATION OF
CERTAIN RESOLUTIONS RE-
PORTED FROM THE COMMITTEE
ON RULES**

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 868 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 868

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 December 7, 2004, providing for consideration or disposition of a conference report to accompany the bill (S. 2845) to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

□ 1500

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

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), 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, H. Res. 868 is a rule that waives clause 6(a) of rule XIII with respect to the same day consideration against certain resolutions reported from the Committee on Rules. Specifically, this rule waives a requirement for a two-thirds majority vote by the House to consider a rule on the same day that it has been reported by the Committee on Rules.

This rule's waiver applies to any special rule reported on the legislative day of December 7, 2004, providing for the consideration or disposition of a conference report to accompany the bill S. 2845 to reform the intelligence community and the intelligence and intelligence-related activities of the U.S. Government and for other purposes.

I urge my colleagues in the House to join me in approving H. Res. 868. We are close to completing the 108th Congress, and the passage of this rule will help expedite the consideration of sweeping reform of our security and intelligence operations to keep America safe. Representatives from multiple committees have been working tirelessly to negotiate the best possible legislation, and they have completed their work on this legislation today. By approving this same-day rule, the House will ensure that we can move forward expeditiously in making the substantive changes that will inevitably help better protect the citizens of this country.

Mr. Speaker, this same-day waiver rule provides for prompt consideration of important legislation before the adjournment of this Congress. The Committee on Rules approved this rule late yesterday afternoon. I urge my colleagues to join me in supporting its passage.

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

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

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, we are here to consider a package of reforms that, despite garnering broad bipartisan support throughout the Nation, was not cleared for the floor until today.

The House received this blueprint for making America safer in the form of the September 11 report in July, well over 5 months ago; and upon release of the report, and ever since, the commissioners have been appealing to the

House to respond to its recommendations with a great sense of urgency.

To its credit, throughout the summer recess the House undertook an ambitious schedule of hearings on the 9/11 report; and as a member of the Select Committee on Homeland Security, I heard the impassioned testimony from both Governor Kean and Representative Hamilton as they presented a compelling case for why structural reforms were essential to enhancing the security of the American people from the threat of terrorism.

At the time, I believed we would get this intelligence reform package cleared by both Houses of Congress well before the third anniversary of the 9/11 attacks; but as we all know, despite broad bipartisan support in both bodies, it simply did not happen. Instead, it was left in sort of suspended animation for months while the House leadership secured support from the majority of the majority in the House.

Mr. Speaker, in my 18 years in the House of Representatives, I have never heard of such a standard. Whether it is the product of an arrogant belief that the views of the minority in the House are now somehow subordinate or it is the manifestation of leadership drunk with power, I truly do not know; but if this is any indication of how the House leadership intends to do business in the 109th Congress, be warned that the American people will not like it.

It is not just the red States that are populated with patriotic, moral Americans who serve courageously in our Armed Forces or as first responders. Patriotic, moral Americans live in blue States and every State of this Union. We are all Americans. We are all equal under the law, and we all have an important role to play in the life of this Nation.

I would also caution the majority to bear in mind the words of the 18th century philosopher Jean Jacques Rousseau who said, "It is unnatural for a majority to rule, for a majority can seldom be organized and united for specific action, and a minority can." I think we saw that well-demonstrated today.

Satisfied that it has secured support from a majority of the majority, the House leadership is now rushing this bill to the floor, denying Members adequate time to review each and every critical provision.

Have we learned nothing from the debacle surrounding the omnibus spending bill? The privacy rights of millions of American taxpayers were put at risk by one small provision inserted into that 3,000-page bill. Under the regular order of the House, we should have had 3 days to review the report; but with a martial-law rule, we do not even get one.

In the 108th Congress, the Committee on Rules has reported 29 martial rules and 17 in the second session alone. At the rate we are going, the regular order of business is becoming the irregular order of business.

Mr. Speaker, the majority has delayed this bill long enough. I would have preferred this bill, so crucial to defending our country, be considered by unanimous consent; but I know there are many people who would be happy if this legislation never saw the light of day.

Before I close, I want to reiterate my support for the intelligence reform package. Despite my opposition to the way it has come to the floor, I intend fully to vote for it later.

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

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member on the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, yesterday, the House voted to repeal a controversial provision in the omnibus appropriations bill that no Member knew was in the bill when the bill was filed. Yet today, having learned little, the House will rush to vote on the intelligence bill about which Members know probably just as little, and they will do so without having the language available.

I would like to be able to vote for this bill because it will probably improve the sharing of intelligence, and there are a number of other good provisions in it. But Mr. Speaker, we need to recognize that there have been two intelligence failures in the last 5 years. First was the failure to prevent the 9/11 attack. Second was the use of faulty intelligence to suck us into a dumb war in Iraq. The new layer of bureaucracy created by this bill may or may not help us on the first front, but it is likely to make it harder to correct the second. That is why I am going to vote against the bill and against this motion to speed up its consideration.

One of the bill's most glaring shortcomings is that it does not guarantee that dissenting or alternative views will ever be clearly stated to the President. That was a major problem in the decision to go to war in Iraq. To correct that problem, Senator ROBERTS included a provision in the Senate bill establishing an office and a process to provide these alternative points of view at every stage. That provision is, sadly, hugely watered down now in this bill. The bill simply leaves it up to the National Intelligence Director to decide how different points of view are factored into decisions. That is a terribly weak substitute.

Second, in emerging domestic and foreign surveillance operations, the bill does not sufficiently protect ordinary Americans from the mistakes of Big Government. The bill does contain a Presidential board to look at government-wide privacy issues, but that will do little to protect innocent Americans or to address specific grievances that may arise. That will come back to haunt us, just as certain aspects of the PATRIOT Act have.

Finally, the bill purports to increase the number of border and Customs agents; but in fact, the bill does nothing of the kind. That language is meaningless without the dollars to back it up, and this House has rejected providing those dollars, (ill-advisedly so in my view they voted that way;) the House has rejected providing those dollars four times in the past year, and this bill does absolutely nothing to change that. On that score, this bill is simply an empty institutional press release.

When this bill is corrected on those three fronts, and on others, I will be happy to vote for it, but not until.

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

Mr. LINDER. 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 3 o'clock and 9 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1633

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 4 o'clock and 33 minutes p.m.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT TO ACCOMPANY S. 2845, INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 108-797) on the resolution (H. Res. 870) waiving points of order against the conference report to accompany the bill (S. 2845) to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CONFERENCE REPORT ON S. 2845, INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 870 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 870

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 2845) to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

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

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

Mr. Speaker, this is a traditional rule for consideration of the conference report for the Intelligence Reform and Terrorism Prevention Act of 2004. The rule waives all points of order against the conference report. It also provides that the conference report shall be considered as read.

I urge my colleagues to join me in supporting this rule and approving the underlying conference committee report on truly historic reform legislation, S. 2845.

Mr. Speaker, final passage of this legislation today will be viewed by many as one of the most noteworthy accomplishments of the 108th Congress. Playing critical roles in getting us to this point in time have been the gentleman from Illinois (Mr. HASTERT), the gentleman from Texas (Mr. DELAY), the gentleman from Michigan (Mr. HOEKSTRA) and a host of others. The American people owe these Members an enormous debt of gratitude.

A world in which the enemy is easily identifiable has changed. We face more and more states without solid institutions, national consciousness and internal cohesion which are providing new threats such as the transfer of weapons of mass destruction and an increasing number of nonstate actors such as terrorist networks.

Terrorism has existed for hundreds of years, but the last decade has seen a rise in terrorist networks and their coordination amongst themselves. Many terrorists groups actively share hostage-taking tactics, weapons training, and planning techniques with one another. More than ever the terrorist networks are finding it easier to blend into society and are becoming harder for intelligence agencies to track. Former Director of the Central Intelligence Agency James Woolsey put it best when he said, We have slain a large dragon, the U.S.S.R., but we now live in a jungle filled with a bewildering variety of poisonous snakes. In many ways, the dragon was easier to keep track of.

The job of keeping track of these terrorist networks belongs to the U.S. Intelligence Community, and we thank the CIA and all the other members of

our Intelligence Community who make it a vital contribution to our Nation's security.

More than ever, timely and accurate intelligence is recognized as a critical weapon in the global war on terrorism. We have already begun to rebuild our intelligence capabilities, and law enforcement and intelligence agencies are now working closer together.

As the 9/11 Commission concluded, we are safer today than we were 3 years ago, but we are not safe enough. As such, great changes and reform are needed. The Intelligence Reform and Terrorism Prevention Act of 2004 before us today will do much to keep America safe, and it is important that we act to enact this legislation now. Protecting the American people is the number one priority of this President and the United States Congress.

This legislation builds on the steps we have already taken since the attacks of September 11, 2001, and improves our intelligence-gathering apparatus. The Intelligence Reform and Terrorism Prevention Act is a broad-based approach that seeks to reform our government agencies and strengthen our Intelligence Community to make them more effective to address the global terrorist threat.

Mr. Speaker, this is a traditional rule for conference reports. I urge support for the rule and for the underlying measure.

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

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

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, could the attacks of September 11 have been prevented if someone had connected the dots? Could the war in Iraq have been avoided if intelligence had been better? I honestly do not know. But what both situations tragically highlight is one fundamental truth: Our Nation needs intelligence reform.

The September 11 Commission report released over 5 months ago outlined the gaps and weaknesses in our current intelligence system. It also made 41 recommendations to Congress that, if implemented, would make America safer.

Today the House at long last is poised to consider the conference report to S. 2845, the National Intelligence Reform Act. This measure seeks to implement the core intelligence reforms recommended by the 9/11 Commission and makes significant improvements to emergency preparedness and aviation and border security.

Since July, Governor Kean and Representative Hamilton have tirelessly worked to ensure their recommendations are not relegated to the circular file of history. Throughout the summer, they testified before congressional committee after congressional committee in the hopes of building mo-

mentum before the third anniversary of the attacks. After reading their fine report and participating in a hearing with them in the Select Committee on Homeland Security, I, like most, if not all, of my Democratic colleagues in the House, endorsed all 41 recommendations.

The Commission report attributed structural weaknesses as partially to blame for the intelligence failures prior to the 9/11 attacks. A culture of isolation and separation exists between the 15 intelligence agencies that must be dismantled if we are to transform the environment and foster information-sharing among government agencies. We need to have a strong Director of National Intelligence to coordinate all intelligence efforts.

It is my understanding that last-minute changes were made to the conference report. We only received it an hour ago. I sincerely hope that the final version of this report vests the new Director with the people and the budget authority necessary to assert control over all 15 intelligence-collection agencies.

Mr. Speaker, we all know that the men and women on the front lines in Iraq and Afghanistan need to be assured that the intelligence they get is good intelligence. No one in this body would ever agree to reform our intelligence apparatus in any manner that would undermine our soldiers.

Today we mark the 63rd anniversary of the attack on Pearl Harbor. Yesterday terrorists opened fire on Americans working in the U.S. Consulate in Jiddah, Saudi Arabia. Whatever changes we make cannot be simply cosmetic. Our Armed Forces, Congress, the President, and the American people need to have confidence in the quality of their intelligence.

In the post-September 11 world Americans demand a national Intelligence Community that works together for the benefit of the national security, and Congress must act decisively to bring about those structural reforms. The stakes are very high. There is no room here for egos. There is no room for turf war. There is no room for bureaucratic haggling.

The report also closes critical gaps in aviation and border security. With respect to aviation security, it calls for the deployment of new explosive-detection screening technologies for carry-on bags and blast-resistant cargo containers. On border security the report calls for unmanned aerial vehicles to be placed along the 5,500-mile border between the United States and Canada, especially in areas far from a legal port of entry. This is an issue I care deeply about as my western New York district is a major gateway to Canada, the second busiest at Niagara Falls, New York.

Ever since the 9/11 Commission recommendations were released in July, there has been a steady drumbeat of support from my district. Like me, my constituents believe that an overhaul

to the Nation's intelligence apparatus is critical to the future of this great land, and much of what is being considered here today will accomplish this vital end.

Mr. Speaker, it bears repeating that we could have passed these reforms months ago, but the leadership did not want to act. Now, today, they want us to consider the report under martial law, even though Democrats have been ready to act for months. Moreover, if Democrats had not insisted on a recorded vote to correct a taxpayer privacy provision in the omnibus bill, Congress would not have returned to Washington, and this bill would not have passed before adjournment.

Democrats have worked hard to make the country safer, and we look forward to working with the new Director of National Intelligence to do everything we can to make sure this tragedy is never repeated.

Mr. Speaker, I look forward to an active debate on this critical piece of legislation.

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

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I thank my good friend from Atlanta, Georgia (Mr. LINDER) for yielding me time.

I rise in strong support both of this rule and the conference report. This has been one of the most difficult conferences that we have ever gone through, and I want to say at the outset that I want to congratulate my two colleagues who led this, the gentleman from Michigan (Mr. HOEKSTRA) and the gentlewoman from California (Ms. HARMAN) from the House side, and our Senate colleagues, Senator COLLINS and Senator LIEBERMAN who provided leadership there.

We had two bills the likes of which I had never seen such a major disparity. H.R. 10, which emerged from this House, is one which I was very proud to support. It included very important national security provisions, very important provisions as it relates to immigration and the problems that we saw with the deficiencies that led to what took place on September 11 of 2001. I believe that the Senate measure consisted solely of those provisions that emerged from the good work of the 9/11 Commission.

I happen to believe that H.R. 10 was a much better piece of legislation than the one that we have ultimately ended up with here today.

□ 1645

I will say this. I do believe that we have come a long way towards taking steps that will ensure that we do not see another September 11 and that we have in place a structure which will ensure that we have the intelligence capability to deal with conflicts on the

ground, wherever they exist in the world.

We know from having met with the family members of the victims of September 11 that this is a very emotional issue. This has been an emotional issue for all of us because, as we all know, we lost friends on September 11. A plane went down a few miles from here into the Pentagon, and we have heard, of course, from our colleagues who represent New York and Pennsylvania of the loss there. I would like to point to the fact that, tragically, all of those planes that took off were headed to my State of California on September 11. So we have all felt this.

The families appeared at the first meeting we had of this conference, and we were all moved by the extraordinarily strong statements that they made to us as we were preparing to meet there, and that is why the work of this conference has been so important.

I want to congratulate the other House conferees who worked hard on this. The gentleman from Wisconsin (Mr. SENSENBRENNER) is sitting right here, and while he is going to support the rule, I know that he has chosen not to support the conference report. I will say, Mr. Speaker, that the concerns that the gentleman from Wisconsin (Mr. SENSENBRENNER) has as it relates to the conference report are concerns that I share right down the line.

A year ago last August, I was asked to join in leading the charge for an effort to recall the Governor of California and to help Arnold Schwarzenegger get elected Governor of California. One of the main issues of that campaign was the fact that driver's licenses were ending up in the hands of people who are here illegally, and they were used fraudulently, and that is a real problem, and it is a real problem when it comes to security.

The gentleman from Wisconsin (Mr. SENSENBRENNER) has been a great champion, and I have been pleased and proud to stand with him in our attempt to ensure that we do provide standards as it relates to driver's licenses because, again, as the gentleman from Wisconsin (Mr. SENSENBRENNER) pointed out in our conference this morning, Mohamed Atta was using a fraudulent driver's license and was simply pulled over for a traffic violation and told to appear in court. That would have been after what he did on September 11, when he was one of those flying the planes into the World Trade Center towers.

It also is, I think, very important for us to do everything we can to secure our southern border, and my colleague, the gentleman from California (Mr. OSE), who is going to be presiding over the sine die adjournment of the 108th Congress later today or this evening, is a person who offered an amendment to H.R. 10 which was designed to complete a 3½ mile gap that exists in the 14-mile fence which was put in during the Clinton administration with the support of

Bill Clinton, in a bipartisan way, with strong support here in the House and the Senate, and it has been successful, with the exception of a 3½ mile gap that extends from the Pacific Ocean to the Tijuana estuary.

I know we are all concerned about environmental quality, and I am very concerned about the environment, and it has been an environmental issue that has led to the delay in completion of that fence. The presence of something known as the Bell's vireo bird nesting on that fence has prevented completion of it. So, yes, we are all concerned about the environment, but the real tragedy to me is the fact, and I just flew over it a few weeks ago, the environment is plundered in this area because of illegal border crossings. The fact that we are seeing that area environmentally damaged because of that gap, it seems to me that we need to look at that. Unfortunately, it is not included in this measure, but I chose to sign this conference report and am supporting this conference report today based on the fact that we are, in the first must-pass piece of legislation we have in the 109th Congress, going to have the opportunity to include these very important immigration issues.

The gentleman from Wisconsin (Mr. SENSENBRENNER) has done a great job. The gentleman from California (Mr. HUNTER) did a great job. The gentleman from Illinois (Mr. HYDE) worked hard on this as well. The gentleman from California (Mr. HUNTER), my colleague, has focused on this very important chain-of-command issue, and I believe that he has been right in pursuing it.

We are at an extraordinary time in our history. My colleague from Rochester just mentioned the fact that today is the 63rd anniversary of the tragic bombing that took place in Pearl Harbor; 2,400 lives were lost there. We know that 3,000 plus lives were lost on September 11, 2001. Earlier today we saw the inauguration of the first democratically elected President in the history of Afghanistan, and that could not have come about, Mr. Speaker, were it not for strong, bold, dynamic leadership on the part of the United States of America.

The United States of America is the only Nation on the face of the Earth, the only Nation, that can effectively deal with the kinds of challenges that we have. We have not done it unilaterally. It is not doing it unilaterally today. We have never done it unilaterally. We have done it with strong and building international coalitions. We will continue to do that.

Passage of this legislation is simply a first step. It is a first step, and that is the reason that I have chosen not to turn my back on it and to get as much as we possibly can as we go down this road towards doing even more to have a National Intelligence Director, and make sure that that individual is strong and able to deal with intelligence issues and to deal with the

overall national and border security questions that we have.

So, Mr. Speaker, I thank my colleagues again for the time and energy and effort they have put in these past weeks and now months to come to this point. I congratulate the gentleman from Illinois (Speaker HASTER) and the President of the United States for the leadership that they have shown in getting us to where we are today.

Ms. SLAUGHTER. Mr. Speaker, I yield 5½ minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I thank my friend and colleague from New York for yielding me the time to address this very critical and important issue.

This bill has come about as a result of a very labored process, and should it pass here today, which I assume it will, we should not deceive ourselves into believing that we have accomplished the objective that is necessary to accomplish in order to secure the security of the people of the United States.

Getting good intelligence and having a good intelligence arrangement is one thing, but the use of that intelligence, the interpretation of that intelligence, the honest use of that intelligence is yet another thing.

The intelligence agency must be an objective analyzer of secret and complex information, not just a tool of the White House. The intelligence agency must serve the interests of the Nation as a whole, not serve the President politically.

It is increasingly obvious how the administration twisted and tortured and distorted intelligence to support their decision to go to war in Iraq. This bill does not solve that problem. It is up to the membership of this House to deal with that issue, and the issue has not yet been dealt with. We have not exercised the proper oversight to determine why and in what ways the intelligence was distorted.

We need to secure the people of this country. The 9/11 Commission and Senate Select Committee on Intelligence report tells us that prior to the attack of September 11, the administration had been warned dozens of times that Osama bin Laden was determined to attack the United States, but this administration failed to act on those warnings. Why? This House has not exercised the appropriate oversight to understand why the intelligence was not used by the administration the way it should have been used.

The administration insisted on focusing its attention elsewhere, including its obsession with Iraq prior to and after the attack of September 11.

Paul Wolfowitz, for example, the Deputy Defense Secretary, and his Under Secretary for Policy argued that there was a terrorist alliance between the Hussein regime in Iraq and al Qaeda, despite the fact that intelligence reports showed that no such alliance existed. Why was that the case, and why has this House not exercised

its oversight responsibilities to determine why we were deceived and the American people were deceived?

The same is true concerning the missing Iraqi weapons of mass destruction. We were told over and over and over again by everyone across the administration, President, Vice President, Secretary of Defense, National Security Adviser, in fact, the President right here in this room from the podium behind me talked about weapons of mass destruction and even gave us the vision of a mushroom cloud, suggesting very clearly that there were atomic weapons that could be used. Why have we not exercised our oversight responsibilities to determine why that information was missing?

So that is the issue that we ought to be confronting not just today, but as we go into the next Congress, confronting that issue in the way it needs to be addressed.

Yes, it is fine to reform the intelligence procedures and administration, restructure them, modernize them, make them perhaps more compatible than they may have been with present-day needs, improve the communication between one and another. That is one thing, and maybe this bill will do that.

But why has the leadership of this House not asked these questions? Why have hearings not been held? Why have the oversight responsibilities of the leadership of the House not been exercised appropriately in the way in which the Constitution requires they be exercised?

At no time in the history of our country have we gone to war with another Nation based on information so badly misinterpreted, twisted, distorted and misrepresented. This House has an obligation to find out why that was done, why we have lost so many lives of American servicemen and women on the basis of that twisted, distorted, misrepresented information.

Even today, when we are told that everything is going fine in Iraq, we are learning from the intelligence agencies and learning it in ways that are indirect, even surreptitious, that the situation in Iraq is deteriorating, that the opposition there is increasing. In spite of the fact that our servicemen were successful in Fallujah, nevertheless the insurgency is growing stronger. That is what we are being told by the intelligence agencies. We are told that indirectly. We do not get it directly from the administration. They want a different picture to be painted entirely, and this is what our responsibility is as Members of the House of Representatives, to find out why this conflict exists and why we are not getting to the bottom of it.

Why, when we are told things by the administration and later found out that they are completely untrue, are we just to accept it, gloss over it, pretend it did not happen? That seems to be the attitude that has been taken by the majority here. It ought not to be. If we were living up to our obligations,

under the separation of powers, the obligations in the Constitution, we would be adequately exercising our oversight obligations and responsibilities on the issue of the way in which this intelligence was misrepresented, distorted, tortured, and why we are in the situation we are in today as a result.

Mr. LINDER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Illinois (Mr. LAHOOD).

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

Mr. LAHOOD. Mr. Speaker, I rise today to oppose the 9/11 conference report being considered.

I have had the privilege of serving on the Permanent Select Committee on Intelligence thanks to the appointment from the gentleman from Illinois (Speaker HASTERT) for 6 years, and I want to stipulate for the record that a number of reforms have taken place long before the 9/11 Commission was appointed, long before the 9/11 Commission report was issued.

Immediately following what took place in New York and Washington and the loss of 3,000 American lives, President Bush and his team and the Congress put together a homeland security agency that combined 22 agencies at a cost of \$40 billion. We created a TSA agency at all major airports at a cost of \$5.2 billion. Every airport is now secure, and people do feel safe flying.

□ 1700

We gave the airline industry \$15 billion to secure airplanes and cockpits, and now airplanes are safe to fly.

We enacted the PATRIOT Act, which now allows law enforcement agencies all over the country to communicate with one another and has allowed law enforcement officials to arrest people in this country who are terrorists in Buffalo, New York, and Portland, Oregon, who were here for no other purpose than to hurt Americans.

We contributed between \$20 billion and \$40 billion to the City of New York to clean up what took place there after the 9/11 bombings and also to compensate families for the loss of their loved ones. We created the TTIC agency within the CIA and the FBI, and we created JTTFs, Joint Terrorism Task Forces, in every major city so that there is communication. Under Director Mueller, the FBI has been organized and is doing a marvelous job.

We invaded Afghanistan, brought down al Qaeda at a cost of \$18 billion, and a new president has been sworn in as of today. We invaded Iraq, brought down Saddam Hussein; and the people there, for the first time, have an opportunity and a chance to vote for their own leadership in January.

The bottom line is this: the last 3 years, since America has been attacked, have been years when the country has not been attacked. The President deserves credit. We deserve credit here in Congress for the work we have done to create these opportunities to

fight terrorism. We have not neglected our responsibilities, and we have not been sitting around on our hands waiting for some recommendation from some commission.

A thousand new FBI agents have been authorized and a thousand new CIA agents have been authorized, and many of them are being hired. There is a lot better communication between the CIA and the FBI today and the executive branch of government.

I believe creating a National Intelligence Directorate is a huge mistake. It is another bureaucracy. It is another layer of government. It would not have prevented 9/11, and it will not prevent another 9/11. We are fooling ourselves by creating this kind of public policy and trying to lead people to believe that when we pass this bill today America will be safer or America would have been safe prior to 9/11. It will not happen.

We are going to create a monster that will not really inhibit the ability of terrorists. We are going to have another terrorist attack. This will not prevent it, and I urge my colleagues to read the bill and look at the bill and think long and hard about the idea of creating some sort of other bureaucracy on top of everything else, because I just think it will not work.

We have done good work in the House, in the Senate, and with the President's leadership have really done a good job in combating terrorism. This bill is not good public policy. I hope Members will look at it. I think it is the wrong approach, and that is why I oppose it.

Ms. SLAUGHTER. Mr. Speaker, I yield 3½ minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentlewoman for yielding me this time and for her leadership.

Right after 9/11, the Congress had never been more united and determined to work together in a bipartisan way to keep America safe from further attacks. We got a great deal done in a short period of time. It was a proud moment in this body's history. Unfortunately, it did not last long enough. But today, the last act of this session of Congress, passing this intelligence reform and anti-terrorism bill, will be a heartening reminder to the American people that the two parties can work together and live up to the ideal that was so often repeated after 9/11: united we stand.

Mr. Speaker, 9/11 made the Cold War politics of containment obsolete. We all knew we had to change and modernize our intelligence network to be more agile, more proactive, to connect the dots across the agencies in order to protect and anticipate attacks. That is the kind of network that our new intelligence director will be able to lead. This is a true anti-terrorism bill that will harden our borders, tighten our visa restrictions, and strengthen our first responders: air, cargo, and transport security.

The next Congress still needs to pass key recommendations to strengthen our security, but this is a big step forward. I want to thank the President, the minority leader, the Speaker and his Chief of Staff, Scott Palmer, for their dogged efforts to give this country this wonderful holiday gift.

I also want to thank the gentleman from California (Mr. HUNTER), chairman of the Committee on Armed Services, for his willingness to find a middle ground, and I want to thank my colleagues in the House and Senate who played critical roles in this passage: the gentleman from New Jersey (Mr. MENENDEZ), the gentlewoman from California (Ms. HARMAN), the gentleman from Michigan (Mr. HOEKSTRA), Senator COLLINS and Senator LIEBERMAN, and the gentleman from Connecticut (Mr. SHAYS).

Ultimately, however, this is not our moment. This moment belongs to the family members of the 9/11 victims, many of whom are with us tonight in this Chamber. For more than 3 years they fought to turn personal tragedy into public service. By sheer force of will they made today's results inevitable by persevering when it seemed impossible. They held vigils in the rain, they bowled over bureaucracies, they courageously channeled their pain. Without them, there would have been no 9/11 Commission and probably no major intelligence reform bill.

I saw a number of 9/11 families last night alone at a White House vigil, their loved ones claimed by al Qaeda. As I stood there with my husband, it drove home the fact that they did not do this for themselves, but to ensure that all of us will never lose loved ones to terrorism. I would like to recognize their ultimate act of service and to thank them, especially Carol Ashley, Kristen Breitweiser, Patty Casazza, Beverly Eckert, Mary Fetchet, Monica Gabrielle, Bill Harvey, Mindy Kleinberg, Carie Lemack, Sally Regenhard, Lori Van Auken and Robin Wiener. Today, their words are much more important than mine.

Mr. Speaker, I will place in the RECORD their personal statements, in their own words, in support of this legislation.

AN OPEN LETTER TO MEMBERS OF THE 108TH CONGRESS ON THE 9/11 BILL CONFERENCE REPORT

DECEMBER 7, 2004.

DEAR MEMBERS OF CONGRESS: You have at last reached consensus on a bill that will implement the 9/11 Commission's recommendations. A vote on the Conference Report appears imminent. We believe this conference report accomplishes our main goal, which was to fix our nation's broken intelligence system.

The passage of these reforms marks a critical point in a long, three-year journey. We started as a diverse group of 12 individuals representing a number of 9/11 family groups who shared a common loss. Our goals was to make our country safer. Although at times our resolve was sorely tested, the 12 of us have remained steadfast refusing to ever give up.

Having reached this critical junction, we want to acknowledge the many individuals

who have helped us. We thank all of the Members of Congress who voted for the establishment of an independent 9/11 Commission. We thank the ten 9/11 Commissioners who acted in a truly bipartisan manner and produced a report whose 41 recommendations became a roadmap for today's Conference Report.

We would also like to thank the individuals who have made today's votes possible. In particular, we want to acknowledge the leadership of President Bush, Speaker HASTERT, Leader PELOSI, Majority Leader FRIST and Minority Leader DASCHLE. We would also like to acknowledge the efforts of the Conference Chairman, PETE HOEKSTRA as well as the other principal conferees SUSAN COLLINS, JANE HARMAN and JOSEPH LIEBERMAN. Finally, we would like to acknowledge the hard work of the 9/11 Commission Caucus led by Congressman CHRISTOPHER SHAYS and Congresswoman CAROLYN MALONEY.

While we thank you for your work on this historic legislation, we must keep in mind that more work needs to be done. One critical issue is reorganizing Congress so our intelligence agencies will have the oversight required to ensure it is doing its job. We look forward to working with you in the 109th Congress, to help enact the remaining recommendations of the 9/11 Commission Report, and to make our country as safe as possible for this generation and generations to come.

Signed,

Carol Ashley, mother of Janice Ashley, 25; Kristen Breitweiser, wife of Ronald Breitweiser, 39; Patty Casazza, wife of John F. Casazza, 38; Beverly Eckert, wife of Sean Rooney; Mary Fetchet, mother of Bradley James Fetchet, 24; Monica Gabrielle, wife of Richard Gabrielle; Bill Harvey, husband of Sara Manley Harvey, 31; Mindy Kleinberg, wife of Alan Kleinberg, 39; Carie Lemack, daughter of Judy Larocque; Sally Regenhard, mother of Christian Michael Otto Regenhard, 28; Lorie Van Auken, wife of Kenneth Van Auken, 47; Robin Wiener, sister of Jeffrey Wiener, 33.

Mr. LINDER. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the conference report. The House-passed bill not only reformed our intelligence community, it also secured our borders. Unfortunately, the conference has left us with an incomplete product that does not secure our border and, thus, makes us more vulnerable to another terrorist attack.

At the beginning of this process I said that the object of this legislation should be to prevent a future attack on the United States, not to manage the consequences of that attack. This bill does not do that. And the reason it does not do that is that while we will have better intelligence, good intelligence is useless without good homeland security.

The House bill followed the 9/11 Commission's common-sense recommendation that we have Federal standards for driver's licenses. The commission said, "For terrorists, travel documents are as important as weapons." Despite many attempts to keep these weapons

away from terrorists, the bill does not do the job.

In fact, the language in the conference report is worse than the current law, and it practically invites terrorists to come into our country and to apply for these critical identification documents. There is no enforcement or certification at the national level. There is no expiration of the licenses when the visas expire. There is no data-sharing between the States. And any State can simply walk away from the few requirements that are in the bill. That does not sound like driver's license reform to me. Rather it sounds like a recipe for disaster, the same kind of disaster that occurred on 9/11.

Remember that the 9/11 hijackers had multiple validly issued State driver's licenses among them, and that is how they got on the airplanes. That is what we were trying to stop by changing the provisions in the conference report, and I regret that we failed. But I can assure you that this issue is not going to go away.

We have also failed on asylum reform. Many terrorist aliens have applied for asylum and then have been released from detention to plot or commit their crimes. That must stop, and the provisions in the House bill would have done that, but they too were dropped.

Terrorists are getting asylum today for two main reasons. First, our government cannot even ask foreign governments what evidence they have about terrorist activities of asylum applicants. Thus, the U.S. Government must usually oppose asylum requests by arguing that the applicant is lying. The Ninth Circuit has effectively barred immigration judges from denying asylum claims on the basis of the credibility of witness statements. That is crazy, because every jury in the country judges the credibility of the witnesses in determining the guilt or innocence of the defendant. The House bill would have stopped that and removed that bar. The conference report does not.

In addition, the Ninth Circuit has been granting asylum to applicants because their home government believes they are terrorists. It then says, therefore they are being persecuted because of the political beliefs of the relevant terrorist organizations. That is goofy. The House stopped it, but the Senate would not go along; and the conference report fails to deal with this issue.

These provisions are not too controversial. They are not irrelevant. They are vital. And how could we face grieving families in the future and tell them that while we might have done more, the legislative hurdles were just too high? I, for one, cannot, and, therefore, oppose the bill.

I have heard from many citizens from my district and across the country who understand and want these provisions, and I thank them for their support. I want to say to them, and to everyone else that is listening, I will not rest

until these provisions are enacted into law. I will bring them up relentlessly until this job is completed. The bill was a chance to complete the job, and that chance was missed; but it will come again soon.

Finally, I would like to pay tribute to two of my fellow conferees, the gentlemen from California (Mr. HUNTER) and the gentleman from California (Mr. DREIER). The chairman of the Committee on Armed Services, the gentleman from California (Mr. HUNTER), I think did yeoman's work in cleaning up the problems with the chain of command in order to protect our warfighters in the field and reduce casualties, and the bill is an improvement over what was passed by the other body on this. But that only applies to safety of troops overseas. It does not deal with the issue of safety of Americans at home.

The gentleman from California (Mr. HUNTER), and the gentleman from California (Mr. DREIER) in particular, were instrumental in trying to support the driver's license and asylum reform provisions as well as plugging the hole in the fence that needs to be plugged to prevent aliens from streaming across the border. We ought to vote this down and start over next year.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Speaker, I thank the gentlewoman for yielding me this time and commend her service on the Committee on Rules. I rise to make clear that I will not object to this rule waiving any points of order which might lie against the conference report, a report that I strongly support.

I will be speaking about the content of the bill once we move to consideration of the conference report, where I will be managing the time on our side, but I did want to rise to comment on some of the claims that have been made in the debate so far, especially the claims just made by the powerful and passionate chairman of the House Committee on the Judiciary.

I would point out to our colleagues that the conference report, which was the product of 3 months of intense negotiation, does contain immigration reforms. All of the conferees, to my knowledge, believe that immigration reform is necessary; and all of the conferees, and I hope all of our colleagues, understand that our goal here is to make certain that our immigration system does not enable terrorists to get on airplanes or otherwise to harm our citizens. That is why in this bill many of the suggestions made by the gentleman from Wisconsin (Mr. SENSENBRENNER) and many of the provisions in the House bill were accepted.

For example, the bill provides for 10,000 more border guards over 5 years. Ten thousand. It provides 4,000 more border inspectors over 5 years. It provides for 40,000 more detention beds over 5 years. These are beds that will be used by those who might be deported.

So our point is that we want the immigration laws to work better. We want to make sure that we know who is coming into our country, not just at our southern border but also at our northern border. Most of us are well aware that attempts to harm our country have come to us across our northern border as well as our southern border. Indeed, one such attempt was foiled just before the millennium, when a man trying to get to Washington State from Canada was, fortunately, intercepted by an adroit Customs agent. He was driving a rental car full of bomb material intending to bomb LAX, a major international airport surrounded by my congressional district.

□ 1715

So, Mr. Speaker, I get this. Our borders are porous, and we need to make them more secure. This bill does that.

In addition to that, this bill adds to our law enforcement tools, addressing other issues with which the gentleman from Wisconsin (Mr. SENSENBRENNER) was concerned. We toughen the penalties for terrorist hoaxes. We create a new set of penalties for those who would use shoulder-fired missiles to shoot down airplanes. We toughen the penalties for material support of terrorists, and we add a provision which enables us to punish the "lone wolf" terrorist, someone acting alone, as Timothy McVeigh did, to harm our citizens.

The bottom line here is this carefully structured, bipartisan, bicameral conference report does deal with these issues, as well as the chain of command, which many of us felt was adequately protected in current law, but which we addressed again to make sure everyone understood we were dealing with it. The point I want to make is we took these issues on, we came to the best resolution we could. This rule permits us to vote finally on what I think is the best possible conference report we could have developed under all of the circumstances. It deals with the valid concerns of the families who lost loved ones on 9-11, and it honors those they lost. I urge support of this rule. I will rise later and urge support of the conference report.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. KING).

(Mr. KING of Iowa asked and was given permission to revise and extend his remarks.)

Mr. KING of Iowa. Mr. Speaker, first of all, I think a lot of Members will thank the gentlewoman from California (Ms. HARMAN) for introducing the legislation that actually identified the National Intelligence Director well before the 9/11 Commission met to deliberate on this particular subject matter.

I would like to associate myself with the remarks of the gentleman from Illinois (Mr. LAHOOD). The gentleman from Illinois ticked down through the

issues which have been successful in our addressing terrorists and the fact it has been 3 years since a successful terrorist attack in the United States, due in large part to the changes illustrated by the gentleman from Illinois (Mr. LAHOOD).

One thing he did not go into in real depth is the Terrorist Threat Integration Center, TTIC. That really is in its functionality, the function of the National Intelligence Director and the organization that puts all 15 agencies under one roof, requires them to work together, and there has been no discussion about their effectiveness, but there has certainly been a record of that effectiveness. I think we have taken steps down that road.

I would point out when we establish a National Intelligence Director, we are creating a formula for groupthink. It is not the opposite. If you put someone at the top of an organization and give them hiring and firing control, pretty soon they start to carve those square pegs into round holes, and they will toe the mark, or they will find some folks that will. The people in my office think like I do. The people in other Members' offices think like they do because it is top-down management. It produces groupthink, it does not avoid groupthink. Doing something different and expecting it to be better just because it is different is not a high standard of logic. It takes more to defend this issue and to give this National Intelligence Director this control.

The history of success in intelligence in America and throughout all of history has been nonlinear thinking, creative out-of-the-box people who broke the mold and got into the minds of the people who they were up against. They were outside-of-the-box thinkers who flew those planes into us on September 11, and they are out there scheming today. We need a creative system to be able to address that.

With regard to border control, I associate myself with the gentleman from Wisconsin (Chairman SENSENBRENNER), and particularly his relentless attitude to bring these issues before this country over and over until we do get it right.

Mr. Speaker, 85 percent of the methamphetamine in the State of Iowa comes across the Mexican border. How much anthrax does it take to mix into some methamphetamine to cause a disease all across America and cause that kind of catastrophe?

To strike out the fence down between San Diego and Tijuana, something this Congress has addressed several times, why has the Senate and why has the resistant Members of the conference committee not gone back to the Senate and said, accept the House changes? These are reasonable changes that are good for intelligence and good for immigration and border security. Instead, go back and look at the 19 terrorists that did attack this country, and I challenge Members to name one of them that would not be here today if

we were able to pass this bill that is before us.

Mr. Speaker, I do rise in opposition. Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, 48 hours ago the departing Secretary of Health and Human Services, Tommy Thompson, gave the American public a wake-up call by telling them that their food and water supply is vulnerable to terrorist attacks. It is clear that the 9/11 bill is long overdue because the question is about good human intelligence and coordination amongst U.S. intelligence agencies.

It is important to tell the truth to the American people that the 9/11 terrorists did not get drivers' licenses illegally, they were legal immigrants, they had legal documents. Not having a drivers' license would not have stopped 9/11. They came in with legal immigration documents.

The real reason for this bill is to get a Director of National Intelligence to be able to give to the American people and all of those who provide for homeland security the human intelligence to have us thwart terrorists and protect ourselves against attacks by terrorists.

I would argue that this bill is long overdue, and I thank the 9/11 families. We owe them our greatest debt of gratitude. Tonight we will pass this bill. I thank them so very much. I thank the gentlewoman from New York (Mrs. MALONEY) and the gentleman from Connecticut (Mr. SHAYS) for standing steadfast. I thank members of the Select Committee on Homeland Security for understanding the difference for fighting for real, comprehensive immigration reform, which we need to do and will do in a fair and balanced manner. But what we need to do now is to say to you your loss will never be forgotten, we will always be reminded of your sacrifices, and tomorrow we will have a bill that will instill and install a Director of National Intelligence whose ears will be listening. And as they listen, they will be able to find out who is coming across the southern and northern borders, who is tampering with our water supply, and who is tampering with our food supply.

The question now is that of getting this bill passed even in the lateness of the hour. I am gratified that we did resolve the issue of military chain of command, but I knew that was going to be taken care of because it was already in the bill, and as to drivers' licenses, we do have standards for drivers' licenses because that language is in the bill, even so that is a State issue that we can address later. Also we cannot address immigration reform piecemeal as was attempted. We must do it in a comprehensive manner. So this bill is ready for a vote.

I ask my colleagues to support this rule, and I ask my colleagues to sup-

port this bill. My hat is off to those families and my greatest sympathy goes to those families who lost loved ones on 9/11, and those who lost their lives. Again I say we are sorry, we are sorry. This bill must be passed today for the good of America.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. Mr. Speaker, we are here today because on September 11, 2001, 19 men, all of whom either entered our country illegally, overstayed their visas or obtained fraudulent visas, boarded four airplanes and used them as bombs to kill thousands of our citizens. The primary identification document that allowed them to board those airplanes were State drivers' licenses. Nothing in this bill would prevent those hijackers from using those same drivers' licenses to board those same airplanes and to repeat the events of 9/11.

If we do everything else to tighten our security and do not close this loophole, we have intentionally ignored the event that brings us to this day.

Some will say let us deal with it next year. I ask, Why not now? Why not simply be honest with the American people and tell them we just do not have the political will to take those drivers' licenses out of the hands of would-be terrorists?

Do we think terrorists are going to play fair? Do we think terrorists do not know they will continue to be able to obtain drivers' licenses without proving lawful entry into this country?

Instead of getting tough on terrorists, this bill actually has some built-in rewards. Yes, if you illegally enter this country, we cannot deport you based on the same evidence that would have denied your entry into this country if you asked us for permission to come in. What is the reverse logic of that? It is like telling a burglar we are not going to open our door and let you in our house, but if you break in, we are going to give you free room and board.

Some say this is a bill that is tough on terrorists, even though the death penalty has been removed as a punishment, even if they use an atomic weapon or release the smallpox virus. Maybe the logic of that is that terrorists do not really fear death, so why subject them to the death penalty for their acts. And, if they happen to have qualified for Federal benefits, they can still draw their Social Security while they are serving their Federal prison term.

Mr. Speaker, the next time Members are standing in a line with other American citizens at the airport as they are going through a body search or somebody rifling through their baggage, just hope they do not ask you if the associates of Osama bin Laden could still get on an airplane using those same fraudulent drivers' licenses, because the answer is yes. Do Members really feel more secure?

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. WYNN).

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

Mr. WYNN. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise in support of the rule for the 9/11 Commission bill. Let me begin by thanking the leadership on both sides of the aisle for their hard work. I want to thank the members of the 9/11 Commission for their work on a bipartisan basis, and of course I want to thank the families from the 9/11 incident for their work as the driving force behind this bill.

On September 11, 30 of my constituents were killed in attacks; 4 died on American Airlines Flight Number 77, and 26 died in the Pentagon. The term "national security" is not an amorphous one for my constituents.

In Prince George's County and Montgomery County, the Fourth Congressional District, we live and work in the Nation's Capital, a prime target for terrorists. This is why I have strongly urged my colleagues to pass the 9/11 Commission recommendations since their release in July.

Let me be clear. This conference report is not a panacea, and, yes, additional work needs to be done. But the status quo in our intelligence infrastructure is unacceptable. I heard one of my colleagues say we should not vote for this bill because it would create groupthink. Groupthink is what we have had. This bill is designed to address that concern and change it.

The report makes clear that had the United States intelligence agencies communicated with each other, they could have connected the dots and disrupted the 9/11 attacks. In response, this bill addresses the recommendations of the Commission to prevent another attack and rightly creates a National Intelligence Director. The position would have budget authority to end the power struggle between the 15 disparate Federal agencies that are now engaged.

Currently, 80 percent of the intelligence budget falls under the Department of Defense, not the Central Intelligence Agency or the other 13 agencies. As a result, we do not have the level of coordination that we should. The National Intelligence Director with authority over budget will address this.

Additionally, this bill bolsters transportation security by directing the Department of Homeland Security to develop a national strategy for transportation security. The bill adds 10,000 Border Patrol agents and 400 Customs agents over the next 5 years, as well as testing pilotless surveillance planes to safeguard our borders.

The bill is not a panacea, but let me emphasize, we should not make the perfect the enemy of the good. This bill is a good start. I urge its passage.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would ask Members to kindly observe the time allotted and the gavel.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. FERGUSON).

Mr. FERGUSON. Mr. Speaker, I rise in favor of the rule and in favor of the intelligence reform legislation that the House will consider in a few moments.

Real reform of the Intelligence Community has been sorely needed, and building upon the recommendations of the 9/11 Commission and through a thorough negotiation within Congress, we have a piece of legislation that I believe will go a long way toward making the people of our Nation safer. But I stand supporting this legislation knowing that more can be done to protect people in high-density, high-threat areas, like those in my home State of New Jersey.

Mr. Speaker, the people of New Jersey deeply know the threat of terrorism. We have suffered through terrorist attacks and live daily with the possibility of future attacks. New Jersey is the most densely populated State in the Nation, and at least a dozen sites within our State have been placed on the FBI's National Critical Infrastructure List.

The security of New York City and New Jersey is inextricably intertwined. Each year, 212 million vehicles traverse our States' tunnels, bridges and ferries, which must be protected by both New Jersey and New York.

Of the Port Authority of New York and New Jersey's three airports, the busiest by far is Newark International Airport.

Nearly 60 percent of all containerized maritime cargo processed by all North Atlantic ports goes through the Port of New York and New Jersey, and the vast majority of the cargo flows through New Jersey's docks onto our rails, through our tunnels and onto our roads.

□ 1730

Overall, 450,000 people commute from New Jersey to Lower Manhattan every day. And New Jersey and New York's first responders, our fire and EMT and police, have had a mutual-aid pact since the 1993 World Trade Center bombing, sharing experience and helping in times of need to protect our entire metropolitan area.

States like New Jersey are on the front lines of the fight for homeland security. It distresses me to hear that language that would have given States like New Jersey a more accurate allocation of funding, based on population and threat, was taken out by the bill's conferees in the conference committee.

I am looking forward to working in the next Congress with the gentleman from New Jersey (Mr. FRELINGHUYSEN), who has led the fight for increased funding for high-threat, high-population areas by creating the Urban

Area Security Initiative, and the over 170 Members that have voted in support of the UASI program earlier this year to push for a logical approach to allocating security dollars based on threat and population.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

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

Mr. MENENDEZ. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the conference report that the rule looks at and I want to focus on what I believe are some misconceptions, particularly in the context of immigration provisions. Even though this bill is about intelligence and reforming our intelligence process, nothing stops the Congress from considering any other provision of law necessary to protect the American people. If we want to use it as a process to unravel what is trying to be done in intelligence reform, that is another issue. The fact of the matter is that this report actually has an enormous amount of immigration-related provisions. It has over 100 pages of the bill with 43 sections of immigration-related provisions in the conference report. If enacted into law, these 43 sections, 100-plus pages of provisions, would implement all of the 9/11 Commission's formal immigration-related recommendations.

On the driver's license issue that is often referred to, all of the 19 hijackers had documents to enter the country legally in the first place. Therefore, stopping them from entering legally is a critical issue, and that has been part of previous reforms that have taken place. Plus, the conference report establishes tough new Federal standards on the issues of State driver's licenses without creating a national driver's license and gives States the powers to continue to enforce, including insisting on in-person identification to receive a driver's license.

Lastly, on the question of asylum, the comments that are constantly made about gaming the asylum system were before the reforms that took place. In 1996, an expedited removal system was established that has required aliens arriving at a U.S. port of entry without proper documentation to be detained and demonstrate a credible fear of persecution before they could bring even their asylum claim before an immigration judge. As I have said before, if we know a terrorist is in our possession, I do not want to deport them and let them try to do harm again to the United States. I want to arrest them, I want to imprison them, I want to send them to jail; but I do not want to send them back to go ahead and have another shot at us.

And at the same time, I want those people who truly come to the United States because we have given asylum to people who are oppressed from religious and other entities to have their

shot. So it is the immigration provisions that were reformed in 1996 and thereafter that ensure that people cannot game the asylum provisions in order to do harm to the United States.

Finally, as the Catholic bishops say, if you look at the 100-plus pages and the 40 different sections, this is a major, significant rewrite of the immigration law as it is in an intelligence bill.

Mr. LINDER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I hear in the Chamber about the 9/11 families. Our hearts go out to them. But our hearts also go out to the men and women we lose every day overseas in the military. Those losses are also felt. We owe the gentleman from California (Mr. HUNTER) our gratitude for making this bill and those people safer.

I disagree with my colleague that just spoke. The bill without the immigration provisions puts this country at great risk. Unfortunately, if we do not vote for this bill that has other good provisions, by voting against this bill you put this country at great risk. We have a pledge from the Speaker, and his word is gold to both sides of the aisle, that we will address these issues in January. And for the other body, they better be ready for us to camp out at their front door, because we are coming. And unless they bring this up, you are going to have a mass of people fighting for these immigration issues. It is wrong.

We had in the House a 4-mile section of fence that stops illegals from coming across the border. Because of environmental concerns, the chairman on the Senate side took that out. The illegals come through there like a venturi tube. Go there and look. It is all beaten down. It is terrible for the environment. But yet it is an issue for them. And the chairman in the other body disregarded that because of environment and disregarded the security of this country. That person should have never been chairman on the other body to start with and let alone deny the gentleman from Virginia in the military on that conference.

We will put these immigration provisions in, and they will be addressed in the next Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would remind Members not to make improper references to Senators.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Speaker, the bill before us has some very important reforms of our intelligence agencies, and I support it. Chief among them, the establishment of the national intelligence directorate as well as the national counterterrorism centers. But while these changes have attracted most of our attention, these changes

within our institutions, as tough as they have been for this Congress, are the relatively easy part.

Among the most important recommendations of the 9/11 Commission was to strengthen our efforts at non-proliferation, to try to deal with the problem of nuclear material, in particular, arriving in the wrong hands. As the 9/11 Commission pointed out, al Qaeda and Osama bin Laden have made it a top priority to obtain nuclear material, and some of the strongest and most important recommendations of the 9/11 Commission are to deal with that very real danger. In fact, as the President and Senator KERRY both stated during the first Presidential debate, the threat of nuclear terrorism is the number one national security threat facing the country.

In addition to the organizational changes that we have all been debating, there are provisions in this legislation that call for the establishment of a national counterproliferation center that can attack this problem of the proliferation of nuclear material as well as chemical and biological material. It will help oversee operational efforts to interdict this material and also recommended changes in the international legal structure that will better help us deal with the A.Q. Khans of the world, to deal with Iran, to deal with North Korea and attack this very real danger to our country. My own language applying RICO in this area as well as strengthening the dirty bomb statutes has also been incorporated into the bill.

These steps are just a beginning. Many more far-reaching steps also have to be taken if we are to deal with this risk of nuclear terrorism.

The NPT, as we have seen, has served us well for 40 years, but is now showing its age. I think Iran is demonstrating that the purest and simplest path to the bomb now runs through the NPT, not around it. We would do well to pay attention to those recommendations of the 9/11 Commission that are the tougher steps to deal with the proliferation of nuclear material; but this is a good first step, and I support it.

Mr. LINDER. Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I urge my colleagues to oppose this conference report because I strongly believe that all of the 9/11 Commission recommendations should be in it. The commission itself has said that all of its recommendations should be adopted in their entirety to ensure success in deterring terrorism. The law that we passed establishing the 9/11 Commission directed them to investigate all of the failures that led to 9/11, which included significant lapses and loopholes in our immigration and border control system. The commission made recommendations to fix our immigration and border system. We put them in the House bill. It was passed out of this House with 68 percent of this body vot-

ing in favor. They have now been stripped out in the conference report.

Why are we not adopting all of the commission's recommendations to strengthen America's ability to intercept individuals who pose catastrophic threats? How quickly we forget that the 9/11 Commission found that as many as 15 of the 19 hijackers were, in their words, potentially vulnerable to interception by border authorities. So why does this bill not address the 9/11 Commission's recommendation for a secure identification system? The 19 9/11 hijackers had 63 validly issued U.S. driver's licenses between them. What were they using that many for? They were moving around the country undetected and plotting and planning. In fact, as many as eight of them were even registered to vote. They then used those bogus licenses to board U.S. planes.

Why are we not addressing the commission's recommendations to crack down on asylum fraud? The 9/11 Commission cited the Blind Sheik, Omar Abdel Rahman, who led a plot to bomb New York City landmarks. He used an asylum application to avoid deportation. How about Ramzi Yousef who masterminded the first World Trade Center attack while free after applying for asylum? It is a fact that terrorists have and continue to abuse our asylum laws to stay in this country.

Mr. Speaker, the removal of these immigration and border security provisions that were recommended by the 9/11 Commission was a grave mistake. They are central to any legislation designed to prevent future terrorist attacks. I urge my colleagues to do the right thing and vote this bill down so we can include all of the 9/11 Commission recommendations in it and not just the politically convenient ones.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

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

Mr. LANGEVIN. I want to thank my colleague for yielding me this time.

Mr. Speaker, before I begin I just wanted to take a minute to congratulate the gentleman from Michigan (Mr. HOEKSTRA), the gentlewoman from California (Ms. HARMAN), Senator COLLINS and Senator LIEBERMAN for their extraordinary effort in getting us to this point. This Nation truly owes all of them a debt of gratitude for the diligent effort they have put into reaching this bipartisan compromise.

Mr. Speaker, I am pleased that we will implement intelligence reform before the close of the 108th Congress, and I rise in support of the underlying bill. After 9/11, we clearly approached fighting the global war on terrorism as we had the Cold War. But it became clear that we needed to adapt our intelligence community, law enforcement agencies, and military to fight the new global threats. The 9/11 Commission

gave us a blueprint for that mission, and this legislation will help us to implement their vision. Cooperation among agencies and Departments will be critical, and this measure shifts the mentality of our intelligence community from "need to know" to "need to share." It also makes significant improvements to homeland security while avoiding some of the controversial provisions included in earlier drafts.

As a member of the Committee on Armed Services, I am pleased that this bill strikes a careful balance between creating a strong national intelligence director and preserving the ability of our men and women in uniform to gain access to the intelligence needed to be successful on the battlefield.

Mr. Speaker, I thank all of my colleagues for working in a bipartisan fashion to craft a landmark measure that will truly make America safer.

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

Mr. LINDER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I urge my colleagues to support this rule and the underlying bill. The underlying bill is not a solution to our problems, but is a huge first step. Much more needs to be done. I would also like to commend the Members of the House on both sides of the aisle who worked so hard to put forth a really good bill and then fought to keep most of it in the final draft. I urge them to come back in January with an open mind and finish the work we have started.

Ms. WATSON. Mr. Speaker, the success of the 9/11 bill (S. 2845) is a great victory for America. It will make America safer by establishing a single individual who will be responsible for coordinating our intelligence and who will be accountable to Congress and the American people. The bill's success also demonstrates that our democratic process works and that Americans can come together in a bipartisan way to overcome the narrow interests of a few and meet the greatest challenge of our age head-on.

It is fitting that the 9/11 bill is being considered by the House today on the 63rd anniversary of the Japanese attack at Pearl Harbor, a day on which 2,400 Americans died. The parallels between 9/11 and Pearl Harbor are striking. In each instance there were warning signs before the attack, and in each instance our government failed to connect the dots.

Whether at Pearl Harbor or the World Trade Center, surprise is everything involved in a government's failure to anticipate effectively. The events of 9/11 defined a generation and laid bare our nation's lack of preparation and a national strategy to deal with the new threat of terrorism.

Passage of the 9/11 bill cannot by itself defeat the terrorist threat. A vote in Congress will not capture Osama bin Laden or stop the spread of weapons of mass destruction. But today we have given the U.S. Government new tools to deal with a new enemy who, as enemies of old, threatens our liberty and way of life.

Finally, the 9/11 bill was resuscitated on more than one occasion and kept alive by the

sacrifice and perseverance of the 9/11 families. It will ensure that their loved ones did not die in vain.

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

□ 1745

The previous question was ordered. The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. HOEKSTRA. Mr. Speaker, pursuant to House Resolution 870, I call up the conference report on the Senate bill (S. 2845) to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 870, the conference report is considered read.

(For conference report and statement, see proceedings of the House of earlier today.)

The SPEAKER pro tempore. The gentleman from Michigan (Mr. HOEKSTRA) and the gentlewoman from California (Ms. HARMAN) each will control 30 minutes.

Mr. TANCREDO. Mr. Speaker, I would ask if the gentlewoman from California (Ms. HARMAN) is opposed to the bill?

Ms. HARMAN. Mr. Speaker, I am supportive of the bill.

Mr. TANCREDO. Mr. Speaker, I claim the time in opposition.

The SPEAKER pro tempore. The Chair understands that both the gentleman from Michigan (Mr. HOEKSTRA) and the gentlewoman from California (Ms. HARMAN) are in support of the conference report.

Therefore, pursuant to clause 8(d) of rule XXII, the Chair will recognize the gentleman from Michigan (Mr. HOEKSTRA), the gentlewoman from California (Ms. HARMAN) and the gentleman from Colorado (Mr. TANCREDO) for 20 minutes each.

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

GENERAL LEAVE

Mr. HOEKSTRA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 2845.

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

There was no objection.

Mr. HOEKSTRA. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I rise today in strong support of the conference report accompanying S. 2845, the National Intelligence Reform Act of 2004. This conference report is the product of what may go down in the annals of this institution as one of the most difficult and certainly one of the most involved conferences ever.

Just over 7 weeks ago, we began to negotiate a compromise solution of two very different bills that were both acting on the recommendations of the National Commission on Terrorist Attacks Upon the United States, more widely known as the 9/11 Commission. The negotiations have been tough, long and sometimes extremely contentious. Now we have nearly crossed the finish line. We have a conference report that conferees have agreed to, and one that I believe should be enthusiastically supported by the Members of the House.

It has been nearly 55 years since we have made such truly substantive improvement to the overall management structure of the Nation's Intelligence Community. This bill creates a Director of National Intelligence, a Director who has dramatically improved authorities and capabilities to manage and coordinate the disparate efforts of the various intelligence components of the United States Government.

The bill also creates a National Counterterrorism Center that will coordinate terrorism-related intelligence efforts and provide for strategic operational planning of counterterrorism operations.

Mr. Speaker, the various law enforcement and border security provisions in this bill will unquestionably improve domestic security against terrorism. The same is also true for the restructuring of the Intelligence Community. But I need to caution that these reforms will take time to implement and, moreover, for the intended results to be seen.

I am not under the false impression that by themselves, these structural changes and enhanced authorities vested in the new Director of National Intelligence will ensure perfect knowledge about our enemies in the future. Those that would do America harm are clever, they are secretive, and the asymmetrical threats that they can both imagine and effect require us to be manyfold better at defense than they need be on offense.

Mr. Speaker, before I yield the balance of my time, I want to thank the distinguished ranking member of the Permanent Select Committee on Intelligence, the gentlewoman from California (Ms. HARMAN). She has been a very good partner in working through this process. We have not always been on the same side of the issues on the work on this bill, but we have been steadfast in support of reforming the Intelligence Community and making America safer.

The same can also be said for my colleagues from the Senate, Senators COLLINS and LIEBERMAN. They have been driving factors in getting this legislation to a vote. Without them, I do not think we could have done this. My whole-hearted congratulations and thanks to them, and also to my colleagues on the House Republican Conference.

It has been a difficult time. As I have said earlier, we did not get everything

we wanted. I stand with the gentleman from Wisconsin (Mr. SENSENBRENNER) on many issues he brought forward on driver's licenses and immigration and look forward to working with him to move those issues in the next Congress. They are needed to more fully round out this package of what we need to secure America's safety.

But that should not stop us from taking the steps that we have today. These are important steps in restructuring the Intelligence Community, in law enforcement, in transportation security and in international affairs. We need to move these forward today and then move forward on the rest of the issues when we get back here in 2005.

The staff has worked incredibly hard to make this possible over the last 7 weeks. They have worked long hours every day to get this bill to where we are today. Without them, this simply could not have been possible.

Mr. Speaker, the conference report on S. 2845 is a good piece of legislation. It is necessary. We need to support it, and we need our colleagues to vote yes.

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

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

Mr. Speaker, I rise to thank the new chairman of the House Permanent Select Committee on Intelligence, the gentleman from Michigan (Mr. HOEKSTRA), for his nice comments and for his enormous efforts at restoring bipartisanship to our committee. He, Senators COLLINS and LIEBERMAN, House conferees on our side, the gentleman from New Jersey (Mr. MENENDEZ) and the gentleman from Missouri (Mr. SKELTON), have contributed a great deal, an enormous amount, to the legislation we are debating today. It is a good product, it is the right product, and I urge all of our colleagues on a bipartisan basis to support it.

Mr. Speaker, this day, December 7, is a date which will live in infamy. So was September 11, 2001. Pearl Harbor and 9/11 were the two most tragic hours since America became a Nation.

President Roosevelt launched a clear-eyed investigation of the intelligence lapses leading to Pearl Harbor, and since 9/11 we have worked hard to understand why critical intelligence about the plans, capabilities and whereabouts of the 9/11 hijackers fell through the cracks.

Our intelligence system is broken. We have 15 intelligence agencies with different rules, cultures and databases. Our Intelligence Community operates on a 1947 business model designed to defeat the Soviet Union, which was defeated in 1989. Fifteen years later, the enemy is digital, but our organizational structure remains analog.

This long-overdue legislation will modernize our capabilities, integrate our intelligence collection and analysis efforts, unify our counterterrorist efforts and promote intelligence sharing. It will promote the same jointness in

intelligence that has been the hallmark of our military's success since the Goldwater-Nichols Act of 1986.

Mr. Speaker, there is not much time, so I will forego describing the bill. But in addition to thanking our conferees and the so-called "big four," I want to thank others who made this possible. They are the 9/11 families who were the moral force beneath our wings. I want to say to the families that your loved ones are holding a special spot in heaven for you and for all that you did for the safety of our country.

I also want to thank another group of people who are not here. They are the men and women who serve in our intelligence agencies and who wear the uniform, many of whom are on the front lines at this hour risking their lives for our freedom. This legislation is designed to give them the capabilities they deserve and need to win the war on terrorism. They have our praise, our admiration and our full support. Good people need better tools. We are going to provide those tools today.

Mr. Speaker, December 7 will always remind us of the vulnerability of our homeland, but once we pass this bill, it will also stand for something else. It will stand for our resolve to make our Nation safer. And, I might add, it is a fitting birthday tribute to Senator SUSAN COLLINS, who worked so hard to make this effort possible.

Mr. Speaker, I also want to clarify two issues that are not stated explicitly in this legislation but that were very much on the minds of its drafters.

The first issue deals with the consolidation of power within the DNI to protect intelligence sources and methods. Members of the public have expressed concern that the increased authority of the Director of National Intelligence could be abused to constrict the free flow of information that is critical to our duties in the Congress and that the authorities under this bill might be used, or abused, to unduly limit the flow of information to the State and local governments and to the public.

The sources of this concern are past uses of government secrecy—not to protect classified information—but to limit, and occasionally to intimidate, current and even former government employees from speaking out. These measures have included over-classification and requirements that government employees take polygraphs and sign unduly and overly broad secrecy and non-disclosure agreements as a condition of access to information.

The purpose of this bill is to facilitate the dissemination of information within government. There is no intention on the part of the Congress to impair the appropriate and desirable flow of information. This bill does not contain any authority for the DNI or the President to establish a regime of undue government secrecy. The bill vests the DNI with the authority to protect intelligence sources and methods, just as the Director of Central Intelligence has exercised that authority. There is no new authority to criminalize or suppress the lawful and appropriate sharing of information within the government or to alter or waive any existing protections of government employees who wish to disclose information to Congress or through other lawful channels.

Further, it should be Congress's duty to assure through oversight that this information sharing environment is appropriate and complete. Congress will track the implementation of the various responsibilities assigned under this bill. The creation of the Information Sharing Environment and the establishment of the National Intelligence Center and the Information Sharing Council provide some of the many opportunities for congressional oversight.

A second issue deals with the creation of national standards for driver's licenses. This legislation creates strong minimum Federal standards for the issuance of State driver's licenses. We delegate to the Department of Homeland Security the task of devising these standards, but we make clear that these standards must at least require that licenses contain a person's full name, date of birth, gender, driver's license number, digital photograph, address, and signature. We also stipulate that the regulations shall include procedures to protect the privacy rights of individuals who apply for and hold driver's licenses. I want to make clear that we also intended to ensure that these regulations protect the civil and due process rights of those individuals as well.

This legislation requires that driver's license standards be established with a negotiated rulemaking. This rulemaking shall include State officials who issue driver's licenses, State elected officials, DHS, and interested parties. The words "interested parties" are not defined, but it is our intent that such parties should include organizations with technological and operational expertise in document security and organizations that represent the interests of applicants for such licenses or identification cards.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members that it is not in order to bring the attention of the House to visitors in the gallery or to make improper references to Senators, whether positive or negative.

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

Mr. Speaker, I have a great amount of admiration for the people who have worked as hard as they have worked on this bill, for the chairman, for the leadership in the House, that has, I know, spent many, many hours in discussions with the other body.

I wish that I could stand on this floor tonight and support this bill. I remember during an earlier debate on H.R. 10, the House version of the response to the 9/11 Commission report, I was proud as I have ever been to be a Member of this body and to see the members of my party, especially the Speaker of the House, the whip and the majority leader, come to the floor and speak articulately and very, very forcefully in support of certain provisions of the bill that the other side of the aisle were trying to take out. These provisions dealt specifically with trying to increase our border security.

It is intriguing in a way, it is ironic in a way, one thing: We established a 9/11 Commission, it did its work, it

talked to us about what we needed to do.

We all recognize what happened on that day, on 9/11 2001. When people came into this country from other countries, many of them did so fraudulently, by providing false documentation, by inaccurately filling out their visas, or by coming into the country and after they were here overstaying those visas. They were in violation of our immigration laws. They were able to take advantage of their position because we did not do much, and we still do very little in terms of enforcing those laws.

They were also able to take advantage of another thing in this system. They were able to take advantage of the fact that we were handing out driver's licenses to people like prizes in a Cracker Jack box. The 19 hijackers had accumulated a total of 63 driver's licenses, many from Virginia. They used them with great ability to, of course, get onto planes, to make life easy for them while they were here.

This is one thing we know that happened that helped create the problem, helped create the event of 9/11. We know that. So we create a bill in response to the 9/11 catastrophe, and it is almost inconceivable that any bill could then come to this floor without a reference to, without an ability, without any desire to actually do something about the actual problem that created 9/11. But that is the case today.

To quote the gentleman from Wisconsin (Chairman SENSENBRENNER), the chairman of the Committee on the Judiciary, who also recognized the flaw, the fatal flaw of this bill, and that is the only way I can really describe it, it is a fatal flaw, this is the quote from Chairman SENSENBRENNER: "Americans deserve a complete bill so that we can prevent another 9/11 from occurring. Border security and immigration reform are vital components of our national security efforts, so why are they not included in this legislation? The time to address these issues is now, not next month, not next year. Hollow promises of future considerations are just that, hollow promises. Terrorists have exploited vulnerabilities in our asylum system and in the issuance of driver's licenses.

"This bill fails to include the strong provisions in the House bill because my Senate colleagues," and I am quoting him here, "found them to be too controversial. That is unfortunate, because their refusal to consider these security provisions on their merits will keep Americans unnecessarily at risk."

Mr. Speaker, I certainly agree with his observations, and I would ask my colleagues to look carefully at what they are doing here.

The fact is that this bill has such a gaping loophole and it has such a huge, huge flaw that it is better not to pass this bill at all than to pass it and create the illusion of security. I do not doubt, as I have said, that there are many good parts of the bill. That is not

the issue. But there is something so vital, something so intrinsic to our national security, the issuance of driver's licenses and trying to maintain some degree of control over that process, because we know that a driver's license in this country is, of course, as close to a national I.D. card as we have.

□ 1800

But when we refuse to address this because of our concern about the politics, because it is too controversial to talk about, how can we come to this floor, how can anybody come to this floor or in fact stand in front of any television or any constituency and say, we are doing everything possible to defend the people of this country. How can we say this when we know that that is absolutely untrue; when the one thing we should be doing in this bill, we are not.

So because it does not have that provision, I certainly would request that my colleagues turn this bill down and ask that it come back in a different form, in a more complete form.

SENSENBRENNER STATEMENT ON 9/11 BILL

WASHINGTON, DC.—House Judiciary Committee Chairman F. James Sensenbrenner, Jr. (R-WI) issued the following statement regarding legislation responding to the 9/11 Commission recommendations:

"I am pleased that the chain-of-command issues Chairman Duncan Hunter has raised have been resolved so that our war-fighters will not be put at risk. Unfortunately, even with these improvements, the current bill is woefully incomplete and one I cannot support.

"Americans deserve a complete bill so that we can prevent another 9/11 from occurring. Border security and immigration reform are vital components of our homeland security efforts, so why are they not included in this legislation? The time to address these issues is now, not next month, not next year. Hollow promises of future consideration are just that—hollow promises.

"Terrorists have exploited vulnerabilities in our asylum system and in the issuance of drivers' licenses. This bill fails to include the strong provisions in the House bill because my Senate colleagues found them 'too controversial.' That's unfortunate, because their refusal to consider these security provisions on their merits will keep Americans unnecessarily at risk.

I said two weeks ago that the Senate was hell-bent on ensuring that illegal aliens can receive drivers' licenses, regardless of the security concerns. This Sept. 10th mentality in a post-Sept. 11th world is unwise and among those I intend to rectify next year."

Mr. HOEKSTRA. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. HUNTER), a conferee on the bill.

Mr. HUNTER. Mr. Speaker, I want to thank the gentleman for his hard work.

Mr. Speaker, for the House, walking through this conference report has been largely a defensive action, if you will, a holding action; and I want to compliment all of the great Members of the House who managed to hold off what initially was a political stampede that would have passed a piece of legislation that would have accrued to the detriment of the people who wear the uniform of the United States and, I think, to our intelligence apparatus.

We had to walk back things like opening up the top line, the classified top line to the world, letting our adversaries know how much we spend on intelligence. We had to walk back this idea that somehow we were going to send the money for the combat support agencies around the Department of Defense, not allow the Department of Defense to have a normal working relationship with its own combat support agencies. In fact, it took a letter from the Chairman of the Joint Chiefs, General Myers, to the conferees to say the House position is the right position, to back off some of those who were stampeding in the wrong direction. Ultimately, we had to address this most important issue: chain of command.

Now, interestingly, before this bill was brought up on the other side of the Hill, on the Senate side, the President sent a strong message saying we must have chain-of-command language to make sure that there is no confusion about lines of execution. The authors of the bill on the other side did not put that language in. My counterpart, Senator JOHN WARNER, chairman of the Senate Armed Services Committee, then saying that he was afraid that this bill did violate and intrude on the chain of command, offered an amendment to establish what the administration wanted, to establish strong chain-of-command language that would ensure that a battlefield commander would have all the assets in his area of operation for his combatant commands. Senator WARNER's language was rejected by the leadership of this bill on the Senate side.

As we got into the conference, the administration sent another message. They said, you know, you forgot something. You forgot the chain-of-command language. Once again, it was not included. When it finally was included, it was accompanied by weasel words which basically invalidated the entire section. On several occasions the conferees on the other side changed the weasel words, but they still had a provision which basically violated the entire section, or invalidated the entire section, and left us with nothing.

So, in the end, 17 days ago when we were asked in the Republican conference what we thought about this bill, I and many other people had to speak up and point out that this very important chain of command was not protected in the conference report and needed to be protected.

In the end, on Saturday night, we sent to Senator COLLINS' staff a chain-of-command provision to respect and not abrogate the chain of command, citing the statutes that are relevant, to Senator COLLINS through her chief of staff. He said she would get back Monday morning. She did get back and approved that section. And we said that when I saw that in writing in an amendment to the conference report, I would then support the conference. We have gotten that today, and I have signed the conference report.

This bill, now, with these changes, including classifying the top line, walking back this wild attempt to remove the Department of Defense from its own budget flow to its combat support agencies and, finally, this attempt to keep the chain of command in a position where it was questionable; having walked back all of those attempts to change this bill in a manner that would accrue to the detriment of the men and women who wear the uniform of the United States and moving instead to a situation in which they are protected, with a solid insulation in the chain of command so a combat commander in Afghanistan or Iraq can now count on being able to use all of his assets in that theater to protect his troops and perform his mission; having done that, this bill, in my estimation, is now acceptable, and I am supporting this bill. I am going to vote for this bill.

I agree fully with the gentleman from Wisconsin (Mr. SENSENBRENNER) and others who think that the driver's license issue is of great importance. It is of great importance. We need to get that issue up and through as soon as possible.

Ms. HARMAN. Mr. Speaker, I welcome the support for this bill from the gentleman from California (Mr. HUNTER), and I would like our colleagues to know as one conferee, we all support the chain of command.

Mr. Speaker, it is now my pleasure to yield 2 minutes to the gentleman from Missouri (Mr. SKELTON), a conferee, and the ranking member on the House Committee on Armed Services, a wonderful committee on which I served for 6 years.

Mr. SKELTON. Mr. Speaker, I thank the gentlewoman for yielding me this time. I rise in strong support of this Intelligence Reform Act.

Mr. Speaker, we are making history today. This conference report represents the most profound government reform to date for meeting the unique and daunting security challenges existing in this era of terror. This bill fundamentally overhauls the structure of our Nation's intelligence community. It represents an important step in the improvement of our government's intelligence capabilities while, at the same time, preserving our ability to ensure that our own military personnel have the intelligence information they need to succeed on the battlefield. More broadly, Mr. Speaker, this bill promises to advance our abilities in the global fight against terrorism.

From my vantage point as the ranking member of the Committee on Armed Services, this conference includes two important legislative achievements. First, it creates and empowers a new Director of National Intelligence to set the vision, direction, and priorities for the entire intelligence community. Second, it maintains the sanctity of the military's

chain of command, so that the Secretary of Defense will have the necessary authorities to effectively manage intelligence assets and resources, particularly technical assets on the battlefield.

The 9/11 Commission pointed out that our Nation's intelligence community has suffered from a failure of imagination, failure to focus, and failure at organization. This bill addresses these failures with a new organization, new authorities, and management flexibility. In addition to the new director, the bill authorizes a National Counter Terrorism Center to improve analytic vision and operational planning across Departments and at the highest levels of government. Another important change is the information-sharing requirements across traditional bureaucratic barriers, or what we call stovepipes. Such innovation has been suggested for years, and these provisions are long overdue.

Mr. Speaker, opportunities in this body to effect fundamental and indeed historical changes are rare. We have such an opportunity today. I commend the leaders of this conference, and I strongly support the bill before us. It is significant, necessary, and unprecedented; and it offers much promise to make our Nation more secure, and I strongly urge its adoption.

Mr. Speaker, I thank the gentleman from California for her work.

Mr. TANCREDO. Mr. Speaker, I yield 3½ minutes to the gentleman from Arizona (Mr. HAYWORTH).

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

Mr. HAYWORTH. Mr. Speaker, I rise in reluctant, but vociferous, opposition to this legislation, fully named the National Intelligence Reform and Terrorism Prevention Act.

Mr. Speaker, I reluctantly, but adamantly, oppose this measure because it fails to deal effectively with the second heading in the legislative title. It is beyond titles and slogans and, instead, policies where we must concentrate ourselves. Mr. Speaker, much has been made, and I have heard previous speakers speak of the families who suffered such great loss on 9/11, speak of what this Nation confronted on that fateful day. Yet, perhaps in a triumph of legislative policy and the incrementalism so often a part of the system, we are ignoring the single best provision to prevent future acts of terror, understanding that border security and national security are one and the same.

Good people on both sides of the aisle, well-intentioned people rightfully say we need to restructure our national intelligence-gathering capabilities. I concur. But what we see now, Mr. Speaker, is laying a new foundation, building a new wall, but forgetting both a front door and a back door and a roof. We are leaving our doors wide open.

Mr. Speaker, I am pleased and proud to be an Arizonan. I was in Nogales at

our border crossing not too long ago visiting with our friends from the Border Patrol. They told me of an interesting apprehension the day before. The gentleman they said was a native of Iraq who had claimed to come to the United States in 1978 with a green card. It was interesting, though, to hear the Border Patrol personnel speak of their detainee, because curiously, the Iraqi who said he had come to the United States in 1978 with a green card was much more fluent in Spanish than he was in English. We read in accounts of the free press that there are those who come from the Middle East, adopt Hispanic surnames, and seek to infiltrate. There are some adherents to the politically correct who would ignore or diffuse or understate the nature of this threat.

Mr. Speaker, I will not allow the national security of the United States to be jeopardized and undermined and placed on the funeral parlor of the politically correct. To those who say that it is incremental, it is a step in the right direction: well and good. But incrementalism in wartime when our national survival may be at stake is unacceptable. Either do it right, or do not do it.

It is sad, but necessary, to reject this bill because it fails to deal with preventing terrorist attacks by understanding that border security and national security are one and the same.

Mr. HOEKSTRA. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. Cox), my colleague, the chairman of the Select Committee on Homeland Security.

Mr. COX. Mr. Speaker, I would like at this point to engage my friend, the chairman of the Permanent Select Committee on Intelligence, in a brief colloquy to clarify the intention of section 1016 of this bill which concerns information-sharing and would create a new Information Sharing Environment, or ISE.

Section 1016(b) requires that the President create an ISE and that he "ensure that the ISE provides and facilitates the means for sharing terrorism information among all appropriate Federal, State, local, and tribal entities, and the private sector, through the use of policy guidelines and technologies." That is a quotation from section 1016(b)(2) at page 66, lines 21 through 25.

I understand, Mr. Speaker, this section to mean that the Information Sharing Environment referred to will serve as a new, interconnected environment by which Federal agencies can exchange information with each other and with State, local, and private sector officials as their statutory mandates may require. Because the Homeland Security Act of 2002 assigned to the Department of Homeland Security significant responsibilities for sharing terrorism-related information with State, local, and private sector officials; for example, section 201(d) and section 892, I want to make sure that

my understanding of the purpose of section 1016 is accurate.

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

Mr. COX. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, I am glad to confirm that the understanding that the gentleman has is correct. The information-sharing environment will serve as a means by which individual agencies, including DHS, can meet their statutory information-sharing mandates. It will enable and assist agencies in meeting their information-sharing responsibilities.

In particular, I can confirm that the ISE does not supplant or in any way diminish the information-sharing responsibilities of DHS.

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Indeed, DHS will be an interconnected component of the ISE, which will facilitate the Department's execution of its statutory mission as the primary Federal agency responsible for sharing terrorism-related information with State, local and private sector officials and the public.

Mr. COX. I thank the chairman. I would also like to engage my colleague, the chairman, in a colloquy on section 1021 which would add a new section 119 to the National Security Act of 1947, establishing the National Counterterrorism Center, or NCTC.

Section 119(d)(1) lists among the primary missions of the NCTC: "To serve as the primary organization in the United States Government for analyzing and integrating all intelligence possessed or acquired by the United States Government pertaining to terrorism and counterterrorism, excepting intelligence pertaining exclusively to domestic terrorists and domestic counterterrorism."

That occurs at page 87, lines 10 through 16.

Section 119(e)(1) of the National Security Act, as amended, would state that the new National Counterterrorist Center, NCTC, "may, consistent with applicable law, at the direction of the President, and the guidelines referred to in section 102A(b), receive intelligence pertaining exclusively to domestic counterterrorism from any Federal, State or local government or other source necessary to fulfill its responsibilities and retain and disseminate such intelligence."

That occurs at page 88, lines 17 through 24.

Section 201(d)(1) of the Homeland Security Act of 2002 requires the Department of Homeland Security "To assess, receive, and analyze law enforcement information, intelligence information, and other information from agencies of the Federal Government, State and local government agencies (including law enforcement agencies), and private sector entities, and to integrate such information in order to (A) identify and assess the nature and scope of terrorist threats to the homeland; (B) detect and identify threats against the

United States; and (C) understand such threats in light of the actual and potential vulnerabilities of the homeland.”

And section 201(d)(9) of the Homeland Security Act requires the Department of Homeland Security “To disseminate, as appropriate, information analyzed by the Department within the Department, to other agencies of the Federal Government with responsibilities relating to homeland security, and to agencies of State and local governments with private sector entities with such responsibilities in order to assist in the deterrence, prevention, preemption of, or response to, terrorist attacks against the United States.”

So, first, I would like to make sure I am correct in understanding that it is not the intention of section 119(d) and (e) to have the NCTC exercise any aspect of the role that has been assigned to DHS in the Homeland Security Act, including specifically DHS’s primary responsibility for the sharing of terrorism-related information with State, local and private sector officials and the public.

Mr. HOEKSTRA. I can confirm the chairman’s understanding. Neither the responsibilities of NCTC for comprehensive counterterrorism analysis, nor its responsibility for dissemination of information within the Federal Government, will in any way diminish the responsibilities of DHS under the Homeland Security Act, or any other legal mandate.

Mr. COX. I thank my friend, the chairman of the Permanent Select Committee on Intelligence. Could he also confirm my understanding of 119(e)?

Mr. HOEKSTRA. I can confirm that his understanding of 119(e) is also accurate.

Mr. COX. Mr. Speaker, I rise in support of the conference report on the Intelligence Reform and Terrorism Prevention Act of 2004.

The House Select Committee on Homeland Security, which I chair, was deeply involved in the efforts to put this bill together. The bill unfortunately does not contain all of the provisions that I believe it should contain—in particular, the Faster and Smarter Funding for First Responders Act, which was a major part of the House-passed 9/11 bill. But the bill as it is now before us meets the most important test: It will make America safer.

The reform of our intelligence system is an historic and vitally necessary step forward. This bill will also ensure that U.S. officials on the border have access to the information they need to identify suspect and fraudulent identity documents. It will give consular offices the technology and training they need to recognize terrorist travel patterns and practices—as called for by the 9/11 Commission.

We also know that a major problem along our borders today is the lack of detention space to hold illegal aliens who are awaiting deportation. The indefensible policy of “catch and release” that this necessitates is threatening our national security. The select committee worked with my good friend Mr. BONILLA of Texas, and the Judiciary Committee to insert into this bill a large increase in

the number of detention beds to address this problem.

The bill will also greatly enhance our efforts to improve the interoperability of first responder communications. It directs DHS to provide technical assistance to our highest-risk areas in order to rapidly deploy interoperable communications systems. And it establishes a comprehensive program to develop baseline capabilities and standards for interoperability nationwide.

The bill before us also gives the Secretary of Homeland Security the flexibility to make multi-year funding commitments for interoperable communications projects. This change will encourage the long-term planning and local investment that is necessary to get such systems into place at the State and local level. I want to thank Mr. FOSSELLA and Mr. STUPAK for working with the Homeland Security Committee on this important reform.

Finally, this bill will promote mutual aid at the State, local and regional levels—another key recommendation of the 9/11 Commission.

I am disappointed that important reforms that were passed by the House are not included in this final bill, including standards for identification to board airplanes and buy weapons; the creation of an Assistant Secretary for Cybersecurity within DHS; and first responder funding reform to replace pork barrel funding with threat-based funding. That legislation will have to be our first order of business in the 109th Congress. But we owe it to the American people to pass this bill now.

I want to thank Chairman HOEKSTRA, who chaired this conference under challenging circumstances, and his staff for their cooperation and assistance. And I want to thank Speaker HASTERT and President Rush for their personal efforts to ensure passage today of these important intelligence and homeland security reforms.

Ms. HARMAN. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore (Mr. SIMPSON). The gentlewoman from California (Ms. HARMAN) has 14½ minutes remaining. The gentleman from Michigan (Mr. HOEKSTRA) has 7 minutes remaining. The gentleman from Colorado (Mr. TANCREDO) has 11½ minutes remaining.

Ms. HARMAN. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. MENENDEZ), who heads our Democratic Caucus, a wonderful and valued colleague on this issue, and a third of our Democratic conferees.

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

Mr. MENENDEZ. Mr. Speaker, the question we have before us today is not whether this conference report will pass. As Governor Kean, the chairman of the 9/11 Commission, said recently, “The question is whether it will pass now or after a second attack.” Because we know the enemy seeks to attack again. We just do not know when and where it will occur.

That is why we as a Congress pledge to do everything possible to make sure the tragic events of 9/11 were never repeated. That is why the Commission was created to investigate what went wrong. Nothing is more important than

that mission. In fact, the work on this bill and conference report is the most important of the entire 108th Congress.

This conference report that we have before us today secures America against terrorists by making sweeping changes to our homeland security and intelligence operations. It addresses the key intelligence failures that allowed the 9/11 attacks to succeed. This will be the first comprehensive overhaul of our intelligence apparatus since 1947, updating it from the Cold War to the war on terror.

The bill will establish a Director of National Intelligence in charge of all of the government’s intelligence gathering, analysis and counterterrorism operations. It would streamline and unify our intelligence-gathering capabilities, foster greater intelligence sharing, and end the senseless turf battles that plague the current system and that so failed our country on that fateful day.

It will improve the overall qualities of our intelligence, and, yes, it contains numerous and significant immigration-, visa security-, and border security-related provisions; over 43 sections, 100 pages, adding thousands of additional Border Patrol agents, immigration and Customs investigators; new technologies across the border; criminalizing the smuggling of immigrants; and establishing tough Federal minimum standards for birth certificates and driver’s licenses just as the 9/11 Commission report recommended.

It is time to honor the memories of all of those who perished on September 11, including the 122 of my fellow citizens from my congressional district. It is time to secure America. It is time to put the turf battles aside. It is time to try to stop using other issues for the purposes of derailing the ultimate goal here, which is intelligence reform, and it is time to make America secure by voting yes on this conference report.

Mr. TANCREDO. Mr. Speaker, I would say that the only turf that at least I am interested in protecting here is the turf of the United States of America and the people that live on it.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in strong opposition to S. 2845.

This is first and foremost, and everyone in the country knows that, this is a pro-illegal immigration bill in that the situation with illegal immigration will be worse if we pass this bill than it is today.

It is also not a reform bill. It is an illusion. It is a piece of illusion legislation. It is designed to make people feel better because they perceive something is being done.

And I would like to thank the largest organization of 9/11 families who are opposed to this legislation, the 9/11 Families for American Security, who visited Members of Congress to oppose this legislation.

What this bill does is change the flowchart, trying to make people think

that is doing something. It adds a level of bureaucracy, a new level of bureaucracy, and, yes, creates an intelligence czar. Boy, that is going to make everybody feel really good that we have an intelligence czar. We had an energy czar. That did us a lot of good. And thank goodness America had a drug czar that was appointed years ago; otherwise we would be plagued with drug use in America today.

No, this whole bill is designed to make people feel good rather than to do something to hold people accountable for the decisions that they made that led up to 9/11. The intelligence czar and the huge staff required to support the new intelligence czar is duplicative and will be an impediment to getting things done in the Intelligence Community.

The National Security Council, I worked at the White House for 7 years, was set up to do exactly this. And had the National Security Council during the Clinton administration, and, yes, during the beginning of this administration, had been doing their jobs, there would not have been a 9/11. So we already have people to do this job of the new intelligence czar and his huge bureaucracy.

9/11 was not due to blocks in the flowchart. 9/11 was the results of bad policies in dealing with the Taliban, which I complained about for years on the floor of this House, and bad policies in terms of what we were doing against al Qaeda during the Clinton years, and, yes, even bad policies exemplified by Jamie Gorelick, who signed a Justice Department order during the Clinton years that restricted cooperation between the FBI and CIA in dealing with terrorist threats. No, that was bad policy.

We do not need to change the flowchart to make people feel good in order to hold people accountable for those bad policies.

Finally, this bill should be defeated because it has gutted the provisions in this bill that passed the House that were aimed at controlling this massive invasion we have of illegal immigrants into our country, and we are not going to have a secure America when we have millions and millions of illegal aliens coming here, many of whom can be terrorists; and in this bill we no longer have the provisions to make sure that we will not be giving ID cards so these illegals can get on airplanes and crash them into buildings.

Ms. HARMAN. Mr. Speaker, clearly many in this House feel strongly. I hope most of us will vote for this bill.

Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. REYES), a senior member of the House Permanent Select Committee on Intelligence.

Mr. REYES. Mr. Speaker, I thank the gentlewoman and our chairman for the hard work they have done along with the other conferees.

Mr. Speaker, I rise today in support of this conference report, though not without some reservations. I am en-

couraged by the bill's reforms to our Nation's Intelligence Community, reforms that would not be before us today without the hard work of the 9/11 Commission and the unwavering commitment of the 9/11 families.

Also, as a member of both the Permanent Select Committee on Intelligence and the Committee on Armed Services, I recognize that timely and accurate intelligence is essential for both the President and our military forces in the fields. So I am pleased that this important issue has been addressed. However, I do have a strong word of caution for my colleagues about some of the provisions that we are enacting today in the name of homeland security.

These provisions establishing new investigatory, surveillance, and information-sharing authorities carry tremendous potential for abuse. I am concerned that these provisions may only be the beginning, and that we could be headed down a dangerous path without ensuring the appropriate checks and balances.

Prior to coming to Congress, I served for 26½ years in the United States Border Patrol, from agent to chief, so I know firsthand about our efforts to protect our borders and keep America secure. While I strongly believe in giving our government and law enforcement the tools they need to keep America safe, I also know it is imperative that we have an effective system of checks and balances to protect our rights as Americans.

Mr. Speaker, I will vote for this bill because I believe that reforms to our Intelligence Community are much needed and long overdue. However, as we move forward, I urge my colleagues to be vigilant in ensuring that we do not undermine the very liberties we are trying to protect from terrorists, because it is these liberties that make America the great Nation that it is.

Mr. TANCREDO. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, protecting our Nation is one of the most important duties that we have as Members of Congress. If we fail this, nothing else really matters.

The conference report does contain some useful provisions, but it is incomplete, making it inadequate and therefore unacceptable. The agreement with the Senate gave away so much, and it includes some major steps backwards from the House-passed version of the bill and from the strides that we have made since 9/11.

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Specifically, the report ignores important suggestions made by the 9/11 Commission and by many Members of this Chamber regarding immigration and the use of illegal identification cards.

We need to have closed borders with open doors for those who follow the law. Our offices are flooded with people

asking for assistance because they are trying to come here legally.

The version this House passed prohibited convicted terrorists from receiving Federal benefits, and yet the agreement before us here today fails to prevent this injustice. Remember, the taxpayers out there are going to be paying taxes and some terrorists are going to be getting some Federal benefits. That is just unacceptable.

It has been 3¼ years since the terrorists used illegal identification to cross our borders and to attack Americans at home, and yet Congress still ignores meaningful immigration reform. We authorize some detention beds in here; but guess what, we did not fund them.

There have been so many immigration bills introduced since 9/11 that have died and had to be reintroduced again, only to die again. We are told that, oh, they will be taken care of next year. I sincerely hope that that is the case because this bill is a feel-good bill, absolutely. It is like buying a state-of-the-art alarm system, installing it in your house, never actually activating it and then you do not even bother locking your doors. Your home is not secure. Our Nation will not be any more secure under this. We need to secure our borders. That is a very important component that is simply missing from this bill.

I cannot support the bill in its current form and because it is so inadequate, because it does not address the very important immigration issue.

The problem with the conference report was that it ignored so many of the good immigration reform provisions that we had in the House bill. This bill is only part of what the 9/11 Commission recommended. I was a State senator. As my colleagues know, many of the terrorists came from Florida. We said the length of their driver's license expires when their visa expires. Guess what. This bill does not mandate it. So the 10 States that do not even have that provision, they are the States that the terrorists are going to go to. That is just plain wrong.

We do need to have uniformity in driver's licenses. We do need to make sure that the person applying for the driver's license, who has a visa, that the visa expiration date is the expiration date of the identification or the driver's license.

Mr. HOEKSTRA. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM), a member from the committee.

Mr. CUNNINGHAM. Mr. Speaker, I would like to commend the gentlewoman from California (Ms. HARMAN) and the chairman for working on this bill and on the Permanent Select Committee on Intelligence. The gentleman from Texas (Mr. REYES), even though he is an Irish kid, is like a brother, and we work very well together. Disagree, but work together.

Do any of my colleagues have any idea what it is like to watch friends die? The 9/11 families do. I do not know

how many of my colleagues saw Private Ryan. I lost a lot of good friends in combat. Anger, rage, disappointment, knowing that many of them did not have to.

The gentleman from California (Mr. HUNTER) fixed that in this bill. It is going to save a lot of lives. To say that this bill is a shadow, I do not believe is correct in my opinion. If we look at COSCO, many wanted the China Ocean Shipping Company to take over the Long Beach shipyard. The gentleman from California (Mr. HUNTER) and I stopped that, even though we knew there were spies with the China organization taking over Long Beach shipyard, and we were able to work that in a bipartisan issue.

The homeland security, our ports, one of the biggest threats that we have is our ports, and that is addressed in this bill.

Where my dilemma is, is the 9/11 Recommendation No. 16 that was denied and stripped out of the bill by the other body. To me that is irresponsible, and I would ask the gentleman from Michigan (Mr. HOEKSTRA), the chairman, in a colloquy, is it the gentleman's understanding from our leadership that the immigration issues will be addressed in the 109th Congress?

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

Mr. CUNNINGHAM. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, he was in the conference today. I think we got a very strong commitment from the leadership that they intend to address these issues. I think that will represent the will of the members of this conference.

Mr. CUNNINGHAM. And that the President will help us in these efforts?

Mr. HOEKSTRA. If the gentleman will continue to yield, that is absolutely correct.

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman; I thank the Members on both sides of the aisle.

If my colleagues vote against this bill, they put this Nation at risk. Without the immigration issues, this Nation is at risk.

Ms. HARMAN. Mr. Speaker, it is now my pleasure to yield 1 minute to the gentlewoman from California (Ms. PELOSI), the Democratic leader, my predecessor as ranking member on the Permanent Select Committee on Intelligence and someone who knows these issues extremely well.

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman for yielding me time and commend her for her tremendous leadership, outstanding leadership as our ranking member on the Permanent Select Committee on Intelligence, and I commend the gentleman from Michigan (Mr. HOEKSTRA) for his leadership, as well as chair of the conference and as chair of the Permanent Select Committee on Intelligence.

I thank the gentlewoman from California (Ms. HARMAN). I know firsthand of her great work, and we are all very proud of it.

Mr. Speaker, more than 4 months ago, the 9/11 Commission created by Congress to examine the intelligence failures of 9/11 made a critical judgment. It concluded that the United States intelligence community was not structured properly to counter the threats, including terrorism, that our Nation was likely to face in the years to come.

In response to that judgment, the bipartisan 9/11 Commission unanimously issued 41 recommendations to make America safer. The most critical of these was the creation of a powerful manager for the intelligence community, one with the authority to establish budgets and to move money and people between agencies as dictated by changing needs.

The commission's conclusion and this recommendation mirrored a similar judgment made 2 years ago by a congressional joint inquiry that neither the President nor the Republican Congress acted upon. Thank heavens we are acting today.

Fortunately, the 9/11 Commission's recommendations and the tireless advocacy of the 9/11 Commission and the victims' families gave us the opportunity to produce a better result today. We are greatly in their debt.

Another significant recommendation was the establishment of a civil liberties board. As we protect and defend the American people from terrorism, we must also protect and defend the Constitution and the civil liberties contained therein. Again, I wish the conferees would have agreed to a stronger board, as was contained in the Senate bill. Instead, we have to rely on the dedication and stature of those appointed to the board to overcome any weaknesses in its power.

Thankfully, the worst of the egregious provisions on immigration and law enforcement that were in the House bill have been removed due to the firm resolve of a majority of the members of the conference committee.

I, too, would like to engage the distinguished chairman in a colloquy. It was not my intention until I heard the colloquy of the previous speaker. I would just like to know what it means that in the next Congress my colleagues will take up the immigration provisions that are not in this bill and will have the cooperation of the President. What does that mean? Does that mean we will be revisiting the same provisions that were removed from this bill in order to obtain passage of it this evening?

Mr. HOEKSTRA. Mr. Speaker, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, I thank her for yielding and appreciate the work she has done in putting together this bill.

What the indications are and what the colloquy I had with my colleague indicate are that the provisions that were deleted from the bill that we are

considering today, the difference between the previously House-passed version and what is in the conference report are of utmost importance to members of our conference, to the leadership and to the President, and that through regular order we will pursue moving those agenda items forward in the next Congress.

Ms. PELOSI. Mr. Speaker, so my colleagues removed them. I just want to make sure I understand correctly. The egregious, considered by some of us, extraneous provisions that were in this bill that were removed in order to get the compromise legislation that we have here today will be taken up in the next Congress and will be moved quickly to what? Pass into law?

Mr. HOEKSTRA. Mr. Speaker, if the gentlewoman would yield, we will go through regular order to take many of the provisions that had previously passed the House as part of H.R. 10. They will be considered again by the House and will move through the regular process, meaning that this body will consider the legislation. If this body endorses the legislation and the Senate obviously provides complementary legislation, we will go through the conference process to see if it is possible to make those provisions and move them into law.

Ms. PELOSI. Mr. Speaker, I appreciate the gentleman's candor. I have concerns about his statement, however, because there was a oneness, an integrity to this bill which contained many of the recommendations of the 9/11 Commission, bipartisan, and unanimously, and the support of the United States Senate in a very bipartisan way; and I had hoped that what we were introducing today as a compromise was a bill that had, again, this oneness and this integrity. I am concerned that a piece of it is taken off with a commitment that it may be passed.

Mr. HOEKSTRA. Mr. Speaker, if the gentlewoman would yield, I think it is obvious to us that we went there through the process. Many of the provisions that were a vital part of the House bill were not part of the base bill in the Senate, or similar items were not part of the base bill in the Senate; and so we believe that it is important and there will be an opportunity to move through the process with the Senate in the next session of Congress.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Michigan (Mr. HOEKSTRA). Again, I have serious concerns.

I hope that, again, the Republican leadership will not tarnish this achievement today with commitments to vote on ill-advised changes to our immigration laws in the next Congress.

Mr. Speaker, I just want to say that today we must move forward. There is one recommendation of the 9/11 Commission that we are not considering today, and that is, congressional oversight; that the commission also recommended changes in the intelligence oversight process in the Congress in addition to the changes in the executive

branch. Without effective congressional oversight, the reforms put in place by this bill will be less successful in protecting the American people. I look forward to working with the gentleman from Illinois (Speaker HASTERT) in a bipartisan way to institute more effective congressional oversight.

Today, again, we must move forward. This bill, although not perfect, strengthens the process by which we manage the collection, processing, and dissemination of intelligence. In doing so, it reduces the risk to the American people. It honors the work of the 9/11 Commission, and I hope it will bring some comfort to the families of the victims of the 9/11 attacks.

Actually, passage of this bill is a tribute to the 9/11 families. They have constantly been an inspiration to us because they turned their grief into action. The American people are safer, and we are deeply in their debt. We will never forget their loss, and we thank them for their courage. We owe them at least that much, and that is to make the American people safer. I urge my colleagues to support this bill.

Mr. TANCREDO. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. GARY G. MILLER).

(Mr. GARY G. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GARY G. MILLER of California. Mr. Speaker, I rise in strong opposition to the 9/11 Recommendation Act.

I want to commend the gentleman from California (Mr. HUNTER) for his efforts in the area of oversight that he had. I think he did an excellent job, and this bill was improved by his efforts. However, the gentleman from Wisconsin's (Mr. SENSENBRENNER) issues that he dealt with were removed from this bill, and the gentleman from Wisconsin (Mr. SENSENBRENNER) looked at this House issue and said, how did 9/11 occur? How did the perpetrators attack this country, and what can we do in this bill to make sure that does not happen again? That language was removed, and when we talk to the people back home, these are commonsense issues.

The gentleman from California (Mr. OSE) injected language that said we are going to expedite construction of the gap of the 14-mile barrier in between San Diego and the border of the United States. That language was removed; and if we look at that 3-mile gap, it looks like a herd of cattle had stampeded through there every day. We cannot tell who came into this country illegally, but that was removed.

The other one struck is any requirement for proof of lawful presence in the United States for a driver's license.

□ 1845

The 9/11 perpetrators came to this country, they obtained driver's licenses through a legal fashion in 10 States that make them available, and this bill would have said that that will never

happen again. The only way 9/11 happened and occurred is because these terrorists were able to obtain driver's licenses to come and go freely in this country and to board planes as they chose. Nothing in this bill will stop that from happening.

The other issue that was struck is license expiration tied to a visa expiration. It makes perfect sense that if you have a visa in this country, and you get a license while you are here, that your license should expire when your visa expires. The same thing happened with the 9/11 perpetrators. Their visas expired, but their licenses did not, and they were thereby allowed to stay in this country.

They also struck expedited removal of illegal aliens. You can implement frivolous lawsuits and stay in this country almost as long as you want, even if you are here illegally. This bill originally would have eliminated that option. It struck the restriction for a terrorist claiming asylum.

It does not take a brain surgeon to realize if you are a known terrorist, trained in an al Qaeda camp and here in this country, we cannot deport you. You can remain. The language to make sure that did not happen was, again, in this bill and was removed from this bill. It struck limiting judicial review of orders of deportation. That is common sense and should have been in.

Now, I will try to go through these quickly. It struck complete national driver's license standards. You should be here in this country legal as a citizen or have a legal right to be here to get a driver's license. It also struck an interstate driver's license database. That way you could not get multiple driver's licenses throughout multiple States like the terrorists did.

There were very good commonsense laws in this that would have become law, and they basically were struck. The one that really does not make any sense struck "terrorists traveling information sharing." You have a terrorist that travels around, and we cannot even share that information by law. That is wrong.

The things that were removed from this bill warrant a "no" vote on this bill, and I strongly encourage a "no" vote.

I rise today in strong opposition to the intelligence reform conference report. There is no question that everyone in Congress wants to protect the country from another terrorist attack. That is why I am so appalled that this conference report excludes several House provisions strengthening immigration law. We cannot have real intelligence reform without addressing flaws in our immigration system.

I strongly believe that failing to act on important immigration reforms is a grave mistake, since these provisions are central to any legislation designed to prevent future terrorist attacks. By passing this conference report, Congress is looking the other way while potential terrorists are allowed to exploit flaws in U.S. immigration policy.

As we work to implement the recommendations of the 9/11 Commission, how can we ig-

nore the Commission's call for strengthened identification standards in this country? The Commission found that it was our immigration laws, not those laws aimed at protecting against terrorism, that shaped the terrorists' ability to carry out their plot on 9/11. In fact, the Commission found that travel documents were as important to the terrorists as were their weapons.

The simple fact is that if the 9/11 terrorists had not been able to enter the United States and operate freely—to obtain driver's licenses, open bank accounts, rent homes and cars, and board airplanes—they would not have been able to commit mass murder on that fateful day.

As long as fraudulent identity documents remain readily available, terrorists will be able to use legal loopholes to enter and remain at large in the United States.

It is truly beyond reason that this final conference report would remove House-passed provisions to secure driver's licenses. This is in direct contradiction to the recommendations of the 9/11 Commission, which urged Congress to set federal standards for state-issued licenses. Have we already forgotten that the 19 hijackers on 9/11 had 63 driver's licenses among them and that most of these were obtained through fraudulent means?

One of the 9/11 hijackers was stopped for a traffic violation a mere two days before the terrorist attacks. Unfortunately, the officer was unable to detect that the terrorist's visa had expired because his driver's license was still valid. The House bill included a requirement that driver's license expiration dates coincide with visa expiration dates so that law enforcement officers could have the information they need to keep us secure. The conference report deleted this important House provision.

In addition, while current law allows for the denial of admission to the U.S. on terrorism-related grounds, terrorism cannot be used as a basis of deportability from the country. This means that some terrorists and their supporters can be kept out of the United States, but as soon as they set foot on our shores, we cannot deport them, hindering our ability to protect America from terrorists who have infiltrated our country. The House bill makes aliens deportable for terrorism-related offenses just as they would be denied admission to the country in the first place. The conference report excludes this critical provision, leaving a gaping hole in our national security.

The security of our Nation must be our top priority. Great intelligence is nothing without a strong national security. The bottom line is that this bill fails to prevent those who may be harmful to the security of our Nation from operating freely and undetected in the United States.

If the war on terrorism is to be ultimately successful, it is more important than ever that we take the necessary steps to strengthen security at our borders and provide law enforcement agencies the tools they need to identify those individuals who enter or remain in the United States illegally.

This bill is woefully inadequate because it fails to make immigration reforms that are absolutely fundamental to ensuring the security of our Nation. By passing this conference report without immigration reform, we are sending a message to the American people that we still have not learned from the tragedy of 9/11 that political correctness must never take the place of national security.

Mr. HOEKSTRA. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. SMITH).

(Mr. SMITH of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, I just want to make the point that this legislation is a victory for the 9/11 families who lost loved ones, heroes, on September 11, 2001. Those family members who were the ones who were instrumental in creating the 9/11 Commission in the first place and who have been tenacious and persevering in making sure that we do the right thing deserve the credit. I want to commend them on their great work on this.

Let me also respond to the previous speaker. By any measure, this legislation will improve our Nation's ability to protect against terrorism. The 9/11 Commission pointed out so well, and I quote them, "Travel documents are as important as weapons." In a provision that I have long advocated for, and that was put in this legislation by the gentleman from Illinois (Mr. HYDE), we now have provisions that fortify the visa application process and ensure that our consuls abroad have to thoroughly interview those who are applying for a nonimmigrant visa and meticulously inspect their documents.

Let me remind my colleagues that those who committed the atrocities of 9/11 entered the U.S. legally. They got their visas. They went to one of our consuls in Saudi Arabia and, regrettably, the personnel there were giving out visas like cotton candy. The terrorists exploited a weakness in the system. So they came here legally. They were not illegal immigrants. And that point needs to be underscored.

This legislation with Chairman HYDE's language closes that loophole so that terrorist will be stopped before they get their visas. That's a critical provision in a bill with many, many new programs and I support it.

Mr. Speaker, I rise in support of S. 2845, the National Intelligence Reform Act of 2004. This legislation represents a hard-won victory for the family survivors of 9/11 and for all Americans. They have placed their hopes in us to make the structural changes necessary to prevent another intelligence failure on the scale of September 11th. It is fitting and appropriate that we consider this legislation on December 7th because prior to 9/11, Pearl Harbor represented the largest single day loss of human life to an attack on American soil.

This is, Mr. Speaker, the survivors' bill. If not for the hard work, tenacity and dedication of the families of the victims of 9/11—those 3,000 heroes who lost their lives in that horrific attack—we would not be here today.

Still, there has been much controversy surrounding this bill. Some critics charge that this legislation is not really needed; others contend that it was developed in a rush and should have been considered more thoroughly in committee and subcommittee hearings before being brought to the floor. Neither of these criticisms are valid.

In fact, this legislation is the product of a comprehensive process that began over 2

years ago with the appointment of the 9/11 Commission. I was an early and consistent advocate for the 9/11 Commission because I believed the families deserved answers and the Nation needed a chronicled "lessons learned" and a way to move forward to make us safer.

In pursuing its wide-ranging mandate to investigate the facts and circumstances relating to the terrorist attacks of September 11, 2001, the Commission reviewed more than 2.5 million pages of documents and interviewed more than 1,200 individuals in ten countries, including nearly every senior U.S. government official from the current and previous administrations who had responsibility for topics covered under the Commission's mandate. The Commission's recommendations were nonpartisan, unanimous, and published to wide acclaim this past summer. No less than 13 House committees held more than two dozen hearings on the Commission's report and subsequent legislation. In the Committee on International Relations, I chaired a critical hearing on visa reform and recommendations for enhanced U.S. diplomacy. In the Committee on Veterans' Affairs, on which I serve as chair, we held a hearing on Emergency Medical Preparedness.

Today's historic bill addresses and responds to the Commission's major recommendations, and will bring much needed reforms to our intelligence funding, gathering, sharing, and analytical processes. Anyone who questions whether or not these reforms are needed should read the Commission's report. It is filled with information—available to us at the time—that terrorists were actively plotting against us. But instead of our country being on a war footing, the investigations were treated as mere law enforcement cases, and information was not shared between the FBI and CIA. When Predator unmanned drones captured video feed of Osama bin Laden himself in the mountains of Afghanistan, the Pentagon and the CIA bickered for months about who should pay for upgrading the drones to carry Hellfire missiles. The opportunity to take out bin Laden before September 11th was thus squandered by bureaucratic infighting.

Mr. Speaker, on December 7th, 1941 Americans said 'never again' will we be caught so unprepared for a sneak attack. But it did happen again. It happened on September 11th, 2001, and nearly 3,000 men, women, and children lost their lives because of it. This legislation will finally create a national intelligence director who will have direct authority over our intelligence agencies and who will have the power to redirect assets and resources as necessary. The position of national intelligence director should have been created after Pearl Harbor, but J. Edgar Hoover, the powerful FBI director at the time, blocked its creation. Later, the Defense Department blocked similar intelligence reforms over the next several decades. Indeed, the same fate nearly befell this very bill before us today, and it was only the timely and persuasive intervention of President Bush which salvaged this historic package of reforms from being yet another casualty of perennial agency turf battles.

Further, this bill creates a National Counterterrorism Center with the authority to plan intelligence missions and counterterrorism operations. The White House has worked with the conferees to ensure that neither the Director nor the Counterterrorism Center will interfere with the flow of military in-

telligence to the battlefield and the military's need to preserve its chain of command.

By any measure, the conference report will improve our Nation's ability to protect against terrorism. Mr. Speaker, the 9/11 Commission's report states that for terrorists, "travel documents are as important as weapons." In a provision which I have long pushed for, this bill will require all aliens applying for a non-immigrant visa to completely and accurately respond to any request for information contained in the application, in order to prevent the disastrous series of events in which the 9/11 terrorists failed to provide the most basic of information on their visa applications, yet were still issued visas. It is important to remember that the hijackers were not illegal immigrants. They had valid visas because they exploited the weaknesses of our visa system. With this new legislation, we close those gaps. Consular officials must interview, in person, all applicants for non-immigration visas unless a special waiver is granted.

This bill includes provisions targeted at preventing terrorism overseas before it reaches our shores. I have been working in this area ever since our embassies were first bombed in Africa in 1998 when I authored the Embassy Security Act. Under the conference report, it directs the State Department to seek international agreements to track and curtail terrorist travel through the use of fraudulent documents and to establish international standards for travel documents, transliteration of names into the Roman alphabet, and common name-based watch list systems. Programs to screen threatening individuals before they reach the U.S. will put U.S. immigration experts at foreign airports.

In order to address the root causes of anti-American incitement overseas which breeds terrorists and sympathizers, the conference report will provide scholarships for Muslim students, more funds for broadcasting and democracy building programs to the Islamic world, and targets aid for strategic countries such as Saudi Arabia, Afghanistan and Pakistan, which were described by the September 11th Commission as absolutely vital to the success in the war on terrorism.

Today's legislation also includes several important, overdue measures to bolster our national security here at home. New programs and pilot projects to upgrade airport and aviation security include explosives detection screening for carry-on baggage, training for foreign air marshals, additional screening of airport workers, and blast-resistant cargo and baggage containers. We will enhance our border security by adding 2,000 full-time border patrol agents, 800 Immigration and Customs Enforcement investigators, 150 consular officers per year for the next 3 years, and advance the use of new technologies such as remotely piloted aircraft to ensure the systematic surveillance of our northern and southern borders. Moreover, this bill will grant the FBI the authority to conduct surveillance and wiretaps on suspected terrorists, even if they have no known ties to any foreign country or entity. In other words, if the FBI is aware of a person trying to produce anthrax, but he appears to be working alone, they can still monitor his activities. For the first time, a Privacy and Civil Liberties Oversight Board will be created to ensure that privacy and civil liberties concerns are appropriately considered in the implementation of laws, regulations and government policies to protect our Nation against terrorism.

This conference report also tightens our Nation's immigration laws to close loopholes. For instance, officials will be able to deport any alien who has received military training from a designated terrorist organization, as well as rendering inadmissible aliens who have committed acts of torture, particularly severe violations of religious freedom, extrajudicial killing or genocide.

It is important to note that a crucial reform that the September 11th Commission recommended, but which is notably absent from this conference report, is to change the first responder grant formula and make the Department of Homeland Security (DHS) grants awarded and assessed based on risk and intelligence data.

The House-passed bill which I cosponsored and voted for (H.R. 10), contained an excellent package of reforms to the illogical grant system that allocates nearly 40 percent of all of the DHS first responder grants strictly on a state minimum basis, rather than risk assessment, and divides most of the rest of the funds on a rote population basis without any risk analysis. The H.R. 10 reforms would have benefited high-risk, high-population density urban states like New Jersey enormously, while at the same time scaling back grants to states like Wyoming that have fewer terror risks. It would have truly implemented the Commission's recommendation to ensure first responder funding was analyzed and prioritized strictly on risk. The state minimums were reduced substantially.

The Senate passed bill and the Menendez substitute were either much weaker or put too much money into the state minimums, but still represented improvements over current law.

Incredibly, the final conference report dropped both sets of improvements and essentially retains current law. Mr. Speaker, the failure to reform the deeply flawed current first responder grant program is a major missed opportunity for Congress. I pledge to work with similarly-minded colleagues on both sides of the aisle to fix this formula in the upcoming 109th Session of Congress.

While the bill creates general national standards for driver's licenses, birth certificates, and social security cards in order to prevent the identity fraud that terrorists can exploit, as well as improves the physical security of the documents, I remain disappointed that the bill does not prohibit the issuance of driver's licenses to illegal aliens. The idea of giving driver's licenses to illegal aliens is not only unsound, it is just not safe for the country. I will continue to push for limitations on the validity of licenses for those individuals temporarily in the United States.

I am pleased that provisions I opposed in the House bill, H.R. 10—to expand expedited removal and basically eliminate appeals for asylum—are not included in the conference report. These provisions would have dramatically altered our asylum procedures and would have had an extraordinarily harmful effect on true asylum seekers, human trafficking victims, women and children who are victims of domestic violence, and others seeking protection against persecution. We must continue to maintain the delicate balance between ensuring our safety and preserving our country as a safe haven for the persecuted and oppressed.

As you know, Mr. Speaker, I have worked hard over the last several years with the wid-

ows, mothers, fathers, brothers, sisters, children and other relatives of the victims of September 11th to help establish a meaningful investigation and produce comprehensive reform. Today we mark the furthest milestone in this long, difficult journey. And while no amount of legislative reform can completely heal their hearts, they can take some comfort in knowing that their government has responded and Americans will be safer because of their hard work and great efforts.

Ms. HARMAN. Mr. Speaker, it is now my pleasure to yield 1½ minutes to the gentlewoman from California (Ms. ESHOO), my classmate, a member of our committee and the ranking member on our Subcommittee on Intelligence Policy and National Security.

Ms. ESHOO. Mr. Speaker, I thank the distinguished ranking member and the chairman of our committee for the work that they have done together. I think the American people are proud.

This has been a very tough journey to arrive here tonight with a conference report to reform the intelligence community of our country. And yet we know, and all Americans know, that the status quo is not good enough. The status quo has been in place throughout the Cold War and post-Cold War. Yet ever since our country was attacked, there is not anyone that could say that all systems were running the way they should.

And so with gratitude to the families of the victims, who, as our leader said a few moments ago, have inspired us and inspired the country, with the President supporting the bill, with the leadership of both parties supporting the bill, with the support and the recommendations of the 9/11 Commission, who did such superb work for the people of our country, there is no reason why the House of Representatives should not vote in its entirety in support of this bill that reforms our intelligence community.

I think it falls short on oversight, and that should be taken up in the new Congress because it is an important, critical role of the Congress. But I am very proud to stand with my colleagues and the Democrats who introduced an inspirational bill 8 months and 6 days ago that mirrored the recommendations of the commission. I urge all my colleagues to support this bill.

Mr. TANCREDO. Mr. Speaker, I yield myself such time as I may consume to make two quick points.

One is, indeed, most of the people who were here, most of the hijackers were here illegally, not legally, because they fraudulently produced documents to get their visas. The visas were frauds to begin with, making them illegal aliens in this country.

Secondly, many of them had overstayed their visas or were doing something here that was not allowed under the visa, making them illegal aliens in this country. So, indeed, they were illegal.

Thirdly, there are far more members of 9/11 families who oppose this bill because the provisions we are talking

about here are missing; those provisions to secure our borders are missing. Far more oppose this bill in its present form than support it.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I do not know why we set up a 9/11 Commission if we were not going to take their provisions in their entirety.

When the 9/11 Commission tells us that border security is national security; when the commission finds that our border system has two systemic weaknesses, a lack of a well-developed counterterrorism measure as a part of border security and, to quote them, "an immigration system not able to deliver on its basic commitments when they look at the case of Mohammed Atta and others and then find and tell us that targeting their travel is at least as powerful a weapon against terrorists as targeting their money, and then lays out a plan for our U.S. border security to be reformed, and we pick up those reforms, put them in the House bill that we pass over to the Senate and now find that those very reforms are stripped out, I do not know how we back away from that argument. Border security is national security; how we acquiesce to those that say no, you cannot touch border security.

You know, I do not know with certainty that moving around the organizational boxes of the intelligence community will make things better. It may. But one thing we can be sure of is that the driver's license provisions that have been stripped at the insistence of the other body would have made a difference. Driver's licenses were the 9/11 terrorists' license to kill and to kill massively. We know that.

They had 63 of these driver's licenses between them, for the 19 of them. And these identification documents gave these hijackers unfettered access to nearly everything they needed to plan and carry out their attacks on Washington, D.C. and on New York City. And the identification cards also allowed them to remain in the country with the appearance of legitimacy long after their visas had expired and their presence in the United States became illegal.

Sixty-eight percent of this body voted for these reforms and 87 percent of the American people support them. They should be in the bill.

Mr. HOEKSTRA. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, in listening to this debate, which I have followed very closely, and listening to the previous speaker from California, I agree with most everything that has been said. However, you cannot judge a bill by what is not in it. You judge it by what is in it. You cannot win a ball game by designing each play for a touchdown. You move the ball down the field. This is just one piece of legislation, a very important piece, which is

going to come together next year, and we are going to complete the work with illegal immigration.

Do not say this bill is not tough on illegal immigration. We are putting 2,000 more agents each year on the border under this bill. This bill does a lot for us, and all of the other things we have been talking about. It is time to move this forward, come back in the next Congress and pass the rest of it, which has already passed this House by 68 percent, as the gentleman from California said.

Vote "yes" on this most important bill.

Ms. HARMAN. Mr. Speaker, I yield myself such time as I may consume to applaud the comments of the last Speaker.

Mr. Speaker, it is now my privilege to yield 1½ minutes to the gentleman from Maryland (Mr. RUPPERSBERGER), another of our committee members and an increasingly valuable member of our committee.

Mr. RUPPERSBERGER. Mr. Speaker, first, I want to start out with strong praise for the chairman of the House Permanent Select Committee on Intelligence, the gentleman from Michigan (Mr. HOEKSTRA). He has bridged differences among many Members who had reservations about this bill, so I thank him for his leadership.

I also want to thank our leader, the committee's ranking Democrat, the gentlewoman from California (Ms. HARMAN), for her vision and tenacity in pursuing intelligence reform. She was the driving force behind the introduction of a reform bill back in April, months before the 9/11 report was released.

Now, this is an historic measure. We are doing more than rearranging boxes on an organizational chart. We are ensuring that the intelligence community has one boss to ensure better communication and accountability. I spent close to 18 years in local government, where I managed a large county, close to 19,000 employees; and I know that workers need to answer to one person who sets policy and manages the budget.

This is critically important to help prevent another terrorist attack and to protect our families and communities.

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

Mr. HOEKSTRA. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, we are being told that time is running out to pass intelligence reform legislation. The truth is, time ran out on September 11. We are on borrowed time.

Prior to September 11, three commissions, the Bremer Commission, the Hart-Rudman Commission, and the Gilmore Commission, all came to Congress and said the same thing, that the terrorist threat is real; that we need an assessment of this threat, a strategy to address it, and a reorganized government to implement that strategy.

Sadly, few listened then; and, tragically, no one acted.

September 11 was the wake-up call from hell that told us that the terrorist threat is real; that Cold War doctrines of containment, reaction, and mutually assured destruction are totally invalid. And our policy now must be to detect and prevent and, on occasion, preempt those who wish to do us harm. That requires better intelligence.

Congress and the administration made significant changes over the last 3 years to improve our security, but today we are taking the most critical step by reorganizing our intelligence community, creating a Director of National Intelligence with budget and personnel authority. Thank you to all who have made this possible. We are changing and improving transportation. And, yes, while we could do more, we are moving forward with immigration reform.

I believe, I am confident that we can enact stronger immigration reforms in the next Congress, and I look forward to working with my colleagues to see that this is done. But do not defeat this bill because you want greater changes in immigration and lose the changes that have to happen on intelligence reform. We will get the job done. This is the beginning, the most important step; but we are not finished.

Ms. HARMAN. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. SIMPSON). The gentlewoman from California (Ms. HARMAN) has 6½ minutes remaining, the gentleman from Michigan (Mr. HOEKSTRA) HAS 1 MINUTE REMAINING, AND THE GENTLEMAN FROM COLORADO (Mr. TANCREDO) has 30 seconds remaining.

The order of closing is: the gentleman from Colorado, the gentlewoman from California, and the gentleman from Michigan.

Ms. HARMAN. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. WATT), a member of the House Committee on the Judiciary and an extremely conscientious Member of this House.

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

Mr. WATT. Mr. Speaker, the 9/11 Commission recommended the creation of an independent bipartisan board to oversee compliance with civil rights and civil liberties, in recognition of the fact that in this difficult area of securing America we were going into some very uncharted areas.

□ 1900

We crafted a provision in the Committee on the Judiciary which has been substantially watered down in this version of the bill. I simply want to submit for the RECORD a statement that describes that process. I intend to vote for the bill, but have some concerns about whether this bipartisan board of compliance is independent

enough or bipartisan enough or is really going to have any authority to do anything to safeguard civil liberties and civil rights after we pass this bill.

Mr. Speaker, I include a more detailed description of my concerns for the RECORD.

Mr. Speaker, because I take the protection of our constitutional rights and liberties very seriously, I offered an amendment during the Judiciary Committee markup of this bill to establish an independent, bipartisan board to oversee compliance with civil rights and liberties and the Judiciary Committee bill included a version of the oversight board. Since that time, there has been a false comparison between the board I recommended and that in the Senate bill to an advisory board created by the President by executive order. The President's board is not and should not be the guidepost for what satisfies the mandate of the 9/11 Commission. The President's board consists of Administration insiders with advisory functions.

Now I know that the Chairman and the Vice Chairman of the 9/11 Commission have endorsed this conference report and characterize the Privacy and Civil Liberties board as independent. I respectfully disagree. The board created by this bill may turn out to be worse than no board at all. It's members are hand-picked by the President and serve at his pleasure. That does not create independence. There is no rights of the board to obtain by subpoena information needed to perform its functions. There is no public reporting requirement. And, there is a gaping hole that permits the government to assert a national security or law enforcement exception to the Board's access to government information that may very well reveal whether the rights of our citizens are being violated.

We all agree that our nation must adjust to confront the terrorist threat, but in doing so we cannot undermine the principles for which Americans stand. One need not look far to imagine the types of abuses that a strong, independent Privacy and Civil Liberties Board could expose and prevent. Should innocent Americans be held merely on suspicion, without the opportunity to consult with counsel, without the ability to speak with their family? Should Americans be willing to miss graduations, baptisms, weddings, and funerals, because their names are erroneously on a no-fly list? If Senator KENNEDY, Congressman JOHN LEWIS and Congressman YOUNG find themselves detained as suspected terrorists, who will be next?

In short, just as we need to make adjustments as we fight terrorism, we also need a board with teeth, one that can make sure that fighting terrorism is done in a manner that does not change the fundamental nature of our society. The 9/11 Commission Report stated:

We must find ways of reconciling security with liberty, since the success of one helps protect the other. The choice between security and liberty is a false choice, as nothing is more likely to endanger America's liberties than the success of a terrorist attack at home. Our history has shown us that insecurity threatens liberty. Yet, if our liberties are curtailed, we lose the values that we are struggling to defend.

I believe that we have missed the opportunity to say to the world and to the terrorists

who would harm us that we are prepared to do whatever is necessary to detect and prevent further attacks but at the same time with equal vigor, we will protect the time-honored values and freedoms that makes our nation great.

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

Mr. TANCREDO. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the following is from the final report: "Secure identification should begin in the United States. Fraud in identification documents is no longer just a problem of theft. At many entry points to vulnerable facilities, including gates for boarding aircraft, sources of identification are the last opportunity to ensure that people are who they say they are and to check whether they are terrorists." That is from the report. That is the thing we are ignoring completely in this bill designed to respond to the 9/11 Commission report.

Mr. Speaker, I ask my colleagues to vote against this bill so it can come back here in a form that could make us all proud, and so we would be able to go back to our constituents and say we have indeed done something to secure this country. This bill does not do that.

Ms. HARMAN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, obviously we do not all agree on the best direction in which to go. It is clear from this debate that Members on our side and Members on the other side of the aisle have some strong feelings against the carefully crafted compromise. But carefully crafted it was. I can assure Members that 10 weeks and thousands of hours by Members and staff went into the language of this conference report.

There were fights about almost every issue. We worked it out as best we could. We worked it out on a bipartisan basis, and as I said at the beginning of this debate, I cannot thank enough Senators COLLINS and LIEBERMAN and the gentleman from Michigan (Mr. HOEKSTRA) for their collaboration, talent, dedication and true grit. This would not have happened without them.

Mr. Speaker, there has been a lot of conversation about the House bill and what was left out of the conference report. I would point out to colleagues that the vote in the House was an extremely close vote. To remind, there was an amendment in the nature of a substitute offered by the gentleman from New Jersey (Mr. MENENDEZ). The vote on that amendment in the nature of a substitute was 203-213; 194 Democrats, 8 Republicans, and 1 Independent supported the Menendez substitute, which was essentially the Senate version of the bill. That means that 96 Members of the other body, all but 2 who voted, and 203 Members of this body, 300 Members, supported essentially the Senate version of the bill. We could look at that as an overwhelming vote for the Senate language. I certainly look at it that way, and the 9/11

Commission said and the White House said in many respects that the Senate language was much closer to what they intended.

My point in bringing this up is in reaching the compromise that we are voting on now, we need to understand how much was given up on both sides. Clearly the gentleman from Colorado (Mr. TANCREDO) and those who support his position think a lot was given up on his side. Some of the language that passed in H.R. 10, very controversial language, was given up, to be sure. But a lot of the language in the Senate version of the bill was also given up: such as the declassified top line; such as a number of the powers that have been talked about for the Privacy and Civil Liberties Board; such as full control over reprogramming of personnel and budget. A lot of those issues were given up in the effort to reach a carefully balanced, bipartisan, bicameral compromise.

That is what we are voting on today. I would just tell all Members that I believe it is not only the best we could do, but it is very good. Just to remind, we do address immigration, we do increase border protection, we do include Federal standards for State-issued drivers' licenses, and we do do something which has not been mentioned, which is direct TSA to develop within 6 months new standards for ID documents for boarding airplanes. TSA is directed in this bill to handle what we all agree is a problem. We do not want terrorists to use fraudulent documents or documents based on expired visas to board airplanes, and we correct that problem in this bill.

We also address the chain of command, as the gentleman from California (Mr. HUNTER) has pointed out. We did not address the border fence issue, but I am hopeful that without waiving environmental protections, those of us who care about it in California will figure out a right and fair solution.

Finally, let me point out, as many Members have, that this bill is supported by the President, the Vice President, the Secretary of Defense, the 9/11 Commission, most of the 9/11 families, most of the conferees, and overwhelming majorities on a bipartisan basis in each House. I urge its adoption. It is the right thing to do. It honors the 9/11 families, and it makes a point about the 63rd anniversary of the Pearl Harbor attacks. We know how to fix these problems. We will do it tonight. I urge adoption of the conference report.

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

Mr. HOEKSTRA. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I wish I was as eloquent as former Member John Kasich when he got up to close a bill, but I want to say a lot of people have worked on this bill. I un-

derstand some of my colleagues are going to vote against this bill because it is very close whether many of us would vote against the bill.

Many of my own constituents want the immigration provisions in there. I will look them in the eye and I will say would you give up 8,000 Border Patrols on our borders to defend us if this bill goes down? Would you give up the transportation provisions? One of the biggest risks we have is our port security. If a terrorist takes a suitcase bomb and puts it in a cargo container on the east or west coast, that is a real problem. That would go down.

Mr. Speaker, I would ask my colleagues that if the President has promised us we will bring this up, if our leadership and the 9/11 families will be with us to complete the recommendations that were not brought forth in this bill, I ask my colleagues to vote for this bill, because if they do not, they will put this country at risk.

Mrs. MALONEY. Mr. Speaker, while I rise in support of this conference report, I would like to go on record with a concern that the New York City Mayor's office has brought to my attention. Mr. Speaker it is my hope that we can work to make sure that New York City's concerns are addressed as we implement this legislation.

New York City had attempted to address concerns regarding vital statistics earlier this year in this bill but it appears that in conference some matters of importance to New York City have been dropped.

First of all, New York City maintains vital statistical data on its own much like Washington, DC and therefore there is a need to treat New York City and Washington, DC as States relative to minimum standards for birth certificates. While the bill calls for there being grants to States, for assistance in meeting federal standard allocation of grants, this program is estimated to cost in excess of \$400 million nationwide, of which New York City needs—which would be dependent on many factors, including the costs of modifying legacy computer systems, converting birth and death records that may be decades old, and the number of records—will be more than \$7 million. This funding need is not reflected in the bill which calls for these grants to be based on a proportion of the birth and death records created by the State. These number of records are only a small factor in the formula that needs to be developed and should not be the sole factor in funding allotments. The formula for such should be developed after consultation with State vital statistics offices.

Furthermore, the section Driver's Licenses and Personal Identification Cards—Standards for Acceptance by Federal Agencies—Minimum Standards will likely require the Electronic Verification of Vital Events (EVVE). However, the bill does not provide for consultation with State vital statistics offices, or for funding the vital statistics systems needed for EVVE.

Similarly, the section on Social Security Cards and Numbers: Security Enhancements requires independent verification of any birth record submitted by an individual to SSA for purposes other than enumeration at birth. However, it does not provide for systems or funding to vital statistics offices. And while this

section requires the Commissioner of Social Security to undertake improvements to the Enumeration At Birth (EAB) program. The Commissioner of Social Security should do this in consultation with State vital statistics offices as should the Commissioner of Social Security's study to determine the most efficient options for ensuring the integrity of the process for enumeration at birth.

Mr. DAVIS of Florida. Mr. Speaker, I rise in support of the Conference Report for the 9/11 Commission Recommendations Implementation Act. This important legislation implements most of the recommendations of the 9/11 Commission. In addition to reorganizing our intelligence agencies, it also institutes reforms in a broad range of other national security areas, including border security, aviation security, maritime security, emergency responders, public diplomacy, and law enforcement.

While I am pleased that a compromise has been reached, this body should have acted long ago. It has been four months since the 9/11 Commission issued its recommendations. If we are to minimize the possibility of another 9/11, we must do a better job of working together in a bi-partisan manner. This body represents all Americans—Republicans and Democrats alike.

Nevertheless, this long-delayed conference report includes numerous provisions to make America safer and more secure. As recommended by the 9/11 Commission, the conference report creates a strong Director of National Intelligence (DNI), who will head the Intelligence community and its 15 agencies. The Director will serve as the principal intelligence adviser to the President; and direct the implementation of the National Intelligence Program. Furthermore, the conference report establishes a National Counterterrorism Center (NCTC) within the Office of DNI to coordinate and unify all elements of counterterrorism operations planning.

Lastly, I am happy to see the inclusion of numerous provisions that are designed to improve the Nation's aviation, maritime and border security and enhance terrorism prevention. The bill will also establish an independent Privacy and Civil Liberties Board that will be granted access to all government agencies to review policies and practices and will be led by a Chair and Vice Chair confirmed by the Senate.

Mr. Speaker, no bill is perfect and perhaps in the future some modifications will be necessary. We may also need to address things this bill does not include in the future. However, this is the best compromise we have at the moment, and time is of the essence.

I support this legislation.

Mr. LARSON of Connecticut. Mr. Speaker, in my capacity as the Ranking Minority Member of the Committee on House Administration, our panel has authorizing responsibilities over much of the Legislative-branch portion of the omnibus appropriations bill. Like the rest of the omnibus, the Legislative portion is not perfect, but the sundry agencies under our jurisdiction will generally have the resources they need to continue providing their services to the Congress, and to the American people.

Of course, as a procedural matter, I am disappointed that a freestanding Legislative appropriation did not become law in a regular process, before the start of the fiscal year. Such a bill, H.R. 4755, passed the House in July and later passed the Senate in plenty of

time for conferees to report. I recognize that this was not the fault of the gentleman from Georgia [Mr. KINGSTON] or the gentleman from Virginia [Mr. MORAN]. I hope they and all Members have the opportunity to consider the fiscal 2006 bill in a timely, orderly and ordinary process.

With respect to specific agencies under the jurisdiction of my committee, I am pleased that this bill funds a staff fitness facility for the House. This important facility will provide a way for our employees to remain fit and healthy. None of us can properly discharge our duties without the support of our staffs and the other House employees. This long-awaited facility will be a tremendous addition to the House, making it, as well as our employees, stronger.

I am disappointed that the bill does not include a House provision, authored by the gentleman from Illinois [Mr. KIRK], eliminating funding for the Capitol Police mounted unit. In my judgment, the Police have failed to articulate a sufficient rationale for spending hundreds of thousands, millions over time, for this purpose. There is little doubt that the U.S. Park Police can benefit from maintaining a mounted unit, since the Park Police must patrol thousands of acres of parkland in the District of Columbia, much of it well off-road. The Capitol Police faces no such situation, and in fact, will have to spend tens of thousands each year simply to remove the manure from the carefully manicured and fairly small Capitol grounds. Absent a sufficient justification that the Capitol Police mounted unit was worth its cost, I supported the efforts of my Illinois colleague to save the taxpayers' money. I look forward to the important report by the Government Accountability Office, due in March, on this subject.

I share the concerns expressed in the conference report about the ongoing efforts to reorganize the Police. I look forward to reviewing the results of the GAO's contributions in this area. The conferees also directed the Capitol Police to review all existing operations and general expenses to determine whether any "outsourcing" opportunities may exist. That term has come to mean the wholesale transfer of jobs overseas, and as a result, its use in the report may disturb many. Naturally, I am eager to review the Capitol Police's report to the appropriators on this subject, and on the USCP's expensive but mechanically unsound Command Vehicle. It seems that these subjects, and many others related to USCP operations and expenses, would make excellent subjects for formal hearings next year in our committee.

In connection with the Capitol Police, I am greatly concerned that several legislative provisions within the jurisdiction of the House Administration Committee found their way into this appropriations bill. In November, I joined my chairman, the gentleman from Ohio [Mr. NEY], and the chairman and ranking minority member of the Senate Rules and Administration Committee, in a joint letter to the Capitol Police Board directing the Board not to request further such provisions in its future budget requests, and reminding the Board that it should bring proposed legislation to those committees for consideration. Only in this way can the authorizing and appropriations processes work as designed, and for the good of the men and women of the Capitol Police and the people they serve. The Capitol Police was

certainly not the only agency within our jurisdiction which asked for legislative provisions in its budget request this year. The others should similarly heed the message we conveyed to the Police Board.

With respect to the Library of Congress, while I am pleased that the Congress will extend temporarily the authorization for the National Film Preservation Board and Foundation, which enabled the funding of this important work for another two years, I am dismayed that separate reauthorization legislation, under the jurisdiction of the Judiciary Committee and House Administration, has not passed. I trust these committees can quickly address this matter next year. I agree with the conferees, who lauded the work of the Copyright Office with respect to digitizing future and historic Copyright records. The Copyright Office, which depends on the public to defray a portion of its expenses, is headed in the right direction in this regard. I also note the continuing good work of the Congressional Research Service, without which none of the Members of either House could do his or her work effectively.

I am hopeful that our committee can authorize a student-loan repayment program for the Office of Compliance. This important tool has helped numerous federal agencies, including the House, to attract and retain the staff needed to build an effective organization.

With respect to agencies within our committee's jurisdiction and funded in bills other than the Legislative appropriations bill, I am glad to see that the conferees agreed to fund the Election Assistance Commission above the amount proposed by the Senate. The \$14 million appropriated will help continue the work started by the EAC to serve as the clearinghouse for Federal elections. Although, the EAC got a late start, with the commissioners not taking office until December 2003, they must continue working to improve the election process. If Congress considers a supplemental appropriations bill next spring, the EAC should consider requesting additional resources.

Yet again, I am not pleased that the majority bypassed the committee and inserted into this bill a provision allowing contributions to campaigns for federal office to be diverted to campaigns for state or local office. While this may be a meritorious idea, I certainly believe it should have been considered in an orderly process in the committees of jurisdiction, and not simply added to a massive appropriations bill.

Finally, the Smithsonian Institution received an increase of 3.1 over the fiscal 2004 budget, an increase of more than \$19 million, but still 2 percent below its request. The funding level was reasonable given the overall budget constraints this year, but, as in the past, will not fund an aggressive approach to the Smithsonian's aging infrastructure and inadequate maintenance. I hope that Congress will soon recognize that its year-by-year, finger-in-the-dike approach to budgeting actually accelerates the deterioration of the physical plant of our nation's greatest repository of knowledge and ongoing research.

Congress last year finally authorized the National Museum of African American History and Culture, which is in preliminary phases of engineering studies, staffing and planning, and which does not yet have a location or director. The \$5 million request to continue the start-

up process was reduced to \$3.9 million, which will impede the process. The Board of Regents expects to make a site recommendation to relevant committees, including House Administration, late next year.

Mr. Speaker, I appreciate the hard work of the Appropriations Committee and look forward to working with the committee on matters of common concern next year.

Mr. BOEHLERT. Mr. Speaker, I rise in strong support for the conference report on H.R. 4548, the Intelligence Authorization Act for FY 2005.

I commend President Bush and the House leadership for their efforts to move critical intelligence reform legislation through Congress. H.R. 4548 includes a comprehensive and wide-ranging package of much-needed policy and pragmatic changes that dramatically enhance our ability to target terrorist threats.

There are many reasons to support this legislation. One particularly important reason relates to the language capabilities. It became glaringly evident in the aftermath of 9/11 that we had inadequate language skills and translators in the Intelligence Community. It turned out that we, as a nation, were desperately short of linguists in hard languages such as Arabic, Iranian-Farsi, Afghan-Pashtu, Korean, and Chinese. These are languages that take years to master, but they are absolutely essential if we expect our Intelligence Community to gather critical information.

Mr. Speaker, we will never find the enemy unless we have personnel who speak the languages and understand the culture in lands where terrorists hide. Without serious reforms that increase the number of intelligence officers who speak the enemy's language, there is no way the 9/11 Commission recommendations can be implemented.

The conference report on H.R. 4548 focuses on methods of increasing the talent pool, and instilling a sense of the absolute importance of language in gathering foreign intelligence. We provide a comprehensive, broad-ranging language and education package that seeks to increase the number of language-capable field officers. We provide a plan to increase the number of analysts who are fluent in critical languages. And, we dramatically increase the number of translators to tackle the mountain of untranslated documents.

Working very closely with the Intelligence Community, the FY05 Intelligence Authorization Act provides the authority to engage in a wide range of educational partnerships and voluntary assistance programs to advance language skills in the general population. We establish an Intelligence Community outreach program that will help identify promising linguists.

The legislation revitalizes and broadly expands existing language education programs. We establish a Civilian Linguist Reserve Corps, where individuals fluent in critical languages can be available in the event of a crisis. This legislation provides opportunities for first generation Americans with language skills to contribute to the global war on terrorism.

Mr. Speaker, this is a much-needed series of reforms that were unanimously embraced by the Committee. I congratulate the distinguished Chairman of the Committee [Mr. HOEKSTRA], and the Ranking Democrat [Ms. HARMAN], for maintaining language reform as a Committee priority.

Mr. Speaker, I urge adoption of the conference report on H.R. 4548.

Mrs. BLACKBURN. Mr. Speaker, I want to commend the Speaker, Majority Leader, Chairman HUNTER and Chairman SENSENBRENNER for their hard work on this important piece of legislation. Unfortunately, I must oppose this bill. It contains provisions to reform our intelligence procedures, and it includes a provision to help private security companies—like Guardsmark, which is headquartered in my district—access criminal history background about prospective employees who guard the nation's critical infrastructure. However, this legislation does not contain essential provisions included in the House-passed bill to improve our asylum process or driver license procedures. The 9/11 Commission report found that a number of terrorists abused the asylum system, and that once they found a way into the United States they often remained in the country by committing immigration fraud. The House bill also had a provision that would keep aliens who have received military-type training from terrorist organizations from being admitted to the United States—unfortunately, this provision was stricken from the conference report. This conference report removed the provision from the House bill that requires temporary driver's licenses to expire when an individual's visa expires. Finally, the conference report does not include important provisions that would prevent certain states from issuing driver's licenses to individuals who cannot demonstrate that they are lawfully present in the United States.

Mr. LANGEVIN. Mr. Speaker, I am pleased that we will implement intelligence reform before the close of the 108th Congress and rise in support of this bill.

After 9/11, we approached fighting the global war on terrorism as we had the Cold War. But it became clear that we needed to adapt our intelligence community, law enforcement agencies and military to new global threats. The 9/11 Commission gave us a blueprint for that mission, and this legislation will help us implement their vision. One of the major recommendations reflected in this bill is the creation of a strong national intelligence director, who will coordinate the activities of our various intelligence agencies. Cooperation among agencies and departments will be critical, and this measure shifts the mentality of our intelligence community from "need to know" to "need to share."

The conference report also makes significant improvements in the realm of homeland security, including enhanced border patrol efforts, implementation of a comprehensive transportation security plan, improved passenger and baggage screening programs, and initiatives to protect commercial aircraft from unconventional threats such as shoulder-fired missiles.

It also recognizes the need for the U.S. to increase its interaction with and understanding of the Muslim world. As the 9/11 Commission so eloquently put it: "We need to defend our ideals abroad vigorously. If the U.S. does not act aggressively to define itself in the Islamic world, the extremists will gladly do the job for us." By establishing new cultural exchange programs and enhancing diplomatic efforts, we can work cooperatively with Muslim nations to address mutual problems and demonstrate a free and democratic alternative to extremist ideology.

One noteworthy section of the conference report addresses the need for interoperable

communications systems among first responders. As a member of the Select Committee on Homeland Security, I have worked closely with law enforcement officers in Rhode Island and throughout the nation, and they have all emphasized the importance of being able to communicate with each other in the event of an emergency. The measure also provides new authority for law enforcement agents to combat terrorism, while avoiding some of the controversial provisions included in earlier drafts, particularly with regard to immigration. We need to have a national discussion on immigration reform, and Congress should address such issues in that context instead of slipping divisive language into an unrelated measure.

Finally, as a member of the House Armed Services Committee, I am pleased that this bill strikes a careful balance between creating a strong national intelligence director and preserving the ability of our men and women in uniform to gain access to the intelligence needed to be successful on the battlefield.

I thank all my colleagues for working in a bipartisan fashion to craft a landmark measure that will make America safer, and urge support of this legislation.

Mr. SOUDER. Mr. Speaker, I rise today to express my support for S. 2845, the Intelligence Reform and Terrorism Prevention Act of 2004. Since the terrorist attacks of September 11, 2001, Congress and the Bush administration have taken strong, decisive action to respond to the attacks and to make our country safer from future attacks. This legislation is only the latest step taken by Congress and the Bush administration to improve our security. I applaud the efforts of my colleagues on the conference committee and in the House leadership to bring this compromise legislation to the floor.

As chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources, I would like to highlight two provisions of the bill that address the dangers drug trafficking poses to homeland security. The first strengthens and clarifies the role of the Counternarcotics Officer at the Department of Homeland Security; the second requires that drug enforcement activities be one of the benchmarks for relevant employee performance appraisals at DHS. I thank Speaker DENNIS HASTERT and Chairman TOM DAVIS of the Government Reform Committee for their help in securing this language in the bill, which will improve the Department's anti-drug efforts.

As President Bush noted in December 2001, just a few months after the 9/11 attacks, "[T]he traffic in drugs finances the work of terror, sustaining terrorists . . . terrorists use drug profits to fund their cells to commit acts of murder." The huge profits created by drug trafficking have financed and will continue to finance terrorism throughout the world. Recognizing the central importance of stopping terrorist financing, the 9/11 Commission reported, "Vigorous efforts to track terrorist financing must remain front and center in U.S. counterterrorism efforts. The government has recognized that information about terrorist money helps us to understand their networks, search them out, and disrupt their operations."—9/11 Commission Report, 382.

The connections between drugs and terrorism are well-documented. In testimony before the Subcommittee on February 26, 2004, the State Department provided declassified information showing that in Afghanistan, for example, two terrorist insurgent groups—the

Taliban and the Hib-I Islami/Gulbuddin (HIG)—“almost definitely” are financed by drug money, and “most likely” are provided with logistical support by drug traffickers. Two other groups—Al-Qaeda and the Islamic Movement of Uzbekistan (IMU)—“probably” receive at least logistical support from drug traffickers, and some reports suggest that they receive funds from drug trafficking as well.

This narco-terrorist connection has existed for a long time in many other parts of the world, such as Colombia and Southeast Asia. In fact, 47 percent of the 36 Foreign Terrorist Organizations designated by the Department of State in October 2003 (including three terrorist groups that control almost all the international cocaine market) are on record with DEA as having ties to the drug trade.

Strong Department of Homeland Security action against drug trafficking is therefore vital to our overall efforts to stop the financing of terrorist activities. It was for this reason that Congress specifically provided in 2002 that the primary mission of the Department included the responsibility to “monitor connections between illegal drug trafficking and terrorism, coordinate efforts to sever such connections, and otherwise contribute to efforts to interdict illegal drug trafficking”—6 U.S.C. III(b)(1)(G).

The provisions I proposed will promote two key objectives to deprive terrorists of their means of financing their operations: first, strengthening the effectiveness of the Department’s narcotics interdiction efforts; and second, improving coordination and cooperation among the Department’s subdivisions and between the Department and other agencies with counterterrorism missions. As the 9/11 Commission reported, “We recommend significant changes in the organization of the government. . . . Good people can overcome bad structures. They should not have to.”—See 9/11 Commission Report, 399.

The first provision, Section 7407, replaces the current position of “Counternarcotics Officer” (contained in the original 2002 Act) with an Office of Counternarcotics Enforcement, headed by a Director. The first Counternarcotics Officer faced great difficulties in carrying out the mission Congress asked of him. Unfortunately, the current law gives him no authority to hire staff to assist him, and fails to clearly define how the Counternarcotics Officer is to carry out his responsibilities.

The bill before us would rectify this problem by:

Replacing the Counternarcotics Officer with a Director of Counternarcotics Enforcement, subject to Senate confirmation and reporting directly to the Secretary.

Assigning specific responsibilities to the new Director, including oversight of DHS counterdrug activities and the submission of reports to Congress; and

Authorizing permanent staff assigned to an Office of Counternarcotics Enforcement to assist the Director.

The second provision, Section 7408, ensures that DHS employees involved in counternarcotics activities will be evaluated in part on the basis of such activities. It is vital that the Department of Homeland Security continue to encourage its law enforcement personnel to maintain their efforts to stop illegal drug trafficking.

I do believe that progress is being made. Recently, the Coast Guard, the legacy Customs Service, and other Federal agencies, in-

cluding the Department of Defense and DEA, joined together to make a record seizure of an estimated total of 27 tons of cocaine found on fishing vessels near the Galapagos Islands. These record breaking seizures are an excellent example of what can be accomplished if the Department of Homeland Security continues to improve intelligence sharing and inter-agency cooperation.

Mr. Speaker, we can win the war on terror. And we can take effective action against the narco-terrorists who plague our communities and destabilize democracies throughout the world by passing this bill.

Mr. ISSA. Mr. Speaker, I rise today to speak in opposition to the conference report for S. 2845, the “Intelligence Reform and Terrorism Prevention Act of 2004.” The necessary immigration reform provisions in the House-passed intelligence reform bill, H.R. 10, are not included in this conference report, leaving critical recommendations of the 9/11 Commission undone.

H.R. 10 includes key provisions necessary to securing our Nation, and I voted in favor of the bill, along with 282 members of the House. Unfortunately, the conference report we will be considering today is different from the House passed bill and leaves a hole in the security which our citizens demand in a post-9/11 environment. The 9/11 Commission report exposed how the 19 terrorists who attacked America on that terrible day obtained over 60 driver’s licenses between them to breach our homeland security. Improving document security is a key recommendation of the 9/11 Commission, but the conference report deletes a key provision that would ban illegal aliens from obtaining a driver’s license.

Proponents of this conference report will try to argue that the immigration proposals are a peripheral issue that should not be addressed in S. 2845. To the contrary, the immigration proposals included in the House passed legislation are essential to securing our borders from terrorists. This conference report closes the front door to terrorists, but leaves a key under the back door mat. Once terrorists enter this country, they will continue to have opportunities to easily obtain false documentation and travel comfortably within our borders. These opportunities will be available because this Congress failed to address them when we had the chance.

If we do not include the necessary immigration provisions in this conference report, I can promise you they will not be addressed at all. The critics who oppose including immigration reform in this legislation have zero interest in advancing true immigration reform. How many times do we have to be attacked by terrorists with false documents before we enact the reforms necessary to stop them? The 9/11 attacks have taught us to be proactive, but Congress is regressing back into a reactive state of mind with the passage of this conference report—September 10 thinking in a post-9/11 world.

Border security is an essential component of Homeland Security. America won’t be truly secure until Congress makes the tough policy decisions necessary to curb illegal immigration and restore the integrity of our borders.

I want to thank my colleagues who have joined me in opposition to this legislation, including House Judiciary Chairman JAMES SENBRENNER, whose leadership has brought this critical issue to the attention of the Amer-

ican people and raised the level of debate. I urge my colleagues to vote against this well intended, but incomplete, conference report.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today in support of S. 2845, the 9/11 Implementation Act. In the days immediately following the 9/11 attacks, Congress put partisan politics aside and came together to find answers and implement change in our way of life to protect our homeland from further terrorist attacks. The House and Senate convened in New York’s Federal Hall for a Special Session of Congress one year after the terrorist attacks, sending a strong message of gratitude to the world that Americans stand together as one Nation unified with their allies in our fight against global terrorism. The same bipartisan spirit carried on through the extraordinary two years of work by the bipartisan 9/11 Commission. On July 22 the Commission submitted to the President, Congress and the American people a comprehensive assessment of what went wrong leading up to September 11, and what needs to be done to prevent future terrorist attacks on our homeland. Following the release of the Commission’s report I noted, “Now that the members of the 9/11 Commission have done their work, we in Congress must do ours.” Since that day I have fully supported reforms the Commission recommended, from budget authority for the National Intelligence Director to an overhaul of the Congressional oversight structure.

The U.S. Senate came together in a truly bipartisan fashion, in a 96–2 vote, to pass legislation which implements all 41 of the recommendations laid out in the 9/11 Commission Report. I cosponsored the companion legislation in the House, but was disappointed when no hearings were held on the bill. Instead, this chamber adopted legislation that implements only 11 of the Commission’s recommendations and goes further to impose restrictions on civil liberties not even mentioned in the Commission’s report.

I am heartened that a majority of my colleagues in both chambers have now come together in a bipartisan spirit to embrace the recommendations of the 9/11 Commission and adopted a provision creating the Independent Privacy and Civil Liberties Board to protect our privacy and prevent government abuse. The Commission Report provides a roadmap for implementing progressive changes that will keep Americans safer. In the words of President Kennedy, “There are risks and costs to a program of action. But they are far less than the long range risks and costs of inaction.”

Mr. GREEN of Wisconsin. Mr. Speaker, I am pleased with many provisions contained in Senate bill 2845. I certainly support the intelligence reorganization provisions, as modified by the additions made by Chairman DUNCAN HUNTER. They will strengthen the work of our intelligence community, help ensure that actionable intelligence gets to the right people, and help make Americans more secure.

I am also glad to see the “material support for terrorism” prohibition enhancement provisions included in this bill. Some previous versions of these provisions were challenged as being too vague, and this legislation cures that problem. This legislation clearly provides that “training,” “personnel” and “expert advice” are defined broadly without abridging the exercise of rights guaranteed under the first amendment.

Every terrorist act is really the result of a terrorist chain made of many links—from those

evil figures who pull the trigger or drive the rigged truck to those who provide “material support” to terrorists. This support includes expert advice and other logistical assistance. If we are going to be successful in the long run in our fight against terrorism, we must attack every link in that chain. As the author of this session’s primary bill strengthening material support laws, I’m proud of the work I’ve done on this front, and glad to see much of it in this bill.

Unfortunately, despite a lot of hard work by some good people, the final version of this bill also falls short in a few key areas. For example, the conference report drops the serious penalties we in the House proposed for some newly created terrorist crimes—even for crimes that result in death. The House included a provision that would permit the death penalty to be applied for any terrorist crime that causes death. This provision was adopted by a vote of 344–72, but the Senate conferees refused to include it in the final bill. As a result, we would treat these crimes less harshly than we do many other crimes outside the terrorist arena . . . a dangerous signal to send to the world.

The conference report also removes other key provisions from the House bill such as those:

Making it more difficult for terrorists and foreign criminals to win delays of their removal from the United States;

Allowing for the deportation of all aliens who have engaged in or been affiliated with terrorists activities;

Making it illegal to traffic in actual authentication features for identity documents; and

Providing for the electronic confirmation by state motor vehicle departments of the validity of other states’ driver’s licenses and information.

It also adds provisions not in the House bill, some of which are actually counterproductive to our antiterrorism efforts. One of the most egregious examples is a provision that will allow a state to waive some of the potential Federal standards for driver’s licenses. The 9/11 report states that we need uniform standards for driver’s licenses if they are going to serve as secure forms of identification. This provision goes entirely in the wrong direction. Allowing a state to “opt-out” of such protections creates an obvious loophole for terrorists to obtain the very kind of identification documents that the 9/11 terrorists exploited on that terrible day.

There are many good provisions in this bill—some of which I helped produce. But because this bill falls short in some very important and troubling ways, and leaves some vitally important issues unaddressed, I must vote no. I hope that by doing so, we will keep the political pressure building to tackle some of the crucial work that has been left undone.

Mr. MARKEY. Mr. Speaker, I am pleased to rise in support of this bill to implement some of the recommendations of the 9/11 Commission.

After 9/11, those who lost family members and friends wanted to know “why.” But the Bush administration was scared that an honest answer to that question might highlight flaws in its own policies and decisions, so it opposed the creation of an independent 9/11 Commission.

The families won that hard-fought fight, and the Commission made numerous rec-

ommendations to reorganize the intelligence community and strengthen both the implementation and congressional oversight of homeland security.

Although the Senate put together a bipartisan bill that was true to the spirit of the 9/11 Commission recommendations, the House version catered to anti-immigration groups’ agendas and to Donald Rumsfeld’s struggle to keep all of his Department’s intelligence turf intact.

I am extremely pleased that the unwavering determination of the 9/11 family members finally convinced the President and the Speaker to stop allowing the voices of the few dissenters to stymie the will of the majority of Members and Senators who’ve wanted to see this legislation enacted into law. In particular, I recognize and honor the extraordinary efforts to enact this bill by Ms. Carie Lemack, whose mother, Framingham MA resident Judy Larocque, was killed aboard American Airlines Flight 11. Ms. Lemack is a member of the 9/11 family Steering Committee, and she and others on the Steering Committee have worked tirelessly to ensure both the creation of the 9/11 Commission and the enactment of this bill.

The legislation before us today takes some important steps to implement the recommendations of the 9/11 Commission:

It establishes a Director of National Intelligence with appropriate budgetary and personnel authority;

It establishes a National Counterterrorism Center to ensure that all elements of counterintelligence operations planning are coordinated;

It establishes an independent privacy and civil liberties board to ensure that concerns are addressed; and

It takes specific steps to increase border security.

However, some of the other measures contained in the bill, while useful, in my opinion do not go far enough:

While the Hostettler amendment to facilitate the rendition of certain foreign persons to countries that practice torture was stripped from the bill in conference, along with other anti-immigrant provisions, there is no restriction in the bill that prohibits the secret transfer of detainees to other countries where they will likely be tortured in the name of the U.S. This practice is in direct violation of the Convention Against Torture, a treaty the U.S. has signed, and the 9/11 Commission specifically called for reforms in this area to ensure the humane treatment of captives in the war against terror. I will continue to work until my bill to outlaw outsourcing torture, H.R. 4674, is passed and I will continue to oppose efforts to move legislation that would in any way legitimize the practice of rendition to countries that practice torture.

While the Secretary of Homeland Security is directed in this bill to develop a national strategy for transportation security, it should be abundantly clear that numerous loopholes in this area should be closed immediately: Since almost no cargo placed on passenger airlines is subject to screening for explosives, screening passenger baggage and patting down travelers provides a false sense of security to those flying; The Department has failed to install radiation detectors at all ports of entry to ensure that nuclear weapons cannot be smuggled into the country; And finally, the Depart-

ment has continued to allow shipments of extremely hazardous materials that could kill thousands of people to travel through densely populated areas even when safe alternate routes are available. I will continue to work to close all of these transportation security loopholes.

Finally, I am also troubled that we have only had several hours to review this legislation. As we learned in recent weeks when a Republican staffer inserted an intrusive tax return snooping provision into the omnibus appropriations bill that no one knew existed and which later had to be removed, waiving the normal 72 hour layover rule for conference reports increases the likelihood that provisions that have not been thoroughly reviewed and do not reflect the will of the House can make their way into final legislation. While we all recognize the importance of the 9/11 legislation, it is my hope that in our efforts to enact it before we adjourn for the year, that language has not been included that will later prove to be ill-advised or carry with it unintended consequences.

I commend the 9/11 families for their heroic efforts to make this country more secure. Without them, we would not be standing here voting on this landmark legislation today. Today’s vote is enormously important, but our efforts must not end today. I stand ready to continue the fight to ensure that the terrorist attacks of September 11, 2001 cannot and will not be repeated.

Mr. CASTLE. Mr. Speaker, I rise in support of S. 2845, the House-Senate agreement on the “National Intelligence Reform Act.” As a former Member of the House Select Committee on Intelligence, I have long believed that making basic changes to the leadership and communications ability of our intelligence community could reap huge benefits. This bill represents our first real attempt to eliminate some of the weaknesses that exist within the intelligence community.

As we celebrate the passage of this landmark reform, many deserve our enormous appreciation. Only by the determination of the 9/11 Commission Members, House and Senate Conferees, and the Family Steering Committee do we have a bill before us today. Many Members, including myself, believed fully in what they were trying to do. Their resolve, combined with the President’s willingness to find common ground, are the reasons we are able to take these steps to make America, and Americans, safer.

I strongly supported the document on which most of the reform is based, the 41 recommendations of the independent and bipartisan 9/11 Commission. In its final report, the Commission cited the absence of strong, centralized leadership for the intelligence community as one of the major factors contributing to the structural barriers that undermined the functioning of our joint intelligence. In response, this bill will link intelligence and operational planning in a new National Counterterrorism Center, unite the intelligence community under a Director of National Intelligence with significant budget authority, and allow increased information sharing among decentralized government networks.

Although these reforms are long overdue, I know the conferees were determined to close every loophole and address any and all “what-ifs.” We all share the priority of ensuring that these reforms will not jeopardize our brave

men and women serving in the armed forces. Now, the Director will have the authority to improve the structure and methods of our intelligence system, while protecting the vital chain-of-command between troops in the field and the Department of Defense.

However, while questions surrounding military intelligence have been resolved, significant concerns regarding immigration reform and border security remain. Although this bill adds border security agents, increases funding for illegal immigration detention facilities, and improves visa requirements and aviation security, we must not become complacent in our efforts to protect our homeland from terrorist infiltrators. For this reason, we must implement an entry and exit system that uses biometric identifiers, improve cooperation with foreign governments, and monitor foreign visitors by enhancing passport and visa requirements. It is also important that we continue to strengthen federal standards for driver's licenses, identification cards, and birth certificates to prevent terrorists from deceiving security with false information. With three million illegal aliens slipping across our borders every year, and no reliable system of prevention or tracking in place, I firmly believe reforming our nation's immigration policies is a key priority for the 109th Congress.

The threats our country faces will surely continue to evolve. For this reason, I hope the intelligence structure, purpose, and strength will be subject to continuous scrutiny. We start that process today with the reforms contained in the "National Intelligence Reform Act." Since Congress first passed the "National Security Act of 1947," at least 19 commissions, committees, and panels, created by either the executive or legislative branches, have tried and failed to create an effective leader with the clout to set common goals for our intelligence system. Today, the status quo was exchanged for meaningful and effective reform.

We must now stay true to this course and honor those who were lost on September 11, 2001, by continuing to pass legislation that increases our security and protects our citizens from those who seek to harm our way of life. Although we have made progress today, we must not waiver in our commitment to make our nation safe for future generations of Americans.

Mr. WELDON of Florida. Mr. Speaker, I rise today to express my frustration at the increasing disconnect between what the American people believe is critical for improving our national security and what those inside the Washington Beltway believe, particularly with regard to illegal immigration.

On the floor for our consideration is legislation to enact portions of recommendations from the 9-11 Commission. Unfortunately, the bill omits significant 9-11 Commission recommendations regarding stricter enforcement of immigration laws and securing our borders.

The 9-11 terrorists exploited our immigration system in order to carry out the murder of over three thousand Americans. Yet, today, due to opposition of these critical provisions by certain members of the U.S. Senate, the legislation before us today is silent on closing these immigration loopholes. The 9-11 Commissioners all have publicly called for Congress to enact serious immigration reform. The fact that illegal immigrants can enter our country and obtain driver licenses and "game the system" to remain concealed from law en-

forcement is an affront to all Americans and endangers our security.

Does anyone think that our enemies will cease to look for and exploit weaknesses in our defenses? Does anyone think they will not look to continue exploiting the loopholes in our immigration laws? Does anyone think it makes us safer to keep the status quo?

Today, is the day we should be passing these reforms, not next year, and not after the next terror attack.

This bill will pass today, but it will do so with significant security gaps. I believe it is critical that we address the omissions from this bill as soon as possible. We cannot afford to put off these critical national security needs.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in support of S. 2845, that would implement the recommendations of the 9/11 Commission. At long last bipartisanship and the will of the American people are at the brink of success here in the House of Representatives. This reform is now long overdue and this issue is too important to suffer the petty partisan games the House leadership have played with this bill. I only hope that our delay does not come at a higher cost than the few bruised egos of those unwilling and unable to work in a bipartisan manner the way our country's Framers always intended when the national security of this great Nation was threatened.

It should also not be lost on any Member of this Chamber that we are here debating this legislation today, December 7, on the anniversary of another day of infamy, which like 9/11 forever changed the future course of this country and generations of Americans. As we honor and discuss those who were lost on 9/11 today, I would like to take a moment to also remember those lost today at Pearl Harbor in 1941 and the sacrifices made by so many families and Americans since then to defend this Nation.

The recommendations the bipartisan Commission released in July 2004 will help prevent future terrorist attacks by offering a global strategy to dismantle terrorists and their organizations, prevent the continued growth of terrorism, and prepare for future terrorist attacks. In October, the other body overwhelmingly passed the National Intelligence Reform Act, S. 2845, by a vote of 96 to 2. The Bush administration, the 9/11 Commission chairmen, and families of many September 11 victims fully endorsed the Senate's intelligence reorganization bill.

Unfortunately, there in the House, the People's Chamber, the Republican leadership chose a different path, a path that strayed far from the 9/11 Commission's recommendations. In yet another example of party politics over public interest, the Republican majority drafted a 609-page intelligence bill, H.R. 10, without any input or support from the Democratic leadership, including in it controversial provisions not recommended by the Commission on immigration and surveillance, and even went as far as to exempt the United States from certain applications of the 1984 United Nations Convention Against Torture. When Democrats put forward the bipartisan Senate bill as an amendment during the debate, it was defeated along party lines 203-213. Only 8 Republican Members of this House voted for the bipartisan bill.

For over a month, no interest was shown by House leaders in negotiating with the bipar-

tisan supporters backed by President Bush and the 9/11 families, and the bill languished in the conference committee. Finally in November, blowing to public pressure, House Republican leaders worked out a compromise with the President and the bipartisan supporters of the Senate bill, and many of us thought that finally we would see action on this needed reform. However, several Members of the Republican House majority refused to accept the compromise and despite overwhelming support in the House and no question that the bill would pass if brought to the floor, the Speaker refused to allow a vote on the bill rather than have it pass with more Democratic support than Republican.

Instead, we waited nearly another entire month, while public pressure forced the President to finally personally work to try and convince enough Republican holdouts to support the bill, no not that it will pass, because there have always been enough votes to pass the bill, but to ensure that at the end of the vote there would be more Republican yes votes, who hold the majority anyway, than Democratic yes votes.

While we waited for Republicans to be able to say they passed the intelligence reform bill themselves without needing any Democratic support, another U.S. Consulate office, this time in Jiddah, Saudi Arabia was attacked by terrorists, killing five people and wounding thirteen others. I fear how many more such attacks our enemies have been able to organize while we have delayed enacting intelligence reform needed to combat their activities.

This effort should mark a beginning, not the end, of our efforts to protect the American people by strengthening the systems by which we collect, process, and disseminate intelligence. However, the price of liberty is eternal vigilance, and as this Congress works to balance the need for greater security while protecting liberty, I would remind my colleagues of the words of one of our nation's greatest founders, Benjamin Franklin, who said, "They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."

I hope that the Republican leadership will not tarnish this achievement today by agreeing to vote in the next Congress on efforts that will weaken and undermine Americans' liberties.

Mr. GREEN of Texas. Mr. Speaker, I do not support Martial Law rules in the House of Representatives under any but the most extreme circumstances.

Some may have thought the House leadership would learn a lesson from the Omnibus Appropriations scandal, where a few Members and staff nearly got the power to read any American's tax returns because we did not have sufficient time to read the bill. Apparently they did not.

We could have passed this legislation under regular order before the election. We could have approved this legislation under regular order before Thanksgiving. But the House leadership has brought us to the point where we do not all have the opportunity to read this bill to determine what effects it will have on our constituents.

The rules of the House provide for 72 hours to review legislation before it reaches the floor. Like too many other rules to ensure good government, this rule has been violated repeatedly by the House leadership. They often resort to changing the rules when it pleases

them. This is a dangerous practice, especially for a bill so important.

From most accounts, some of which are conflicting, the National Intelligence Reform Act of 2004 is a beneficial and important piece of legislation. I congratulate all those who contributed so much hard work.

As a veteran of the legislative process, I do not expect perfect bills. However, it is not too much to ask for all Members of the House of Representatives to have the opportunity to know exactly what they are voting on.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise in support of this legislation.

Earlier this year, in October, I voted to pass H.R. 10, despite realizing how that bill violated the bipartisan and unanimous spirit of the 9/11 Commission.

It was a bill crafted solely by the House Republican leadership. H.R. 10 failed to give sufficient budgetary authority to the National Director of Intelligence, and perpetuated fragmented management of our national intelligence structure. Barriers to crucial joint intelligence were left unaddressed, while controversial extraneous "poison-pill" provisions were included.

I supported that flawed legislation then because it was absolutely imperative that the process continue to move forward. I was hopeful that this bill would be improved in conference and the controversial provisions removed, because I was hopeful that the will of the American people would be able to make its influence felt even behind the closed doors of a conference negotiation.

The American people have won today, and that victory was spearheaded by a group of average, every-day American citizens who tragically know all too well the threats to our national security.

The conference report we have before us today was made possible through the steadfast determination of the families of the 9/11 victims. They stood in candlelight vigil outside the White House, evoking the memory of their lost loved ones, demanding action and intervention by the President. The President heard them, and the country thanks them.

We all cried and grieved with those families that tragic day 3 years ago, and today we will take action in honor of them.

I applaud the efforts of the conference negotiators who fought for the safety and security of all Americans against the forces who wanted to protect the status quo. They were willing to compromise where they could, but held their ground where they had to.

We finally have a National Director of Intelligence with sufficient budgetary and personnel authority to coordinate our intelligence efforts, and a National Counter-Terrorism Center able to unify all elements of counter-terrorism intelligence operations planning. To protect civil liberties and address privacy concerns, we have an independent Privacy and Civil Liberties Board empowered to have access to information from departments and agencies. Transportation and border security are addressed, and the sharing of terrorism threat information among Federal, State, local, and tribal entities is improved.

We have much to praise about what is included in this conference report, but also extremely significant is what was kept out.

Before, the House-passed H.R. 10 sadly included provisions that eased restrictions against deportation to countries that practice

torture; a violation of the Convention Against Torture, an international treaty to which this country is a party. I opposed that provision before and I applaud the successful efforts of conference negotiators in removing these egregious provisions.

Before, there were sections of legislation that undermined the fundamental due process rights of immigrants in the courts. These sections would make it harder for refugees fleeing religious and political persecution and for victims of sex trafficking to seek asylum in the United States. These sections did nothing to make America safer and were in direct contravention of the 9/11 Commission's recommendations that urge our nation's immigration system should send a message of welcome, tolerance, and justice. Those provisions are now removed.

Certainly, there are remaining immigration issues that deserve continued debate and discussion, but they should not be used to delay or derail such crucial legislation.

In waging the war against radical Islamic totalitarianism, we have taken an important step towards making victory ours. But the work before us must continue.

The battle against terror rightly must involve the improved coordination of intelligence. Also, efforts to secure our ports, railways, chemical plants, and airliners to keep us safe at home.

Homeland security rightfully begins at home, but cannot end at our shores. Our soldiers, Marines, airmen, sailors, intelligence analysts and operatives, F.B.I. agents, and law enforcement agents can only do so much. Fundamentally, what we must win is the battle of ideas.

In winning the struggle against radical Islamic totalitarianism, the 9/11 Commission and many others urge our nation to offer an example of moral leadership in the world, to treat people humanely, to abide by the rule of law.

The people of the Muslim world must never be misled about what this country believes in, what it fights for, and what it defends. Public diplomacy that repair our relations and image, funding international education to counter the rise of hateful madrassas, and protecting the rights of women must be part of our efforts.

Committing the necessary resources to help the economic development and political democratization of the Middle East must be part of the equation. To combat the rise of radical Islamic totalitarianism, foreign aid and nation-building can no longer be avoided.

Today, as we commit ourselves to strengthening our intelligence agencies and protecting our homeland, let us be ready tomorrow and the days ahead to continue the remaining work before us.

Mr. CUNNINGHAM. Mr. Speaker, today I rise in support of the conference report on S. 2845, the National Intelligence Reform Act. Included in this legislation are important reforms that will ensure better coordination among national intelligence agencies, and protect our Nation against future threats while preserving the military's access to critical intelligence in the field. While I believe it is essential that we adopt this measure and reduce the risk to our Nation, I do so reluctantly because we could have done much more in that regard. Unfortunately, conferees in the other body insisted on stripping many critical provisions that would crack down on terrorists who enter and remain in this country illegally.

I was pleased to join 282 of my colleagues and vote in support of the House version of 9-

11 reforms, H.R. 10, in early October. That bill included many critical reforms aimed at addressing intelligence coordination and oversight, and it also included critical tools to close the immigration loopholes that terrorists can use to attack us at home. The 9-11 commissioners specifically cited these loopholes and recommend we close them. These immigration recommendations are also important reforms we should have addressed in the conference report. The House bill included provisions for expedited removal of potential terrorists, asylum restrictions, national drivers licenses standards and improved traveler screening at ports and borders.

Despite the absence of these critical provisions, I believe we must move this bill forward because it does take a critical first step toward making America safer. Through the creation of a National Intelligence Director and the National Counter Terrorism Center, this measure will ensure better coordination of intelligence across the government, while protecting the timely flow of intelligence to our troops.

Likewise, I am pleased we were able to include measures to strengthen our ongoing efforts to eliminate illegal border crossings. This legislation adds 10,000 new border patrol agents to intercept illegal immigrants and potential terrorists as well as 4,000 new immigration enforcement investigators to track illegal immigrants down within our borders. These agents are badly needed and will immediately improve illegal immigrant interdiction and interception operations. Additionally, this measure authorizes 40,000 more detention beds for suspected terrorists and illegal immigrants. Much better that we enact these improvements now than wait.

Despite the positive steps we are taking here today, our job is not done until we address comprehensive immigration reforms. I intend on making immigration reform a priority next Congress. President Bush pledged yesterday to bring up immigration reform early next year; leadership has given me their word that they are committed to doing the same. I remain committed to fighting for passage of these sorely needed immigration reforms with my colleagues early in the next Congress, and I will not rest until we have completed that job.

Ms. LEE. Mr. Speaker, the bill to implement the 9/11 Commission's unanimous recommendations, while flawed, is an important first step towards comprehensive intelligence reform.

Passing this bill, however, does not let Congress off the hook. We must be vigilant of how this legislation is implemented by an administration that has a tendency to disregard civil liberties all too quickly.

Specifically, I'm disturbed by provisions relating to pretrial detention of terrorist suspects. While everything must be done to minimize the flight risk of terror suspects, under this legislation, the government will not need to prove that the suspect is a flight risk before detainment.

The 9/11 Commission concluded that intelligence opportunities were missed before the terrible tragedies of September 11, 2001, not because law enforcement did not have adequate surveillance powers, but because of a misreading of existing surveillance laws. This bill still includes provisions that allow non-citizens to come under federal wiretaps even if they are not connected to a foreign government.

I'm concerned that we not forget the balance between information sharing within the intelligence community and privacy safeguards for sensitive data.

We must return in the 109th Congress and be prepared, when necessary, to intervene to ensure that law enforcement has the tools to secure our homeland but at the same time holds American civil liberties sacred.

Mr. OXLEY. Mr. Speaker, I rise in support of this historic bipartisan legislation and of all the work this House has done to bring it to the floor today. This was by no means an easy task we set out to achieve when we received the 9/11 Commission report this past summer and set to work holding hearings during the August recess.

The Financial Services Committee's contributions to S. 2845 continues some of the most important work it, and the Congress, has ever done. Work that began in the tense hours and days after the tragic attacks on September 11, 2001, and continues today in the efforts on this House to synthesize the 9/11 Commission report into momentous legislation.

It is a testament to the work of the Financial Services Committee that the 9/11 Commission report cited with approval Title III of the USA PATRIOT Act, and said that on anti-terror financing and anti-money laundering the various elements of the government are doing a good job.

The Commission also urged Congress, law enforcement, and the intelligence community not to become complacent and to engage in ongoing and rigorous examinations of the financial system. I believe this legislation rises to meet that challenge.

The Financial Services Committee has once again come together to create bipartisan legislation aimed at disrupting the financing of terrorism and strengthening the country's anti-money laundering laws.

The package that the Committee assembled centers on four broad themes: (1) additional funding for the fight against terrorist financing; (2) new tools for the government to combat terrorist financing schemes; (3) improved international cooperation and coordination on anti-money laundering and counterterrorist financing initiatives; and (4) enhanced preparedness of the financial services sector in case of another large-scale terrorist attack.

Among the key provisions in S. 2845 that reflect the contributions by the Financial Services Committee are the following:

Technical amendments to the anti-terror finance title of the USA PATRIOT Act, which was largely drafted in the Financial Services Committee;

An authorization for additional funding for Treasury's Financial Crimes Enforcement Network, which serves as the Federal government's financial intelligence unit and plays a critical role in the collection and analysis of data on suspicious financial activity;

A reauthorization of the national anti-money laundering strategy, along with grants to State and local law-enforcement agencies to investigate the financing of terror and other financial crimes;

A provision that allows the SEC to take action in an "emergency" to maintain or restore fair and orderly securities markets, ensure "prompt, accurate and safe" transaction settlement, and prevent disruptions of markets or market activities. The Secretary of the Treasury is given comparable authority over markets for government securities;

An authorization for the Secretary of the Treasury to produce currency and other security documents at the request of foreign governments;

A directive to the Secretary of Treasury to prescribe regulations requiring the reporting to FINCEN of certain cross border transmittals of funds relevant to the Department of Treasury's anti money laundering and anti terrorist financing efforts;

A restriction on federal examiners of financial institutions, for one year upon leaving the federal government, from accepting compensation for employment from a financial institution which the examiner had responsibility for examining;

A requirement for better coordination and building of international coalitions;

A Sense of Congress that the Secretary of the Treasury should continue to promote the dissemination of international anti-money laundering and counter-terrorist financing;

A requirement that the Secretary of Treasury convene an inter-agency council to develop policies to be pursued by the United States regarding the development of common international anti-money laundering and counter-terrorist financing standards;

A provision that enhances the delegation authority for the Secretary of the Treasury to appoint a Fiscal Assistant Secretary in the absence or inability to serve of the current Fiscal Assistant Secretary;

A Sense of Congress that insurance and credit rating firms should consider a firm's "compliance with standards for private sector disaster and emergency preparedness" when assessing the firm's insurability and credit-worthiness. This is consistent with the 9/11 Commission Report, which made the identical recommendation.

I want to especially thank the Members of the Financial Services Committee that were instrumental in bringing the success of this legislation. I would especially like to recognize Financial Institutions and Consumer Credit Subcommittee Chairman SPENCER BACHUS (AL), Oversight and Investigations Subcommittee Chairwoman SUE KELLY (NY), Domestic and International Monetary Policy, Trade, and Technology Vice Chair JUDY BIGGERT (IL), Ranking Member BARNEY FRANK (MA), and Committee Member LUIS GUTIERREZ. I also want to thank our counterparts in the other body for their help in resolving our issues quickly.

In sum, Mr. Speaker the Financial Services Committee's contribution to S. 2845 makes needed changes that respond directly to the 9/11 Commission's call for a continuous examination of the U.S. financial system to identify loopholes capable of being exploited by al Qaeda and other terrorist organizations, and to close down those gaps.

Mrs. JONES of Ohio. Mr. Speaker, I rise today in support of the Conference Report on the 9/11 Commission recommendations.

The conference report, which implements the core recommendations of the 9/11 Commission, is essential to bolster our nation's security in the wake of the terrorist attacks on September 11, 2001. The report:

Establishes a Director of National Intelligence to coordinate all national intelligence efforts;

Establishes a National Counterterrorism Center to unify all elements of counterterrorism intelligence operations planning;

Establishes an independent Privacy and Civil Liberties Board within the Executive Office of the President that would ensure that privacy and civil liberties concerns are properly considered;

Establishes an Information Sharing Environment to facilitate the sharing of terrorism information among all appropriate Federal, State, local, tribal, and private sector entities, through the use of policy guidelines and technologies;

Requires the Secretary of Homeland Security to develop and implement a national strategy for transportation security—including aviation, air cargo and maritime security measures;

Requires the Secretary of Homeland Security to develop a plan to improve border security—including the use of advanced technologies to secure the northern border, and remotely piloted aircraft to secure the Southwest border;

Requires federal agencies to establish minimum standards for driver's licenses and ID necessary to board domestic commercial aircraft and gain access to federal facilities.

This is a strong bill that will make Cleveland, OH, and our country safer and more secure. I strongly support the bill today, and I supported it on November 20, 2004, when the House and Senate conferees reached an agreement on this landmark legislation. This bill should have been ready for the President's signature then, but unfortunately the Republican leadership played politics and delayed passage until a majority of Republicans supported the bill—even though the conference report had strong Democratic support and would have passed on November 20.

But, today, this important legislation will pass. We, Democrats, fought for this conference report to reach the floor for a vote before this 108th Congress came to a close, and we succeeded. It is time to make our country safer. It is time to overhaul our intelligence agencies in order to prevent another 9/11 attack. It is time to pass this bill in honor of the 9/11 victims and their families. Vote "yes" on this vital legislation.

Mr. HOLT. Mr. Speaker, I rise today in support of the conference report on the National Security Intelligence Reform Act of 2004. I must admit that when I arrived this morning, I was dubious that this measure would actually make it to the floor. That it did is due to the incredibly hard work of the conferees and the staff from both the House and the Senate, as well as the tireless advocacy efforts of the families of 9/11, and I thank each one of them for their service to America.

There are many laudable provisions in this bill, Mr. Speaker, including most of the principal recommendations of the 9/11 Commission. I'm very pleased that the conferees were apparently able to agree that the proposed Director of National Intelligence will have meaningful budget and personnel authorities to help reshape our intelligence community to meet existing and emerging threats. I'm also pleased that another key 9/11 Commission recommendation, the creation of a National Counter Terrorism Center, will also come pass.

Also of note in this bill is its requirement that our intelligence, law enforcement, and homeland security agencies achieve a greater level of information sharing, and that this process will include Federal, State, local and tribal entities, as well as the private sector. If there is

one lesson that both the attack on Pearl Harbor and the attacks on America on 9/11 should have driven home is that information sharing among the elements of our government is paramount if we are to prevent surprise attacks. I hope these new provisions will be effective in breaking down the barriers to information sharing that figured so prominently in both of these national tragedies.

I'm also gratified that this bill includes a Privacy and Civil Liberties Board to help safeguard the freedoms that make our nation the greatest on earth. This Board will conduct oversight of executive branch policies to ensure that the privacy and civil liberties of our citizens are protected, and I hope that it will serve as an effective watchdog in that role.

Make no mistake about it: The next Mohammad Atta will not present himself for biometric or other screening at an existing border crossing point. Future al Qaeda operatives will almost certainly attempt to slip across the border at a weak or undefended point, carrying with them the false identity documents necessary to blend in and execute another attack against our citizens. We must do whatever is necessary to guard our borders, and I want to thank my colleague, the ranking member of the Homeland Security Committee, the gentleman from Texas, Mr. TURNER, for all of his hard work in this area, and to wish him well in his future endeavors.

There are some things in this bill that trouble me, Mr. Speaker. I'm concerned about the sweeping FISA authorities that are added in this bill, particularly those aimed at alleged "lone wolf" terrorists and the apparently sweeping definition of what "providing material support" to terrorists that is permitted in this bill. I realize that each of these clauses has sunset provisions, but as we've seen with the Patriot Act, such sweeping authorities can be used against innocent citizens. I will monitor the implementation of these provisions very closely, as I hope all of my colleagues will, and if evidence of abuse surfaces, I hope they will join me in modifying these provisions as necessary.

Mr. Speaker, one key 9/11 Commission recommendation that did not make its way into this bill is the need to reform congressional oversight of the intelligence community. The bill before us also includes new provisions for expanded "red teaming" within the intelligence community, and I hope that this provision will sharpen analytical products coming out of the intelligence community. But we need to face facts, Mr. Speaker: Our own house is not in order when it comes to conducting effective oversight of the intelligence community. I intend to revisit this issue in the coming Congress, and I hope my colleagues will join me in that effort.

Despite the concerns I've raised above, Mr. Speaker, this is a good compromise that will help to protect our country in the years ahead. I'm also confident that this compromise addresses the concerns that some in this body and elsewhere have raised that this reorganization of the intelligence community would somehow endanger our troops in Iraq and Afghanistan by constraining their access to real-time intelligence. This bill was held up for weeks by Members who claimed it would deny good intelligence to our soldiers in the field. Clearly, this compromise bill does not do that, and if anything, the provisions contained in this bill will only strengthen and rationalize the

collection and dissemination of intelligence to both policymakers and warfighters. A bureaucratic turf fight is a better description of the disagreement, and that is no reason to hold up this bill.

Again, I thank the conferees and the staff for their Herculean effort to bring us a bill we can collectively support, but above all I thank the families of 9/11. Simply put, this would not have happened without their relentless effort, and they are patriots in the truest sense of the word. I intend to vote for this measure, I urge my colleagues to do the same.

Mr. UDALL of Colorado. Mr. Speaker, nearly two months ago this House passed a bill that failed to address many of the 9/11 Commission's recommendations, while including objectionable provisions regarding immigration, civil liberties, and other issues. While the Senate was able to reach agreement on a bill that reflected the views of both parties, the Commission, and the 9/11 families, House leaders did not work in a similarly bipartisan way to reach agreement on the best way to implement the recommendations.

I voted for the House bill because I believe we need intelligence reform. I hoped that with the President supporting the Senate bill and every Republican in the Senate voting for it, the House Republicans' misguided criticisms of the bill wouldn't carry much weight in conference.

So I am very pleased that the conference report we are voting on today more closely reflects the Senate bill. And I am encouraged that during this last week of the 108th Congress, we have come together to put country before politics—and to send legislation to the President that will make America safer.

Mr. KIND. Mr. Speaker, I rise today in support of the conference report for H.R. 10, legislation to reform our country's intelligence agencies. I support this report so, as a country, we can move forward quickly to give the President a completed bill to sign. The security of the people of western Wisconsin is of an utmost priority, and I am supporting this measure to make changes necessary to protect our homeland.

On September 11, 2001, our Nation was brutally attacked, and several thousand of our citizens were killed. Our country was shocked and dismayed, but we were far from defeated. The resolve of our Nation is strong, and we stood up to the challenge and struck back.

After the attacks on that fateful day in September, many questions about our homeland security were raised. I supported and worked for a comprehensive Homeland Security bill that created the Homeland Security Department and cabinet level secretary. The creation of the Homeland Security Department was an important first step for our country to ensure the security of its citizens. But there remained many unanswered questions about our Nation's intelligence failures before September 11, which is why I supported the creation of the independent bipartisan 9/11 Commission.

On July 22, 2004, the 9/11 Commission provided a full and complete report to Congress and the American public. I praise the Commission for its excellent work, leadership, patriotism, and service to our country. We owe it to the families of the victims of 9/11 and to the citizens of our country to use this report to make certain this type of attack never happens again; I fully support the unanimous and bipartisan recommendations of the 9/11 Commission.

While I had several concerns with many of the provisions included H.R. 10, I decided to support passage of this legislation back in October. I supported H.R. 10 because when the safety of our country is at hand we need to be able to cross the aisle and work with our colleagues to protect our country. After passage, however, I was glad to see the conference committee move to more closely align the conference report with the 9/11 Commission's 41 recommendations and the Senate passed bill. Over the past several weeks, we have had several opportunities to pass this very important legislation, but the House leadership has been working towards passing the bill with the support of the majority.

I support this conference report for several reasons. First and foremost, the families of the 9/11 victims and the 9/11 Commission supports this conference report and have worked hard to ensure the legislation improves the safety for our country. In addition, the conference report contains not only major reforms of the intelligence community, but significant measures to improve aviation and border security and emergency preparedness and response. This bill implements a substantial portion of the 9/11 Commission's recommendations; I am happy that the conference report includes a strong National Intelligence Director as well as the essential authorities necessary for the National Intelligence Director's success. It also creates a strong National Counterterrorism Center and an independent Privacy and Civil Liberties Board.

The 9/11 report also addresses foreign policy and public diplomacy, something we cannot deal with in this legislation before us today. One of the most important chapters in the 9/11 Report was chapter 12, which offered a global strategy to work with the Arab and Muslim worlds. If we follow the recommendations in this chapter, and focus our energies on improving our economic and political ties to this part of the world, it will not only improve the image of the United States of America, but it will help reduce future terrorist attacks on our country.

Once again, I would like to thank the members of 9/11 Commission for their patriotism and hard work to help safeguard our country. I would also like to recognize the tireless work that the families of the victims of 9/11 have put into creating the Commission on the attacks, and, secondly, that legislation was brought to the floor for deliberation. Finally, I would like to thank the conferees for all their hard work on this essential legislation. I encourage my colleagues join me in supporting this long-overdue, critical legislation. This legislation is a crucial step toward making our country safer from terrorism.

Mr. BLUMENAUER. Mr. Speaker, it is a relief to finally pass this important legislation to make America safer. The bill moves our national security and intelligence coordination efforts forward and paves the way for future counterterrorism measures.

I am concerned by some of the limits placed on the powers of the National Intelligence Director and would like to have seen stronger safeguards for individual civil liberties. I am pleased to see that the most egregious immigration provisions were removed by the Conference Committee.

While it is unfortunate that it took two months to pass this bill, the Senate overwhelmingly passed a bipartisan bill two

months ago that had the support of the 9/11 Commission, families of the 9/11 victims, and President Bush. That legislation could have been passed immediately. Instead, we almost didn't get a bill at all.

The challenge now will be to focus our efforts on the greatest threat to America today: terrorism. My commitment is to work to make the new structure a success and to not allow the quagmire in Iraq to divert us from the essential task dealing with terrorism.

Mr. STEARNS. Mr. Speaker, tonight we vote on the final version of the Intelligence Reform bill. It's appropriate that we do so today, December 7th, Pearl Harbor Day. We hope that this legislation will help prevent future attacks on our homeland. I will vote for final passage, because this bill contains much needed reform of our intelligence community. But more can be done to protect America.

This conference report is supposed to codify the recommendations of the 9/11 Commission, and insofar as intelligence is concerned, it does. But the 9/11 Commission's charter required it to create a full account of the circumstances of the 9/11 attacks and formulate recommendations for guarding against future terrorist threats. This includes immigration and asylum reform, border protection and identification security. The Commission's recommendations and staff report contained repeated and explicit references to immigration, border, asylum and identification problems of which the 9/11 hijackers took advantage and which need to be solved.

I thought that the House version of the Commission's recommendations, H.R. 10, properly attempted to meet these goals. Yet here we are today, debating a conference report that contains hardly any of the strong Title III measures that were passed by the People's House. This is incredibly disappointing. While the final version of this legislation adds to our border security personnel, tightens up our visa application process, and sets up some identification standards, the fact remains that we need to do much more.

We can have all the intelligence in the world, but if we can't protect our own borders or prevent terrorists from coming into our country, then we're just stupid. I support this bill because it reforms our intelligence, but also because the administration and leadership have promised to pursue additional reforms in immigration and border security.

Mr. Speaker, as a member of the Immigration Reform Caucus, I intend to make sure that these promises are kept. I also look forward to working as soon as possible in the 109th Congress on legislation dealing with serious immigration reform, improving our asylum laws, border control, and identification security. Now more than ever, our immigration policies have national security ramifications. I will not rest until we fix our laws to meet these challenges.

Mr. LANGEVIN. Mr. Speaker, I am pleased that we will implement intelligence reform before the close of the 108th Congress and rise in support of the underlying bill.

After 9/11, we approached fighting the global war on terrorism as we had the Cold War. But it became clear that we needed to adapt our intelligence community, law enforcement agencies and military to new global threats. The 9/11 Commission gave us a blueprint for that mission, and this legislation will help us implement their vision. Cooperation among

agencies and departments will be critical, and this measure shifts the mentality of our intelligence community from "need to know" to "need to share." It also makes significant improvements to homeland security, while avoiding some of the controversial provisions included in earlier drafts.

As a member of the House Armed Services Committee, I am pleased that this bill strikes a careful balance between creating a strong national intelligence director and preserving the ability of our men and women in uniform to gain access to the intelligence needed to be successful on the battlefield. I thank all my colleagues for working in a bipartisan fashion to craft a landmark measure that will make America safer.

Mr. MEEHAN. Mr. Speaker, I rise in strong support of this legislation.

I am deeply gratified that today, Congress has put aside turf wars and partisanship and taken this critical step forward for our national security. Over 3 years after 9/11, intelligence reform has been sorely overdue. Today, we got it done.

But before we congratulate ourselves, members of Congress should recognize the debt of gratitude we owe the 9/11 families. Our government failed all of us on 9/11, but most of all the victims and their families. For 3 years, the families who lost loved ones on 9/11 demanded answers. They demanded accountability.

While many in Washington delayed, the families pressed Congress to find out what went wrong, and fix the problems. Today, their impassioned, tireless work has resulted in concrete reforms: a national intelligence director with the authority to coordinate our intelligence efforts and set clear priorities; a National Counter-Terrorism Center to increase our coordinated approach to anticipating future threats; a Civil Liberties Oversight Board to help us strike the balance between freedom and security.

And many other critical steps to improve our security: development of biometric identification technology for travelers; enhanced training of federal air marshals; substantial increases in the number of border patrol agents and immigration investigators; development of air defense systems; upgrades in air cargo screening; expansion of watch lists to passengers and crew of vessels docking in US ports and; a comprehensive plan for transportation security that anticipates the full range of possible attacks.

Many of the 9/11 families live in Massachusetts and traveled to Washington to lobby Congress and hold vigils. Because of their dedication, America will be more alert and better prepared to prevent future tragedies.

Today, Congress should also credit the 9/11 Commissioners, whose thoroughness, independence, and candor forced our nation to confront glaring weaknesses in our defenses.

We live in a time when partisan politics degrades nearly every important issue. It's remarkable that the 9/11 Commissioners were able to check their politics at the door, and unanimously agree on 41 concrete recommendations to present to Congress.

The Commission's work is a landmark achievement. It's a model for bipartisan cooperation that Congress must continue to follow.

Congress has taken the first steps toward making America smarter and more alert. But

intelligence reform cannot be the end of our government's response to September 11. We have only begun to meet the challenge of securing the American homeland against all enemies.

With the same urgency and unity, we must move forward to secure the world's nuclear materials. Today's legislation takes the first steps toward creating a national director of nonproliferation efforts. We cannot rest until the world's most dangerous materials are permanently secured.

We must move forward to secure our cities, ports, airports, roads, bridges, and rail lines. Today's legislation directs government agencies and the private sector to develop comprehensive plans to anticipate and respond to attacks. We must ensure that local officials, first responders, and hospitals have the resources they need to execute on those plans.

And finally, we must continue moving forward in hunting down and destroying the terrorists who attacked America three years ago. By improving our intelligence, with this legislation we are one step closer to bringing justice to those who murdered 3,000 of our fellow citizens.

I urge my colleagues' support for this landmark legislation.

Mr. HYDE. Mr. Speaker, the following provides a summary and the legislative intent of the provisions included in the conference report on S. 2845, the National Intelligence Reform Act of 2004, that are within the jurisdiction of the House Committee on International Relations and the Senate Committee on Foreign Relations.

As a member of the conference on S. 2845, and Chairman of the House Committee on International Relations, it is appropriate to provide guidance to those who will be responsible for faithfully executing this important statute. The inclusion in the conference report of several provisions of interest to the International Relations Committee reflects our work to implement the recommendations of the Final Report of the National Commission on Terrorist Attacks Upon the United States, July 2004, hereafter referred to as the 9/11 Commission.

As a practical matter, I consulted with Mr. LANTOS, the Ranking Democratic Member of the House Committee on International Relations (who was not a member of the Conference Committee), Senator COLLINS, Senator LIEBERMAN and, through them, with Senator LUGAR on these provisions included in the legislation. We reached agreement on the text of those provisions, and following is further elaboration of the most significant provisions that shall be considered to have the effect of a statement of managers.

Sec. 7102—Terrorist Sanctuaries. This section transforms the broad recommendations of the 9/11 Commission into action. The 9/11 Commission stated, "The U.S. Government must identify and prioritize actual or potential terrorist sanctuaries. For each, it should have a realistic strategy to keep possible terrorists insecure and on the run, using all elements of national power." (Pg. 367) In response, this section provides a comprehensive statement articulating the sense of Congress that U.S. policy should have such a focus or mandate. It establishes reporting requirements to enable the Congress to monitor patterns relating to terrorist sanctuaries and to assess successes or setbacks in our efforts, in order to correct any deficiencies that may exist.

Further, this section amends the Export Administration Act (EAA) to add terrorist

sanctuaries to determinations relating to states that “repeatedly provided support for acts of international terrorism.” It is in keeping with the underlying criteria in the Export Administration Act which says that, when imposing, expanding or extending export controls under the EAA, the President “shall consider the compatibility of the proposed controls with the foreign policy objectives of the United States, including the effort to counter international terrorism, and shall consider the foreign policy consequences of not imposing controls.”

This section merely updates U.S. law to reflect the post-9/11 world. It provides legislative authority to the goals outlined in the National Security Strategy for Combating Terrorism to deny sponsorship, support, and sanctuary to terrorists, and to choke off the lifeblood of terrorist groups from their access to territory, funds, equipment, training, technology, and unimpeded transit.

Through the definition of “terrorist sanctuary,” the section seeks to encompass a broad range of activities including training, financing (which includes fundraising), recruitment, and the use of a nation-state territory as a transit point for terrorists, funds, or equipment.

Governments of terrorist sanctuaries are knowledgeable about the recurring use of their territory for terrorist purposes and are ignoring or tolerating such activity. Their failure and unwillingness to take action against such use of their territory contributes to the spread of global terrorism and, in turn, augments the threat to U.S. national security and interests.

This provision seeks to serve as an inducement for cooperation with U.S. counterterrorism efforts, as well as a deterrent to keep governments from allowing their territories to be used as terrorist sanctuaries.

Asked about this provision, 9/11 Commission Co-Chair Lee Hamilton said, during an August 24, 2004 hearing of the House International Relations Committee, “There must be a strategy developed in dealing with wherever these sanctuaries are; economic sanctions, of whatever kind, would certainly be one of those tools to deny those sanctuaries.”

Sec. 7104—Assistance for Afghanistan. This section is largely derived from Sections 4061—4070 (Subtitle D of Title IV) of H.R. 10 as passed by the House of Representatives (the House amendment), and Section 1004 of the Senate bill.

Sec. 7104(a)—Short Title. Sets out a short title for this section; derived from the House amendment.

Sec. 7104(b)—Coordination of Assistance. Derived from section 1004 of the Senate bill, this subsection sets out Congressional findings, consistent with the Commission’s Final Report, relative to the United States assistance program for Afghanistan and related topics. Expresses the sense of Congress on actions to be taken.

Sec. 7104(c)—Coordinator for Assistance. This section’s findings note that the 9/11 Commission criticized American assistance to Afghanistan as overly divided among specific programs and note that the flexible funding mechanisms put in place by the Afghanistan Freedom Support Act of 2002 have not been used to date.

The provision requires the appointment of a powerful coordinator for assistance to Afghanistan. This coordinator would have powers similar to those used effectively by such persons as Deputy Secretary Armitage when he served in a similar role with respect to the Former Soviet Union and Eastern Europe. The coordinator would be a locus of responsibility, as contemplated by the Afghanistan Freedom Support Act, but the intent of

which was frustrated when no government-wide coordinator was appointed.

This provision was derived from section 4062 of the House amendment. The Senate bill contained no comparable provision.

Sec. 7104(d)—Assistance Plan: International Coordination. The coordinator would submit the Administration’s plan, or program, for assistance to Afghanistan in the form of a program plan. The plan should be submitted as early as possible after the beginning of the fiscal year or after the enactment of the relevant appropriations acts, whichever is later, and certainly before a significant portion of the year’s appropriations are obligated. The plan should indicate its relation to the Administration’s long-term strategy for Afghanistan.

The coordinator would work with the international community and the Afghan government to ensure that assistance to Afghanistan is implemented coherently and efficiently. The coordinator would, in general, work through the Secretary of the Treasury and the United States Executive Directors at the international financial institutions (as defined in Sec. 1701(C)(2) of the International Financial Institutions Act (22 U.S.C. 262r(C)(2)) in order to effectuate his or her responsibilities with respect to international financial institutions.

This provision was derived from section 4062 of the House amendment. The Senate bill contained no comparable provision.

Sec. 7104(e)—General Provisions Relating to the Afghanistan Freedom Support Act (AFSA) of 2002.

(1)(A) and (2) These provisions set out a general declaration of policy reaffirming the commitment of Congress to the authorities of the Afghanistan Freedom Support Act of 2002 and establishes some key policies underlying the bill—the commitment of the United States to its undertaking in April 2004 when it supported a development program of Afghanistan, the forthcoming parliamentary elections, and the necessity for additional nations to step forward and shoulder additional economic and military burdens.

(1)(B) This subparagraph broadens an inappropriately narrowed “notwithstanding” provision from the Afghanistan Freedom Support Act of 2002 which had the effect of limiting certain flexible authorities for the implementation of Title I of the Afghanistan Freedom Support Act of 2002. It is consistent with the flexibility recommended by the 9/11 Commission. The only “notwithstanding” authority currently applicable to Title I of AFSA relates to the Brooke Amendment.

(3) The Conference agreement, in a provision similar to the House amendment, permits reports to Congress required under the Afghanistan Freedom Support Act to contain a classified annex.

(4) This paragraph amends AFSA to require the President to prepare and submit to Congress a long-term strategy for United States policy toward Afghanistan, as well as an annual statement of progress made in executing that plan and of changes to it.

These provisions were derived from section 4063 of the House amendment. The Senate bill contained no comparable provisions.

Sec. 7104(f)—Education, Rule of Law, and Related Issues. Derived from section 4064 of the House Amendment, this subsection updates the Afghanistan Freedom Support Act (AFSA) of 2002 with respect to programs to help courts, prosecutors, and others in reflecting the information gathered by Congress in the course of its oversight of conditions in Afghanistan, as the situation in Afghanistan has evolved since late 2002. Provisions emphasizing the need to assist Afghanistan with respect to aiding democratic political parties, renovating and otherwise sup-

porting secondary schools and universities, improving the physical infrastructure of the justice system, and providing for professional education for Afghanistan’s officials have been added in the conference process. The section of AFSA (Sec. 103(A)(5)) in which all of these provisions are found is restated and re-enacted in its revised form for the sake of clarity. The Senate bill contained no comparable provision.

Sec. 7104(g)—Monitoring of Assistance for Afghanistan. This subsection provides that the Secretary of State shall provide an annual report to the Congress describing assistance to Iraq, including a report on activities and their funding sources by agency, program, and fiscal year, obligations incurred, the participation of each government agency, and any other information the Secretary considers necessary to fully inform the Congress on assistance to Iraq. This report would become a responsibility of the coordinator provided for in section 104 of AFSA. All government agencies involved in assistance to Afghanistan shall provide the Secretary information the Secretary reasonably requires to prepare and submit this report.

Sec. 7104(h)—United States Policy to Support of Disarmament of Private Militias and Expansion of International Peacekeeping and Security Operations in Afghanistan. This subsection is derived from Section 4066 of the House amendment. The Senate bill contained no comparable provision.

This subsection, in paragraph (1), establishes that it shall be United States policy to take immediate steps to provide active support for the disarmament, demobilization, and reintegration of armed soldiers, particularly child soldiers, in Afghanistan, in close consultation with the President of Afghanistan. “Active support” does not necessarily mean the deployment of military assets, but all appropriate means to help the Government of Afghanistan rid the country of private militias should be considered. The semi-annual report provided under section 206 of AFSA is to contain a report on activities taken pursuant to this subsection.

Paragraph (2) of the subsection addresses the need to increase the area in which security is provided by international security forces in Afghanistan. To that end, it is established that it is the policy of the United States to make every effort to support the expansion of international peacekeeping and security operations within Afghanistan. The purpose of that expansion is to allow international security forces to undertake vital tasks related to promoting security, such as disarming warlords, militias, and irregulars, and disrupting opium production. Moreover, a force spread over a larger area might safeguard highways in order to allow the free flow of commerce and to allow material assistance to the people of Afghanistan, and aid personnel in Afghanistan, to move more freely.

Sec. 7104(i)—Efforts to Expand International Peacekeeping and Security Operations in Afghanistan. Subsection (i), derived from section 4067 of the House amendment, addresses the issue of encouraging and enabling additional countries to participate in international peacekeeping and security operations in Afghanistan. (This is not to be confused with subparagraph (h)(2), which addresses the issue of helping those forces within Afghanistan to expand their reach.) Subsection (i) provides that the President shall encourage, and, as authorized by law, enable other countries to actively participate in expanded international peacekeeping and security operations in Afghanistan, especially through the provision of military personnel for extended periods of time. It also

provides for semi-annual reports to the Congress on the President's efforts in this regard, which may be submitted with the reports required by AFSA section 206(c). The Senate bill contained no comparable provision.

Sec. 7104(j)—Provisions Relating to Counternarcotics Efforts in Afghanistan. Subsection (j), derived from section 4068 of the House amendment, amends AFSA to provide assistance for a variety of non-military measures to disrupt the opium trade, such as technical assistance, credit, and farm-to-market facilities for alternative crops, and training for counternarcotics police. The Senate bill contained no comparable provision.

A second section to be added to AFSA expresses the sense of Congress that the President should make the substantial reduction of illegal drug production and trafficking in Afghanistan a priority in the Global War on Terrorism; that the Secretary of Defense, in coordination with the Secretary of State and the heads of other appropriate Federal agencies, should expand cooperation with the Government of Afghanistan and international organizations involved in counter-drug activities to assist in providing a secure environment for counter-drug personnel in Afghanistan; and that the United States, in conjunction with the Government of Afghanistan and coalition partners, should undertake additional efforts to reduce illegal drug trafficking and related activities that provide financial support for terrorist organizations. The provision also requires a joint report to Congress from the Secretaries of Defense and State within 120 days of the date of enactment that describes the progress made toward substantially reducing poppy cultivation and heroin production capabilities in Afghanistan, and the extent to which profits from illegal drug activity in Afghanistan are used to financially support terrorist organizations and groups seeking to undermine the Government of Afghanistan.

This provision makes needed changes in the Afghanistan Freedom Support Act to update it from late 2002.

Since the fall of the Taliban, there has been a tremendous resurgence of narcotics cultivation and trafficking in Afghanistan. Money made dealing in narcotics has flowed to the neo-Taliban and to al-Qaeda terrorists. Those criminals seek to kill members of Afghanistan's army, of our Armed Forces, and of our Coalition. Unchecked, they will destroy Afghanistan's economy and environment, its nascent government, and Afghan society itself. Today, half of the economic activity in Afghanistan is based on narcotics.

If the narcotics trade is not suppressed, Afghanistan will become a narco-state that will once again become a sanctuary for terrorists: the United States and its allies will have gained little if anything for the valiant efforts of those who struggled on America's behalf in this difficult theater of war.

Sec. 7104(k)—Additional Amendments to the Afghanistan Freedom Support Act of 2002. This subsection, derived from section 4069 of the House amendment, makes a technical change in AFSA to reflect the change in the name of an Afghan institution and extends AFSA's main reporting provision through 2010. The Senate bill contained no comparable provision.

Sec. 7104(l)—Repeal of Prohibition of Assistance. Section 620D of the Foreign Assistance Act of 1961 bans aid to Afghanistan. This section repeals that provision of law, which has outlived its usefulness. This law is no longer needed, given the efforts of the American-led Coalition and the Afghan people. This subsection is derived from section 4070 of the House amendment. The Senate bill contained no comparable provision.

Sec. 7104(m)—Authorization of Appropriations. This subsection amends the AFSA to authorize the appropriation of such sums as may be necessary for each of FY05 and FY06.

The Senate bill, in section 1004(c), provided for the appropriation 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 development assistance, children's health programs, economic assistance, international narcotics and law enforcement, nonproliferation, anti-terrorism, demining and related programs, international military education and training, foreign military financing program grants, and peacekeeping operations. Assistance provided by the President under this subsection "shall be consistent with the Afghanistan Freedom Support Act of 2002," and shall be provided with reference to the "Securing Afghanistan's Future" document published by the Government of Afghanistan.

Sec. 7109—Public Diplomacy Responsibilities of the Department of State. This section amends the State Department Basic Authorities Act to provide a description of the Secretary of State's public diplomacy responsibilities. It also directs the Secretary of State to make every effort to coordinate public diplomacy activities of federal agencies subject to the direction of the President. As the foreign policy agency for the United States, the State Department should also take the lead role in U.S. international public diplomacy.

The provision states that the Secretary of State shall coordinate with the Broadcasting Board of Governors (BBG) to develop a comprehensive strategy and measurable objectives for public diplomacy.

Although this section is designed to ensure the highest level of attention by our foreign policy agencies to public diplomacy needs and objectives, it does not provide new authority to the Secretary of State over the programs of the BBG. The role of the BBG as a firewall against political interference in the content of the broadcasts remains unchanged, as does the independence of the agency.

Numerous studies of U.S. public diplomacy provide recommendations to improve the current system and strategic direction at the State Department. This provision seeks to support the State Department and others involved in public diplomacy by establishing a clear set of responsibilities.

Sec. 7110—Public Diplomacy Training. This section seeks to enhance the quality and depth of public diplomacy capabilities within the State Department. The findings emphasize the recruitment by the Foreign Service of individuals with expertise and professional experience in public diplomacy, and enhanced training in the range of public diplomacy activities. The findings also emphasize the role which chiefs of mission should assume in designing and carrying out public diplomacy strategies.

This section encourages the State Department to be more creative in its recruitment strategies in the area of public diplomacy. To meet a serious foreign language gap, the section requires the Secretary of State to provide special consideration for individuals with such language abilities, and sets a goal to increase the number of Foreign Service officers proficient in languages spoken in predominately Muslim countries.

In addition, a change is made in the precepts for promotion in the Foreign Service so as to reward the willingness and ability of officers to participate in public outreach efforts related to their jobs as well as other aspects of public diplomacy. Expressing and explaining U.S. policies and the breadth of American values is an important element of

the professional skills necessary for Foreign Service officers. It should be recognized within the promotion precepts.

Sec. 7111—Promoting Democracy and Human Rights at International Organizations.

Sec. 7111(a)—Support and Expansion of Democracy Caucus. Derived from section 4032 of the House amendment, this subsection calls on the President to continue to strongly support and seek to expand the work of the nascent Democracy Caucus at the United Nations and the United Nations Human Rights Commission; and to seek to establish a Democracy Caucus at the United Nations Conference on Disarmament and at other broad-based international organizations. The purpose of the Caucus is to forge common positions, revise outmoded systems of membership selection and regional voting, and establish a rotational leadership agreement.

Sec. 7111(b)—Leadership and Membership of International Organizations. This subsection, derived from section 4033 of the House amendment, urges the President, acting through the Secretary of State, to use United States influence and vote to: (1) reform criteria for membership and leadership positions within all United Nations bodies and other international institutions so as to exclude countries which violate the principles of the specific organization; (2) make it the policy of the United Nations and other international organizations and multilateral institutions in which the United States is a member that a member country may not stand in nominations for membership or significant leadership positions if the member country is subject to sanctions imposed by the United Nations Security Council; and (3) ensure that no country stand in nomination for membership or in rotation for significant leadership positions in such organizations, or for membership on the United Nations Security Council, if it has been determined by the Secretary of State that a member country has repeatedly provided support for acts of international terrorism.

Sec. 7111(c)—Increased Training for Multilateral Diplomacy. This subsection, derived from section 4034 of the House amendment, states that it shall be the policy of the United States that training courses should be established for Foreign Service officers and civil service employees for the State Department, including appropriate chiefs of mission, on the conduct of multilateral diplomacy. It specifies that the Secretary of State shall ensure that multilateral diplomacy training is provided at various stages of the careers of members of the service, including as part of their training upon entry into the service; and for officers, including chiefs of mission, who are assigned to United States missions representing the United States to international organizations and other multilateral institutions or who are assigned in Washington, D.C., to positions that have as their primary responsibility formulation of policy towards such organizations and institutions or towards participation in broad based multilateral negotiations of international instruments, receive specialized training in multilateral diplomacy prior to the beginning of service for such assignment or, if receiving such training is not practical at the time, within the first year of the beginning of such assignment. It also directs the Secretary of State to ensure that employees of the Department of State who are members of the civil service and who are assigned to international organizations or multilateral institutions also receive multilateral diplomacy training.

Sec. 7112—Pilot Program to Provide Grants to American-sponsored Schools in Predominately Muslim Countries to Provide Scholarships. This section authorizes the Secretary

of State to initiate a scholarship program for grade school kids in predominately Muslim countries to attend American-sponsored schools. The Office of Overseas Schools assists many schools overseas, therefore this grant program would operate through this office. The purpose of the provision is to complement other U.S. Government efforts to broaden the understanding of American values and support a wider use of English. Numerous studies of U.S. public diplomacy point to the need for creative, measurable programs. This trial scholarship program provides a new option for American outreach efforts.

The provision allows the Secretary of State to start a pilot program to provide full or partial scholarships to children of low and middle-income families to encourage them to attend an American-style school. The pilot program is intended to determine whether such a scholarship program can be more broadly used in the region and whether such a program is supported by the participating parties: the American-sponsored schools, the families, the State Department, and the Congress.

Sec. 7118—Designation of Foreign Terrorist Organizations. This section amends section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) by making two principal changes to the current law regarding the designation of foreign terrorist organizations (FTOs). First, it would replace the requirement to formally re-designate FTOs every two years with a procedure allowing these groups to petition the Secretary of State at two-year intervals to have their designation revoked. It would also require the Secretary of State to review the designation of each FTO every five years. Second, section 7118 would establish a new procedure for handling the situation in which a terrorist organization changes its name or uses new aliases. This provision allows the government to amend the underlying administrative record instead of re-creating a voluminous document every time this occurs. A group will be able to appeal these additional designations.

Under existing law, the U.S. government must devote significant amounts of its counter-terrorist resources to the time-consuming and burdensome FTO re-designation effort. Section 7118 changes the re-designation process to allow the State Department and other government agencies to focus more of their scarce resources on responding to new terrorist threats or tracking and analyzing newer groups that emerge on the horizon.

Sec. 7120—Case-Zablocki Act Requirements. The 9/11 Commission report states that of all the recommendations, strengthening congressional oversight may be among the most difficult and important. Recently, the House Committee on International Relations learned that, due to numerous management failures within the Department of State, over 600 classified and unclassified international agreements dating back to 1997, had not been transmitted to Congress, as required by the Case-Zablocki Act.

This failure by the Department of State covers a variety of sensitive international agreements, including intelligence and military cooperation agreements. The full knowledge of these agreements by the Congress is not only required by United States law, but is also critical to the ability of Congress to execute Constitutional oversight responsibilities. This strikes at the heart of the relationship between the two branches of government, severely inhibiting our ability to carry out effective foreign policy objectives to prevent foreign terrorist operations.

Although the Department of State is working to immediately address these management shortcomings and produce the remaining outstanding international agreements to Congress as soon as possible, this has reached crisis proportion which demands immediate Congressional attention and oversight.

In 1972, the Case-Zablocki Act (1 U.S.C. 112a and 112b) was passed as a result of the Executive Branch's failure to adequately inform Congress of the international executive agreements entered into by the President and other officials on behalf of the United States. At that time, the Symington Subcommittee on National Commitments uncovered contemporary examples of secret agreements entered into without adequate reference to Congress. The provisions of the Yalta Agreement at the end of World War II were also not publicly disclosed for three years, or published until some time later. These actions prompted great Congressional and public discourse and controversy. Congress stated that each incident in which such secret agreements become known creates tensions and irritations between the Congress and the Executive Branch which severely inhibit carrying out an effective foreign policy. (House Report 92-1301.)

Currently, the Case-Zablocki Act requires that the Secretary of State publish an annual report of all treaties and international agreements to which the United States became a party during each calendar year, unless the publication would be contrary to the national interest of the United States. It further requires the transmission to Congress any international agreement, other than a treaty, no later than 60 days, with classified agreements transmitted under a secrecy agreement.

The Conferees support the tightening of the Case-Zablocki reporting requirement in an effort to conduct more rigorous congressional oversight over the Executive Branch. Specifically, it clarifies the types of agreements subject to Congressional transmittal and further requires the State Department to compile an annual classified index containing all executive agreements acted upon during the past year by country. Not only does it require the transmission of any bilateral or multilateral counterterrorism agreement, it requires the notification of any agreement the United States enters into with a country designated by the U.S. government as being a state sponsor of terrorism. Last, it requires the expedited publishing of agreements, when possible.

Therefore, this section makes it clear that Congress is concerned about not being fully informed regarding international agreements entered into by the Executive branch, particularly sensitive agreements. While the Secretary of State has discretion over determining the which agreements are considered significant enough to be reported to Congress, Congress considers certain agreements of such import that it desires to be notified during contemplation of, and as soon as practicable after, signing the agreement, although by strict interpretation of Case-Zablocki, notification would not have to be made until after the agreement was entered into force. However, many of the agreements do not enter into force for years after they are signed. Congress wants to be informed about the significant agreements prior to that time. In general, these types of agreements would consist of any agreement which would: (1) significantly broaden our commitments with another country (regardless of duration of agreement); (2) concern co-production of weapons systems, transfers of defense equipment, cooperative research, development and testing of weapons systems;

(3) grant access to foreign military facilities, installations, or bases; (4) involve the deployment of the U.S. military forces; or (5) involve covert intelligence operations. Similarly, Congress expects that significant political undertakings should not be disguised as non-binding agreements in order to avoid Case-Zablocki's reporting requirements.

Effective foreign policy is not created in a vacuum whereby individually-requested briefings on narrowly-selected topics of interest will adequately explain the depth necessary for making important legislative decisions on how to fund the executive branch's foreign policy programs. Foreign policy is best conducted through a prolonged process of sharing objectives and information which leads to informed discussion and context, ultimately concluding in Congress' support of the President's initiatives.

In order to strictly enforce this provision, no funding may be made available during 2005-2007 for any international agreement if Congress is not notified pursuant to statute.

Sec. 7202—Establishment of Human Smuggling and Trafficking Center. The 9/11 Commission Report found that terrorist travel and facilitation issues should be further studied and emphasized in order to confront terrorists at their weakest points, when they travel.

The Secretary of State, the Secretary of Homeland Security and the Attorney General currently exchange information on human smuggling and trafficking through the interagency Human Smuggling and Trafficking Center ("The Center"). This section would specifically establish The Center and codify The Center's responsibilities.

The Center will increase integration and overall effectiveness in the U.S. Government's enforcement and other response efforts, and work with other governments to address the separate but related issues of alien smuggling, trafficking in persons, and smuggler support of clandestine terrorist travel. Migrant smuggling, clandestine terrorist travel and trafficking in persons are transnational issues that threaten national security.

The Center will continue to provide a mechanism to bring together all appropriate U.S. agency representatives from policy, law enforcement, intelligence and diplomatic areas to work together on a full-time basis to achieve increased effectiveness and to convert intelligence into effective law enforcement and other action.

The Center shall be supported by signatories to the original Memorandum of Understanding (in existence on October 1, 2004), which shall provide appropriate personnel, resources, and funding to the Center. All other appropriate U.S. law enforcement and intelligence agencies are encouraged to support The Center and its mission.

Participating agencies shall utilize The Center to: (1) facilitate broad dissemination of all-source information by serving as an information fusion center and clearinghouse; (2) prepare strategic assessments; (3) identify issues for interagency coordination or attention; (4) coordinate select initiatives and provide support; and (5) conduct related activities. The Center shall be governed by an inter-agency steering group in such a manner as agreed upon by the participating agencies.

All relevant U.S. agencies shall disseminate the information to the front-line personnel as appropriate.

Sec. 7203—Responsibilities and Functions of Consular Officers. This section consists of four parts aimed at increasing the resources

of the Department of State's Bureau of Consular Affairs and improving the training and operation of U.S. consular officers in detecting fraudulent documents and preventing the entry of terrorists.

Subsection (a) increases the number of consular officers from 65 (FY04 and FY05) to 150 per year for FY06–FY09. Since the 9/11 attacks, consular officers have changed their policy and now are required to interview almost all visa applicants between the ages of 14 and 80.

Subsection (b) places limitations on the use of foreign nationals to screen both immigrant visa and nonimmigrant visa applications by stating that all such applications shall be reviewed and adjudicated by a U.S. consular officer. This provision does not preclude the assistance of foreign nationals in the review of visa applications. However, it assures that a U.S. Government official is involved in the decision on such applications.

Subsection (c) requires that the training program for consular officers include training in detecting fraudulent documents and working directly with Department of Homeland Security immigration inspectors at ports of entry.

Subsection (d) requires the Secretary of State to conduct a survey to determine which consular posts have the greatest frequency of presentation of fraudulent documents. An anti-fraud specialist employed by the Department of State must be assigned to each such post unless the Department of Homeland Security has already assigned a person to the post who has both sufficient experience training and experience in the detection of fraudulent documents. This provision will provide consulates with expertise in the detection of fraudulent travel documents and other papers that are submitted by visa applicants as part of their immigrant visa or nonimmigrant visa applications.

Sec. 7204—International Agreements to Track and Curtail Terrorist Travel Through the Use of Fraudulently Obtained Documents. This section calls upon the President to lead efforts to reach international agreements to track and stop international travel by terrorists through the use of lost, stolen or falsified documents. Section 7204 states that one agreement should require the establishment of a system to share information on lost, stolen and fraudulent passports, the establishment of a real time verification system of passports with issuing authorities, the sharing of this information by governments with officials at ports of entry, and that parties to the agreement criminalize the production or use of fraudulent travel documents.

In addition, Section 7204 calls upon the United States to continue to support efforts at the International Civil Aviation Organization to strengthen the security features of passports and other travel documents.

Sec. 7205—International Standards for Transliteration of Names into the Roman Alphabet for International Travel Documents and Name-based Watch List System. This section is a sense of Congress that the President should seek to enter into an international agreement to modernize and improve standards for the translation of names into the Roman alphabet in order to ensure one common spelling for such names for international travel documents and name-based watch list systems.

Section 7205 is a direct result of findings of the 9/11 Commission. In its Report, the Commission found that the current lack of a single convention for transliterating Arabic names enabled the 19 hijackers to vary the spelling of their names to defeat name-based watch list systems and confuse any potential efforts to locate them. While the introduction of biometric identifiers may lessen this

problem, that process will take many years, and a name-based watch list system will always be useful. Therefore, a standardized way of translating names into the Roman alphabet should be a top priority.

Sec. 7206—Immigration Security Initiative. This section expands the Immigration Security Initiative, which is a Department of Homeland Security (DHS)-operated program that assists and trains airline personnel at foreign airports in identifying fraudulent travel documents. Currently, the Immigration Security Initiative is operating in two foreign airports. Section 7206 expands the program to include at least 50 additional foreign airports by December 31, 2006.

This section authorizes \$25,000,000 in FY 05, \$40,000,000 in FY 06, and \$40,000,000 in FY 07 to carry out the expansion of this program.

The program's objective is to identify and stop passengers, including potential terrorists, who seek to enter the United States using fraudulent documents. Stopping terrorists at foreign airports provides another line of defense in the U.S. Government's border security strategy. Further, as we saw with the shoe bomber, Richard Reid, preventing terrorists from even boarding a flight can forestall a terrorist attack.

Sec. 7209—Biometric Entry and Exit Data System. This section states that, consistent with the 9/11 Commission Report, Congress calls on the Secretary of the Department of Homeland Security to develop a plan to accelerate the full implementation of an automated entry and exit data system at U.S. ports of entry as required by existing law. The Secretary of Homeland Security must report to Congress on the plan no later than 180 days after the enactment of this legislation. Section 7209 requires the Secretary of Homeland Security to integrate the biometric entry and exit data system with other databases maintained by the United States Citizenship and Immigration Services that contain information on aliens. This section also calls for the Secretary of Homeland Security to implement a plan to expedite the processing of registered travelers at ports of entry.

Section 7209 also contains specific requirements and goals with respect to the entry-exit system, as well as additional reporting requirements on the part of the Department of Homeland Security and the Department of State.

Sec. 7211—Exchange of Terrorist Information and Increased Pre-Inspection at Foreign Airports. This section expands the pre-inspection program to at least 25 additional foreign airports. The additional locations should be operational by January 1, 2008. The pre-inspection program allows Department of Homeland Security immigration and customs inspectors to screen passengers at airports located outside the United States instead of inspecting them when they arrive at U.S. airports. This program is currently operating in eight airports in Canada, four in the Caribbean nations, and at airports in Shannon and Dublin, Ireland.

In addition, the selection criteria for pre-inspection locations is based on reducing the number of aliens who arrive to the United States who are inadmissible. Section 7211 changes the selection criteria for pre-inspection locations to include the objective of preventing the entry of potential terrorists and facilitate the travel of admissible aliens.

Section 7211 requires the Secretary of Homeland Security and the Secretary of State to submit a report to Congress on the progress being made in establishing these locations no later than June 30, 2006. Section 7211 also contains findings with respect to the exchange of terrorist information and pre-inspection at foreign airports. Subsection (c) of section 7211 requires a report

regarding the exchange of terrorist information.

The pre-inspection program allows U.S. Government officials to conduct a thorough screening outside the United States. Not only is this an important tool for preventing the entry of inadmissible aliens, but the pre-inspection program can also help prevent terrorists from boarding flights bound for our country.

Sec. 7217—Increase in Penalties for Fraud and Related Activity. This section amends section 1028 of Title 18 to increase penalties for the possession and transfer of fraudulent government identification documents that are used to further an international terrorist attack. Specifically, it increases the maximum term of imprisonment for the production, use or transfer of fraudulent government documents from 25 years to 30 years if the crime involving fraudulent government documents was used to facilitate an act of 14 international terrorism.

Sec. 7218—Study on Allegedly Lost or Stolen Passports. This section requires the Secretaries of State and Homeland Security to jointly conduct a study on the feasibility of establishing a system, in coordination with other countries, so that border and visa issuance officials will have access to real-time information on newly-issued passports to persons who alleged that their previous passports were lost or stolen. If developed, the system studied in Section 7218 will assist consular officers and immigration inspectors in preventing the movement of terrorists who obtain new passports to hide indicators of travel to certain countries. This study must be completed by May 31, 2005.

The 9/11 Commission found that three of the 9/11 hijackers, including Mohammed Atta, obtained new passports prior to seeking visas to enter the U.S., possibly to eliminate evidence regarding their previous travel. Each claimed that his old passport had been lost.

Sec. 7219—Establishment of Visa and Passport Security Program in the Department of State. This section establishes a Visa and Passport Security Program within the Bureau of Diplomatic Security of the Department of State. The Assistant Secretary for Diplomatic Security will designate an individual, who has experience in the investigation and prosecution of visa and passport fraud, to be in charge of this Program.

Section 7219 will require the Assistant Secretary of Diplomatic Security, in coordination with officials of the Bureau of Consular Affairs, the Coordinator of Counterterrorism, the National Counterterrorism Center and the Department of Homeland Security, to develop a strategic plan to target and disrupt individuals and organizations that are involved in document fraud. The objective of the Visa and Passport Security Program is to increase awareness within the Department of State regarding document fraud crimes and their links to terrorism.

Mr. CONYERS. Mr. Speaker, earlier this year, the 9–11 Commission reached across the partisan divide and came up with a unanimous agreement. Ten members, five Democrats and five Republicans, held countless hearings and issued a well-written report with well-reasoned recommendations.

To the disappointment of partisans, the Commission refused to divert itself with election-year political considerations, declining to cast blame on this Administration or its predecessors. The Senate, almost evenly split between Republicans and Democrats, followed the Commission's example by taking up a bipartisan bill, authored by Senators McCAIN, LIEBERMAN and COLLINS.

Today, at last, the House has seen fit to follow this fine example. The product we have before us is the product of extensive negotiations, that included all parties Democrats and Republicans.

My Democratic colleagues on the conference deserve credit for their determination and hard work. I want to offer praise for the work of Ranking Member HARMAN and her staff. They have been steadfast.

I want to offer particular praise across the aisle to my Republican colleagues who have worked so hard on this bill: my colleague from Michigan, Chairman HOEKSTRA, Mr. SHAYS and the Speaker of the House and his Chief of Staff.

Like any product of compromise, this bill falls far short of what any of us would consider perfect. Some of my Republican colleagues wanted extraneous immigration provisions that would penalize victims of torture and asylum seekers. Those are not in this bill. Others did not want a board to oversee violations of privacy and civil liberties. That is in the bill, albeit in significantly weakened form.

I did not want any additions to the Patriot Act. One provision, on material support for alleged terrorist organizations, is in the bill. Like other provisions of the Patriot Act, it sunsets in two years.

For both sides, there will be time for oversight of the provisions they did not want. I predict the next Congress will see a substantial debate about the Patriot Act, what should be renewed in it and what should be allowed to expire.

But today, we have a product that keeps faith with the 9–11 Commission and the 9–11 families that worked so hard to make this legislation happen.

First and foremost, this bill represents a truly comprehensive 9–11 reform bill. Second, the approach outlined in the substitute has been endorsed by members of the 9–11 Commission and the family members of the 9–11 victims. Third, the substitute includes strong budgetary authority for the newly created National Intelligence Director, and targets terrorist traveling, as recommended by the 9–11 Commission.

The choice today is clear. We can either choose the status quo—a broken system of competing intelligence bottlenecks or a positive and promising reform. I urge my colleagues to vote for this bill. Our number one priority is to protect the American people and this bill is a step in the right direction.

Mr. BACA. Mr. Speaker, I rise in support of this legislation.

It has been over 3 years since the September 11 attacks on America. The American people cannot wait any longer for intelligence reform.

I voted against the original version of this bill, because although it made strides to protect our Homeland, it failed to protect our civil liberties.

I am pleased that the version of the bill before us today has fixed these problems. We now have comprehensive intelligence reform that protects our homeland and our constitutional rights.

If House Republicans wish to discuss immigration reform, I welcome that debate. But that is not the task that was laid out for us by the 9/11 Commission.

I am also pleased to say that this bill includes language I introduced in the Financial

Services Committee to encourage private sector anti-terrorism preparedness. The private sector controls 85 percent of the critical infrastructure in this country.

On 9/11 it became clear that the private sector is one of the first lines of defense in preventing and responding to terrorist attacks. There are steps businesses can take to protect office buildings against terrorist attacks, to ensure that escape procedures are in place and to speed up recovery and communications.

By encouraging private sector preparedness, we are taking a giant step towards making America safer.

Mr. Speaker, today we have a choice. We can either pass this bill, or we can choose to do nothing. If we do nothing, our country will be left with the same intelligence system that failed us on September 11. The same intelligence system that allowed terrorists to live in our country unnoticed for months, plotting an attack on Americans. This is unacceptable. We cannot allow another September 11 to occur.

We must pass this legislation today. We owe it to the families of the 9/11 victims, we owe it to America, and we owe it to ourselves.

My only regret about this legislation is that it has taken us 3 years to pass it.

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. HOYER

Mr. HOYER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. HOYER. At the present time I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Hoyer moves to recommit the conference report on the bill S. 2845 to the committee of conference.

The SPEAKER pro tempore. The motion is not debatable.

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

Mr. STEARNS. Mr. Speaker, I demand a recorded vote.

A recorded vote was rejected.

So the motion to recommit was rejected.

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.

RECORDED VOTE

Mr. HOEKSTRA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 336, noes 75, not voting 22, as follows:

[Roll No. 544]

AYES—336

Ackerman	Filner	Markey
Akin	Foley	Marshall
Alexander	Ford	Matheson
Allen	Fossella	Matsui
Andrews	Frank (MA)	McCarthy (MO)
Baca	Franks (AZ)	McCarthy (NY)
Baird	Frelinghuysen	McCollum
Baker	Frost	McCotter
Baldwin	Garrett (NJ)	McCreery
Bass	Gephardt	McGovern
Beauprez	Gerlach	McHugh
Becerra	Gibbons	McIntyre
Berkley	Gilchrest	McKeon
Berman	Gillmor	McNulty
Berry	Gonzalez	Meehan
Biggett	Goodlatte	Meek (FL)
Bilirakis	Granger	Meeks (NY)
Bishop (GA)	Graves	Menendez
Bishop (NY)	Green (TX)	Mica
Blumenauer	Greenwood	Michaud
Blunt	Grijalva	Millender-
Boehner	Gutierrez	McDonald
Bonilla	Hall	Miller (FL)
Bonner	Harman	Miller (MI)
Boucher	Harris	Miller (NC)
Boyd	Hart	Miller, George
Bradley (NH)	Hastert	Moore
Brady (PA)	Hastings (WA)	Moran (KS)
Brady (TX)	Hayes	Moran (VA)
Brown (OH)	Hensarling	Murphy
Brown (SC)	Herger	Murphy
Brown, Corrine	Herse	Nadler
Burns	Hill	Napolitano
Burton (IN)	Hinche	Neal (MA)
Butterfield	Hinojosa	Nethercutt
Buyer	Hobson	Ney
Cantor	Hoefel	Northup
Capito	Hoekstra	Nunes
Capps	Holden	Nussle
Capuano	Holt	Olver
Cardin	Honda	Ortiz
Cardoza	Hoolley (OR)	Osborne
Carson (IN)	Hoyer	Owens
Carson (OK)	Hulshof	Oxley
Carter	Hunter	Pallone
Castle	Hyde	Pascarell
Chandler	Inslee	Pastor
Chocola	Isakson	Pearce
Clay	Israel	Pelosi
Clyburn	Jackson (IL)	Pence
Cole	Jackson-Lee	Peterson (MN)
Conyers	(TX)	Peterson (PA)
Cooper	Jefferson	Petri
Costello	John	Pickering
Cox	Johnson (CT)	Platts
Cramer	Johnson (IL)	Pomeroy
Crenshaw	Johnson, E. B.	Porter
Crowley	Kanjorski	Portman
Cummings	Kaptur	Price (NC)
Cunningham	Keller	Pryce (OH)
Davis (CA)	Kelly	Putnam
Davis (IL)	Kennedy (MN)	Quinn
Davis (TN)	Kennedy (RI)	Ramstad
Davis, Tom	Kildee	Rangel
DeFazio	Kilpatrick	Regula
DeGette	Kind	Renzi
Delahunt	King (NY)	Reyes
DeLauro	Kirk	Reynolds
DeLay	Kleczka	Rodriguez
DeMint	Kline	Rogers (AL)
Deutsch	Knollenberg	Rogers (KY)
Diaz-Balart, L.	Kolbe	Rogers (MI)
Diaz-Balart, M.	Lampson	Ros-Lehtinen
Dicks	Langevin	Ross
Dingell	Lantos	Rothman
Doggett	Larsen (WA)	Roybal-Allard
Doolittle	Larson (CT)	Ruppersberger
Doyle	Latham	Rush
Dreier	LaTourette	Ryan (OH)
Dunn	Leach	Ryan (WI)
Edwards	Lee	Ryan (KS)
Ehlers	Levin	Sánchez, Linda
Emanuel	Lewis (CA)	T.
Emerson	Lewis (GA)	Sanchez, Loretta
Engel	Linder	Sanders
English	LoBiondo	Sandlin
Eshoo	Lofgren	Saxton
Etheridge	Lowey	Schakowsky
Evans	Lynch	Schiff
Farr	Majette	Schrock
Ferguson	Maloney	Scott (GA)

Scott (VA)	Strickland	Velázquez
Serrano	Stupak	Visclosky
Sessions	Tanner	Vitter
Shadegg	Tauscher	Walden (OR)
Shaw	Tauzin	Walsh
Shays	Taylor (MS)	Waters
Sherman	Terry	Watson
Sherwood	Thomas	Watt
Shimkus	Thompson (CA)	Waxman
Shuster	Thompson (MS)	Weiner
Simmons	Thornberry	Weldon (PA)
Skelton	Tiahrt	Weller
Slaughter	Tiberi	Wexler
Smith (NJ)	Tierney	Whitfield
Smith (WA)	Toomey	Wicker
Snyder	Towns	Wilson (NM)
Solis	Turner (OH)	Wilson (SC)
Souder	Turner (TX)	Wolf
Spratt	Udall (CO)	Woolsey
Stark	Udall (NM)	Wu
Stearns	Upton	Wynn
Stenholm	Van Hollen	Young (FL)

NOES—75

Aderholt	Forbes	Murtha
Bachus	Gallely	Myrick
Barrett (SC)	Gingrey	Neugebauer
Bartlett (MD)	Goode	Oberstar
Barton (TX)	Gordon	Obey
Bishop (UT)	Green (WI)	Ose
Blackburn	Gutknecht	Otter
Bono	Hayworth	Paul
Boozman	Hefley	Pitts
Brown-Waite,	Hostettler	Pombo
Ginny	Issa	Radanovich
Burgess	Istook	Rehberg
Calvert	Jenkins	Rohrabacher
Camp	Johnson, Sam	Royce
Chabot	Jones (NC)	Sabo
Coble	King (IA)	Sensenbrenner
Collins	Kingston	Simpson
Crane	Kucinich	Smith (TX)
Cubin	LaHood	Sullivan
Culberson	Lewis (KY)	Sweeney
Davis, Jo Ann	Lucas (OK)	Tancredo
Deal (GA)	Manzullo	Taylor (NC)
Duncan	McDermott	Wamp
Everett	McInnis	Weldon (FL)
Feeney	Miller, Gary	
Flake	Mollohan	

NOT VOTING—22

Abercrombie	Davis (AL)	Lucas (KY)
Ballenger	Davis (FL)	Norwood
Bell	Dooley (CA)	Payne
Boehlert	Fattah	Rahall
Boswell	Hastings (FL)	Smith (MI)
Burr	Houghton	Young (AK)
Cannon	Jones (OH)	
Case	Lipinski	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1938

Mrs. CAPPS changed her vote from “no” to “aye.”

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PAYNE. Mr. Speaker, I was unavoidably absent for consideration of the Conference Report on S. 2845, the 9/11 Implementation Act. I have been a strong supporter of this legislation, and had I been present, I would have voted in favor of the bill.

PROVIDING FOR PRINTING AND BINDING OF REVISED RULES AND MANUAL OF HOUSE OF REPRESENTATIVES

Mr. DELAY. Mr. Speaker, I offer a resolution (H. Res. 871) providing for the printing of a revised edition of the

Rules and Manual of the House of Representatives for the One Hundred Ninth Congress, and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 871

Resolved, That a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Ninth Congress be printed as a House document, and that three thousand additional copies shall be printed and bound for the use of the House of Representatives, of which nine hundred copies shall be bound in leather with thumb index and delivered as may be directed by the Parliamentarian of the House.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF COMMITTEE OF TWO MEMBERS TO INFORM PRESIDENT THAT THE TWO HOUSES HAVE COMPLETED THEIR BUSINESS OF THE SESSION

Mr. DELAY. Mr. Speaker, I offer a privileged resolution (H. Res. 872) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 872

Resolved, That a committee of two Members be appointed by the House to join a similar committee appointed by the Senate, to wait upon the President of the United States and inform him that the two Houses have completed their business of the session and are ready to adjourn, unless the President has some other communication to make to them.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF MEMBERS TO COMMITTEE TO INFORM PRESIDENT THAT THE TWO HOUSES HAVE COMPLETED THEIR BUSINESS OF THE SESSION AND ARE READY TO ADJOURN

The SPEAKER. Pursuant to House Resolution 872, the Chair appoints the following Members of the House to the Committee to notify the President:

The gentleman from Texas, Mr. DELAY;

The gentlewoman from California, Ms. PELOSI.

AUTHORIZING CHAIRMAN AND RANKING MINORITY MEMBER OF EACH STANDING COMMITTEE AND SUBCOMMITTEE TO EXTEND REMARKS IN RECORD

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the chairman and ranking minority member of each standing committee and each subcommittee be permitted to extend

their remarks in the RECORD, up to and including the RECORD's last publication, and to include a summary of the work of that committee or subcommittee.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO REVISE AND EXTEND REMARKS IN CONGRESSIONAL RECORD UNTIL LAST EDITION IS PUBLISHED

Mr. DELAY. Mr. Speaker, I ask unanimous consent that Members may have until publication of the last edition of the CONGRESSIONAL RECORD authorized for the second session of the 108th Congress by the Joint Committee on Printing to revise and extend their remarks and to include brief, related extraneous material on any matter occurring before the adjournment of the second session sine die.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

APPOINTMENT OF HONORABLE WAYNE T. GILCHREST OR HONORABLE TOM DAVIS OF VIRGINIA TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH REMAINDER OF SECOND SESSION OF 108TH CONGRESS

The Speaker laid before the House the following communication:

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 7, 2004.

I hereby appoint the Honorable WAYNE T. GILCHREST or, if he is not available to perform this duty, the Honorable TOM DAVIS to act as Speaker pro tempore to sign enrolled bills and joint resolutions through the remainder of the second session of the One Hundred Eighth Congress.

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

The SPEAKER. Without objection, the appointment is approved.

There was no objection.

PROVIDING FOR SINE DIE ADJOURNMENT OF SECOND SESSION OF 108TH CONGRESS

Mr. DELAY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 531) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 531

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Tuesday, December 7, 2004, through Friday, December 10, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant

to section 2 of this concurrent resolution; and that when the Senate adjourns on any day from Tuesday, December 7, 2004, through Saturday, December 11, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CONDITIONAL ADJOURNMENT TO FRIDAY, DECEMBER 10, 2004

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Friday, December 10, 2004, unless it sooner has received a message from the Senate transmitting its concurrence in H. Con. Res. 531, in which case the House shall stand adjourned sine die pursuant to that concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

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

Mr. HOEKSTRA submitted the following conference report and statement on 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:

CONFERENCE REPORT (H. REPT. 108-798)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to 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, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Intelligence Authorization Act for Fiscal Year 2005".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.

Sec. 102. Classified schedule of authorizations.

Sec. 103. Personnel ceiling adjustments.

Sec. 104. Intelligence Community Management Account.

Sec. 105. Incorporation of reporting requirements.

Sec. 106. Specific authorization of funds for intelligence or intelligence-related activities for which fiscal year 2004 appropriations exceed amounts authorized.

Sec. 107. Preparation and submittal of reports, reviews, studies, and plans relating to intelligence activities of Department of Defense and Department of Energy.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.

Sec. 302. Restriction on conduct of intelligence activities.

Sec. 303. Chief Information Officer.

Sec. 304. Improvement of authorities relating to National Virtual Translation Center.

Sec. 305. Intelligence assessment on sanctuaries for terrorists.

Sec. 306. Sense of Congress on availability to Congress of information on Iraq Oil-For-Food Program of the United Nations.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. Permanent extension of Central Intelligence Agency voluntary separation incentive program.

Sec. 402. Intelligence operations and cover enhancement authority.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE MATTERS

Sec. 501. National Security Agency Emerging Technologies Panel.

Sec. 502. Use of funds for counterdrug and counterterrorism activities for Colombia.

TITLE VI—EDUCATION

Subtitle A—National Security Education Program

Sec. 601. Annual funding.

Sec. 602. Improvements to National Flagship Language Initiative.

Sec. 603. Scholarship program for English language studies for heritage community citizens of the United States within National Security Education Program.

Subtitle B—Improvement in Intelligence Community Foreign Language Skills

Sec. 611. Foreign language proficiency for certain senior level positions in the Central Intelligence Agency.

Sec. 612. Advancement of foreign languages critical to the intelligence community.

Sec. 613. Pilot project on Civilian Linguist Reserve Corps.

Sec. 614. Report on status, consolidation, and improvement of intelligence education programs.

Sec. 615. Report on recruitment and retention of qualified instructors of the Defense Language Institute.

TITLE VII—TERRORISM MATTERS

Sec. 701. Information on terrorist groups that seek weapons of mass destruction and groups that have been designated as foreign terrorist organizations.

TITLE VIII—OTHER MATTERS

Sec. 801. Effective date.

Sec. 802. Construction of references to Director of Central Intelligence.

Sec. 803. Savings provisions relating to discharge of certain functions and authorities.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2005 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.

(2) The Department of Defense.

(3) The Defense Intelligence Agency.

(4) The National Security Agency.

(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(6) The Department of State.

(7) The Department of the Treasury.

(8) The Department of Energy.

(9) The Department of Justice.

(10) The Federal Bureau of Investigation.

(11) The National Reconnaissance Office.

(12) The National Geospatial-Intelligence Agency.

(13) The Coast Guard.

(14) The Department of Homeland Security.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2005, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill H.R. 4548 of the One Hundred Eighth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2005 under section 102 when the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 2 percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall promptly notify the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives whenever the Director exercises the authority granted by this section.

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2005 the sum of \$310,466,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2006.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 310 full-time personnel

as of September 30, 2005. Personnel serving in such elements may be permanent employees of the Intelligence Community Management Account or personnel detailed from other elements of the United States Government.

(c) **CLASSIFIED AUTHORIZATIONS.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are also authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2005 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for research and development shall remain available until September 30, 2006.

(2) **AUTHORIZATION OF PERSONNEL.**—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2005, there are also authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

(d) **REIMBURSEMENT.**—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2005 any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Intelligence Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a non-reimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of National Intelligence.

(e) **NATIONAL DRUG INTELLIGENCE CENTER.**—

(1) **IN GENERAL.**—Of the amount authorized to be appropriated in subsection (a), \$42,322,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, testing, and evaluation purposes shall remain available until September 30, 2006, and funds provided for procurement purposes shall remain available until September 30, 2007.

(2) **TRANSFER OF FUNDS.**—The Director of National Intelligence shall transfer to the Attorney General funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for the activities of the National Drug Intelligence Center.

(3) **LIMITATION.**—Amounts available for the National Drug Intelligence Center may not be used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403-3(d)(1)).

(4) **AUTHORITY.**—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the National Drug Intelligence Center.

SEC. 105. INCORPORATION OF REPORTING REQUIREMENTS.

(a) **IN GENERAL.**—Each requirement to submit a report to the congressional intelligence committees that is included in the joint explanatory statement to accompany the conference report on the bill H.R. 4548 of the One Hundred Eighth Congress, or in the classified annex to this Act, is hereby incorporated into this Act, and is hereby made a requirement in law.

(b) **CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.**—In this section, the term “congressional intelligence committees” means—

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

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 106. SPECIFIC AUTHORIZATION OF FUNDS FOR INTELLIGENCE OR INTELLIGENCE-RELATED ACTIVITIES FOR WHICH FISCAL YEAR 2004 APPROPRIATIONS EXCEED AMOUNTS AUTHORIZED.

Funds appropriated for an intelligence or intelligence-related activity of the United States

Government for fiscal year 2004 in excess of the amount specified for such activity in the classified Schedule of Authorizations prepared to accompany the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108-177; 117 Stat. 2599) shall be deemed to be specifically authorized by Congress for purposes of section 504(a)(3) of the National Security Act of 1947 (50 U.S.C. 414(a)(3)). Such funds shall remain available until September 30, 2005.

SEC. 107. PREPARATION AND SUBMITTAL OF REPORTS, REVIEWS, STUDIES, AND PLANS RELATING TO INTELLIGENCE ACTIVITIES OF DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY.

(a) **CONSULTATION IN PREPARATION.**—(1) The Director of National Intelligence shall ensure that any report, review, study, or plan required to be prepared or conducted by a provision of this Act, including a provision of the classified Schedule of Authorizations referred to in section 102(a) or the classified annex to this Act, that involves the intelligence or intelligence-related activities of the Department of Defense or the Department of Energy is prepared or conducted in consultation with the Secretary of Defense or the Secretary of Energy, as appropriate.

(2) The Secretary of Defense or the Secretary of Energy may carry out any consultation required by this subsection through an official of the Department of Defense or the Department of Energy, as the case may be, designated by such Secretary for that purpose.

(b) **SUBMITTAL.**—Any report, review, study, or plan referred to in subsection (a) shall be submitted, in addition to any other committee of Congress specified for submittal in the provision concerned, to the following committees or subcommittees of Congress, as appropriate:

(1) The Committee on Armed Services, the Subcommittee on Defense of the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services, the Subcommittee on Defense of the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2005 the sum of \$239,400,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. CHIEF INFORMATION OFFICER.

(a) **ESTABLISHMENT.**—(1) Title I of the National Security Act of 1947, as amended by section 1011(a) of the National Security Intelligence Reform Act of 2004, is further amended by inserting after section 103F the following new section:

“CHIEF INFORMATION OFFICER

“SEC. 103G. (a) **CHIEF INFORMATION OFFICER.**—To assist the Director of National Intelligence in carrying out the responsibilities of the Director under this Act and other applicable

provisions of law, there shall be within the Office of the Director of National Intelligence a Chief Information Officer who shall be appointed by the President, by and with the advice and consent of the Senate.

“(b) **CHIEF INFORMATION OFFICER OF INTELLIGENCE COMMUNITY.**—The Chief Information Officer shall serve as the chief information officer of the intelligence community.

“(c) **DUTIES AND RESPONSIBILITIES.**—Subject to the direction of the Director of National Intelligence, the Chief Information Officer shall—

“(1) manage activities relating to the information technology infrastructure and enterprise architecture requirements of the intelligence community;

“(2) have procurement approval authority over all information technology items related to the enterprise architectures of all intelligence community components;

“(3) direct and manage all information technology-related procurement for the intelligence community; and

“(4) ensure that all expenditures for information technology and research and development activities are consistent with the intelligence community enterprise architecture and the strategy of the Director for such architecture.

“(d) **PROHIBITION ON SIMULTANEOUS SERVICE AS OTHER CHIEF INFORMATION OFFICER.**—An individual serving in the position of Chief Information Officer may not, while so serving, serve as the chief information officer of any other department or agency, or component thereof, of the United States Government.”

(2) The table of contents in the first section of the National Security Act of 1947, as amended by the National Security Intelligence Reform Act of 2004, is further amended by inserting after the item relating to section 103F the following new item:

“Sec. 103G. Chief Information Officer.”

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the effective date of the National Security Intelligence Reform Act of 2004, as provided in section 801 of this Act.

SEC. 304. IMPROVEMENT OF AUTHORITIES RELATING TO NATIONAL VIRTUAL TRANSLATION CENTER.

(a) **FUNCTION OF CENTER.**—Section 313 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 116 Stat. 2391; 50 U.S.C. 404n) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) **FUNCTION.**—The element established under subsection (a) shall provide for timely and accurate translations of foreign intelligence for all elements of the intelligence community through—

“(1) the integration of the translation capabilities of the intelligence community;

“(2) the use of remote-connection capabilities; and

“(3) the use of such other capabilities as the Director considers appropriate.”

(b) **LOCATION OF DISCHARGE OF FUNCTION.**—Subsection (d) of such section, as so redesignated, is amended by adding at the end the following new paragraph:

“(3) Personnel of the element established under subsection (a) may carry out the duties and functions of the element at any location that—

“(A) has been certified as a secure facility by a department or agency of the United States Government; or

“(B) the Director has otherwise determined to be appropriate for such duties and functions”.

SEC. 305. INTELLIGENCE ASSESSMENT ON SANCTUARIES FOR TERRORISTS.

(a) **ASSESSMENT REQUIRED.**—Not later than the date specified in subsection (b), the Director of National Intelligence shall submit to Congress

an intelligence assessment that identifies and describes each country or region that is a sanctuary for terrorists or terrorist organizations. The assessment shall be based on current all-source intelligence.

(b) **SUBMITTAL DATE.**—The date of the submittal of the intelligence assessment required by subsection (a) shall be the earlier of—

- (1) the date that is six months after the date of the enactment of this Act; or
- (2) June 1, 2005.

SEC. 306. SENSE OF CONGRESS ON AVAILABILITY TO CONGRESS OF INFORMATION ON IRAQ OIL-FOR-FOOD PROGRAM OF THE UNITED NATIONS.

It is the sense of Congress that the head of each element of the intelligence community, including the Central Intelligence Agency, the Federal Bureau of Investigation, and the intelligence elements of the Department of Defense, the Department of State, and the Department of the Treasury should make available to any committee of Congress with jurisdiction over matters relating to the Office of the Iraq Oil-for-Food Program of the United Nations, upon the request of such committee, any information and documents in the possession or control of such element in connection with any investigation of that Office by such committee.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. PERMANENT EXTENSION OF CENTRAL INTELLIGENCE AGENCY VOLUNTARY SEPARATION INCENTIVE PROGRAM.

(a) **IN GENERAL.**—Section 2 of the Central Intelligence Agency Voluntary Separation Pay Act (50 U.S.C. 403-4 note) is amended—

- (1) by striking subsection (f); and
- (2) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(b) **TERMINATION OF FUNDS REMITTANCE REQUIREMENT.**—(1) Section 2 of such Act is further amended by striking subsection (i).

(2) Section 4(a)(2)(B)(ii) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 8331 note) is amended by striking “, or section 2 of the Central Intelligence Agency Voluntary Separation Pay Act (Public Law 103-36; 107 Stat. 104)”.

SEC. 402. INTELLIGENCE OPERATIONS AND COVER ENHANCEMENT AUTHORITY.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end the following:

“INTELLIGENCE OPERATIONS AND COVER ENHANCEMENT AUTHORITY

“SEC. 23. (a) DEFINITIONS.—In this section—

“(1) the term ‘designated employee’ means an employee designated by the Director of the Central Intelligence Agency under subsection (b); and

“(2) the term ‘Federal retirement system’ includes the Central Intelligence Agency Retirement and Disability System, and the Federal Employees’ Retirement System (including the Thrift Savings Plan).

“(b) IN GENERAL.—

“(1) AUTHORITY.—Notwithstanding any other provision of law, the Director of the Central Intelligence Agency may exercise the authorities under this section in order to—

“(A) protect from unauthorized disclosure—

- “(i) intelligence operations;
 - “(ii) the identities of undercover intelligence officers;
 - “(iii) intelligence sources and methods; or
 - “(iv) intelligence cover mechanisms; or
- “(B) meet the special requirements of work related to collection of foreign intelligence or other authorized activities of the Agency.

“(2) DESIGNATION OF EMPLOYEES.—The Director of the Central Intelligence Agency may designate any employee of the Agency who is under nonofficial cover to be an employee to whom this section applies. Such designation may be made with respect to any or all authorities exercised under this section.

“(c) COMPENSATION.—The Director of the Central Intelligence Agency may pay a designated employee salary, allowances, and other benefits in an amount and in a manner consistent with the nonofficial cover of that employee, without regard to any limitation that is otherwise applicable to a Federal employee. A designated employee may accept, utilize, and, to the extent authorized by regulations prescribed under subsection (i), retain any salary, allowances, and other benefits provided under this section.

“(d) RETIREMENT BENEFITS.—

“(1) IN GENERAL.—The Director of the Central Intelligence Agency may establish and administer a nonofficial cover employee retirement system for designated employees (and the spouse, former spouses, and survivors of such designated employees). A designated employee may not participate in the retirement system established under this paragraph and another Federal retirement system at the same time.

“(2) CONVERSION TO OTHER FEDERAL RETIREMENT SYSTEM.—

“(A) IN GENERAL.—A designated employee participating in the retirement system established under paragraph (1) may convert to coverage under the Federal retirement system which would otherwise apply to that employee at any appropriate time determined by the Director of the Central Intelligence Agency (including at the time of separation of service by reason of retirement), if the Director of the Central Intelligence Agency determines that the employee’s participation in the retirement system established under this subsection is no longer necessary to protect from unauthorized disclosure—

- “(i) intelligence operations;
- “(ii) the identities of undercover intelligence officers;
- “(iii) intelligence sources and methods; or
- “(iv) intelligence cover mechanisms.

“(B) CONVERSION TREATMENT.—Upon a conversion under this paragraph—

“(i) all periods of service under the retirement system established under this subsection shall be deemed periods of creditable service under the applicable Federal retirement system;

“(ii) the Director of the Central Intelligence Agency shall transmit an amount for deposit in any applicable fund of that Federal retirement system that—

“(I) is necessary to cover all employee and agency contributions including—

- “(aa) interest as determined by the head of the agency administering the Federal retirement system into which the employee is converting; or
- “(bb) in the case of an employee converting into the Federal Employees’ Retirement System, interest as determined under section 8334(e) of title 5, United States Code; and

“(II) ensures that such conversion does not result in any unfunded liability to that fund; and

“(iii) in the case of a designated employee who participated in an employee investment retirement system established under paragraph (1) and is converted to coverage under subchapter III of chapter 84 of title 5, United States Code, the Director of the Central Intelligence Agency may transmit any or all amounts of that designated employee in that employee investment retirement system (or similar part of that retirement system) to the Thrift Savings Fund.

“(C) TRANSMITTED AMOUNTS.—

“(i) **IN GENERAL.**—Amounts described under subparagraph (B)(ii) shall be paid from the fund or appropriation used to pay the designated employee.

“(ii) **OFFSET.**—The Director of the Central Intelligence Agency may use amounts contributed by the designated employee to a retirement system established under paragraph (1) to offset amounts paid under clause (i).

“(D) RECORDS.—The Director of the Central Intelligence Agency shall transmit all necessary records relating to a designated employee who converts to a Federal retirement system under

this paragraph (including records relating to periods of service which are deemed to be periods of creditable service under subparagraph (B)) to the head of the agency administering that Federal retirement system.

“(e) HEALTH INSURANCE BENEFITS.—

“(1) IN GENERAL.—The Director of the Central Intelligence Agency may establish and administer a nonofficial cover employee health insurance program for designated employees (and the family of such designated employees). A designated employee may not participate in the health insurance program established under this paragraph and the program under chapter 89 of title 5, United States Code, at the same time.

“(2) CONVERSION TO FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.—

“(A) IN GENERAL.—A designated employee participating in the health insurance program established under paragraph (1) may convert to coverage under the program under chapter 89 of title 5, United States Code, at any appropriate time determined by the Director of the Central Intelligence Agency (including at the time of separation of service by reason of retirement), if the Director of the Central Intelligence Agency determines that the employee’s participation in the health insurance program established under this subsection is no longer necessary to protect from unauthorized disclosure—

- “(i) intelligence operations;
- “(ii) the identities of undercover intelligence officers;
- “(iii) intelligence sources and methods; or
- “(iv) intelligence cover mechanisms.

“(B) CONVERSION TREATMENT.—Upon a conversion under this paragraph—

“(i) the employee (and family, if applicable) shall be entitled to immediate enrollment and coverage under chapter 89 of title 5, United States Code;

“(ii) any requirement of prior enrollment in a health benefits plan under chapter 89 of that title for continuation of coverage purposes shall not apply;

“(iii) the employee shall be deemed to have had coverage under chapter 89 of that title from the first opportunity to enroll for purposes of continuing coverage as an annuitant; and

“(iv) the Director of the Central Intelligence Agency shall transmit an amount for deposit in the Employees’ Health Benefits Fund that is necessary to cover any costs of such conversion.

“(C) TRANSMITTED AMOUNTS.—Any amount described under subparagraph (B)(iv) shall be paid from the fund or appropriation used to pay the designated employee.

“(f) LIFE INSURANCE BENEFITS.—

“(1) IN GENERAL.—The Director of the Central Intelligence Agency may establish and administer a nonofficial cover employee life insurance program for designated employees (and the family of such designated employees). A designated employee may not participate in the life insurance program established under this paragraph and the program under chapter 87 of title 5, United States Code, at the same time.

“(2) CONVERSION TO FEDERAL EMPLOYEES GROUP LIFE INSURANCE PROGRAM.—

“(A) IN GENERAL.—A designated employee participating in the life insurance program established under paragraph (1) may convert to coverage under the program under chapter 87 of title 5, United States Code, at any appropriate time determined by the Director of the Central Intelligence Agency (including at the time of separation of service by reason of retirement), if the Director of the Central Intelligence Agency determines that the employee’s participation in the life insurance program established under this subsection is no longer necessary to protect from unauthorized disclosure—

- “(i) intelligence operations;
- “(ii) the identities of undercover intelligence officers;
- “(iii) intelligence sources and methods; or
- “(iv) intelligence cover mechanisms.

“(B) CONVERSION TREATMENT.—Upon a conversion under this paragraph—

“(i) the employee (and family, if applicable) shall be entitled to immediate coverage under chapter 87 of title 5, United States Code;

“(ii) any requirement of prior enrollment in a life insurance program under chapter 87 of that title for continuation of coverage purposes shall not apply;

“(iii) the employee shall be deemed to have had coverage under chapter 87 of that title for the full period of service during which the employee would have been entitled to be insured for purposes of continuing coverage as an annuitant; and

“(iv) the Director of the Central Intelligence Agency shall transmit an amount for deposit in the Employees' Life Insurance Fund that is necessary to cover any costs of such conversion.

“(C) TRANSMITTED AMOUNTS.—Any amount described under subparagraph (B)(iv) shall be paid from the fund or appropriation used to pay the designated employee.

“(g) EXEMPTION FROM CERTAIN REQUIREMENTS.—The Director of the Central Intelligence Agency may exempt a designated employee from mandatory compliance with any Federal regulation, rule, standardized administrative policy, process, or procedure that the Director of the Central Intelligence Agency determines—

“(1) would be inconsistent with the nonofficial cover of that employee; and

“(2) could expose that employee to detection as a Federal employee.

“(h) TAXATION AND SOCIAL SECURITY.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, a designated employee—

“(A) shall file a Federal or State tax return as if that employee is not a Federal employee and may claim and receive the benefit of any exclusion, deduction, tax credit, or other tax treatment that would otherwise apply if that employee was not a Federal employee, if the Director of the Central Intelligence Agency determines that taking any action under this paragraph is necessary to—

“(i) protect from unauthorized disclosure—

“(I) intelligence operations;

“(II) the identities of undercover intelligence officers;

“(III) intelligence sources and methods; or

“(IV) intelligence cover mechanisms; and

“(ii) meet the special requirements of work related to collection of foreign intelligence or other authorized activities of the Agency; and

“(B) shall receive social security benefits based on the social security contributions made.

“(2) INTERNAL REVENUE SERVICE REVIEW.—The Director of the Central Intelligence Agency shall establish procedures to carry out this subsection. The procedures shall be subject to periodic review by the Internal Revenue Service.

“(i) REGULATIONS.—The Director of the Central Intelligence Agency shall prescribe regulations to carry out this section. The regulations shall ensure that the combination of salary, allowances, and benefits that an employee designated under this section may retain does not significantly exceed, except to the extent determined by the Director of the Central Intelligence Agency to be necessary to exercise the authority in subsection (b), the combination of salary, allowances, and benefits otherwise received by Federal employees not designated under this section.

“(j) FINALITY OF DECISIONS.—Any determinations authorized by this section to be made by the Director of the Central Intelligence Agency or the Director's designee shall be final and conclusive and shall not be subject to review by any court.

“(k) SUBSEQUENTLY ENACTED LAWS.—No law enacted after the effective date of this section shall affect the authorities and provisions of this section unless such law specifically refers to this section.”.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE MATTERS

SEC. 501. NATIONAL SECURITY AGENCY EMERGING TECHNOLOGIES PANEL.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following new section:

“SEC. 19. (a) There is established the National Security Agency Emerging Technologies Panel. The Panel is a standing panel of the National Security Agency. The Panel shall be appointed by, and shall report directly to, the Director of the National Security Agency.

“(b) The Panel shall study and assess, and periodically advise the Director on, the research, development, and application of existing and emerging science and technology advances, advances in encryption, and other topics.

“(c) The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Panel.”.

SEC. 502. USE OF FUNDS FOR COUNTERDRUG AND COUNTERTERRORISM ACTIVITIES FOR COLOMBIA.

(a) AUTHORITY.—Funds designated for intelligence or intelligence-related purposes for assistance to the Government of Colombia for counterdrug activities for fiscal year 2005 or 2006, and any unobligated funds available to any element of the intelligence community for such activities for a prior fiscal year, shall be available—

(1) to support a unified campaign by the Government of Colombia against narcotics trafficking and against activities by organizations designated as terrorist organizations (such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC)); and

(2) to take actions to protect human health and welfare in emergency circumstances, including the undertaking of rescue operations.

(b) APPLICABILITY OF CERTAIN LAWS AND LIMITATIONS.—The use of funds pursuant to the authority in subsection (a) shall be subject to the following:

(1) Section 556, 567, and 568 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002 (Public Law 107-115; 115 Stat. 2160, 2165, and 2166).

(2) Section 8076 of the Department of Defense Appropriations Act, 2005 (Public Law 108-287; 118 Stat. 988).

(3) The numerical limitations on the number of United States military personnel and United States individual civilian contractors contained in section 1021(c) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2042).

(c) LIMITATION ON PARTICIPATION OF UNITED STATES PERSONNEL.—No United States Armed Forces personnel or United States civilian contractor employed by the United States Armed Forces may participate in any combat operation in connection with assistance made available under this section, except for the purpose of acting in self defense or during the course of search and rescue operations for United States citizens.

TITLE VI—EDUCATION

Subtitle A—National Security Education Program

SEC. 601. ANNUAL FUNDING.

(a) IN GENERAL.—Section 810 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1910) is amended by adding at the end the following new subsection:

“(c) FUNDING FROM INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT FOR FISCAL YEARS BEGINNING WITH FISCAL YEAR 2005.—In addition to amounts that may be made available to the Secretary under the Fund for a fiscal year, the Director of National Intelligence shall transfer to the Secretary from amounts appropriated for the Intelligence Community Management Account for each fiscal year, beginning with fiscal year 2005, \$8,000,000 to carry out the scholar-

ship, fellowship, and grant programs under subparagraphs (A), (B), and (C), respectively, of section 802(a)(1).”.

(b) CONFORMING AMENDMENT.—Section 802(a)(2) of that Act (50 U.S.C. 1902(a)(2)) is amended in the matter preceding subparagraph (A) by inserting “or from a transfer under section 810(c)” after “National Security Education Trust Fund”.

SEC. 602. IMPROVEMENTS TO NATIONAL FLAGSHIP LANGUAGE INITIATIVE.

(a) REQUIREMENT FOR EMPLOYMENT AGREEMENTS.—(1) Section 802(i) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902(i)) is amended by adding at the end the following new paragraphs:

“(5) An undergraduate or graduate student who participates in training in a program under paragraph (1) and has not already entered into a service agreement under subsection (b) shall enter into a service agreement under subsection (b) applicable to an undergraduate or graduate student, as the case may be, with respect to participation in such training in a program under paragraph (1).

“(6)(A) An employee of a department or agency of the Federal Government who participates in training in a program under paragraph (1) shall agree in writing—

“(i) to continue in the service of the department or agency of the Federal Government employing the employee for the period of such training;

“(ii) to continue in the service of such department or agency, following completion by the employee of such training, for a period of two years for each year, or part of the year, of such training;

“(iii) if, before the completion by the employee of such training, the employment of the employee is terminated by such department or agency due to misconduct by the employee, or by the employee voluntarily, to reimburse the United States for the total cost of such training (excluding the employee's pay and allowances) provided to the employee; and

“(iv) if, after the completion by the employee of such training but before the completion by the employee of the period of service required by clause (ii), the employment of the employee by such department or agency is terminated either by such department or agency due to misconduct by the employee, or by the employee voluntarily, to reimburse the United States in an amount that bears the same ratio to the total cost of such training (excluding the employee's pay and allowances) provided to the employee as the unserved portion of such period of service bears to the total period of service required by clause (ii).

“(C) Subject to subparagraph (D), the obligation to reimburse the United States under an agreement under subparagraph (A) is for all purposes a debt owing the United States.

“(D) The head of the element of the intelligence community concerned may release an employee, in whole or in part, from the obligation to reimburse the United States under an agreement under subparagraph (A) when, in the discretion of the head of the element, the head of the element determines that equity or the interests of the United States so require.”.

(2) The amendment made by paragraph (1) shall apply to training under section 802(i) of the David L. Boren National Security Act of 1991 that begins on or after the date that is 90 days after the date of the enactment of this Act.

(b) INCREASE IN ANNUAL FUNDING.—Section 811 of that Act (50 U.S.C. 1911) is amended by striking subsection (b) and inserting the following new subsections:

“(b) FUNDING FROM INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT FOR FISCAL YEARS BEGINNING WITH FISCAL YEAR 2005.—In addition to amounts that may be made available to the Secretary under the Fund for a fiscal year, the Director of National Intelligence shall transfer to the Secretary from amounts appropriated

for the Intelligence Community Management Account for each fiscal year, beginning with fiscal year 2005, \$6,000,000 to carry out the grant program for the National Flagship Language Initiative under section 802(a)(1)(D).

“(C) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts made available under this section shall remain available until expended.”.

(c) INCREASE IN NUMBER OF PARTICIPATING EDUCATIONAL INSTITUTIONS.—The Secretary of Defense shall take such actions as the Secretary considers appropriate to increase the number of qualified educational institutions that receive grants under the National Flagship Language Initiative under section 802(i) of the David L. Boren National Security Education Act of 1991 to establish, operate, or improve activities designed to train students in programs in a range of disciplines to achieve advanced levels of proficiency in those foreign languages that the Secretary identifies as being the most critical to the national security of the United States.

(d) CLARIFICATION OF AUTHORITY TO SUPPORT STUDIES ABROAD.—Educational institutions that receive grants under the National Flagship Language Initiative may support students who pursue total immersion foreign language studies overseas of foreign languages that are critical to the national security of the United States.

SEC. 603. SCHOLARSHIP PROGRAM FOR ENGLISH LANGUAGE STUDIES FOR HERITAGE COMMUNITY CITIZENS OF THE UNITED STATES WITHIN NATIONAL SECURITY EDUCATION PROGRAM.

(a) SCHOLARSHIP PROGRAM.—(1) Subsection (a)(1) of section 802 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902) is amended—

(A) by striking “and” at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting “; and”; and

(C) by adding at the end the following new subparagraph:

“(E) awarding scholarships to students who—

“(i) are United States citizens who—

“(I) are native speakers (referred to as ‘heritage community citizens’) of a foreign language that is identified as critical to the national security interests of the United States who should be actively recruited for employment by Federal security agencies with a need for linguists; and

“(II) are not proficient at a professional level in the English language with respect to reading, writing, and other skills required to carry out the national security interests of the United States, as determined by the Secretary,

to enable such students to pursue English language studies at an institution of higher education of the United States to attain proficiency in those skills; and

“(ii) enter into an agreement to work in a position in a similar manner (as determined by the Secretary) as agreements entered into pursuant to subsection (b)(2)(A).”.

(2) The matter following subsection (a)(2) of such section is amended—

(A) in the first sentence, by inserting “or for the scholarship program under paragraph (1)(E)” after “under paragraph (1)(D) for the National Flagship Language Initiative described in subsection (i)”; and

(B) by adding at the end the following: “For the authorization of appropriations for the scholarship program under paragraph (1)(E), see section 812.”.

(3) Section 803(d)(4)(E) of such Act (50 U.S.C. 1903(d)(4)(E)) is amended by inserting before the period the following: “and section 802(a)(1)(E) (relating to the scholarship program for advanced English language studies by heritage community citizens)”.

(b) FUNDING.—The David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.) is amended by adding at the end the following new section:

“SEC. 812. FUNDING FOR SCHOLARSHIP PROGRAM FOR ADVANCED ENGLISH LANGUAGE STUDIES BY HERITAGE COMMUNITY CITIZENS.

“(a) FUNDING FROM INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.—In addition to amounts that may be made available to the Secretary under the Fund for a fiscal year, the Director of National Intelligence shall transfer to the Secretary from amounts appropriated for the Intelligence Community Management Account for each fiscal year, beginning with fiscal year 2005, \$2,000,000 to carry out the scholarship programs for English language studies by certain heritage community citizens under section 802(a)(1)(E).

“(b) AVAILABILITY OF FUNDS.—Amounts made available under subsection (a) shall remain available until expended.”.

Subtitle B—Improvement in Intelligence Community Foreign Language Skills
SEC. 611. FOREIGN LANGUAGE PROFICIENCY FOR CERTAIN SENIOR LEVEL POSITIONS IN THE CENTRAL INTELLIGENCE AGENCY.

(a) IN GENERAL.—Section 104A of the National Security Act of 1947, amended by section 1011(a) of the National Security Intelligence Reform Act of 2004, is further amended by adding at the end the following new subsection:

“(g) FOREIGN LANGUAGE PROFICIENCY FOR CERTAIN SENIOR LEVEL POSITIONS IN CENTRAL INTELLIGENCE AGENCY.—(1) Except as provided pursuant to paragraph (2), an individual may not be appointed to a position in the Senior Intelligence Service in the Directorate of Intelligence or the Directorate of Operations of the Central Intelligence Agency unless the Director of the Central Intelligence Agency determines that the individual—

“(A) has been certified as having a professional speaking and reading proficiency in a foreign language, such proficiency being at least level 3 on the Interagency Language Roundtable Language Skills Level or commensurate proficiency level using such other indicator of proficiency as the Director of the Central Intelligence Agency considers appropriate; and

“(B) is able to effectively communicate the priorities of the United States and exercise influence in that foreign language.

“(2) The Director of the Central Intelligence Agency may, in the discretion of the Director, waive the application of paragraph (1) to any position or category of positions otherwise covered by that paragraph if the Director determines that foreign language proficiency is not necessary for the successful performance of the duties and responsibilities of such position or category of positions.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to appointments made on or after the date that is one year after the date of the enactment of this Act.

(c) REPORT ON WAIVERS.—The Director of the Central Intelligence Agency shall submit to Congress a report that identifies positions within the Senior Intelligence Service in the Directorate of Intelligence or the Directorate of Operations of the Central Intelligence Agency that are determined by the Director to require waiver from the requirements of section 104A(g) of the National Security Act of 1947, as added by subsection (a). The report shall include a rationale for any waiver granted under section 104A(g)(2), as so added, for each position or category of positions so identified.

SEC. 612. ADVANCEMENT OF FOREIGN LANGUAGES CRITICAL TO THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title X of the National Security Act of 1947 (50 U.S.C. 441g) is amended—

(1) by inserting before section 1001 (50 U.S.C. 441g) the following:

“SUBTITLE A—SCIENCE AND TECHNOLOGY”; and

(2) by adding at the end the following new subtitles:

“SUBTITLE B—FOREIGN LANGUAGES PROGRAM
 “PROGRAM ON ADVANCEMENT OF FOREIGN LANGUAGES CRITICAL TO THE INTELLIGENCE COMMUNITY

“SEC. 1011. (a) IN GENERAL.—The Secretary of Defense and the Director of National Intelligence may jointly carry out a program to advance skills in foreign languages that are critical to the capability of the intelligence community to carry out the national security activities of the United States (hereinafter in this subtitle referred to as the ‘Foreign Languages Program’).

“(b) IDENTIFICATION OF REQUISITE ACTIONS.—In order to carry out the Foreign Languages Program, the Secretary of Defense and the Director of National Intelligence shall jointly identify actions required to improve the education of personnel in the intelligence community in foreign languages that are critical to the capability of the intelligence community to carry out the national security activities of the United States and to meet the long-term intelligence needs of the United States.

“EDUCATION PARTNERSHIPS

“SEC. 1012. (a) IN GENERAL.—In carrying out the Foreign Languages Program, the head of a covered element of the intelligence community may enter into one or more education partnership agreements with educational institutions in the United States in order to encourage and enhance the study in such educational institutions of foreign languages that are critical to the capability of the intelligence community to carry out the national security activities of the United States.

“(b) ASSISTANCE PROVIDED UNDER EDUCATIONAL PARTNERSHIP AGREEMENTS.—Under an educational partnership agreement entered into with an educational institution pursuant to this section, the head of a covered element of the intelligence community may provide the following assistance to the educational institution:

“(1) The loan of equipment and instructional materials of the element of the intelligence community to the educational institution for any purpose and duration that the head of the element considers appropriate.

“(2) Notwithstanding any other provision of law relating to the transfer of surplus property, the transfer to the educational institution of any computer equipment, or other equipment, that is—

“(A) commonly used by educational institutions;

“(B) surplus to the needs of the element of the intelligence community; and

“(C) determined by the head of the element to be appropriate for support of such agreement.

“(3) The provision of dedicated personnel to the educational institution—

“(A) to teach courses in foreign languages that are critical to the capability of the intelligence community to carry out the national security activities of the United States; or

“(B) to assist in the development for the educational institution of courses and materials on such languages.

“(4) The involvement of faculty and students of the educational institution in research projects of the element of the intelligence community.

“(5) Cooperation with the educational institution in developing a program under which students receive academic credit at the educational institution for work on research projects of the element of the intelligence community.

“(6) The provision of academic and career advice and assistance to students of the educational institution.

“(7) The provision of cash awards and other items that the head of the element of the intelligence community considers appropriate.

“VOLUNTARY SERVICES

“SEC. 1013. (a) AUTHORITY TO ACCEPT SERVICES.—Notwithstanding section 1342 of title 31, United States Code, and subject to subsection

(b), the Foreign Languages Program under section 1011 shall include authority for the head of a covered element of the intelligence community to accept from any dedicated personnel voluntary services in support of the activities authorized by this subtitle.

“(b) REQUIREMENTS AND LIMITATIONS.—(1) In accepting voluntary services from an individual under subsection (a), the head of a covered element of the intelligence community shall—

“(A) supervise the individual to the same extent as the head of the element would supervise a compensated employee of that element providing similar services; and

“(B) ensure that the individual is licensed, privileged, has appropriate educational or experiential credentials, or is otherwise qualified under applicable law or regulations to provide such services.

“(2) In accepting voluntary services from an individual under subsection (a), the head of a covered element of the intelligence community may not—

“(A) place the individual in a policymaking position, or other position performing inherently governmental functions; or

“(B) compensate the individual for the provision of such services.

“(c) AUTHORITY TO RECRUIT AND TRAIN INDIVIDUALS PROVIDING SERVICES.—The head of a covered element of the intelligence community may recruit and train individuals to provide voluntary services under subsection (a).

“(d) STATUS OF INDIVIDUALS PROVIDING SERVICES.—(1) Subject to paragraph (2), while providing voluntary services under subsection (a) or receiving training under subsection (c), an individual shall be considered to be an employee of the Federal Government only for purposes of the following provisions of law:

“(A) Section 552a of title 5, United States Code (relating to maintenance of records on individuals).

“(B) Chapter 11 of title 18, United States Code (relating to conflicts of interest).

“(2)(A) With respect to voluntary services under paragraph (1) provided by an individual that are within the scope of the services accepted under that paragraph, the individual shall be deemed to be a volunteer of a governmental entity or nonprofit institution for purposes of the Volunteer Protection Act of 1997 (42 U.S.C. 14501 et seq.).

“(B) In the case of any claim against such an individual with respect to the provision of such services, section 4(d) of such Act (42 U.S.C. 14503(d)) shall not apply.

“(3) Acceptance of voluntary services under this section shall have no bearing on the issuance or renewal of a security clearance.

“(e) REIMBURSEMENT OF INCIDENTAL EXPENSES.—(1) The head of a covered element of the intelligence community may reimburse an individual for incidental expenses incurred by the individual in providing voluntary services under subsection (a). The head of a covered element of the intelligence community shall determine which expenses are eligible for reimbursement under this subsection.

“(2) Reimbursement under paragraph (1) may be made from appropriated or nonappropriated funds.

“(f) AUTHORITY TO INSTALL EQUIPMENT.—(1) The head of a covered element of the intelligence community may install telephone lines and any necessary telecommunication equipment in the private residences of individuals who provide voluntary services under subsection (a).

“(2) The head of a covered element of the intelligence community may pay the charges incurred for the use of equipment installed under paragraph (1) for authorized purposes.

“(3) Notwithstanding section 1348 of title 31, United States Code, the head of a covered element of the intelligence community may use appropriated funds or nonappropriated funds of the element in carrying out this subsection.

“REGULATIONS

“SEC. 1014. (a) IN GENERAL.—The Secretary of Defense and the Director of National Intelligence shall jointly prescribe regulations to carry out the Foreign Languages Program.

“(b) ELEMENTS OF THE INTELLIGENCE COMMUNITY.—The head of each covered element of the intelligence community shall prescribe regulations to carry out sections 1012 and 1013 with respect to that element including the following:

“(1) Procedures to be utilized for the acceptance of voluntary services under section 1013.

“(2) Procedures and requirements relating to the installation of equipment under section 1013(f).

“DEFINITIONS

“SEC. 1015. In this subtitle:

“(1) The term ‘covered element of the intelligence community’ means an agency, office, bureau, or element referred to in subparagraphs (B) through (L) of section 3(4).

“(2) The term ‘educational institution’ means—

“(A) a local educational agency (as that term is defined in section 9101(26) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(26)));

“(B) an institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002) other than institutions referred to in subsection (a)(1)(C) of such section); or

“(C) any other nonprofit institution that provides instruction of foreign languages in languages that are critical to the capability of the intelligence community to carry out national security activities of the United States.

“(3) The term ‘dedicated personnel’ means employees of the intelligence community and private citizens (including former civilian employees of the Federal Government who have been voluntarily separated, and members of the United States Armed Forces who have been honorably discharged, honorably separated, or generally discharged under honorable circumstances and rehired on a voluntary basis specifically to perform the activities authorized under this subtitle).

“SUBTITLE C—ADDITIONAL EDUCATION PROVISIONS

“ASSIGNMENT OF INTELLIGENCE COMMUNITY PERSONNEL AS LANGUAGE STUDENTS

“SEC. 1021. (a) IN GENERAL.—The Director of National Intelligence, acting through the heads of the elements of the intelligence community, may assign employees of such elements in analyst positions requiring foreign language expertise as students at accredited professional, technical, or other institutions of higher education for training at the graduate or undergraduate level in foreign languages required for the conduct of duties and responsibilities of such positions.

“(b) AUTHORITY FOR REIMBURSEMENT OF COSTS OF TUITION AND TRAINING.—(1) The Director of National Intelligence may reimburse an employee assigned under subsection (a) for the total cost of the training described in that subsection, including costs of educational and supplementary reading materials.

“(2) The authority under paragraph (1) shall apply to employees who are assigned on a full-time or part-time basis.

“(3) Reimbursement under paragraph (1) may be made from appropriated or nonappropriated funds.

“(c) RELATIONSHIP TO COMPENSATION AS AN ANALYST.—Reimbursement under this section to an employee who is an analyst is in addition to any benefits, allowances, travel expenses, or other compensation the employee is entitled to by reason of serving in such an analyst position.”

(b) CLERICAL AMENDMENT.—The table of contents for the National Security Act of 1947 is amended by striking the item relating to section 1001 and inserting the following new items:

“Subtitle A—Science and Technology

“Sec. 1001. Scholarships and work-study for pursuit of graduate degrees in science and technology.

“Subtitle B—Foreign Languages Program

“Sec. 1011. Program on advancement of foreign languages critical to the intelligence community.

“Sec. 1012. Education partnerships.

“Sec. 1013. Voluntary services.

“Sec. 1014. Regulations.

“Sec. 1015. Definitions.

“Subtitle C—Additional Education Provisions

“Sec. 1021. Assignment of intelligence community personnel as language students.”

SEC. 613. PILOT PROJECT ON CIVILIAN LINGUIST RESERVE CORPS.

(a) PILOT PROJECT.—The Director of National Intelligence shall conduct a pilot project to assess the feasibility and advisability of establishing a Civilian Linguist Reserve Corps comprised of United States citizens with advanced levels of proficiency in foreign languages who would be available upon the call of the Director to perform such service or duties with respect to such foreign languages in the intelligence community as the Director may specify.

(b) CONDUCT OF PROJECT.—Taking into account the findings and recommendations contained in the report required under section 325 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 116 Stat. 2393), in conducting the pilot project under subsection (a) the Director of National Intelligence shall—

(1) identify several foreign languages that are critical for the national security of the United States;

(2) identify United States citizens with advanced levels of proficiency in the foreign languages identified under paragraph (1) who would be available to perform the services and duties referred to in subsection (a); and

(3) when considered necessary by the Director, implement a call for the performance of such services and duties.

(c) DURATION OF PROJECT.—The pilot project under subsection (a) shall be conducted for a three-year period.

(d) AUTHORITY TO ENTER INTO CONTRACTS.—The Director of National Intelligence may enter into contracts with appropriate agencies or entities to carry out the pilot project under subsection (a).

(e) REPORTS.—(1) The Director of National Intelligence shall submit to Congress an initial and a final report on the pilot project conducted under subsection (a).

(2) Each report required under paragraph (1) shall contain information on the operation of the pilot project, the success of the pilot project in carrying out the objectives of the establishment of a Civilian Linguist Reserve Corps, and recommendations for the continuation or expansion of the pilot project.

(3) The final report shall be submitted not later than six months after the completion of the pilot project.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Director of National Intelligence for each of fiscal years 2005, 2006, and 2007 in order to carry out the pilot project under subsection (a) such sums as are specified in the classified Schedule of Authorizations referred to in section 102.

SEC. 614. REPORT ON STATUS, CONSOLIDATION, AND IMPROVEMENT OF INTELLIGENCE EDUCATION PROGRAMS.

(a) REPORT.—Not later than June 1, 2005, the Director of National Intelligence shall submit to Congress a report setting forth—

(1) the status of each intelligence education program, including the statutory, regulatory, or administrative authority under which such program is carried out; and

(2) such recommendations as the Director considers appropriate for legislative or administrative action to consolidate, enhance the coordination of, or otherwise improve such intelligence education programs.

(b) **INTELLIGENCE EDUCATION PROGRAM DEFINED.**—In this section, the term “intelligence education program” means any grant, scholarship, education, or similar program (whether authorized by statute, regulation, or administrative order) that—

(1) is supported, funded, or carried out by a department, agency, or element of the intelligence community; or

(2) is otherwise intended to aid in the recruitment, retention, or training of intelligence community personnel.

SEC. 615. REPORT ON RECRUITMENT AND RETENTION OF QUALIFIED INSTRUCTORS OF THE DEFENSE LANGUAGE INSTITUTE.

(a) **STUDY.**—The Secretary of Defense shall conduct a study on mechanisms to improve the recruitment and retention of qualified foreign language instructors at the Foreign Language Center of the Defense Language Institute. In conducting the study, the Secretary shall consider, in the case of a foreign language instructor who is an alien, the appropriateness of expeditious adjustment of the status of the alien under applicable immigration law from a temporary status to that of an alien lawfully admitted for permanent residence.

(b) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on the study conducted under subsection (a). The report shall include such recommendations for such legislative or administrative action as the Secretary considers appropriate.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Select Committee on Intelligence and the Committee on Armed Services of the Senate; and

(2) the Permanent Select Committee on Intelligence and the Committee on Armed Services of the House of Representatives.

TITLE VII—TERRORISM MATTERS

SEC. 701. INFORMATION ON TERRORIST GROUPS THAT SEEK WEAPONS OF MASS DESTRUCTION AND GROUPS THAT HAVE BEEN DESIGNATED AS FOREIGN TERRORIST ORGANIZATIONS.

(a) **INCLUSION IN REPORTS.**—Section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f) is amended—

(1) in subsection (a)(2)—

(A) by inserting “any terrorist group known to have obtained or developed, or to have attempted to obtain or develop, weapons of mass destruction,” after “during the preceding five years,”; and

(B) by inserting “any group designated by the Secretary as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189),” after “Export Administration Act of 1979,”;

(2) in subsection (b)—

(A) in paragraph (1)(C)—

(i) in clause (iii), by striking “and” at the end;

(ii) by redesignating clause (iv) as clause (v); and

(iii) by inserting after clause (iii) the following new clause (iv):

“(iv) providing weapons of mass destruction, or assistance in obtaining or developing such weapons, to terrorists or terrorist groups;”;

(B) in paragraph (2)—

(i) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively;

(ii) by inserting after subparagraph (B) the following new subparagraph (C):

“(C) efforts by those groups to obtain or develop weapons of mass destruction;”;

(iii) in subparagraph (F), as so redesignated, by striking the period and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

“(3) to the extent practicable, complete statistical information on the number of individuals, including United States citizens and dual nationals, killed, injured, or kidnapped by each terrorist group during the preceding calendar year; and

“(4) an analysis, as appropriate, of trends in international terrorism, including changes in technology used, methods and targets of attack, demographic information on terrorists, and other appropriate information.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply beginning with the first report under section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 that is submitted more than one year after the date of the enactment of this Act.

TITLE VIII—OTHER MATTERS

SEC. 801. EFFECTIVE DATE.

Except as otherwise expressly provided in this Act, this Act (and the amendments made by this Act) shall take effect on the date of the enactment of this Act.

SEC. 802. CONSTRUCTION OF REFERENCES TO DIRECTOR OF CENTRAL INTELLIGENCE.

Except as otherwise specifically provided or otherwise provided by context, any reference in this Act, or in the classified annex to accompany this Act, to the Director of Central Intelligence shall be deemed to be a reference to the Director of Central Intelligence as head of the intelligence community.

SEC. 803. SAVINGS PROVISIONS RELATING TO DISCHARGE OF CERTAIN FUNCTIONS AND AUTHORITIES.

(a) **HEAD OF INTELLIGENCE COMMUNITY.**—(1) During the period beginning on the date of the enactment of this Act and ending on the date of the appointment of the Director of National Intelligence under section 102 of the National Security Act of 1947, as amended by section 1011(a) of the National Security Intelligence Reform Act of 2004, the Director of Central Intelligence may, acting as the head of the intelligence community, discharge the functions and authorities provided in this Act, and the amendments made by this Act, to the Director of National Intelligence.

(2) During the period referred to in paragraph (1) any reference in this Act or the amendments made by this Act to the Director of National Intelligence shall be considered to be a reference to the Director of Central Intelligence, as the head of the intelligence community.

(3) Upon the appointment of an individual as Director of National Intelligence under section 102 of the National Security Act of 1947, as so amended, any reference in this Act, or in the classified annex to accompany this Act, to the Director of Central Intelligence as head of the intelligence community shall be deemed to be a reference to the Director of National Intelligence.

(b) **HEAD OF CENTRAL INTELLIGENCE AGENCY.**—(1) During the period beginning on the date of the enactment of this Act and ending on the date of the appointment of the Director of the Central Intelligence Agency under section 104A of the National Security Act of 1947, as amended by section 1011(a) of the National Security Intelligence Reform Act of 2004, the Director of Central Intelligence may, acting as the head of the Central Intelligence Agency, discharge the functions and authorities provided in this Act, and the amendments made by this Act, to the Director of the Central Intelligence Agency.

(2) Upon the appointment of an individual as Director of the Central Intelligence Agency

under section 104A of the National Security Act of 1947, as so amended, any reference in this Act, or in the classified annex to accompany this Act, to the Director of Central Intelligence as head of the Central Intelligence Agency shall be deemed to be a reference to the Director of the Central Intelligence Agency.

And the Senate agree to the same.

From the Permanent Select Committee on Intelligence, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

PETE HOEKSTRA,
SHERWOOD BOEHLERT,
JIM GIBBONS,
RAY LAHOOD,
RANDY “DUKE”

CUNNINGHAM,
RICHARD BURR,
TERRY EVERETT,
ELTON GALLEGLEY,
MAC COLLINS,
JO ANN DAVIS,
MAC THORNBERRY,
JANE HARMAN,

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.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the Senate and House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to 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, submit the following joint statement to the Senate and House in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The managers agree that the congressionally directed actions described in the House bill, the Senate amendment, the respective committee reports, and classified annexes accompanying H.R. 4548 and S. 2386, shall be undertaken to the extent that such congressionally directed actions are not amended, altered, substituted, or otherwise specifically addressed in either this Joint Explanatory Statement or in the classified annex to the conference report on the bill H.R. 4548.

The Senate amendment struck all of the House bill's text after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an

amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the Conferees, and minor drafting and clarifying changes.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations

Section 101 is identical to Section 101 of the Senate amendment and House bill.

Sec. 102. Classified schedule of authorizations

Section 102 is identical to Section 102 of the Senate amendment and House bill.

Sec. 103. Personnel ceiling adjustments

Section 103 is identical to Section 103 of the Senate amendment and House bill.

Sec. 104. Intelligence Community Management Account

Section 104 of the conference report authorizes appropriations for the Intelligence Community Management Account (CMA) of the Director of National Intelligence (DNI) and sets the personnel end-strength for the Intelligence Community Management Staff for fiscal year 2005.

Subsection (a) authorizes appropriations of \$310,466,000 for fiscal year 2005 for the activities of the CMA of the DNI. The House recedes in part and the Senate recedes in part.

Subsection (b) authorizes 310 full-time personnel for the Intelligence Community Management Staff for fiscal year 2005 and provides that such personnel may be permanent employees of the Staff or detailed from various elements of the United States Government. The House bill and Senate amendment were identical.

Subsection (c) authorizes additional appropriations and personnel for the CMA as specified in the classified Schedule of Authorizations and authorizes additional amounts to remain available for research and development through September 30, 2006.

Subsection (d) requires that, except as provided in Section 113 of the National Security Act of 1947, during fiscal year 2005, personnel from another element of the United States Government may be detailed to an element of the CMA on a reimbursable basis, or for temporary situations of less than one year on a non-reimbursable basis.

Subsection (e) authorizes \$42,322,000 of the amount authorized in subsection (a) to be made available for the National Drug Intelligence Center (NDIC). Subsection (e) requires the DNI to transfer these funds to the Attorney General to be used for NDIC activities under the authority of the Attorney General and subject to Section 103(d)(1) of the National Security Act. The House recedes in part and the Senate recedes in part.

Sec. 105. Incorporation of reporting requirements

Section 105 is similar to Section 105 of the Senate amendment. The House bill had no similar provision. The House recedes to the Senate.

Sec. 106. Specific authorization of funds for intelligence or intelligence-related activities for which fiscal year 2004 appropriations exceed amounts authorized

Section 106 is similar to Section 106 of the Senate amendment. The House bill had no similar provision. The House recedes to the Senate.

Sec. 107. Preparation and submittal of reports, reviews, studies, and plans relating to intelligence activities of Department of Defense or Department of Energy

Section 107 is a slightly modified version of Section 107 of the Senate amendment. The

House bill had no similar provision. The House recedes with an amendment.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations

Section 201 authorizes appropriations of \$239,400,000 for the Central Intelligence Agency Retirement and Disability Fund. Section 201 of the House bill and Section 201 of the Senate amendment were identical.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law

Section 301 is identical to Section 301 of the Senate amendment and the House bill.

Sec. 302. Restriction on conduct of intelligence activities

Section 302 is identical to Section 302 of the Senate amendment and the House bill.

Sec. 303. Chief Information Officer

Section 303 establishes a Chief Information Officer (CIO) to assist the DNI in carrying out the DNI's responsibilities. The CIO is established within the Office of the DNI. The CIO will serve as the CIO of the Intelligence Community, subject to the DNI's direction. The CIO shall manage activities relating to the information technology infrastructure and enterprise architecture requirements of the Intelligence Community and have procurement approval authority over all information technology items related to the enterprise architectures of all Intelligence Community components. The CIO will also direct and manage all information technology-related procurement for the Intelligence Community and ensure that all expenditures for information technology and research and development activities are consistent with the Intelligence Community enterprise architecture and the strategy of the DNI for such architecture. The section also provides that the CIO may not serve as the chief information officer of any other department or agency, or component thereof, of the United States.

Enterprise architecture is the foundation upon which information technology investment and strategy should be based. Therefore, the managers expect the CIO to move expeditiously to undertake a formal Intelligence Community-wide enterprise architecture effort. The managers also strongly support the House report language detailing the ramifications of failing to link Intelligence Community-wide information technology investments to a true community-wide enterprise architecture (H. Rep. 108-558, June 21, 2004).

Sec. 304. Improvement of authorities relating to National Virtual Translation Center

Section 304 amends Section 313 of the Intelligence Authorization Act for Fiscal Year 2003 (Pub. L. 107-306; 116 Stat. 2391; 50 U.S.C. 404n) to clarify the functions of the National Virtual Translation Center (NVTC). The provision also specifies that the NVTC may perform its duties in a certified secure facility or in any other facility determined appropriate by the DNI. This section was passed in the House bill as Section 615. The Senate recedes with amendments.

Section 313 of the Intelligence Authorization Act for Fiscal Year 2003 mandated that the Director of Central Intelligence (DCI) retain "direct supervision and control" over the NVTC. The Conferees note with concern that despite this mandate the DCI has failed to fully integrate the NVTC into the Intelligence Community and play a meaningful role in its management. Instead, the activities of the NVTC are supervised by the Director of the Federal Bureau of Investigation (FBI), with little or no input by the DCI.

While participation of the FBI Director is imperative, Congress stresses again the importance of the direct "supervision and control" by the head of the Intelligence Community, now the DNI, of NVTC activities.

The Conferees are also concerned that non-FBI Intelligence Community elements have not fully leveraged NVTC resources. The Conferees continue to believe that a fully employed NVTC will perform an important function for the Intelligence Community. The use of advanced information technology will expand the ability of translators located in disparate locations to apply their skills to the backlog of collected intelligence information stored in voice or data form throughout the Intelligence Community. Intelligence information that is not translated and not analyzed constitutes a gross waste of our limited collection resources. The Conferees expect the DNI to commit the necessary attention, staffing, and resources to ensure that the NVTC can effectively perform its necessary function.

Sec. 305. Intelligence assessment on sanctuaries for terrorists

Section 305 requires the DNI to submit a report to Congress on terrorist sanctuaries. The House bill had no such provision. The House recedes to the Senate.

Sec. 306. Sense of Congress on the availability to Congress of information on Iraq Oil-for-Food Program of the United Nations

Section 306 calls on heads of Intelligence Community elements to share with Congress information they have about the United Nations Oil-for-Food Program. The Senate recedes.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. Permanent Extension of Central Intelligence Agency Voluntary Separation Incentive Program

The House bill and Senate amendment versions of this provision were similar.

Sec. 402. Intelligence operations and cover enhancement authority

Section 402 amends the Central Intelligence Agency Act of 1949 by adding a new section that enhances the cover of certain Central Intelligence Agency (CIA) employees. This new section provides that, notwithstanding any other provision of law, the Director of the CIA (DCIA), in order to protect intelligence operations and sources and methods, may: pay salaries, allowances, retirement, insurance, and other benefits to CIA employees under non-official cover in a manner consistent with their cover; exempt a category of CIA employees from certain U.S. Government rules and regulations; allow certain CIA employees to claim and receive the same Federal and state tax treatment available to individuals in the private sector; and allow certain CIA employees to receive Social Security benefits based on the Social Security contributions made by such employees. The DCIA, in formulating regulations under this section, should ensure that such regulations adequately recognize the interests of CIA employee family members, including spouses and children, and former spouses. The House bill had no similar provision. The House recedes.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE MATTERS

Sec. 501. National Security Agency emerging technologies panel

Section 501 amends the National Security Agency Act of 1959 to establish the National Security Agency Emerging Technologies Panel and exempts it from the Federal Advisory Committee Act. The Senate bill had no similar provision. The Senate recedes.

Sec. 502. Use of funds for counterdrug and counterterrorism activities for Colombia

Section 502 allows funds available for intelligence and intelligence-related activities to be used to support a unified campaign against drug traffickers and terrorist organizations in Colombia. The House bill had no similar provision. The House recedes with amendments.

TITLE VI—EDUCATION

Subtitle A—National Security Education Program

Sec. 601. Annual funding

Section 601 amends the David L. Boren National Security Education Act of 1991 (Title VIII of the Intelligence Authorization Act of 1992 (P.L. 102-183; 105 Stat. 1271)) to authorize an appropriation to the CMA to support the scholarship, fellowship and grant programs under the National Security Education Program (NSEP). The Intelligence Authorization Act of 1992 created the NSEP, along with the National Security Education Trust Fund as a means of funding the NSEP. That trust fund has been nearly depleted, and an appropriation of \$8,000,000 is authorized for fiscal year 2005 to maintain the NSEP.

Sec. 602. Improvements to the National Flagship Language Initiative

Section 602 amends the David L. Boren National Security Education Act of 1991 to authorize an appropriation of \$6,000,000 for fiscal year 2005 to the CMA for the expansion of the grant program for institutions of higher education under the National Flagship Language Initiative (NFLI). The section details certain service obligations required for undergraduate and graduate students and federal employees who receive training in programs under the NFLI. The provision also seeks to increase the number of qualified institutions that receive grants under the NFLI.

Sec. 603. Scholarship program for English language studies for heritage community citizens of the United States within the National Security Education Program

Section 603 amends the David L. Boren National Security Education Act of 1991 to establish a scholarship program within NSEP for English language studies for heritage community citizens of the United States. The scholarship program is designed to enable native speakers of languages that are considered critical to the national security interests of the United States to attain English language proficiency. The ultimate goal is to increase the scholarship recipient's English language proficiency to the level where a valuable contribution can be made by the recipients to the Intelligence Community. The section establishes certain service obligations for work in a position within the Department of Defense or the Intelligence Community. The section authorizes an appropriation of \$2,000,000 for fiscal year 2005 to the CMA to establish the scholarship program.

Subtitle B—Improvement in Intelligence Community Foreign Language Skills

Sec. 611. Foreign language proficiency for advancement to certain senior level positions in the Central Intelligence Agency

Section 611 amends the National Security Act of 1947 to establish a language proficiency requirement for those individuals appointed to Senior Intelligence Service (SIS) positions within the CIA's Directorate of Operations (DO) and Directorate of Intelligence (DI). In order to be eligible for promotion to SIS positions within the DO or DI, individuals must be certified as having professional speaking and reading proficiency of at least level 3 on the Interagency Language Roundtable Language Skills Level or com-

mensurate proficiency indicator. The DCIA is tasked with providing to Congress a report explaining any waivers of this requirement for any position or category of positions.

Sec. 612. Advancement of foreign languages critical to the intelligence community

Section 612 amends the National Security Act of 1947 to authorize the DNI and the Secretary of Defense to establish a program to advance foreign language skills in languages that are critical to the national security interests of the United States. The program may include funding, in the form of grants, contracts, cooperative agreements, or other appropriate mechanisms, by the Intelligence Community of educational institutions and instructors for the purchase of materials, supplies, and other resources, as well as the generation of instructional materials needed to advance foreign language skills.

The section allows the Intelligence Community to enter into educational partnership agreements with educational institutions to encourage and enhance the study of foreign languages. These partnership agreements would allow the Intelligence Community to lend surplus equipment, provide personnel to teach courses and develop curriculum, offer academic and career advice, and provide cash awards. The section authorizes the Intelligence Community to accept voluntary services in support of partnership activities. The section also authorizes the Intelligence Community to assign employees in analytical positions requiring foreign language expertise to accredited institutions of higher education for training in foreign languages.

Sec. 613. Pilot project on Civilian Linguist Reserve Corps

Section 613 requires the DNI to conduct a pilot project to establish a Civilian Linguist Reserve Corps comprised of United States citizens with advanced proficiency in foreign languages. These individuals could be called up by the DNI to perform federal service in areas relating to their language expertise. The section authorizes an appropriation for a three-year pilot project. In conducting the pilot project, the DNI should take into account findings and recommendations in the CLRC feasibility report required by the Intelligence Authorization Act for Fiscal Year 2003 (P.L. 107-306).

Sec. 614. Report on status, consolidation, and improvement of intelligence education programs

Section 614 requires the DNI to submit to Congress no later than June 1, 2005, a report on the status of intelligence education programs. The report is to include recommendations about legislative or administrative action that would be appropriate to consolidate, enhance the coordination of, or otherwise improve intelligence education programs. This provision was added in lieu of creating the Assistant Director of Central Intelligence for Language and Education provided for in the House bill.

Sec. 615. Report on recruitment and retention of qualified instructors of the Defense Language Institute

Section 615 requires the Secretary of Defense to conduct a study on methods to improve the recruitment and retention of qualified language instructors at the Foreign Language Center at the Defense Language Institute. In preparing this report, the Secretary is to consider, as a means of recruitment and retention, providing permanent resident alien status to those qualified language instructors who are in the United States in temporary status.

TITLE VII—TERRORISM MATTERS

Sec. 701. Information on terrorist groups that seek weapons of mass destruction and groups that have been designated as foreign terrorist organizations

Section 701 would require the inclusion, in the State Department's annual country reports on terrorism, of information on terrorist groups that seek weapons of mass destruction, and groups that have been designated as FTOs under Section 219 of the Immigration and Nationality Act, as amended.

TITLE VIII—OTHER MATTERS

Sec. 801. Effective date

Except as otherwise indicated in a particular section within this Act, this section provides that this Act shall take effect immediately upon enactment because many of its provisions are of immediate operational and practical concern for the Intelligence Community.

Sec. 802. Construction of references to the Director of Central Intelligence

Sec. 803. Savings provisions relating to discharge of certain functions and authorities

Sections 802 and 803 clarifies how certain authorities shall be exercised, and who shall exercise them, during the transitional period between enactment of this Act, its effective date, the appointment of certain officers, and the enactment and effective date of the Intelligence Reform and Terrorism Prevention Act of 2004.

GENERAL MATTERS

The Conferees are concerned about the Intelligence Community's ability to efficiently and effectively manage the security clearance process for companies that comprise its industrial base.

The Conferees direct the head of the Intelligence Community to undertake a study of all dimensions of this problem. In accomplishing this effort, the study should take into account the excellent work already done by industry groups in studying this problem and also seek additional information and views from industry. The head of the Intelligence Community should consult with the House and Senate Intelligence Committees on the structure, objectives and form of the final report, which should be delivered to the Intelligence Committees in unclassified form (with a classified annex, if necessary) no later than June 1, 2005.

Senators Rockefeller, Levin, Wyden and Durbin object to an item in the classified schedule of authorizations that provides for continued funding of a major acquisition program that they believe is unnecessary and the cost of which they believe is unjustified. They believe that the funds for this item should be expended on other intelligence programs that will make a surer and greater contribution to national security. For this reason, which is more fully explained in the classified record of the conference, they have not signed the conference report.

From the Permanent Select Commission on Intelligence, for consideration of the House bill and the Senate amendment, and modifications committed to conference.

PETE HOEKSTRA,
SHERWOOD BOEHLERT,
JIM GIBBONS,
RAY LAHOOD,
RANDY "DUKE"
CUNNINGHAM,
RICHARD BURR,
TERRY EVERETT,
ELTON GALLEGLEY,
MAC COLLINS,
JOANN DAVIS,
MAC THORBERRY,
JANE HARMAN,

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.

□ 1945

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—

(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 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?

There was no objection.
The Clerk read the bill, as follows:

H.R. 5426

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 "Coast Guard and Maritime Transportation Technical Corrections Act of 2004".

SEC. 2. REQUIREMENTS FOR COOPERATIVE AGREEMENTS FOR VOLUNTARY SERVICES.

Section 93(a)(19) of title 14, United States Code, as amended by section 201 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108-293; 118 Stat. 1031), is amended by redesignating subparagraphs (1) and (2) in order as subparagraphs (A) and (B).

SEC. 3. CORRECTION OF AMENDMENT TO CHAPTER ANALYSIS.

Section 212(b) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108-293; 118 Stat. 1037) is amended by inserting "of title 14" after "chapter 17".

SEC. 4. RECOMMENDATIONS TO CONGRESS BY COMMANDANT OF THE COAST GUARD.

Section 93(a) of title 14, United States Code, as amended by sections 201 and 217 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108-293; 118 Stat. 1031, 1038), is amended by redesignating paragraph (y) as paragraph (24).

SEC. 5. DETERMINING ADEQUACY OF POTABLE WATER.

Section 3305(a) of title 46, United States Code, as amended by section 416(b)(3) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108-293; 118 Stat. 1047), is amended by moving paragraph (2) two ems to the left, so that the material preceding subparagraph (A) of such paragraph aligns with the left-hand margin of paragraph (1) of such section.

SEC. 6. RENEWAL OF ADVISORY GROUP.

Section 418(a) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108-293; 118 Stat. 1049) is amended by striking "of September 30, 2005" and inserting "on September 30, 2005".

SEC. 7. VESSEL RESPONSE PLANS.

Section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321), as amended by section 701 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108-293; 118 Stat. 1067), is amended by striking "non-tank" each place it appears and inserting "nontank".

SEC. 8. CORRECTION TO SUBTITLE DESIGNATION.

(a) REDESIGNATION.—Title 46, United States Code, is amended by redesignating subtitle VI as subtitle VII.

(b) CLERICAL AMENDMENT.—The table of subtitles at the beginning of title 46, United States Code, is amended by striking the item relating to subtitle VI and inserting the following:

"VII. MISCELLANEOUS 70101".

SEC. 9. CORRECTIONS TO CHAPTER 701 OF TITLE 46, UNITED STATES CODE.

Chapter 701 of title 46, United States Code, is amended as follows:

(1) Sections 70118 and 70119, as added by section 801 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108-293; 118 Stat. 1078), are redesignated as sections 70117 and 70118, respectively, and moved to appear immediately after section 70116 of title 46, United States Code.

(2) Sections 70117 and 70118, as added by section 802 of such Act (Public Law 108-293; 118 Stat. 1078), are redesignated as sections 70120 and 70121, respectively, and moved to

appear immediately after section 70119 of title 46, United States Code.

(3) In section 70120(a), as redesignated by paragraph (2) of this section, by striking "section 70120" and inserting "section 70119".

(4) In section 70121(a), as redesignated by paragraph (2) of this section, by striking "section 70120" and inserting "section 70119".

(5) In the analysis at the beginning of the chapter, by striking the items relating to sections 70117 through the second 70119 and inserting the following:

"70117. Firearms, arrests, and seizure of property.

"70118. Enforcement by State and local officers.

"70119. Civil penalty.

"70120. In rem liability for civil penalties and certain costs.

"70121. Withholding of clearance."

SEC. 10. TECHNICAL CORRECTION REGARDING TANK VESSEL ENVIRONMENTAL EQUIVALENCY EVALUATION INDEX.

Section 4115(e)(3) of the Oil Pollution Act of 1990 (46 U.S.C. 3703a note) is amended by striking "hull" the second place it appears.

SEC. 11. EFFECTIVE DATE.

This Act shall take effect August 9, 2004.

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.

COMMENDING THE AERO SQUAD AFTER SCHOOL PROGRAM AT TOMORROW'S AERONAUTICAL MUSEUM IN COMPTON, CALIFORNIA, AND OTHER YOUTH AVIATION PROGRAMS THAT EXPOSE YOUNG MINORITIES TO CIVIL AVIATION

Mr. LOBIONDO. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the concurrent resolution (H. Con. Res. 532) commending the Aero Squad After School Program at Tomorrow's Aeronautical Museum in Compton, California, as well as other youth aviation programs that expose young minorities to the field of civil aviation, and ask 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 New Jersey?

Mr. OBERSTAR. Reserving the right to object, Mr. Speaker, H. Con. Res. 532 submitted by the chairman is a very commendable bill which acknowledges the work of the Aero Squad After School Program at the Tomorrow's Aeronautical Museum in Compton, California, that will give young minority aviators experience in the field of civil aviation.

Further reserving the right to object, I yield to the gentlewoman from California (Ms. MILLENDER-MCDONALD) for her comments on the bill, as she has a response to the bill which our committee has reported out.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I thank the gentleman for his support on this.

Mr. Speaker, today it is my pleasure to bring to the Congress this resolution

congratulating the Aero Squad Program at Tomorrow's Aeronautical Museum located in my district of Compton, California. It is this program that provides young persons who want to learn how to fly the opportunity to do just that.

Mr. Speaker, a young constituent of mine, Kenny Roy, as a part of his school program, traveled to Canada. Upon entering Canada, Kenny passed the written, medical, and flying portions of the pilot exam to become the youngest African American pilot in the world. It is these types of opportunities that are given to these young folks as well as women that we applaud today.

Mr. Speaker, I am very pleased that I was able to submit this and that the Congress is supporting this resolution.

Mr. Speaker, today it is my pleasure to bring before Congress a resolution congratulating the Aero Squad Program at Tomorrow's Aeronautical Museum, located at the Compton, California Airport in my district, for providing new and innovative teaching programs that expose young minorities and women to aeronautics.

On September 23, 2004, Mr. Speaker, a young constituent of mine, Kenny Roy, as part of the after-school program, traveled to Canada. Upon entering Canada, Kenny passed the written, medical, and flying portions of the pilot exam to become the youngest African American pilot in the world.

This opportunity was made available to Kenny through an innovative after-school program in Compton, California. This program, located in my district, combines two of my passions, after-school programs for our Nation's youth and providing opportunities for minorities and women in transportation.

This program, the Aero Squad after-school program, provides opportunities for our children that would otherwise not have this opportunity unless they enlisted in the armed services. This "learn-while-you-earn-program" was created by Mr. Robin Petgrave, who is a licensed pilot. Mr. Petgrave dedicates his time and resources as a commercial pilot so that these children are exposed to civil aviation at its finest.

As a former school teacher and administrator, I am well aware that innovative approaches to teaching our children are few and far between. It is programs like these that embolden the youth of America to reach for the skies.

These children in Compton are able to earn "credits" by performing community service. Credits can then be traded in toward flight lessons.

It is my hope, Mr. Speaker, that we can continue to provide these opportunities that encourage young minorities and women to consider careers in transportation. I am inspired by the creativity and innovation that the Aero Squad Program embodies. I look forward in the 109th Congress to help support programs such as this, which combine innovative teaching approaches with cutting-edge opportunities.

I ask, Mr. Speaker, that the House unanimously pass this measure.

Mr. OBERSTAR. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New Jersey (Mr. LOBIONDO), the chairman of the subcommittee.

Mr. LOBIONDO. Mr. Speaker, I commend the gentlewoman from California. Education, guidance and opportunity are key ingredients to success, and I commend the gentlewoman for her initiative on this motion. I urge all of my colleagues to support it.

Mr. OBERSTAR. Mr. Speaker, further reserving the right to object, I would simply note that the air patrol in Minnesota has a similar program, we call it the Young Eagles, to bring young people into participation in aviation at an early age. It is beneficial to all of aviation.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 532

Whereas youth participants perform community service in exchange for flight lessons and instruction courses offered through the Aero Squad After School Program at Tomorrow's Aeronautical Museum in Compton, California;

Whereas the Aero Squad After School Program, founded by Robin Petgrave, provides a haven for young people to work and develop workplace ethics while taking seminars that focus on mathematics, airplane maintenance, and motor maintenance: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) commends the Aero Squad After School Program at Tomorrow's Aeronautical Museum in Compton, California, as well as other youth aviation programs that expose young minorities to the field of civil aviation through engineering, science, and mathematics enrichment courses;

(2) commends civil aviation enrichment programs that encourage minorities and underrepresented groups to enter the field of civil aviation; and

(3) congratulates the graduates of the Aero Squad After School Program at Tomorrow's Aeronautical Museum in Compton, California, who have obtained pilot licenses, including Kenny Roy, who obtained his student pilot license in Canada.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

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. 5426 and H. Con. Res. 532.

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

There was no objection.

REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT

Mr. DELAY. Mr. Speaker, your committee appointed to join a committee of the Senate to inform the President that the Congress is ready to adjourn

and to ask him if he has any further communications to make to the Congress has performed that duty. The President has directed us to say that he has no further communications to make to the Congress.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

EXPRESSING FRUSTRATION REGARDING APPROPRIATIONS PROCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. WHITFIELD) is recognized for 5 minutes.

Mr. WHITFIELD. Mr. Speaker, as we conclude the 108th Congress, I think all of us who served in this body feel a great sense of pride and accomplishment for the legislation that we passed that will have a positive impact on our Nation. I think also many of us have a great deal of regret over legislation that did not pass that we needed to pass to address serious issues facing our great Nation.

I am really reluctant at this time to talk about matters that I find frustrating for me personally, but I am not going to be critical of any Member, of course. But one of the processes that seems to be taking place certainly in the House of Representatives is that each year we take up more and more of the legislative calendar to pass appropriation bills. It seems that each year we do not pass all of the appropriation bills. Then what happens is at the end of the year we come forth with a gigantic omnibus bill. This year was no exception. That is one of the reasons that a few years ago on this floor, we had a vote to go to a 2-year appropriation cycle so that one year we could appropriate money for the government, and the next year we could debate substantive issues.

But as I stated earlier, we find ourselves this year with a gigantic omnibus bill once again. The sad thing about it is that when that bill went over to the Senate, many provisions were placed into that bill, and the Members of the House of Representatives never had an opportunity to vote on the bill. I just want to give one example of a substantive policy that was made because of legislation adopted on the Senate side that was never, we never had an opportunity to vote for on this side.

The Bureau of Land Management oversees approximately 261 million acres of public lands, and more than 29 million acres of that land is used for wild horses and burro grazing. Now, because of section 142 being inserted into the omnibus bill on which there was no disclosure, no one knew about it; as I said earlier, we never had an opportunity to vote on it on the House side, 31 years of policy relating to public lands and wild burros and wild horses grazing on those lands were changed. As a matter of fact, the change will no longer protect those wild horses and burros on the public lands. Someone, and it is unclear who, will decide that there may be an excessive number of these animals out there, and those animals will be disposed of.

Now, prior to this year's omnibus bill, in every appropriation bill relating to BLM lands, it said, "Appropriations herein made shall not be available for the destruction of healthy, unadopted wild horses and burros in the care of the Bureau or its contractor." Of course, the omnibus bill eliminated that language as well.

So we leave here at the end of this 108th Congress by action taken in the dark of night, without the knowledge of anyone, that changes 31 years of policy relating to the way we manage Bureau of Land Management and the animals, the wild horses and burros on those properties.

I, for one, am quite frustrated by this process. It seems that each year we come with gigantic omnibus bills. This one exceeded I have been told over 3,000 pages. Most Members, of course, do not know what was in it. But the really disappointing thing to me, and I stress that, was the fact that on the House side, we never had an opportunity to vote on those changes made by the Senate.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

(Ms. LEE addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Mr. STUPAK. Mr. Speaker, I ask unanimous consent to proceed out of order.

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

There was no objection.

CALLING FOR RESTRICTIONS ON ACNE DRUG ACCUTANE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

Mr. STUPAK. Mr. Speaker, I come here tonight concerned about drug safety and to speak out to protect our

children from the acne drug Accutane. As a legislator, I have called for more restrictions on the distribution of this drug, which is known to cause severe birth defects and a form of impulsive behavior and depression in people taking this drug.

This drug has devastated my family with the loss of our son BJ and more than 250 other families who have lost their young son or daughter while he or she was taking the drug Accutane.

Recent news stories concerning the safety of prescription drugs have quoted an FDA safety reviewer, Dr. David Graham, when he spoke to the Senate Finance Committee. Dr. Graham said, "I would argue that the FDA as currently configured is incapable of protecting America against another Vioxx." He told the Senate Finance Committee that "there are at least 5 other drugs on the market today that should be looked at seriously to see whether they should remain on the market." He cited the acne drug Accutane.

Why Accutane? Accutane is the post-er child for why we need an independent body to approve and review drug safety. Accutane causes horrendous birth defects and may cause psychiatric disorders such as depression and suicide. It is linked to over 250 suicides, according to the FDA.

A recent study by Dr. J. Douglas Bremner demonstrates how Accutane affects the brain, possibly causing impulsive behavior due to changes in the orbitofrontal cortex. This is the front part of the brain. This is an area known to mediate depression.

□ 2000

Our investigation, that of the Committee on Energy and Commerce, found that the dosage for Accutane may be way too high.

Too much Accutane, a synthetic vitamin A, causes cerebri tumor or a pseudo tumor in some patients. Some pseudo tumor is a warning that is found on Accutane packaging, but what does it really mean?

What it really means is it causes severe headaches. And while it acts like a tumor in the brain, it cannot be discovered. CAT scans will not show it. There is no evidence of a tumor. So what happens?

As Dr. Bremner showed us here in this study of the orbitofrontal cortex, there is a decrease in the metabolism of the brain. This PET scan right here establishes a baseline of a person before they started Accutane, here on my far right-hand side. This PET scan of the same person 4 months later, while on Accutane, in the first PET scan, the color red representing brain activity in the front part of the brain. Now in the second PET scan after 4 months, notice very little red, representing decreased brain activity in the same person after 4 months of treatment on Accutane. Accutane decreases the metabolism in the front part of the brain.

This is one slide that Dr. Bremner has shared with us. There is a 21 per-

cent decrease in brain metabolism in this patient. This only occurred in some of the Accutane patients. Dr. Bremner also did PET scans with other patients taking oral antibiotics for acne, and none showed brain changes. It is not all Accutane patients who demonstrated a brain change, just those of who complained of headaches. Is the excessive dosage found in the current formula of Accutane that is prescribed to young people, is this the cause of the change of young people that we see?

Medical evidence is clear that Accutane causes medical changes in the brain, and this may be what leads some people to take their own life through impulsive behavior.

Even today, USA Today, dated 12/7/2004, "Drug Maker Rebuffed Call To Monitor Users," a special report in USA Today. What did it say? That the manufacturer, Hoffman-LaRoche, knew that this drug causes depression and impulsive behavior, but it did not want to warn anyone for fear of loss of sales in the U.S. market.

The medical evidence is clear. Accutane causes changes in the brain, and this may be what leads some young people to take their own life. Let us join with Dr. Graham, the Centers for Disease Control, and other health care groups that have expressed strong concerns about the safety of this drug and who have called for Accutane to be withdrawn from the market as far back as 1990. For 14 years these groups have been saying because of the birth defects and psychiatric impact of this drug, we should withdraw it from the market until we have some answers.

Let us pull this drug from the market until we have all the answers surrounding this powerful, dangerous drug called Accutane. Is this decreased metabolism that we see here in the PET scan reversible? Will the brain repair itself? What amount or dose of Accutane is safe? What amount of Accutane can be safely taken by young people so the brain is not affected? These are questions that must be answered to protect our young people.

The SPEAKER pro tempore (Mr. OSE). Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. KING) is recognized for 5 minutes.

(Mr. KING of Iowa addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

NATIONAL INTELLIGENCE REFORM ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

woman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I wish all of my colleagues a safe and prosperous holiday season; a time to fellowship with our family members and friends; time for our spiritual reflection of our respective faiths; a time to wish for a better life for all of us.

We finally finished, Mr. Speaker, a very long journey; and that journey started on that fateful day of 9/11. So many of us can remember.

My recollection serves me well. It was a Tuesday morning. Some of us had already come to this Capitol, engaged in meetings, prepared to do the normal business of the House. Within a flicker of an eye, the buildings in New York were struck; the Pentagon had gone up, a portion of it in smoke; and in a field in Pennsylvania, a plane had nose dived, killing all.

I repeat this because for some reason this intelligence debate took on a life of its own, maybe even caused confusion among the American public. But it did not cause confusion among those family members who had lost loved ones and those who lost their lives who are not here now to tell us their story.

The real crux of the debacle and the tragedy of 9/11 was a failure on the part of this government. We failed in understanding the necessity of human intelligence. We failed in understanding the surge of terrorist acts around the world. It was not a Republican failure or a Democratic failure. It was a failure of government, and we failed the American people and those who lost their lives. That is why I was so baffled by the long, extended time it took for this body to pass the 9/11 Commission report. Gratefully, after a long debate, we had a 9/11 Commission, and even that was opposed.

Democrats strongly supported this Commission, but after the report went through and the balance of the representation of the Commission, Democrats and Republicans, who meticulously listened to testimony after testimony, reviewed documents after documents, and came up with what I think was a fair response to the tragedy of 9/11, they gave us a road map upon which we could base our lack of understanding to make it better for the future.

We are very fortunate, and I would not give this credit to any one party. We came together. We forged a Homeland Security Department. I have the honor of serving on the Select Committee on Homeland Security. We had hearing after hearing trying to explore where there were loopholes in the system so we could ensure safety for the American people. Lo and behold, a report came out, the eloquent statements, tear-jerking statements of family members who tore at our heartstrings about what they went through, the gap of time, the lack of information, the lack of coordination. It was glaring. We had failed.

And the singular key of failure was the lack of human intelligence and coordinated intelligence of our intelligence agencies around America and around the world. The FBI could not tell that there was a memo on the desk of an FBI agent in Minneapolis that suggested that there were people who were learning to fly, learning to take off, but not learning to land. There were series of terrorists in Florida going to aviation schools, paying cash, and no data came in to a central place of intelligence to say something is wrong.

While we got, if you will, bundled up and shackled with the question of immigration, and immigration provisions, which I happen to think and hope that we will come together in a bipartisan way in the 109th Congress and begin to put in place comprehensive immigration reform, had really nothing to do with the terrorists, because they came in on legal documents.

We can fix how they came in. We can ensure that our consul offices are more equipped with human intelligence so that we know who not to let into our country. That was the crux of the problem, not the fact that they were illegal immigrants. They had legal documents. Not the fact that they could get a legal driver's license. They had legal documents. We know driver's licenses are taken care of by the States to a certain extent.

As I hear the time ending, let me conclude, if we fix driver's license, we need to do it in an orderly fashion with the criteria and standards of documentation. But none of us are prepared to have a national ID card.

This bill was long overdue. It fixed the singular problem. The singular problem is human intelligence. Immigration can be fixed in the next Congress, and I am grateful for the inclusion of my CASE Act on the alien smuggling. We now have enhanced penalties for those who will do the dastardly act of smuggling illegal immigrants into this country.

This was a bill long overdue. I thank the families.

Mr. Speaker, I would like to offer my sincere gratitude and appreciation for everyone involved in finally bringing this important bill to the floor of the House and for putting aside the poison pill immigration provisions and moving forward with a bipartisan intelligence measure that will implement the 9/11 Commission's recommendations and make our country safer. While I applaud the leadership of the Committees of jurisdiction and the respective Conferees for their hard work in maintaining bipartisanship thus far, the simple fact is that the Conference report has not yet passed. The 9/11 victim families have left Capitol Hill feeling appeased that the work has been done; therefore, it is critical that we not renege on what has been represented to them. The job isn't done until it is done.

This Conference Report is sitting in our chambers and must be passed before we close for 2004.

This week may be our last chance this year to consider and pass this overwhelmingly pop-

ular bipartisan measure. This sweeping bill includes the creation a national intelligence director to oversee the Central Intelligence Agency, a plan with which even our President agrees.

Given the recent vulnerabilities that we have experienced in bioterrorism defense with the shortage of flu vaccinations and the recent discovery that 380 tons of explosive material in Iraq remains unaccounted for, it is more than critical for this body to pass the Intelligence Reform legislation now—while we have an opportunity. The families of the fallen victims are looking to us for leadership and responsible action.

I believe very strongly that immigration does not equate with terrorism. Nevertheless, we continue to look to the enforcement of our immigration laws as a way to protect our country from terrorist attacks, and this did not begin with the terrorist attack on September 11, 2001. Serious efforts in this regard were going on long before that happened. For instance, partly in response to the 1993 World Trade Center bombing, Congress strengthened the antiterrorism provisions in the Immigration and Nationality Act (the INA) and passed provisions that were expected to ramp up enforcement activities, notably in the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 (P.L. 104-208) and the Antiterrorism and Effective Death Penalty Act (P.L. 104-132).

The INA gives the government broad authority to arrest and detain aliens in the United States who are suspected terrorists or who are suspected of supporting terrorist organizations, as well as aliens who have violated other provisions of immigration law. This was augmented by a mandatory detention provision that we added with the U.S. Patriot Act.

More than 1,200 people reportedly were detained after September 11. Some experts support a broadening of the authority to arrest and detain aliens in the United States who are suspected terrorists or who are suspected of supporting terrorist organizations.

I believe that current law will be adequate with minimal changes. I am concerned that further expansion may erode individual rights and that, as a result, innocent foreign nationals may be detained and deported.

Unfortunately, H.R. 10, the House bill to implement the Commission's recommendations included a number of extraneous immigration provisions that dealt with immigration reform issues rather than with the need to secure our country against further terrorist attacks.

For instance, it included court-stripping provisions to reduce access to federal court review from adverse decisions in immigration removal proceedings. It had a provision to take away the power of a Federal court judge to stay an alien appellant's removal pending the outcome of this appeal proceedings. It provided for greatly expanding the use of expedited removal proceedings, which would have enabled the government to remove thousands of undocumented aliens without hearings or due process of any kind. It even had a provision permitting the government to deport aliens to countries where they would be tortured—in direct violation of the Convention Against Torture.

One of these provisions was particularly misguided, H.R. 10 included a provision, which specified what documents States were to be permitted to accept as identification in

connection with driver's license applications. In cases of an alien seeking to identify himself with a foreign document, the only acceptable foreign document would be a passport. This was alleged to be a security measure to prevent terrorists from obtaining driver's licenses. The absurdity of this measure can be seen in the fact that all nineteen of the 9/11 hijackers had passports. If this provision had been in effect at that time, it would not have prevented any of the 9/11 hijackers from obtaining a driver's license.

The extraneous provisions troubled the 9/11 Commissioners to the point where they wrote letters to the Congress encouraging us to put these contentious issues aside so that we could move forward with the serious business of implementing their recommendations.

I am pleased that bipartisanship and a sense of responsibility prevailed in the end as far as the joint conference is concerned. The extraneous provisions I just mentioned have been removed from the bill.

The Conference Report strikes a provision attempting to prevent the use of *Matricula Consular* cards in the United States; harsh new evidentiary standards for asylum relief; and a new criminal provision making it a felony (punishable of up to 5 years' imprisonment) for making false claims to U.S. citizenship.

None of these provisions had anything to do with protecting this nation against potential terrorist attacks. These provisions would not have implemented any of the recommendations of the September 11 Commission or protect us against a terrorist attack.

I am pleased also that provisions from my Commercial Alien Smuggling Act (the CASE Act) were included in this bill. These provisions would permit a judge to increase a criminal sentence by up to 10 years in smuggling cases in which the offense was part of an ongoing commercial organization or enterprise; aliens were transported in groups of 10 or more; and the aliens were transported in a manner that endangered their lives or the aliens presented a life-threatening health risk to people in the United States. I am confident that this will go a long way towards deterring commercial smuggling operations that are recklessly killing desperate immigrants who come to our country to establish a better life for themselves and their families.

The final product is worthy of the outstanding effort that the commission put into analyzing the horrific events of September 11, 2001. While I recognize that it does not fully implement the recommendations of the Commission in every respect, it is a major effort to move forward with the essential elements of the Commission's recommendations. We must consider and pass this legislation now!

OIL FOR FOOD CORRUPTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from New Jersey (Mr. GARRETT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GARRETT of New Jersey. Mr. Speaker, I thank the Speaker for the opportunity, I think, to be the last speaker of the 108th Congress, if I am not mistaken.

I want to take this opportunity before I begin just to reflect back, to reflect back on the 108th Congress, to think where we began at the beginning 2 years ago, all what seemed at the time insurmountable issues that this Congress would have to address. And we overcame them, addressed major issues, and passed significant legislation for the benefit of the people of this United States. And as we wrap up this 108th Congress now and look forward to the 109th Congress, here, this evening, we were actually able to pass the intelligence bill, to hopefully reorganize and restructure the Intelligence Community in this country for the benefit of the people, for the benefit of the liberties of this Nation as well, and the free world for that matter. It is a daunting task that lies ahead for us, but it is one that we can look back with great accomplishment that we have already achieved in the 108th Congress.

But as we do this, as we reflect back, we have to remember one problem that was just beginning to rear its head at the start of this session, and that grew out of the corruption, anti-Americanism, the inefficiencies of the United Nations and what we know now as the United Nations's food-for-oil scandal. And as the photo to my left shows, a steady diet of corruption, the U.N. oil-for-food scandal, oddly we see with Saddam Hussein on one side and the oil container on the other side, leaving out, of course, of the picture the very people of his nation that the food-for-oil dollars were supposed to benefit.

The U.N. Food-for-Oil Program was a program that was poorly structured from the very beginning. Basically it was one that was set up to allow for the egregious abuses that came. The nature and scope of this scandal is turning out to be, what I believe to be and what others have already said, the greatest financial scandal in the U.N. history, and actually the greatest theft in the history of the world.

The United Nations created a program that, if we think about it for a moment in retrospect, was doomed for failure from the very beginning at best, and, at worst, for corruption; and apparently what we got was the worst, corruption along with the failure.

I just want to take a moment to reflect back how this all began. It was back in 1990, 1 week after Iraq invaded Kuwait, that the U.N. Security Council passed Resolution 661. That established a worldwide embargo on the exportation of oil from Iraq.

Well, obviously, that was put in place to make sure that he would not be able to use those oil dollars for his own benefit. Due to Saddam Hussein's continued defiance and disregard of the U.N. weapons inspectors, we recall that we were trying to find out what was going on in his nation; but due to his defiance of those U.N. weapons inspectors after the war, those sanctions remained in place throughout much of the decade of the 1990s.

Now the critics at the time that those sanctions were put in place argued that they were placing an extraordinary burden on the general population, the regular people of Iraq. And by not allowing the Iraqi Government to export oil and derive the money from that, the government was faced with a significant decrease in revenue, and, therefore, they were unable to, it was said, to provide humanitarian assistance, basically food and medical supplies for their own people.

In fact, back at that time it was UNICEF that was saying that 1 in 4 children in Iraq at the time were malnourished, that 4,000 children were dying every single month due to the sanctions being in place.

□ 2015

The U.N. responded to that sort of argument that UNICEF and others were saying and the critics were making, and so, in 1996, with the Iraqi people honestly suffering at the hands of their government and no end to the sanctions in place of being lifted because Saddam Hussein was not allowing his weapons inspectors to come back into the country, the Iraqi regime agreed with the U.N. to set up the program that we now know as the Oil-for-Food program.

If there was ever a way to set up a program that could have been more set for failure, I cannot think of one. Why do I say that? Because it allowed for Saddam Hussein to have all the decision-making in his hand and the U.N. basically to have none, and in addition to that, the U.N. had very little oversight. Saddam Hussein was able to say who he wanted to sell the oil to under the Oil-for-Food program, which became a scandal, and in addition to that, he could basically set the price. So he could say that he was going to sell the oil to the companies or countries of his choice at a price that he would determine, that the U.N. would be able to look over those transactions at that point, but the U.N. was not given any ability to make further inspection when that company or that country was able to then sell the oil probably at a much higher price, a handsome price, a price that enabled that company or country to then do what it is entirely possible for it to do and what it did do, kick back that money to the Iraqi government and Saddam Hussein.

Likewise, Saddam Hussein was able to and was given the power by the U.N. to decide who it would be who would provide this humanitarian aid for his people. What was this doing? This was saying that Saddam Hussein was able to choose this company or this company or this country or this country to be the ones that provide the humanitarian aid, and of course, if he was rolling out literally hundreds of millions of dollars of program payments to them, what was occurring under the table in form of kickbacks only became realized later on. The Oil-for-Food pro-

gram only stayed in place, of course, until April of 2003, when his regime was toppled.

Many investigations have begun and have proceeded over the last several years to try to explore exactly what occurred during that, what fraud and abuses came about due to this program that was so poorly set up from the very beginning, and what, of course, is found out? It has found corruption and bribery. It has found literally billions of dollars being taken from the starving people of his country and given to himself and for other purposes.

In the area of bribery, investigations revealed that Hussein's regime bribed numerous foreign officials, companies and others, to curry favor to have the sanctions imposed on them lifted by the U.N. This is just not wild speculation. It comes back from Charles Duelfer, the top American weapons inspector in Iraq at the time, he testified, Mr. Hussein was successfully using illegal proceeds specifically from the Oil-for-Food program to undermine support for the sanctions that the U.N. imposed after the 1990 invasion of Kuwait. So some of the very money that was supposed to be going to the people was going to U.N. officials.

The first report came out in the spring of early last year, the GAO report, and that report cited that Saddam Hussein had generated over \$10 billion, that is with a B, of illicit revenues by gaming the system since 1991. Recent reports we may have seen have more than doubled that estimate to around \$21 billion. Where was the money going besides bribery? To weapons.

Further corruption was exposed after allegations surfaced that Saddam Hussein used a large portion of the money to purchase weapons for his regime, and so now, it is widely believed that those very same weapons are the weapons that are being used by the rebels over in Iraq to kill and attack American soldiers.

Where else did the dollars go besides bribery and weapons? There are also reports that Saddam Hussein used the money he acquired from the program to pay families of Palestinian suicide bombers who killed Israelis and Americans to the tune of \$35 billion, and this was done through Jordanian banks. I think we have a chart that in a not too complicated manner puts this one example in play, just gives a little idea how he was able to do it.

On the top of the chart, we show three different areas. The first two are really the main ones of where the money came from from these illicit purposes. Ten percent, kickback payments from companies in Oil-for-Food programs. Those are the humanitarian programs that I spoke to just a moment ago, those companies that he was able to say that I would only pick this company or this company or this country to do business with so long as they were kicking money back to them.

The other is a fee for oil. In this one example, \$3 per barrel fee for oil paid

by the Jordanian government as part of their program of getting oil from Iraq. So these were basically, if you want to use the vernacular, kickbacks that were coming for every barrel of oil that they were able to export at a very low price, and the Jordanian government was able then to sell at a higher price, they were required to kick back to his regime around \$3 per barrel. That money then went into the Raffidain Bank in Amman, Jordan, into a Central Bank account in that bank.

Item number four shows that came out of the account, and in this one example that we show in this chart at least, to the families of suicide bombers in the amount of, as this chart is showing around, \$15- to \$25,000 per family for suicide bombers.

So, for anyone out there who is still believing that Saddam Hussein had nothing to do prior to 9/11 and prior to the toppling of his regime, that he had nothing to do with terrorism, let this evidence now dismiss that thought of innocence by Saddam Hussein from their thoughts today.

So, instead of his using dollars to help starving people in his own country, Saddam Hussein used the money to bribe, buy weapons, support terrorists and, of course, to further his lavish lifestyle as a dictator. I will just say as an aside, earlier this year I had the opportunity to travel to Iraq to visit with the American troops that are over there, see the great job that they are doing, that many of these men and women are so proud of the accomplishments that they have already achieved and what they want to do in the future.

While we were traveling about Iraq we had the opportunity also of seeing the palatial mansions that Saddam Hussein had not only for himself but other leadership in his government, for his generals, for the lakes that he had made for himself, man-made lakes and palaces around the country. That is where some of the money from the Oil-for-Food oil was going to instead of the starving people of his own country.

There is also speculation or evidence that is coming out to say that not only did the money go to other countries and to other companies, for the purposes I have already cited, but also to members of the U.N. itself, to the executive director of the Oil-for-Food program it is asserted that received dollars back from Saddam Hussein's regime from the Oil-for-Food program. Each one of these examples is an example of corruption by this regime that is becoming more and more apparent as the facts begin to present themselves.

The fact that this such an ineffective body in the Oil-for-Food program, the U.N., really should not come as a surprise to any of us who know a little bit about the history of the U.N. It is really just another example of the long-running inefficiencies of the U.N.

I mentioned before that UNICEF was blaming the sanctions on the fact that 4- to 5,000 Iraqi children were dying every single month; that one in four

children in that country were malnourished during that period of the sanctions. What these facts really reveal is that it was not the sanctions that were causing the malnourishment of his population, but rather, it was the corruption and complicity of men like Saddam Hussein and Kofi Annan and other U.N. officials who allowed this to go on year after year after year.

The fact that the U.N. is inefficient as an organization really has to look at their overall purpose. What their major overall purpose, of course, is the prevention of war. There have been over 300 wars since 1945 and over 22 million deaths resulting from these wars. So we have to ask, how efficient was the U.N. in preventing them?

The U.N. has authorized military action to counter aggression only twice really, in North Korea's invasion of South Korea and Iraq's invasion of Kuwait. So how efficient was the U.N. in doing what it was really set out to do? It was not.

Today, the most urgent threat to international peace and security today is terrorism, and yet, the U.N. cannot even agree upon a definition of what terrorism is. That is really in large part because it counts terrorist-sponsoring States and countries among its own membership. They are not going to define terrorism in the same way that their country is established.

How about finally human rights violations? The U.N. counts the world's leading human rights violators and repressive government among its membership. Worse, those members are disproportionately represented among the 53 countries elected to the U.N. Commission on Human Rights, with Libya as my colleagues recall serving as chairman just last year.

Coming back to the issue then of Oil-for-Food and what the U.N. says they should be doing about it, well, the U.N. and the leadership says they are looking at the issue right now. The most troubling fact, however, is the lack of cooperation that we are receiving from the U.N. to get to the bottom of the most recent scandal involving Oil-for-Food.

The United Nations has continuously denied U.S. government access to papers and internal records that concern the Oil-for-Food program, and they have repeatedly in addition to that shielded their officials such as their executive director of this program from ongoing investigations.

How about audits? There is something like 55 internal audits that the U.S. government has requested from the U.N. so we can see exactly what was going on with this program, and the U.N. leadership has denied turning those audits over.

I will point out that the U.N. does continue to claim that they are addressing this problem by the establishment of the Volker Commission, and I think most people would agree that Paul Volker is beyond question as far as his integrity is concerned, but that

is not the issue here. The issue is the way the commission was set up by the U.N. in order to investigate the Oil-for-Food scandal and basically was set up just as the other program was, totally ineffective.

It is ineffective due to his inability to gain any significant results. For example, Paul Volker has no subpoena power, and so, therefore, he is clearly open to U.N. manipulation as to the documents that he needs to get. In addition to that, he has no power of contempt, and by that I mean he cannot, like a court can, order someone to testify, bring forth documents, and if they do not, file contempt charges against them and force them to do so. So, without those abilities, the Volker Commission really is an empty shell and will not produce any results that are verifiable or that this Congress can rely upon.

I mentioned before that the U.N. leadership has failed to allow people to testify. The U.N. failed to allow Benon Savan, executive director of the Oil-for-Food program, to testify before Congress, and Volker Commission's has rejected requests to make them available for us.

I will point out something to make sure that our whole focus on this issue remains focused where it should be in light of my comments so far.

The Washington Times today, Tuesday, December 7, headline is House Republicans call for Annan to step down, Kofi Annan to step down. This followed a press conference that we held here in the House with the gentleman from Arizona (Mr. FLAKE) and others who have sponsored a piece of legislation that I will speak to in just a moment, and we sort of worried that the take on that press conference would be just the one that it is in the paper, and that is, the focus is on whether or not Kofi Annan should step down or not, as far as the headline is concerned.

While that is certainly an issue that should be discussed and debated and finally come to grips with as to whether or not we want to have someone in power, in charge of the U.N., that it was in place and overseeing the Oil-for-Food scandal the entire time that it was operating, and also now is stonewalling and blocking the U.S.' ability to get to the bottom of it, that is one issue.

But the real reason that the gentleman from Arizona (Mr. FLAKE) and others here had the press conference yesterday to address this issue was not so much who is at the leadership today, who is going to be at the leadership, at the helm of the U.N. tomorrow, but overall whether this scandal existed, and of course, the evidence shows that it did; to what extent that scandal existed; and who was involved; and basically to just get to the bottom of it. Until we get to the bottom of it, we owe it to the American public, and here is the point, to say to the U.N. that they cannot continue operating as they have operated all these many years and doing it on the American dime.

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And the American taxpayer is not going to be subsidizing the scandals that continue to go on in the U.N. We are going to withhold payment to the U.N. until we get to the bottom of these facts.

So to that end, legislation sponsored this year, H.R. 4284, in the 108th Congress, is a piece of legislation that would do just that. It would say that we are going to withhold 10 percent of American taxpayer dollars going to the U.N., 10 percent of America's responsibilities to them, and that number is around \$340-some-odd million a year. So 10 percent of that, obviously, is \$32 million or \$34 million this year. That would go up to 20 percent next year, so around \$72 million next year, until the U.N. becomes more forthcoming, provides the documentation, provides the audits allowing the President of the United States to certify that the U.N. is cooperating with all investigations so we can get to the bottom of this and find out who is responsible in each one of these instances.

During the course of the year, or just recently, I should say, some Members, myself, the gentleman from Arizona (Mr. FLAKE), and others, have sent around what is called a "Dear Colleague" letter to encourage our colleagues to sign on to that bill during this session of Congress. As we go into the 109th Congress, we will be encouraging other Members to sign on to that bill as well, the focus, of course, being that tax dollars should not be going to such a scandal-plagued organization as the U.N. until they begin to clean up their act.

The fact that this evidence is all coming to a head now, or coming more to light now, may be an explanation as to why earlier in this session, when some of us moved an amendment to an appropriation bill that basically did the exact same thing that this bill would do, and that is to say when we had a spending bill going through this House earlier in the 108th Congress, we said let us do it right then, let us withhold some or all of our funding to the U.N. until we get this information, that, unfortunately, all the information was not out and we did not have enough Members in the House to support this legislation. So in the spending bills this year, we completely funded the U.N.

But now the information is coming out. It started early enough, of course. I honestly believe there was enough evidence at that time for us to withhold funds earlier this year. It started way back in a report dated June 20, 2003. An article appeared that said, "The now defunct program, the Food-for-Oil Program, allowed Iraq to buy food and medicine with its oil proceeds under U.N. supervision. Although the oil proceeds were legal and approved by the U.N., several observers say the system involved kickbacks and was used to buy political support and to finance intelligence activities and even ter-

rorist activities. That is going back to reports in June of 2003.

Of course, there is the one I mentioned earlier, the Food-for-Oil minister, Benon Sevan. At that time he was granted an allocation of 7.3 million barrels of Iraqi oil. By that, I mean that under this program, Saddam Hussein decided that Benon Sevan, the Food-for-Oil administrator, the person in the U.N. who is overseeing the entire program, would be able to buy 7.3 million barrels of Iraqi oil from its regime. But he was able to do so at an artificially low price that Saddam Hussein set. So he was then able to resell that oil, and he could expect to receive \$3.5 million in profit. As somebody else said, not a bad deal.

Who else was on that list, besides officials at the U.N.? Well, reports also show that three countries were involved, and these probably should not surprise any one of us here. Overall, 248 companies purchased through the Oil-for-Food program, but three countries go to the top of the list:

First, Russia. Maybe that should not surprise us. Russia has had a vested interest, as related in some of the reports, for the last 15 years in Iraqi oil production. But what may be interesting is one notable recipient of one of those lucrative oil contracts was the director of the Russian President's office.

Now, we are trying to get information from Russia to what extent that was going on, and why someone within the President's office in Russia was receiving those dollars. So far we have been unsuccessful.

A second country that should probably also not be a surprise to any one of us is our old friend France, also involved in the Food-for-Oil scandal. France's oil vouchers account for 150.8 million barrels of oil. And the people involved in that reportedly include the French interior minister and also close friends of Chirac and others.

So what this means is that people close to Jacques Chirac and the interior minister were able to get the ability to buy 150.8 million barrels of oil from the Saddam Hussein regime, again at an artificially low price, and again able to resell it at whatever price they could, which would be market prices, and then make a killing in that market deal.

The third and final one, Syria, again just like France and Russia, should come as no surprise that they were also part of the deal with Saddam Hussein as far as getting oil at a low price. How much? 116.9 million barrels of crude oil that they also got at an artificially low price and that they were able to sell and get back at a much higher price.

So the examples of abuse and fraud are complete. The people who are involved in it is a growing list of some of the countries that we always suspected may have had a reason for trying to undercut us in the U.N. with regard to sanctions, countries that had a reason to undercut us with regard to the war

in Iraq. The people involved were the very people who were involved with implementing the program at the U.N.

So it now is incumbent upon this Congress, as we go forward into the 109th Congress, to do all that we can to shine the light of day on this program, to make sure all the facts come out, and to hold all guilty parties responsible. But the only way we are ever going to put pressure on the U.N. is by putting pressure in the area they respond to, and that is their funding.

So as we go into the 109th Congress, the gentleman from Arizona (Mr. FLAKE) and myself will be supporting legislation to withhold U.S. taxpayer dollars going to the U.N. until they open up their books, provide the audits, allow the people in that organization to testify before Congress and to let all the information come out so that the American public knows exactly where their taxpayer dollars are going.

With that, Mr. Speaker, as we close the 108th Congress, I look forward to the challenges ahead in the 109th Congress. I know that, as Franklin said, the price of liberty is eternal vigilance. Well, this Congress has been vigilant in the past, and I am sure we are going to be ever vigilant with the taxpayers' dollars and the American public's interest as we go through the next 2 years as well and we get to the bottom of the Food-for-Oil scandal.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 480. An act to redesignate the facility of the United States Postal Service located at 747 Broadway in Albany, New York, as the "United States Postal Service Henry Johnson Annex".

H.R. 2119. An act to provide for the conveyance of Federal lands, improvements, equipment, and resource materials at the Oxford Research Station in Granville County, North Carolina, to the State of North Carolina.

H.R. 2523. An act to designate the United States courthouse located at 125 Bull Street in Savannah, Georgia, as the "Tomochichi United States Courthouse".

H.R. 3124. An act to designate the facility of the United States Geological Survey and the United States Bureau of Reclamation located at 230 Collins Road, Boise, Idaho, as the "F.H. Newell Building".

H.R. 3147. An act to designate the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the "James V. Hansen Federal Building".

H.R. 3204. An act to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the birth of Benjamin Franklin, and for other purposes.

H.R. 3242. An act to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops, and for other purposes.

H.R. 3734. An act to designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the "Joe Skeen Federal Building".

H.R. 3884. An act to designate the Federal building and United States courthouse located at 615 East Houston Street in San Antonio, Texas, as the "Hipolito F. Garcia Federal Building and United States Courthouse".

H.R. 4232. An act to redesignate the facility of the United States Postal Service located at 4025 Feather Lakes Way in Kingwood, Texas, as the "Congressman Jack Fields Post Office".

H.R. 4324. An act to amend chapter 84 of title 5, United States Code, to provide for Federal employees to make elections to make, modify, and terminate contributions to the Thrift Savings Fund at any time, and for other purposes.

H.R. 4620. An act to confirm the authority of the Secretary of Agriculture to collect approved State commodity assessments on behalf of the State from the proceeds of marketing assistance loans.

H.R. 4807. An act to designate the facility of the United States Postal Service located at 140 Sacramento Street in Rio Vista, California, as the "Adam G. Kinser Post Office Building".

H.R. 4829. An act to designate the facility of the United States Postal Service located at 103 East Kleberg in Kingsville, Texas, as the "Irma Rangel Post Office Building".

H.R. 4847. An act to designate the facility of the United States Postal Service located at 560 Bay Isles Road in Longboat Key, Florida, as the "Lieutenant General James V. Edmundson Post Office Building".

H.R. 4968. An act to designate the facility of the United States Postal Service located at 25 McHenry Street in Rosine, Kentucky, as the "Bill Monroe Post Office".

H.R. 5360. An act to authorize grants to establish academies for teachers and students of American history and civics, and for other purposes.

H.R. 5364. An act to designate the facility of the United States Postal Service located at 5505 Stevens Way in San Diego, California, as the "Earl B. Gilliam/Imperial Avenue Post Office Building".

H.R. 5365. An act to treat certain arrangements maintained by the YMCA Retirement Fund as church plans for the purposes of certain provisions of the Internal Revenue Code of 1986, and for other purposes.

H.R. 5370. An act to designate the facility of the United States Postal Service located at 4985 Moorhead Avenue in Boulder, Colorado, as the "Donald G. Brotzman Post Office Building".

The message also announced that the Senate has passed without amendment for Joint Resolution of the House of the following title:

H.J. Res. 102. Joint resolution recognizing the 60th anniversary of the Battle of Peleliu and the end of Imperial Japanese control of Palau during World War II and urging the Secretary of the Interior to work to protect the historic sites of the Peleliu Battlefield National Historic Landmark and to establish commemorative programs honoring the Americans who fought there.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 620. An act to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist the State of California or local educational agencies in California in providing educational services for students attending schools located within the Park.

The message also announced that the Senate has passed a concurrent resolu-

tion of the following title in which the concurrence of the House is requested:

S. Con. Res. 78. Concurrent resolution condemning the repression of the Iranian Baháí community and calling for the emancipation of Iranian Baháís.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 2781) "An Act to express the sense of Congress regarding the conflict in Darfur, Sudan, to provide assistance for the crisis in Darfur and for comprehensive peace in Sudan, and for other purposes."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RAHALL (at the request of Ms. PELOSI) for today on account of family matters.

Mrs. JONES of Ohio (at the request of Ms. PELOSI) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. STUPAK) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Member (at the request of Mr. WHITFIELD) to revise and extend his remarks and include extraneous material:)

Mr. KING of Iowa, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bill of the House of the following title, which was thereupon signed by the Speaker.

H.R. 4818. An act making appropriations for foreign operations, export financing and related programs for the fiscal year ending September 30, 2005, and for other purposes.

SINE DIE ADJOURNMENT

Mr. GARRETT of New Jersey. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Accordingly, pursuant to the previous order of the House of today, the House stands adjourned until 2 p.m. on Friday, December 10, 2004, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 531, in which case the House shall stand adjourned sine die pursuant to that concurrent resolution.

Thereupon (at 8 o'clock and 38 minutes p.m.), pursuant to the previous

order of the House of today, the House adjourned until 2 p.m. on Friday, December 10, 2004, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 531, in which case the House shall stand adjourned sine die pursuant to that concurrent resolution.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

11248. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Swine Health Protection [Docket No. 04-109-1] received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11249. A letter from the Administrator, Rural Housing Service, Department of Agriculture, transmitting the Department's final rule — Servicing of Delinquent Community and Business Programs Loans — Workout Agreements (RIN: 0575-AC57) received December 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11250. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Mexican Avocado Import Program [Docket No. 03-022-5] (RIN: 0579-AB81) received December 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11251. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Melons Grown in Texas; Temporary Suspension of Handling and Assessment Collection Regulations [Docket No. FV05-979-1 IFR] received December 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11252. A letter from the Administrator, Agricultural Marketing Service, Dairy Programs, Department of Agriculture, transmitting the Department's final rule — Milk in the Northeast and Other Marketing Areas; Order Amending the Orders [Docket No. AO-14-A72, et al.; DA-03-08] received December 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11253. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Vidalia Onions Grown in Georgia; Change in Assessment Requirements [Docket No. FV04-955-1 IFR] received December 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11254. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Cyazofamid; Pesticide Tolerance; Technical Correction [OPP-2004-0211; FRL-7685-1] received December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11255. A letter from the Secretary of the Air Force, Department of Defense, transmitting notification that the Advanced Extremely High Frequency (AEHF) Program exceeds the 15 percent Nunn-McCurdy Program APUC and PAUC thresholds, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

11256. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting

notification of the Department's intention to close the Defense commissary store at Camp Howze, Korea by the end of November 2004; to the Committee on Armed Services.

11257. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Written Assurance of Technical Data Conformity [DFARS Case 2003-D104] received December 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11258. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Protection of Privacy and Freedom of Information [DFARS Case 2003-D038] received December 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11259. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Removal of Obsolete Research and Development Contracting [DFARS Case 2003-D058] received December 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11260. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Contractor Use of Government Supply Sources [DFARS Case 2003-D045] received December 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11261. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Small Disadvantaged Business and Leader Company Contracting [DFARS Case 2003-D092] received December 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11262. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Contracting for Architect-Engineer Services [DFARS Case 2003-D105] received December 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11263. A letter from the Assistant Secretary of the Navy for Installations and Environment, Department of Defense, transmitting notification of a decision to study the military space operations function performed by military and civilian personnel in the Department of the Navy for possible performance by private contractors, pursuant to OMB Circular A-76; to the Committee on Armed Services.

11264. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Improper Business Practices and Contractor Qualifications Relating to Debarment, Suspension, and Business Ethics [DFARS Case 2003-D012] received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11265. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2005-07, Waiving Conditions on Obligation and Expenditure of Funds for Planning, Design, and Construction of a Chemical Weapons Destruction Fa-

cility in Russia, pursuant to Public Law 106—65, section 1305; to the Committee on Armed Services.

11266. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — HOME Investment Partnerships Program; Amendments to Homeownership Affordability Requirements [Docket No. FR-4940-101] (RIN: 2501-AD06) received December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11267. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — PHA Discretion in Treatment of Over-Income Families [Docket No. FR-4824-F-02] (RIN: 2577-AC42) received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11268. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Taiwan pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

11269. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Registration Under the Advisers Act of Certain Hedge Fund Advisors [Release No. IA-2333; File No. S7-30-04] (RIN: 3235-AJ25) received December 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11270. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Disposal of Consumer Report Information [Release Nos. 34-50781, IA-2332, IC-26685; File No. S7-33-04] (RIN: 3235-AJ24) received December 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11271. A letter from the Assistant Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Temporary Postponement of the Final Phase-In Period For Acceleration of Periodic Report Filing Dates [Release Nos. 33-8507; 34-50684; File No. S7-32-04] (RIN: 3235-AJ30) received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11272. A letter from the Assistant Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Issuer Restrictions or Prohibitions on Ownership by Securities Intermediaries [Release No. 34-50758; File No. S7-24-04] (RIN: 3235-AJ26) received December 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11273. A letter from the Secretary, Department of Education, transmitting a statistical report prepared by the National Center for Education Statistics entitled, "Trends in Educational Equity of Girls & Women: 2004," pursuant to 20 U.S.C. 9005; to the Committee on Education and the Workforce.

11274. A letter from the Secretary, Department of Education, transmitting the Department's Fiscal Year 2004 Performance and Accountability Report; to the Committee on Education and the Workforce.

11275. A letter from the Director, OSHA Standards and Guidance, Department of Labor, transmitting the Department's final rule — Updating OSHA Standards Based on National Consensus Standards; General, Incorporation by Reference; Hazardous Materials, Flammable and Combustible Liquids; General Environmental Controls, Temporary Labor Camps; Hand and Portable Powered Tools and Other Hand Held Equipment,

Guarding of Portable Powered Tools; Welding, Cutting, and Brazing Arc Welding and Cutting; Special Industries, Sawmills. [Docket No. S-023A] (RIN: 1218-AC08) received December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

11276. A letter from the Secretary, Department of Energy, transmitting the Department's Annual Report on Federal Government Energy Management and Conservation Programs during Fiscal Year 2002, pursuant to 42 U.S.C. 6361(c); to the Committee on Energy and Commerce.

11277. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Food Additives Permitted in Food on an Interim Basis or in Contact With Food Pending Additional Study; Mannitol [Docket No. 2004F-0066] received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11278. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Clinical Chemistry and Clinical Toxicology Devices; Classification of Newborn Screening Test Systems for Amino Acids, Free Carnitine, and Acylcarnitines Using Tandem Mass Spectrometry [Docket No. 2004N-0482] received December 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11279. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Air Quality: Revision to Definition of Volatile Organic Compounds — Exclusion of Four Compounds [FRL-7840-7] (RIN: 2060-AK37) received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11280. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Revised Format of 40 CFR Part 52 for Materials Being Incorporated by Reference [MD100-3100; FRL-7835-7] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11281. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Emergency Planning and Community Right-to-Know Act; Extremely Hazardous Substances List; Deletion of Phosmet [SFUND-2003-0007; FRL-7842-1] (RIN: 2050-AE42) received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11282. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — List of Hazardous Air Pollutants, Petition Process, Lesser Quantity Designations, Source Category List; Petition to Delist of Ethylene Glycol Monobutyl Ether [OAR-2003-0188; FRL-7841-8] (RIN: 2060-4687) received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11283. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revision to Definition of Volatile Organic Compounds — Exclusion of t-Butyl Acetate [OAR-2003-0084; FRL-7840-8] (RIN: 2060-AI45) received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11284. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule

— Approval and Promulgation of Air Quality Implementation Plans; Oregon; Removal of Perchloroethylene Dry Cleaning System Rules [R10-OAR-2004-OR-0001; FRL-7839-5] received December 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11285. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; Indiana; Rules to Control Particulate Matter and Carbon Monoxide from Incinerators [R05-OAR-2004-IN-0005; FRL-7838-3] received December 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11286. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Tennessee: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7846-2] received December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11287. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Preliminary Assessment Information Reporting; Addition of Certain Chemicals [OPPT-2004-0089; FRL-7366-8] (RIN: 2070-AB08) received December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11288. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC Requirements for Consumer Products [R03-OAR-2004-PA-0004; FRL-7845-1] received December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11289. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC Requirements for Portable Fuel Containers [R03-OAR-2004-PA-0003; FRL-7845-3] received December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11290. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) FM Table of Allotments, FM Broadcast Stations. (Sells, Arizona) [MB Docket No. 02-376 RM-10617] received December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11291. 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. (Waitsburg, Washington) [MB Docket No. 04-168 RM-10832] received December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11292. 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. (Islamorada, Florida) [MB Docket No. 04-205 RM-10704] received December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11293. A letter from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), FM Table of Allotments,

FM Broadcast Stations. (Calhoun, Georgia) [MB Docket No. 04-204 RM-10661] Reclassification of License of Station WYSF(FM), Birmingham, Alabama [BLH-20000929AEE] received December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11294. A letter from the Legal Advisor to Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations; and Section 73.622(b), Table of Allotments Digital Broadcast Television Stations. (Tulsa, Oklahoma) [MB Docket No. 04-260 RM-10616] received December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11295. 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. (Greenwood, Mississippi) [MB Docket No. 04-187 RM-10967] received December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11296. 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. (Kalispell, Montana) [MB Docket No. 04-283 RM-10965] received December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11297. A letter from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Revision to the Commission's Rules to Ensure Compatibility With Enhanced 911 Emergency Calling Systems [CC Docket No. 94-102] received December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11298. A letter from the Legal Counsel, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers [CC Docket No. 01-338] Implementation of the Local Competition Provisions of the Telecommunications Act of 1996 [CC Docket No. 96-98] Deployment of Wireline Services Offering Advanced Telecommunications Capability [CC Docket No. 98-147] December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11299. A letter from the Deputy Chief, IATD, Federal Communications Commission, transmitting the Commission's final rule — Local Telephone Competition and Broadband Reporting [WC Docket No. 04-141] received December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11300. 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. (Greeley, Colorado) [MB Docket No. 04-253 RM-11007] received December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11301. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — Review of Part 15 and other Parts of the Commission's Rules [ET Docket No. 01-278] received December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11302. A letter from the Secretary, Federal Trade Commission, transmitting the Com-

mission's final rule — Disposal of Consumer Report Information and Records (RIN: 3084-AA94) received December 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11303. A letter from the Secretary, Department of Commerce, transmitting a six-month report prepared by the Department of Commerce's Bureau of Industry and Security on the national emergency declared by Executive Order 13222 of August 17, 2001, and continued on August 14, 2002, August 7, 2003, and August 6, 2004 to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979, pursuant to 50 U.S.C. 1641(c) 50 U.S.C. 1703(c); to the Committee on International Relations.

11304. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Italy (Transmittal No. DDTC 051-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11305. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Colombia (Transmittal No. DDTC 039-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11306. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Colombia (Transmittal No. DDTC 040-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11307. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Greece (Transmittal No. DDTC 046-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11308. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Bolivia (Transmittal No. DDTC 083-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11309. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services to Russia (Transmittal No. DDTC 086-04), pursuant to 22 U.S.C. 2776(c—d); to the Committee on International Relations.

11310. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a listing of gifts by the U.S. Government to foreign individuals for the period of October 1, 2003 through September 30, 2004, pursuant to 22 U.S.C. 2694(2); to the Committee on International Relations.

11311. 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.

11312. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revision of Licensee's

Responsibility to Communicate License Conditions [Docket No. 041001275-4275-01] (RIN: 0694-AD05) received December 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

11313. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting an assessment by the independent Foreign Affairs Council on the status of the efforts of Secretary Colin Powell, Deputy Secretary Rich Armitage, and Under Secretary Grant Green to emphasize the importance of leadership and management in accomplishing the Department's mission; to the Committee on International Relations.

11314. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the third annual report on the Benjamin A. Gilman International Scholarship Program; to the Committee on International Relations.

11315. A letter from the Secretary, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the August 26-October 25, 2004 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on International Relations.

11316. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report as requested in the Concurrent Resolution 137 describing the actions taken by the United States at the United Nations to show the inappropriateness of Sudan's membership on the Commission on Human Rights, and to work to suspend its membership while it does not meet its obligations; to the Committee on International Relations.

11317. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2005-08, Waiving Prohibition on United States Military Assistance with Respect to Burundi, Guyana, and Liberia, pursuant to Public Law 107-206; to the Committee on International Relations.

11318. A letter from the Special Assistant to the President and Director, Office of Administration, Executive Office of the President, transmitting the White House personnel report for the fiscal year 2004, pursuant to 3 U.S.C. 113; to the Committee on Government Reform.

11319. A letter from the Secretary, Department of Commerce, transmitting the semiannual report on the activities of the Inspector General for the period March 31 through September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11320. A letter from the Secretary, Department of Education, transmitting the semiannual report of the activities of the Office of Inspector General during the six month period ending September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11321. A letter from the Secretary, Department of Health and Human Services, transmitting the semiannual report of the Inspector General for the period April 1, 2004 through September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11322. A letter from the Secretary, Department of the Interior, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2004, through September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11323. A letter from the Secretary, Department of Labor, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2004 through September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11324. A letter from the Chairman of the Board, Pension Benefit Guaranty Corporation, transmitting the semiannual report on activities of the Inspector General of the Pension Benefit Guaranty Corporation for the period April 1, 2004 through September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

11325. A letter from the Administrator, Agency for International Development, transmitting the semiannual report on the activities of the Inspector General for the period ending September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11326. A letter from the Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting the Agency's FY 2004 Performance and Accountability Report (PAR); to the Committee on Government Reform.

11327. A letter from the Federal Co-Chair, Appalachian Regional Commission, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum 04-07, the Commission's report on competitive sourcing efforts for FY 2004; to the Committee on Government Reform.

11328. A letter from the Chairman, Appraisal Subcommittee, Federal Financial Institutions Examination Council, transmitting the combined report for the Inspector General Act of 1978, as amended, and the Federal Financial Manager's Integrity Act of 1982, pursuant to (102 Stat. 2525); to the Committee on Government Reform.

11329. A letter from the President, Barry M. Goldwater Scholarship and Excellence in Education Foundation, transmitting the FY 2004 Accountability of Tax Dollars Act Report of the Foundation; to the Committee on Government Reform.

11330. A letter from the Chairman, Broadcasting Board of Governors, transmitting the semiannual report on the activities of the Office of Inspector General for the period from April 1, 2004 to September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11331. A letter from the Acting Secretary, Commission of the Fine Arts, transmitting in response to OMB Memorandum 05-01, a report stating that no competitive sourcing efforts in FY 2003, FY 2004, or FY 2005; to the Committee on Government Reform.

11332. A letter from the Chief Executive Officer, Corporation for National & Community Service, transmitting the Corporation's Report on Final Action as a result of Audits in respect to the semiannual report of the Office of the Inspector General for the period from April 1, 2004 through September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11333. A letter from the Secretary, Department of Agriculture, transmitting the Department's Annual Performance and Accountability Report for FY 2004 in accordance with the requirements of the Government Performance and Results Act of 1993 and the Office of Management and Budget's Circular A-11; to the Committee on Government Reform.

11334. A letter from the Assistant Secretary for Administration and Management, Department of Health and Human Services,

transmitting the Department's Commercial Activities Inventory for Fiscal Year 2004, pursuant to Public Law 105-270; to the Committee on Government Reform.

11335. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

11336. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

11337. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

11338. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

11339. A letter from the Assistant Secretary for Administration, Department of Transportation, transmitting a copy of the inventories of commercial and inherently governmental positions in the Department of Transportation, as required by the Federal Activities Inventory Reform Act of 1998; to the Committee on Government Reform.

11340. A letter from the Secretary, Department of Veterans Affairs, transmitting the semiannual report on activities of the Inspector General for the period April 1, 2004, through September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11341. A letter from the Director, Office of Science and Technology Policy, Executive Office of the President, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum 04-07, the Office's report on competitive sourcing efforts for FY 2004 and 2005; to the Committee on Government Reform.

11342. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2004 through September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

11343. A letter from the Chairman, Federal Housing Finance Board, transmitting pursuant to the requirements of Section 4 of the Government Performance and Results Act of 1993 and Part 6 of Circular A-11 of the United States Office of Management and Budget, the Board's annual performance and accountability report for FY 2004; to the Committee on Government Reform.

11344. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's semiannual report on the activities of the Office of Inspector General for the period April 1, 2004 to September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

11345. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's Performance and Accountability Reports for FY 2004; to the Committee on Government Reform.

11346. A letter from the Executive Director, Federal Retirement Thrift Investment

Board, transmitting a report in compliance with the Inspector General Act and the Federal Managers' Financial Integrity Act, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11347. A letter from the Administrator, General Services Administration, transmitting the FY 2004 Annual Performance and Accountability Report in accordance with the Report Consolidation Act of 2000; to the Committee on Government Reform.

11348. A letter from the Director and Chief Financial Officer, Holocaust Memorial Museum, transmitting the Performance and Accountability Report (PAR) for Fiscal Year 2004 for the Museum as required under the Accountability of Tax Dollars (ATD) Act; to the Committee on Government Reform.

11349. A letter from the Director of Finance and Administration, James Madison Memorial Fellowship Foundation, transmitting the Foundation's financial statements in compliance with the Accountability of Tax Dollars Act of 2002; to the Committee on Government Reform.

11350. A letter from the President, Legal Services Corporation, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2004, through September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11351. A letter from the Acting Chairman, Merit Systems Protection Board, transmitting the Board's Performance and Accountability Report for FY 2004, prepared in accordance with OMB Bulletin No. 01-09 and required by the Government Performance and Results Act, the Accountability of Tax Dollars Act, and the Federal Managers Financial Integrity Act; to the Committee on Government Reform.

11352. A letter from the Chairman, National Credit Union Administration, transmitting the semiannual report on the activities of the Inspector General for April 1, 2004, through September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

11353. A letter from the Chairman, National Endowment for the Arts, transmitting the Semiannual Report to the Congress of the Inspector General and the Chairman's Semiannual Report on Final Actions Resulting from Audit Reports for the period of April 1, 2004 through September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11354. A letter from the Chairman, National Endowment for the Arts, transmitting pursuant to the provisions of the Federal Activities Inventory Reform (FAIR) Act of 1998 (Pub. L. 105-270) and OMB Circular A-76, Performance of Commercial Activities, the Endowment's FY 2004 inventory of commercial activities performed by federal employees and inventory of inherently governmental activities; to the Committee on Government Reform.

11355. A letter from the Chairman and General Counsel, National Labor Relations Board, transmitting the semiannual report on the activities of the Office of Inspector General of the National Labor Relations Board for the period April 1, 2004 through September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

11356. A letter from the Chairman, National Science Board, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2004 through September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11357. A letter from the Chairman, National Science Board, transmitting the semi-

annual report on the activities of the Office of Inspector General for the period April 1, 2004 through September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11358. A letter from the Inspector General, Nuclear Regulatory Commission, transmitting the Commission's Fiscal Year 2004 Performance Report, in accordance with the Government Performance and Results Act of 1993; to the Committee on Government Reform.

11359. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting the FY 2004 Annual Program Accountability Report, required by the Government Performance and Results Act; to the Committee on Government Reform.

11360. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, "Letter Report: Responses to Specific Questions Regarding the District's Proposed Baseball Stadium"; to the Committee on Government Reform.

11361. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, "Letter Report: Auditor's Examination of Personnel Process Used to Fill a Vacant Position in the Emergency Medical Services"; to the Committee on Government Reform.

11362. A letter from the Office of the Special Counsel, transmitting the Fiscal Year 2004 Report on Agency Management of Commercial Activities required by the Federal Managers' Financial Integrity Act of 1998, and the OSC's Inventory of Commercial and Inherently Governmental Activities for the same year, pursuant to Section 2(c)(1)(A) of the Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

11363. A letter from the Inspector General, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period April 1, 2004, through September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Government Reform.

11364. A letter from the Chairman, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period April 1, 2004, through September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Government Reform.

11365. A letter from the Administrator, Small Business Administration, transmitting the semiannual report of the Office of Inspector General for the period April 1, through September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11366. A letter from the Commissioner, Social Security Administration, transmitting the Administration's annual inventory as required by Public Law 105-270, the Federal Activities Inventory Reform (FAIR) Act of 1998 and OMB Circular A-76; to the Committee on Government Reform.

11367. A letter from the Chairman, Board of Governors, U.S. Postal Service, transmitting the semiannual report on activities of the Inspector General for the period ending September 30, 2004 and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

11368. A letter from the Architect of the Capitol, transmitting a report discussing the AOC's activities to improve worker safety during the third quarter of FY04, pursuant to the directives issued in the 107th Congress First Session, House of Representatives Report Number 107-169; to the Committee on House Administration.

11369. A letter from the Public Printer, Government Printing Office, transmitting

the Office's Annual Report for Fiscal Year 2004; to the Committee on House Administration.

11370. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the 2001 and 2002 annual reports on reasonably identifiable expenditures for the conservation of endangered or threatened species by Federal and State agencies, pursuant to 16 U.S.C. 1544; to the Committee on Resources.

11371. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Indiana Regulatory Program [Docket No. IN-141-FOR] received November 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11372. A letter from the Assistant Sec. for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Conferring Designated Port Status on Houston, Texas; Louisville, Kentucky; and Memphis, Tennessee (RIN: 1018-AT59) received December 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11373. A letter from the Deputy Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Pennsylvania Regulatory Program [PA-141-FOR] received December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11374. A letter from the Deputy Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Pennsylvania Regulatory Programs [PA-143-FOR] received December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11375. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the California tiger salamander (*Ambystoma californiense*) in Santa Barbara County (RIN: 1018-AT44) received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11376. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #14 — Adjustments of the Recreational Fisheries from the U.S.-Canada Border to Cape Falcon, Oregon [Docket No. 040429134-4135-01; I.D. 102504D] received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11377. A letter from the Assistant Administrator, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — International Fisheries; Atlantic Highly Migratory Species [Docket No. 040316092-4312-02; I.D.103003A] (RIN: 0648-AQ37) received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11378. A letter from the Assistant Administrator, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Swordfish Quotas [Docket No. 030604143-4309-02; I.D.030403C] (RIN: 0648-AQ90) received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11379. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Full Retention of Demersal Shelf Rockfish in the

Southeast Outside District of the Gulf of Alaska [Docket No. 040106005-4316-02; I.D.121603C] (RIN: 0648-AP73) received December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11380. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery and Northeast Multispecies Fishery; Framework 16 and Framework 39 [Docket No. 040809233-4289-02; I.D.080304B] (RIN: 0648-AR55) received December 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11381. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Whiting Closure for the Catcher-processor Sector [Docket No. 031216314-4118-03; I.D.111004E] received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11382. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #12 — Adjustment of the Commercial Salmon Fishery from Humburg Mountain, Oregon to the Oregon-California Border [Docket No. 040429134-4135-01; I.D.102604B] received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11383. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #11 — Adjustments of the Recreational and Commercial Fisheries from the U.S.-Canada Border to Cape Falcon, Oregon [Docket No. 040429134-4135-01; I.D.102504A] received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11384. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fraser River Sockeye Salmon Fisheries; Inseason Orders [I.D.110904H] received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11385. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 031125292-4061-02; I.D.111504A] received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11386. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #15 — Adjustments of the Commercial Fishery from the U.S.-Canada Border to Cape Falcon, Oregon [Docket No. 040429134-4135-01; I.D.111004A] received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11387. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Na-

tional Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #16 — Adjustments of the Recreational Fishery from the U.S.-Canada Border to Cape Alava, Washington [Docket No. 040429134-4135-01; I.D.111004B] received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11388. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #17 — Adjustments of the Commercial Salmon Fishery from the Oregon-California Border to Humboldt South Jetty, California [Docket No. 040429134-4135-01; I.D.111004C] received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11389. A letter from the Assistant Attorney General for Legislative Affairs, Department of Justice, transmitting a report of activities carried out under the Law Enforcement Tribute Act, pursuant to 42 U.S.C. 15208 Public Law 107—273, section 11001(h); to the Committee on the Judiciary.

11390. A letter from the Director, Regulatory Management Division, Department of Homeland Security, transmitting the Department's final rule — Implementation of the Agreement Between the Government of the United States of America and the Government of Canada Regarding Asylum Claims Made in Transit and at Land Border Ports-of-Entry [CIS No. 2255-03] (RIN: 1615-AA91) received December 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

11391. A letter from the Assistant Attorney General, Department of Justice, transmitting on behalf of the Chair of the President's Corporate Fraud Task Force, the Second Year Report; to the Committee on the Judiciary.

11392. A letter from the Assistant Attorney General, Department of Justice, transmitting a report as required by Section 202(a)(1)(c) of Pub. L. 107-273, the "21st Century Department of Justice Appropriations Authorization Act," related to certain settlements and injunctive relief; to the Committee on the Judiciary.

11393. A letter from the General Counsel, EOIR, Department of Justice, transmitting the Department's final rule — Asylum Claims Made by Aliens Arriving From Canada at Land Border Ports-of-Entry [EOIR No. 142F; AG Order No. 2740-2004] (RIN: 1125-AA46) received December 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

11394. A letter from the Assistant Attorney General for Legislative Affairs, Department of Justice, transmitting a review and recommendations about the assignment of responsibility for the functions of the United States Parole Commission (USPC) regarding supervised release of District of Columbia offenders, pursuant to Public Law 107—273, section 11017(b); to the Committee on the Judiciary.

11395. A letter from the Assistant Attorney General for Legislative Affairs, Department of Justice, transmitting the Office for Victims of Crime's Report to Congress on the Department of Justice's implementation of the Victims of Crime Act for Fiscal Years 2001 and 2002, and initiatives that extended into Fiscal Year 2003, pursuant to 42 U.S.C. 10604(g); to the Committee on the Judiciary.

11396. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final

rule — Visas: Documentation of Non-immigrants under the Immigration and Nationality Act, as Amended: Electronic Petition for Diversity Immigrant Status (RIN: 1400-AB84) received December 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

11397. A letter from the Acting Director, Office of Government Ethics, transmitting the Office's final rule — Post-Employment Conflict of Interest Restrictions; Revision of Departmental Component Designations (RIN: 3209-AA14) received December 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

11398. A letter from the Staff Director, United States Commission on Civil Rights, transmitting notification that the U.S. Commission on Civil Rights recently voted to re-charter the advisory committees for the following states: Alaska, Colorado, Montana, Nevada, North Dakota, and South Dakota; to the Committee on the Judiciary.

11399. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Wantagh Parkway 3 Bridge over the Sloop Channel, Town of Hempstead, New York. [CGD01-04-078] (RIN: 1625-AA00) received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11400. 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, Florida [COTP Jacksonville 04-132] (RIN: 1625-AA00) received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11401. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Savannah River, Savannah, GA [COTP Savannah-04-139] (RIN: 1625-AA00) received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11402. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Spa Creek, Annapolis, MD [CGD05-04-052] (RIN: 1625-AA09) received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11403. 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, Danvers, Fore River, and Saugus River, MA [CGD01-04-096] (RIN: 1625-AA09) received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11404. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Bayou Portage, Pass Christian, MS [CGD08-04-010] (RIN: 1625-AA09) received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11405. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation: Atlantic Intracoastal Waterway, Elizabeth River (Southern Branch), VA [CGD05-04-117] (RIN: 1625-AA09) received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11406. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Northeast Cape Fear River, Wilmington, NC [CGD05-04-120] (RIN: 1625-AA09) received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11407. 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. [CGD01-04-137] received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11408. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation: Cape Fear River, Wilmington, NC [CGD05-04-189] (RIN: 1625-AA09) received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11409. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation: Atlantic Intracoastal Waterway, Wrightsville Beach, NC [CGD05-04-202] (RIN: 1625-AA09) received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11410. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Broward County Bridges, Atlantic Intracoastal Waterway, Broward County, FL [CGD07-04-136] received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11411. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Newtown Creek, Dutch Kills, English Kills, and their tributaries, NY. [CGD01-04-145] received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11412. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Hackensack River, NJ. [CGD01-04-144] received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11413. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Port of Mobile, Mobile Ship Channel, Mobile, AL [COTP Mobile-04-034] (RIN: 1625-AA87) received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11414. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Anchorage Regulations: Yonkers, New York [CGD01-03-107] (RIN: 1625-AA01) received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11415. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Tex-

tron Canada Model 222, 222B, 222U, and 230 Helicopters [Docket No. 2004-SW-04-AD; Amendment 39-13812; AD 2004-20-07] (RIN: 2120-AA64) received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11416. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A320 Series Airplanes [Docket No. 2001-NM-254-AD; Amendment 39-13805; AD 2004-19-11] (RIN: 2120-AA64) received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11417. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. 2003-NM-90-AD; Amendment 39-13804; AD 2004-19-10] (RIN: 2120-AA64) received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11418. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Trent 800 Series Turbofan Engines [Docket No. 2003-NE-54-AD; Amendment 39-13802; AD 2004-19-08] (RIN: 2120-AA64) received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11419. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Canada Models PW123, PW123B, PW123C, PW123D, PW123E, PW123AF, PW124B, PW125B, PW126A, PW127, PW127E, PW127F, and PW127G Turboprop Engines [Docket No. 2003-NE-35-AD; Amendment 39-13806; AD 2004-20-10] (RIN: 2120-AA64) received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11420. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Przedsiębiorstwo Doswiadczalno-Produkcyjne Szybownictwa "PZL-Bielsko" Model SZD-50-3 "Puchacz" Sailplanes [Docket No. 2003-CE-68-AD; Amendment 39-13823; AD 2004-21-02] (RIN: 2120-AA64) received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11421. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class D Airspace; and Modification of Class E Airspace; Salina, KS. [Docket No. FAA-2004-18822; Airspace Docket No. 04-ACE-48] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11422. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Harrisonville, MO. [Docket No. FAA-2004-18825; Airspace Docket No. 04-ACE-51] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11423. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class D Airspace; and Modification of Class E Airspace; Grand Island, NE. [Docket No. FAA-2004-18819; Airspace Docket No. 04-ACE-45] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11424. A letter from the Program Analyst, FAA, Department of Transportation, trans-

mitting the Department's final rule — Modification of Class E Airspace; Lamar, MO. [Docket No. FAA-2004-18826; Airspace Docket No. 04-ACE-52] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11425. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Hannibal, MO. [Docket No. FAA-2004-18827; Airspace Docket No. 04-ACE-53] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11426. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; California City, CA [Docket No. FAA-2004-18609; Airspace Docket No. 03-AWP-15] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11427. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Burwell, NE. [Docket No. FAA-2004-18823; Airspace Docket No. 04-ACE-49] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11428. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Jonesville, VA [Docket No. FAA-2004-18736; Airspace Docket No. 04-AEA-10] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11429. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Teller, AK [Docket No. FAA-2004-17608; Airspace Docket No. 04-AAL-07] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11430. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Merrill, WI [Docket No. FAA-2004-17447; Airspace Docket No. 04-AGL-12] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11431. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Fremont, NE. [Docket No. FAA-2004-18818; Airspace Docket No. 04-ACE-44] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11432. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Albert Lea, MI [Docket No. FAA-2004-17446; Airspace Docket No. 04-AGL-11] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11433. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Nulato, AK [Docket No. FAA-2004-18342; Airspace Docket No. 04-AAL-10] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11434. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class Airspace; Beaver, AK [Docket No. FAA-2003-18061; Airspace Docket No. 04-AAL-009] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11435. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class D Airspace; and Modification of Class E Airspace; Grand Island, NE. [Docket No. FAA-2004-18819; Airspace Docket No. 04-ACE-45] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11436. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class D Airspace; and Modification of Class E Airspace; Joplin, MO. [Docket No. FAA-2004-18824; Airspace Docket No. 04-ACE-50] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11437. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Kennett, MO. [Docket No. FAA-2004-18820; Airspace Docket No. 04-ACE-46] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11438. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Restricted Area 2503D; Camp Pendleton, CA [Docket No. FAA-2003-16722; Airspace Docket No. 03-AWP-19] (RIN: 2120-AA66) received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11439. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Alpine Airstrip, Nuiqsut, AK [Docket No. FAA-2004-18343; Airspace Docket No. 04-AA1-11] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11440. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Correction to Class E Airspace; Kalispell, MT. [Docket No. FAA-2004-18924; Airspace Docket 04-ANM-14] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11441. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30423; Amdt. No. 3104] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11442. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30424; Amdt. No. 3105] received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11443. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes; and Model A300 B4-601, B4-603, B4-605R, B4-620, B4-622R, C4-

605R Variant F, and F4-605R Airplanes [Docket No. 2000-NM-297-AD; Amendment 39-13792; AD 2004-18-13] (RIN: 2120-AA64) received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11444. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30, DC-10-30F, DC-10-30F (KC10A and KDC-10), DC-10-40, DC-10-40F, MD-10-10F, and MD-10-30F Airplanes [Docket No. 2002-NM-283-AD; Amendment 39-13794; AD 2004-18-15] (RIN: 2120-AA64) received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11445. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 and Model A340-200 and -300 Series Airplanes [Docket No. 2002-NM-228-AD; Amendment 39-13793; AD 2004-18-14] (RIN: 2120-AA64) received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11446. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and EMB-145 Series Airplanes [Docket No. 2001-NM-292-AD; Amendment 39-13797; AD 2004-19-03] (RIN: 2120-AA64) received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11447. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and -11F Airplanes [Docket No. 2003-NM-69-AD; Amendment 39-13799; AD 2004-19-05] (RIN: 2120-AA64) received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11448. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102 Airplanes [Docket No. 2003-NM-185-AD; Amendment 39-13801; AD 2004-19-07] (RIN: 2120-AA64) received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11449. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211-22B, RB211-524, and RB 211-535 Series Turbofan Engines [Docket No. 2003-NE-57-AD; Amendment 39-13798; AD 2004-19-04] (RIN: 2120-AA64) received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11450. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777 Series Airplanes [Docket No. 2002-NM-305-AD; Amendment 39-13787; AD 2004-18-09] (RIN: 2120-AA64) received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11451. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-202, -203, -233, and -243 Airplanes, and A330-300 Series Airplanes [Docket No. 2003-NM-183-AD; Amendment 39-13660; AD 2004-12-01] (RIN: 2120-AA64) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11452. A letter from the Senior Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Miscellaneous Changes to the Hazard Communication Requirements [RSPA-03-15327(Docket No. HM-206B)] (RIN: 2137-AD28) received November 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11453. A letter from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Rear Impact Guards; Final Rule [Docket No. NHTSA-2004-19033] (RIN: 2127-AI56) received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11454. A letter from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Rear Impact Guard Labels [Docket No. NHTSA-2002-11875; Notice 2] (RIN: 2127-AI04) received November 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11455. A letter from the Secretary, Department of Transportation, transmitting the Department's annual report to Congress and the National Transportation Safety Board on the regulatory status of open safety recommendations relating to several safety issues, pursuant to 49 U.S.C. 1135(d) Public Law 108—168, section 9; to the Committee on Transportation and Infrastructure.

11456. A letter from the Assistant Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting the Department's final rule — Establishment of the Dundee Hills Viticultural Area (2002R-218P) [TTB T.D.-18; Re; Notice No. 14] (RIN: 1513-AA50) received December 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11457. A letter from the Assistant Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting the Department's final rule — Materials and Processes Authorized for the Treatment of Wine and Juice (2004R-517P) [T.D. TTB-17] (RIN: 1513-AA96) received December 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11458. A letter from the Secretary, Department of Health and Human Services, transmitting the sixth annual report on the Temporary Assistance for Needy Families (TANF) program, as required by Title I of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996; to the Committee on Ways and Means.

11459. A letter from the Acting Chief, Regulations Branch, CBP, Department of Homeland Security, transmitting the Department's final rule — Preferential Treatment of Brassieres Under the Caribbean Basin Economic Recovery Act [CBP Dec. 04-40] (RIN: 1505-AB42) received November 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11460. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Wages (Rev. Rul. 2004-110) received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11461. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Wages (Rev. Rul. 2004-109) received Nov. 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11462. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Federal Unemployment Tax Deposits — De Minimis Threshold [TD 9162] (RIN: 1545-BB66) received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11463. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Qualified convention and trade show activity. (Rev. Rul. 2004-112) received December 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11464. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Tax Forms and instructions. (Rev. Proc. 2004-71) received December 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11465. A letter from the Secretary, Department of the Treasury, transmitting notification of the Secretary's determination that by reason of the public debt limit, the Secretary will be unable to fully invest the portion of the Civil Service Retirement and Disability Fund (CSRDF) not immediately required to pay beneficiaries, pursuant to 5 U.S.C. 8348(1)(2); jointly to the Committees on Government Reform and Ways and Means.

11466. A letter from the Director, Office of Management and Budget, transmitting a report identifying accounts containing unvouchered expenditures that are potentially subject to audit by the Comptroller General, pursuant to 31 U.S.C. 3524(b); jointly to the Committees on the Budget, Appropriations, and Government Reform.

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. HOEKSTRA: Committee of Conference. Conference report on S. 2845. An act to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes (Rept. 108-796). Ordered to be printed.

Mr. LINDER: Committee on Rules. House Resolution 870. Resolution waiving points of order against the conference report to accompany the bill (S. 2845) to reform the intelligence community and the intelligence-related activities of the United States Government, and for other purposes (Rept. 108-797). Referred to the House Calendar.

Mr. HOEKSTRA: Committee of Conference. Conference report on H.R. 4548. A bill 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 (Rept. 108-798). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FRELINGHUYSEN (for himself, Mr. SMITH of New Jersey, Mr. SAXTON, Mr. LOBIONDO, Mr. FERGUSON, and Mr. GARRETT of New Jersey):

H.R. 5430. A bill to authorize the Secretary of Homeland Security to make grants to

first responders, and for other purposes; to the Committee on Homeland Security (Select), and in addition to the Committees on Transportation and Infrastructure, the Judiciary, and 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. PALLONE:

H.R. 5431. A bill to amend the Oil Pollution Act of 1990 to prevent oil spills and increase liability limits, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. DELAY:

H. Con. Res. 531. Concurrent resolution providing for the sine die adjournment of the second session of the One Hundred Eighth Congress; considered and agreed to.

By Ms. MILLENDER-MCDONALD:

H. Con. Res. 532. Concurrent resolution commending the Aero Squad After School Program at Tomorrow's Aeronautical Museum in Compton, California, as well as other youth aviation programs that expose young minorities to the field of civil aviation; to the Committee on Transportation and Infrastructure; considered and agreed to.

By Mr. LINDER:

H. Res. 870. A resolution waiving points of order against the conference report to accompany the bill (S. 3845) to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes; considered and agreed to.

By Mr. DELAY:

H. Res. 871. A resolution providing for the printing of a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Ninth Congress; considered and agreed to.

By Mr. DELAY:

H. Res. 872. A resolution appointing a committee to inform the President that the House is ready to adjourn; considered and agreed to.

By Mr. CHABOT:

H. Res. 873. A resolution expressing the sense of the House of Representatives that the terms of the Commissioners of the United States Commission on Civil Rights are staggered, beginning and ending upon the expiration date of the vacant position, and that Commissioners appointed to fill unexpired terms should serve only until the expiration date of the term for which they were appointed to finish, but may be eligible to be appointed to a new, subsequent term; to the Committee on the Judiciary.

By Ms. KAPTUR (for herself, Mr. ROHRBACHER, and Mr. LEVIN):

H. Res. 874. A resolution supporting the establishment and full funding of a staff exchange program between the House of Representatives and the Parliament of Ukraine, the Verkhovna Rada, as soon as possible; to the Committee on International Relations.

By Mrs. MALONEY (for herself and Mr. GEORGE MILLER of California):

H. Res. 875. A resolution amending the Rules of the House of Representatives respecting the availability of legislation on the Internet; to the Committee on Rules.

MEMORIALS

Under clause 3 of rule XII,

469. The SPEAKER presented a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Resolution No. 298 memorializing the United States Congress to provide for a domestic energy policy that ensures an adequate supply of natural gas, including developing the appropriate infrastructure, embraces a concerted national ef-

fort to promote greater efficiency and produces a political consensus to open promising new areas for environmentally responsible natural gas production; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 126: Mr. GUTIERREZ.
H.R. 685: Mr. GUTIERREZ.
H.R. 734: Mr. GUTIERREZ.
H.R. 857: Mr. CUMMINGS.
H.R. 869: Mr. MICHAUD.
H.R. 1168: Mr. GUTIERREZ.
H.R. 1323: Mr. GUTIERREZ.
H.R. 1563: Mr. MCGOVERN, Mr. CAPUANO, Mr. RYAN of Ohio, Mr. CUMMINGS, and Ms. WOOLSEY.
H.R. 2060: Mr. FERGUSON.
H.R. 2107: Mr. GUTIERREZ.
H.R. 2133: Mr. CARTER.
H.R. 2182: Mr. ANDREWS.
H.R. 2823: Mr. BACA.
H.R. 2911: Mr. KENNEDY of Rhode Island and Mr. FRANK of Massachusetts.
H.R. 3281: Mr. BERMAN.
H.R. 3634: Mr. VAN HOLLEN.
H.R. 3676: Mr. GUTIERREZ.
H.R. 3847: Mr. UDALL of New Mexico.
H.R. 4035: Mrs. DAVIS of California.
H.R. 4169: Mr. ANDREWS.
H.R. 4284: Mr. REHBERG, Mr. MARIO DIAZ-BALART of Florida, Mr. FRANKS of Arizona, and Mr. SAM JOHNSON of Texas.
H.R. 4575: Mr. NADLER.
H.R. 4585: Mr. GUTIERREZ.
H.R. 4605: Mr. GUTIERREZ.
H.R. 4769: Mr. GUTIERREZ.
H.R. 4936: Mr. ANDREWS.
H.R. 5001: Ms. LOFGREN.
H.R. 5071: Mr. MENENDEZ.
H.R. 5126: Mr. PAYNE and Mr. BRADLEY of New Hampshire.
H.R. 5144: Mr. WEXLER.
H.R. 5304: Mr. VAN HOLLEN.
H.R. 5320: Mr. MENENDEZ.
H.R. 5410: Mr. GUTIERREZ and Ms. SCHAKOWSKY.
H.R. 5429: Mr. HUNTER and Mr. BALLENGER.
H.J. Res. 22: Mr. ANDREWS.
H.J. Res. 109: Mr. OWENS.
H. Con. Res. 503: Mr. NADLER.
H. Con. Res. 522: Mr. GALLEGLY.
H. Res. 570: Mr. MOORE.
H. Res. 586: Mr. FRANK of Massachusetts.
H. Res. 869: Mrs. CUBIN, Mr. BURTON of Indiana, Mr. HERGER, Mr. COBLE, Mr. GUTKNECHT, Mr. JONES of North Carolina, and Mr. LEWIS of Kentucky.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

130. The SPEAKER presented a petition of Mr. Dale W. Hogeland, a Citizen of Norwell, MA, relative to a notice of fraud, and petitioning the United States Congress for redress of grievances; to the Committee on Ways and Means.

131. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 492 of 2004 memorializing the United States Congress to introduce and pass appropriate legislation which seeks to provide comprehensive service to help non-traditional students complete their college degrees; jointly to the Committees on Education and the Workforce and Ways and Means.



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No. 138

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

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

Let us pray.

Eternal Spirit, from whom all blessings flow, we receive today as a gift from Your bounty. Help us to use these precious hours and minutes for Your glory. Teach us to number our days that we may have hearts of wisdom.

Lord, guide our Senators with strength, courage, hope, and love. Empower them to build bridges that will keep America strong. Pull down walls of contention and replace them with gates that lead to a productive harvest.

Let this season of peace on Earth bring joy to our world and healing and hope to our hearts.

Continue to bless our military men and women. Protect them from the dangers of the sea, land, and air, and from the violence of the enemy. Console all for whom December 7 is an annual reminder of pain and loss. We pray this in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we return for what I personally hope—and we all hope—is a very short and productive session. We are currently waiting on House action on the intelligence reform conference report, and that should occur today. We will consider that measure whenever it arrives from the House. After consultations with the Democratic leadership,

NOTICE

If the 108th Congress, 2d Session, adjourns sine die on or before December 10, 2004, a final issue of the Congressional Record for the 108th Congress, 2d Session, will be published on Monday, December 20, 2004, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT-60 or S-123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Monday, December 20. The final issue will be dated Monday, December 20, 2004, and will be delivered on Tuesday, December 21, 2004.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Record@Sec.Senate.gov".

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at <http://clerk.house.gov/forms>. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT-60.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Office of Congressional Publishing Services, at the Government Printing Office, on 512-0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

ROBERT W. NEY, *Chairman.*

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



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we announced yesterday that there will be no rollcall votes today. We recognize people's schedules are complex and people are coming back but that people are literally all over the country right now and waiting on House action. Therefore, we felt it would be next to impossible to have a rollcall vote today and so we let people know yesterday.

Further, we are in discussions and it is still possible for us to consider the intelligence reform conference report without the need for a rollcall vote. That is under discussion, and we are talking to all our Members. I did want to mention that publicly early on so we can continue that discussion over the course of today.

With regard to the schedule, because there is some uncertainty, by necessity, given the fact we must wait on House action before bringing it to a vote, I encourage all Members who wish to speak on this legislation to come to the floor today and speak. Earlier is preferable, in the event that when a vote is scheduled, we would like to move to that vote in a relatively expeditious way.

If we are able to complete or able to clear the conference report, then it is my hope we could pass the measure in short order, and it would be my preference to deal with it on a voice vote, without a rollcall vote, if that is possible and if our colleagues agree to that.

If a vote becomes necessary, then we would, in all likelihood, schedule that vote for sometime tomorrow, and in discussions with the Democratic leadership, we would pick an appropriate time to do that. Again, we will do our best to accommodate all our Members' schedules, and we are working on that right now.

In the interim, there are a few remaining legislative and executive matters we may be able to clear. We have been working on that over the course of yesterday and today, and we will continue to do that. We will process many of those cleared items before we finish our business. We will not be taking up new business. We will be stressing the importance of finishing business for this Congress, and, in all likelihood, we will be doing that by the end of the day tomorrow. We could even finish by the end of the day today. It depends on the House activity.

I yield the floor, Mr. President.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The Chair recognizes the acting Democratic leader.

COMPLETING SENATE ACTION

Mr. REID. Mr. President, while the distinguished Republican leader is on the floor, I wish to make a couple of statements. It is good we finished, finally, the bill on which the Presiding Officer worked so hard, the Omnibus

spending bill. It will now be sent to the President. It is a few weeks overdue, but at least it is done right.

The provision dealing with the Internal Revenue Service is out of that bill. We learned how it was put in the bill. I am confident and hopeful that will not happen in the future.

I extend my appreciation to the Democratic leader of the House of Representatives, Representative PELOSI, for making sure there was a vote on this measure. It sends a good message to the people of America.

I also extend my congratulations to Senators LIEBERMAN and COLLINS for their brilliant work on this 9/11 bill. We had a true conference on that bill. No one can dispute there was anything done in the darkness of night. The people appointed to that conference committee worked long and hard to come up with what we will vote on either tonight or tomorrow.

There have been times when, on this side, we have complained how the conferences have worked. On that bill, it worked the way it is supposed to work. Senators LIEBERMAN and COLLINS have worked well together. This legislation, while imperfect, is still in keeping with the recommendations of the 9/11 Commission, and the American people are going to be safer as soon as this legislation is signed by the President.

I say to my distinguished colleague, the Republican leader, on our side the only two requests for speeches I have on the 9/11 bill are Senator LEAHY, who wants to speak for a relatively short period of time, and Senator BYRD, who will want to speak for a fairly long period of time.

In addition, I have had requests from Senator DORGAN and Senator GRAHAM of Florida that they want to be able to speak sometime during the day as in morning business.

Those are the only indications we have today on this side of the aisle. As I indicated, Senator BYRD may want to speak for an extended period of time. I do not know if that means an hour, 2 hours, or 3 hours, whatever it is. We will check with him and find out when he will be able to speak.

It is my understanding we could get the bill from the House sometime as early as this afternoon. If that is the case, then I hope there is a decision made by those who, in the past, have said they want a vote on this measure whether they are going to require a vote. If they do, as I indicated to the Democrats, some people have to fly a long way to get back here for a vote tomorrow. We will keep the Republican leader advised during the day as to what we have on our side.

The PRESIDENT pro tempore. The Republican leader.

Mr. FRIST. Mr. President, as you have just heard from both leaders, requests have been made for people to come to the floor today. Although I know people's schedules are so complicated, we will do our best to keep people posted over the course of the

day and come to the floor and make periodic announcements as to progress being made.

INTELLIGENCE REFORM LEGISLATION

Mr. FRIST. Mr. President, I wish to make a statement with regard to what I regard as a truly historic point for our Nation's security as we complete action on the National Security Intelligence Reform Act of 2004.

Those people who have not been directly involved in the negotiations have followed it from afar and are aware that an agreement—some people would say a tentative agreement but an agreement—has been reached on this National Security Intelligence Reform Act.

As just mentioned, it is our understanding that the conference report in all likelihood will be introduced and passed in the House today. The Senate will then address the bill and send it to the President for his signature.

I extend my deep thanks and appreciation to Senators SUSAN COLLINS and JOSEPH LIEBERMAN. Their steady leadership, their continued commitment, and their constant focus on passage of this bill kept the whole process moving forward from day one, and I will review that history shortly. I thank them on behalf of leadership, and America thanks them.

The 9/11 intelligence bill constitutes the most comprehensive and sweeping reform of the intelligence community since the National Security Act of 1947. This bill sets into motion a variety of reforms that over time will greatly improve our Nation's ability to fight the war on terror. I thank Governor Thomas Kean and Representative Lee Hamilton for their dedicated leadership of the 9/11 Commission. They have done a truly outstanding job. Their hard work and thorough analysis forms the basis of the 9/11 bill.

The 9/11 Commission's main recommendations that are addressed in this bill include the following: establishment of a new director of national intelligence who will oversee the intelligence community with enhanced budgetary and personnel authorities; creation of a national counterterrorism center that will coordinate and unify our counterterrorism efforts; ensure effective information sharing and conduct strategic operation planning; initiation of a wide range of other measures to improve information sharing, cooperation and coordination and team work between agencies in the intelligence community, such as the CIA and the FBI; establishment of a civil liberties board and authority to designate an IG; and a provision that will ensure that the chain of command is preserved and that statutory responsibilities on the heads of departments are not abrogated.

The legislation will also improve the functioning of the FBI, enhance our

Nation's transportation security, including aviation and maritime security; improve border and immigration enforcement; and strengthen terrorism prevention by tackling issues ranging from lone wolf terrorists and money laundering to terrorist hoaxes and people providing material support to the terrorists.

The conference report also covers the role of diplomacy, foreign aid, and the military in the war on terrorism and addresses a variety of matters dealing with national preparedness such as infrastructure protection and communications capabilities.

I would be remiss if I did not mention this bill also includes a provision I introduced on the Senate floor, the establishment of a national counterproliferation center. While the national counterterrorism center focuses on the customers and the users of these dangerous technologies and materials, the counterproliferation center will focus on shutting down the supply network and the brokers such as Pakistani nuclear scientist AQ Khan.

We know our enemy is ruthless and is seeking ways to maximize harm against the American people. In order to stop them, we and our allies must detect, deter, halt, and roll back the trafficking of weapons of mass destruction and their delivery systems and related materials. We cannot allow the terrorists to get their hands on these materials. We know that if they do, they will endeavor to use them. Counterproliferation is critical to fighting and winning the war on terror.

My provision gives the President time and flexibility to establish the center based on the findings of a commission he has looking into the issue of weapons of mass destruction proliferation and to make sure it is well integrated with this proliferation security initiative, the PSI.

Just as we must take the offensive in the global war on terrorism, we must similarly take the offensive in stopping the proliferation of weapons of mass destruction. Our current nonproliferation efforts are a good defense but they are not sufficient. We need a strong offense. A new national center aggressively pursuing and coordinating counterproliferation is crucial. It is in the bill and will be a part of this legislation.

I am gratified by the bipartisan efforts that have brought this reform, along with the rest of the 9/11 bill, to fruition. We will see that bipartisan support play out in the vote later on this floor and on the floor of the House most likely later today. I thank my colleagues on both sides of the aisle and in both Houses of Congress for their unflagging dedication and commitment to America's best interests.

In July, as the Congress was preparing to recess for the summer, the 9/11 Commission released its final report outlining the events leading up to the 9/11 attacks. This report identified a number of serious failings that re-

quired immediate action. It included an extensive section on recommendations to improve our Nation's security. That same day I discussed with the Democratic leader the urgent need for the Senate to act and to act responsibly and begin that action immediately.

Senator DASCHLE and I immediately set the process in motion for the Senate to respond legislatively, and in a bipartisan manner, to the 9/11 Commission's report, and we did just that. Given its central role in monitoring the organization and operations of the Federal Government, we asked the Governmental Affairs Committee to take the lead on this issue.

Beyond the jurisdictional rationale behind this decision, the Democratic leader and I both had great confidence in the ability of its chair, Senator SUSAN COLLINS, and the ranking member, Senator JOE LIEBERMAN, to forge that strong bipartisan partnership to closely consult with the other key committees and to deliver a bill to the Senate floor in a deliberate, timely, and bipartisan manner.

To the Nation's great benefit, they succeeded. Over the August recess, the Congress held two dozen committee hearings. We went nonstop. There was no rest. There has been no break in consideration of this legislation since the 9/11 Commission report, even during every recess. Over this August recess, four committees heard testimony from a multiple of witnesses. We had hearings in the Governmental Affairs Committee, the Intelligence Committee, the Commerce Committee, and the Armed Services Committee. Each committee carefully examined the recommendations of the 9/11 report. Some prepared their own bills. Others had their own legislative priorities. Senators COLLINS and LIEBERMAN then pulled all of this information and all of these recommendations and proposals together and brought a bill to the Senate floor in early October. Major sections of the bill were improved by adding titles taken from a separate bill drafted by Senators MCCAIN and LIEBERMAN.

The McCain-Lieberman comprehensive bill included titles ranging from transportation and aviation security to foreign policy and diplomacy based on the recommendations proposed by the 9/11 Commission. Senator MCCAIN deserves great credit for being a driving force behind the establishment of this Commission and for making sure the Commission's recommendations were considered by the Senate.

The Collins-Lieberman bill was further improved by amendments offered by Senator JOHN WARNER to ensure the intelligence community's support for and link to the warfighter were sustained, by Senator PAT ROBERT to ensure the maximum efficiency and effectiveness of the new organization, and by other Members, such as Senator JON KYL, Senator LEVIN, and numerous others from both parties, to ensure that the Senate got this right.

After 2 weeks of negotiation, debate, and amendments, the Senate voted 96 to 2 on October 6 to overhaul the Nation's intelligence community. Just after that, the Senate passed another important measure that, as the 9/11 Commission urged, made critical reforms in the Senate, this institution's oversight of the intelligence community and homeland security. This effort was successfully led by Senator MCCONNELL and Senator REID, and we give our appreciation and thanks to them.

Today, after nearly 2 months of tough and rigorous negotiation with the House, long hours and long weekends poring over the legislative text, we stand on the verge of one of the most significant legislative accomplishments of this Congress. Senators COLLINS and LIEBERMAN and their staffs have, again, served the Senate well. They made tough concessions, but they did so by keeping our national security front and center at every moment. They labored tirelessly to get this bill done. I appreciate their sacrifice of many hours and weekends in service to our country.

Likewise, Speaker DENNY HASTERT has been constantly engaged in ever pushing Members and staff to reach a solution and to further improve the legislation. He has worked constantly on this bill since early October. Because of his leadership, Speaker HASTERT has earned wide respect for bringing this improved bill to the House floor, and because of his hard work it will easily enjoy majority support.

I must also underscore that none of this would be possible were it not for the superb and unflagging leadership of President Bush. His leadership was bold. His leadership called for meeting the greatest challenge of our time: fighting the war on terror. He has stressed to me personally, again and again, the importance of passing this piece of legislation. I commend the President on his steady commitment to make America safer. On the day of the attacks, President Bush recognized immediately that we were at war. Since then, he has made tough decisions. He has made good decisions. Every day, the President is following through to use the full range of our resources to combat the enemy.

In the 3 years since the 9/11 attacks, we have learned much about our Nation's vulnerabilities, our strengths, and the steps we must take to protect ourselves. During this time, the President and his Cabinet have instituted a number of reforms, changes, and initiatives that, as the 9/11 Commission reported, have made our Nation safer. The President made further refinements and reforms based on the findings of the 9/11 Commission. Many of these, such as making the Terrorist Threat Integration Center more capable and enhancing the powers of the DCI, were undertaken by Executive order in August of this year.

Finally, I wish to thank the real heroes behind this bill, the 9/11 families who pushed and persevered to get this bill done. They turned their personal tragedy into public action so we all could be safer. As public servant and fellow citizen, I salute these outstanding Americans.

Strengthening America at home and abroad, moving America forward in pursuit of freedom and prosperity, and protecting the American people and our homeland—these have been the driving motivations of the 108th Congress. I am very proud to have been a part of this effort. I am proud to have had that opportunity to lead the Senate during this momentous time.

There is more to do. There is much more to do. This is an ongoing process, and we will not rest until our enemy is vanquished. But in these final days, my fellow Americans can take note of and comfort in this historic achievement.

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

The PRESIDING OFFICER (Mr. CORNYN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business until 12:30 p.m., with Senators permitted to speak for up to 10 minutes.

ORDER OF PROCEDURE

Mr. BURNS. Mr. President, we have a little business to do before the Senate which has been cleared by both sides of the aisle. I ask unanimous consent we do that little piece of business, and then I will make my statement.

This is December 7. It is the anniversary of the attack on Pearl Harbor, the fateful day in 1941.

I ask unanimous consent we might do that.

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

RECOGNIZING THE 60TH ANNIVERSARY OF THE BATTLE OF PELELIU

Mr. BURNS. I ask unanimous consent that the Senate proceed to the consideration of H.J. Res. 102, which is at the desk.

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

The legislative clerk read as follows:

A resolution (H.J. Res. 102) recognizing the 60th anniversary of the battle of Peleliu and the end of the Imperial Japanese control of Palau during World War II and urging the Secretary of the Interior to work to protect the historic sites of the Peleliu Battlefield National Historic Landmark and to establish commemorative programs honoring the Americans who fought there.

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

Mr. BURNS. This Senator recognizes a good friend of mine from Billings, MT who was involved in Peleliu with the U.S. Marine Corps.

I ask unanimous consent that the joint resolution be read the third time and passed, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements related thereto be printed in the RECORD.

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

The joint resolution (H.J. Res. 102) was read the third time and passed.

The preamble was agreed to.

EXPRESSING THE SENSE OF THE SENATE REGARDING THE DETENTION OF TIBETAN POLITICAL PRISONERS

Mr. BURNS. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 483, submitted earlier today by Senator BROWNBACK.

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

The legislative clerk read as follows:

A resolution (S. Res. 483) expressing the sense of the Senate regarding the detention of Tibetan political prisoners by the Government of the People's Republic of China.

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

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

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

The resolution (S. Res. 483) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 483

Whereas, according to the Department of State and international human rights organizations, the Government of the People's Republic of China continues to commit widespread and well-documented human rights abuses in Tibet;

Whereas the People's Republic of China has yet to demonstrate its willingness to abide by internationally accepted standards of freedom of belief, expression, and association by repealing or amending laws and decrees that restrict those freedoms;

Whereas the Government of the People's Republic of China has detained hundreds of Tibetan nuns, monks, and lay persons as political prisoners for speaking out against China's occupation of Tibet and for their efforts to preserve Tibet's distinct national identity;

Whereas Phuntsog Nyidron was arrested on October 14, 1989, together with 5 other nuns, for participating in a peaceful protest against China's occupation of Tibet;

Whereas, on February 26, 2004, following a sustained international campaign on her behalf, the Government of the People's Republic of China released Phuntsog Nyidron from detention after she served more than 14 years of her 16-year sentence;

Whereas Tenzin Delek, a prominent Tibetan religious leader, and 3 other monks were arrested on April 7, 2002, during a nighttime raid on Jamyang Choekhorling monastery in Nyagchu County, Tibetan Autonomous Prefecture;

Whereas, following a closed trial and more than 8 months of incommunicado detention, Tenzin Delek and another Tibetan, Lobsang Dhondup, were convicted of inciting separatism and for their alleged involvement in a series of bombings on December 2, 2002;

Whereas Lobsang Dhondup was sentenced to death and Tenzin Delek was sentenced to death with a 2-year suspension;

Whereas the Government of the People's Republic of China told senior officials of the United States and other governments that the cases of Lobsang Dhondup and Tenzin Delek would be subjected to a "lengthy review" by the Supreme People's Court prior to the death sentences being carried out;

Whereas the Supreme People's Court never carried out this review, and Lobsang Dhondup was executed on January 26, 2003;

Whereas the Government of the People's Republic of China has failed to produce any evidence that either Lobsang Dhondup or Tenzin Delek were involved in the crimes for which they were convicted, despite repeated requests from officials of the United States and other governments;

Whereas the Government of the People's Republic of China continues to imprison Tibetans for engaging in peaceful efforts to protest China's repression of Tibetans and preserve the Tibetan identity;

Whereas Tibetan political prisoners are routinely subjected to beatings, electric shock, solitary confinement, and other forms of torture and inhumane treatment while in Chinese custody;

Whereas the Government of the People's Republic of China continues to exert control over religious and cultural institutions in Tibet, abusing human rights through the torture, arbitrary arrest, and detention without fair or public trial of Tibetans who peacefully express their political or religious views or attempt to preserve the unique Tibetan identity; and

Whereas the Government of the People's Republic of China has paroled individual political prisoners for good behavior or for medical reasons in the face of strong international pressure, but has failed to make the systemic changes necessary to provide minimum standards of due process or protections for basic civil and political rights: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Government of the People's Republic of China is in violation of international human rights standards by detaining and mistreating Tibetans who engage in peaceful activities to protest China's repression of Tibetans or promote the preservation of a distinct Tibetan identity;

(2) sustained international pressure on the Government of the People's Republic of China is essential to improve the human rights situation in Tibet and secure the release of Tibetan political prisoners;

(3) the Government of the United States should—

(A) raise the cases of Tenzin Delek and other political prisoners at every opportunity with officials from the People's Republic of China; and

(B) work with other governments concerned about human rights in China, including the Tibet Autonomous Region and other Tibetan areas, to encourage the release of political prisoners and promote systemic improvement of human rights in China; and

(4) the Government of the People's Republic of China should, as a gesture of goodwill and in order to promote human rights, immediately release all political prisoners, including Tenzin Delek.

TO AUTHORIZE GRANTS TO ESTABLISH ACADEMIES FOR TEACHERS AND STUDENTS OF AMERICAN HISTORY AND CIVICS

Mr. BURNS. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5360, which was received from the House.

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

The legislative clerk read as follows:

A resolution (H.R. 5360) to authorize grants to establish academies for teachers and students for American history and civics, and for other purposes.

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

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

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

The bill (H.R. 5360) was read the third time and passed.

COMPREHENSIVE PEACE IN SUDAN ACT OF 2004

Mr. BURNS. I ask unanimous consent that the Chair now lay before the Senate the House message to accompany S. 2781.

There being no objection, the Presiding Officer (Mr. CORNYN) laid before the Senate the following message from the House of Representatives:

S. 2781

Resolved, That the bill from the Senate (S. 2781) entitled "An Act to express the sense of Congress regarding the conflict in Darfur, Sudan, to provide assistance for the crisis in Darfur and for comprehensive peace in Sudan, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Peace in Sudan Act of 2004".

SEC. 2. DEFINITIONS.

In this Act:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) **GOVERNMENT OF SUDAN.**—The term "Government of Sudan" means the National Congress Party, formerly known as the National Is-

lamic Front, government in Khartoum, Sudan, or any successor government formed on or after the date of the enactment of this Act (other than the coalition government agreed upon in the Nairobi Declaration on the Final Phase of Peace in the Sudan signed on June 5, 2004).

(3) **JEM.**—The term "JEM" means the Justice and Equality Movement.

(4) **SLA.**—The term "SLA" means the Sudan Liberation Army.

(5) **SPLM.**—The term "SPLM" means the Sudan People's Liberation Movement.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) A comprehensive peace agreement for Sudan, as envisioned in the Sudan Peace Act (50 U.S.C. 1701 note) and the Machakos Protocol of 2002, could be in jeopardy if the parties do not implement and honor the agreements they have signed.

(2) Since seizing power through a military coup in 1989, the Government of Sudan repeatedly has attacked and dislocated civilian populations in southern Sudan in a coordinated policy of ethnic cleansing and genocide that has cost the lives of more than 2,000,000 people and displaced more than 4,000,000 people.

(3) In response to two decades of civil conflict in Sudan, the United States has helped to establish an internationally supported peace process to promote a negotiated settlement to the war that has resulted in a framework peace agreement, the Nairobi Declaration on the Final Phase of Peace in the Sudan, signed on June 5, 2004.

(4) At the same time that the Government of Sudan was negotiating for a comprehensive and all inclusive peace agreement, enumerated in the Nairobi Declaration on the Final Phase of Peace in the Sudan, it refused to engage in any meaningful discussion with regard to its ongoing campaign of ethnic cleansing and genocide in the Darfur region of western Sudan.

(5) The Government of Sudan reluctantly agreed to attend talks to bring peace to the Darfur region only after considerable international pressure and outrage was expressed through high level visits by Secretary of State Colin Powell and others, and through United Nations Security Council Resolution 1556 (July 30, 2004).

(6) The Government of the United States, in both the executive branch and Congress, has concluded that genocide has been committed and may still be occurring in the Darfur region, and that the Government of Sudan and militias supported by the Government of Sudan, known as the Janjaweed, bear responsibility for the genocide.

(7) Evidence collected by international observers in the Darfur region between February 2003 and November 2004 indicate a coordinated effort to target African Sudanese civilians in a scorched earth policy, similar to that which was employed in southern Sudan, that has destroyed African Sudanese villages, killing and driving away their people, while Arab Sudanese villages have been left unscathed.

(8) As a result of this genocidal policy in the Darfur region, an estimated 70,000 people have died, more than 1,600,000 people have been internally displaced, and more than 200,000 people have been forced to flee to neighboring Chad.

(9) Reports further indicate the systematic rape of thousands of women and girls, the abduction of women and children, and the destruction of hundreds of ethnically African villages, including the poisoning of their wells and the plunder of their crops and cattle upon which the people of such villages sustain themselves.

(10) Despite the threat of international action expressed through United Nations Security Council Resolutions 1556 (July 30, 2004) and 1564 (September 18, 2004), the Government of Sudan continues to obstruct and prevent efforts to reverse the catastrophic consequences that loom over the Darfur region.

(11) In addition to the thousands of violent deaths directly caused by ongoing Sudanese military and government-sponsored Janjaweed attacks in the Darfur region, the Government of Sudan has restricted access by humanitarian and human rights workers to the Darfur area through intimidation by military and security forces, and through bureaucratic and administrative obstruction, in an attempt to inflict the most devastating harm on those individuals displaced from their villages and homes without any means of sustenance or shelter.

(12) The Government of Sudan's continued support for the Janjaweed and their obstruction of the delivery of food, shelter, and medical care to the Darfur region is estimated by the World Health Organization to be causing up to 10,000 deaths per month and, should current conditions persist, is projected to escalate to thousands of deaths each day by December 2004.

(13) The Government of Chad served an important role in facilitating the humanitarian cease-fire (the N'Djamena Agreement dated April 8, 2004) for the Darfur region between the Government of Sudan and the two opposition rebel groups in the Darfur region (the JEM and the SLA), although both sides have violated the cease-fire agreement repeatedly.

(14) The people of Chad have responded courageously to the plight of over 200,000 Darfur refugees by providing assistance to them even though such assistance has adversely affected their own means of livelihood.

(15) On September 9, 2004, Secretary of State Colin Powell stated before the Committee on Foreign Relations of the Senate: "When we reviewed the evidence compiled by our team, along with other information available to the State Department, we concluded that genocide has been committed in Darfur and that the Government of Sudan and the [Janjaweed] bear responsibility—and genocide may still be occurring."

(16) The African Union has demonstrated renewed vigor in regional affairs through its willingness to respond to the crisis in the Darfur region, by convening talks between the parties and deploying several hundred monitors and security forces to the region, as well as by recognizing the need for a far larger force with a broader mandate.

(17) The Government of Sudan's complicity in the atrocities and genocide in the Darfur region raises fundamental questions about the Government of Sudan's commitment to peace and stability in Sudan.

SEC. 4. SENSE OF CONGRESS REGARDING THE CONFLICT IN DARFUR, SUDAN.

(a) **SUDAN PEACE ACT.**—It is the sense of Congress that the Sudan Peace Act (50 U.S.C. 1701 note) remains relevant and should be extended to include the Darfur region of Sudan.

(b) **ACTIONS TO ADDRESS THE CONFLICT.**—It is the sense of Congress that—

(1) a legitimate countrywide peace in Sudan will only be possible if those principles enumerated in the 1948 Universal Declaration of Human Rights, that are affirmed in the Machakos Protocol of 2002 and the Nairobi Declaration on the Final Phase of Peace in the Sudan signed on June 5, 2004, are applied to all of Sudan, including the Darfur region;

(2) the parties to the N'Djamena Agreement (the Government of Sudan, the JEM, and the SLA) must meet their obligations under that Agreement to allow safe and immediate delivery of all humanitarian assistance throughout the Darfur region and must expedite the conclusion of a political agreement to end the genocide and conflict in the Darfur region;

(3) the United States should continue to provide humanitarian assistance to the areas of Sudan to which the United States has access and, at the same time, implement a plan to provide assistance to the areas of Sudan to which access has been obstructed or denied;

(4) the international community, including African, Arab, and Muslim nations, should immediately provide resources necessary to save

the lives of hundreds of thousands of individuals at risk as a result of the crisis in the Darfur region;

(5) the United States and the international community should—

(A) provide all necessary assistance to deploy and sustain an African Union Force to the Darfur region; and

(B) work to increase the authorized level and expand the mandate of such forces commensurate with the gravity and scope of the problem in a region the size of France;

(6) the President, acting through the Secretary of State and the Permanent Representative of the United States to the United Nations, should—

(A) condemn any failure on the part of the Government of Sudan to fulfill its obligations under United Nations Security Council Resolutions 1556 (July 30, 2004) and 1564 (September 18, 2004), and press the United Nations Security Council to respond to such failure by immediately imposing the penalties suggested in paragraph (14) of United Nations Security Council Resolution 1564;

(B) press the United Nations Security Council to pursue accountability for those individuals who are found responsible for orchestrating and carrying out the atrocities in the Darfur region, consistent with relevant United Nations Security Council Resolutions; and

(C) encourage member states of the United Nations to—

(i) cease to import Sudanese oil; and

(ii) take the following actions against Sudanese Government and military officials and other individuals, who are planning, carrying out, or otherwise involved in the policy of genocide in the Darfur region, as well as their families, and businesses controlled by the Government of Sudan and the National Congress Party:

(I) freeze the assets held by such individuals or businesses in each such member state; and

(II) restrict the entry or transit of such officials through each such member state;

(7) the President should impose targeted sanctions, including a ban on travel and the freezing of assets, on those officials of the Government of Sudan, including military officials, and other individuals who have planned or carried out, or otherwise been involved in the policy of genocide in the Darfur region, and should also freeze the assets of businesses controlled by the Government of Sudan or the National Congress Party;

(8) the Government of the United States should not normalize relations with Sudan, including through the lifting of any sanctions, until the Government of Sudan agrees to, and takes demonstrable steps to implement, peace agreements for all areas of Sudan, including the Darfur region;

(9) those individuals found to be involved in the planning or carrying out of genocide, war crimes, or crimes against humanity should not hold leadership positions in the Government of Sudan or the coalition government established pursuant to the agreements reached in the Nairobi Declaration on the Final Phase of Peace in the Sudan; and

(10) the Government of Sudan has a primary responsibility to guarantee the safety and welfare of its citizens, which includes allowing them access to humanitarian assistance and providing them protection from violence.

SEC. 5. AMENDMENTS TO THE SUDAN PEACE ACT.

(a) ASSISTANCE FOR THE CRISIS IN DARFUR AND FOR COMPREHENSIVE PEACE IN SUDAN.—

(1) IN GENERAL.—The Sudan Peace Act (50 U.S.C. 1701 note) is amended by adding at the end the following new section:

“SEC. 12. ASSISTANCE FOR THE CRISIS IN DARFUR AND FOR COMPREHENSIVE PEACE IN SUDAN.

“(a) ASSISTANCE.—

“(1) AUTHORITY.—Notwithstanding any other provision of law, the President is authorized to

provide assistance for Sudan as authorized in paragraph (5) of this section—

“(A) subject to the requirements of this section, to support the implementation of a comprehensive peace agreement that applies to all regions of Sudan, including the Darfur region; and

“(B) to address the humanitarian and human rights crisis in the Darfur region and eastern Chad, including to support the African Union mission in the Darfur region, provided that no assistance may be made available to the Government of Sudan.

“(2) CERTIFICATION FOR THE GOVERNMENT OF SUDAN.—Assistance authorized under paragraph (1)(A) may be provided to the Government of Sudan only if the President certifies to the appropriate congressional committees that the Government of Sudan has taken demonstrable steps to—

“(A) ensure that the armed forces of Sudan and any associated militias are not committing atrocities or obstructing human rights monitors or the provision of humanitarian assistance;

“(B) demobilize and disarm militias supported or created by the Government of Sudan;

“(C) allow full and unfettered humanitarian assistance to all regions of Sudan, including the Darfur region;

“(D) allow an international commission of inquiry to conduct an investigation of atrocities in the Darfur region, in a manner consistent with United Nations Security Council Resolution 1564 (September 18, 2004), to investigate reports of violations of international humanitarian law and human rights law in the Darfur region by all parties, to determine also whether or not acts of genocide have occurred and to identify the perpetrators of such violations with a view to ensuring that those responsible are held accountable;

“(E) cooperate fully with the African Union, the United Nations, and all other observer, monitoring, and protection missions mandated to operate in Sudan;

“(F) permit the safe and voluntary return of displaced persons and refugees to their homes and rebuild the communities destroyed in the violence; and

“(G) implement the final agreements reached in the Naivasha peace process and install a new coalition government based on the Nairobi Declaration on the Final Phase of Peace in the Sudan signed on June 5, 2004.

“(3) CERTIFICATION WITH REGARD TO SPLM'S COMPLIANCE WITH A PEACE AGREEMENT.—If the President determines and certifies in writing to the appropriate congressional committees that the SPLM has not engaged in good faith negotiations, or has failed to honor the agreements signed, the President shall suspend assistance authorized in this section for the SPLM, except for health care, education, and humanitarian assistance.

“(4) SUSPENSION OF ASSISTANCE.—If, on a date after the President transmits the certification described in paragraph (2), the President determines that the Government of Sudan has ceased taking the actions described in such paragraph, the President shall immediately suspend the provision of any assistance to such Government under this section until the date on which the President transmits to the appropriate congressional committees a further certification that the Government of Sudan has resumed taking such actions.

“(5) AUTHORIZATION OF APPROPRIATIONS.—

“(A) IN GENERAL.—In addition to any other funds otherwise available for such purposes, there are authorized to be appropriated to the President—

“(i) \$100,000,000 for fiscal year 2005, and such sums as may be necessary for each of the fiscal years 2006 and 2007, unless otherwise authorized, to carry out paragraph (1)(A); and

“(ii) \$200,000,000 for fiscal year 2005 to carry out paragraph (1)(B), provided that no amounts appropriated under this authorization may be made available for the Government of Sudan.

“(B) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subparagraph (A) are authorized to remain available until expended.

“(b) GOVERNMENT OF SUDAN DEFINED.—In this section, the term ‘Government of Sudan’ means the National Congress Party, formerly known as the National Islamic Front, government in Khartoum, Sudan, or any successor government formed on or after the date of the enactment of the Comprehensive Peace in Sudan Act (other than the coalition government agreed upon in the Nairobi Declaration on the Final Phase of Peace in the Sudan signed on June 5, 2004).”

(2) CONFORMING AMENDMENTS.—Section 3 of such Act (50 U.S.C. 1701 note) is amended—

(a) in paragraph (2), by striking “The” and inserting “Except as provided in section 12, the”;

(b) by adding at the end the following new paragraph:

“(4) SPLM.—The term ‘SPLM’ means the Sudan People's Liberation Movement.”

(b) REPORTING AMENDMENT.—The Sudan Peace Act (50 U.S.C. 1701 note) is amended by striking section 8 and inserting the following:

“SEC. 8. REPORTING REQUIREMENTS.

“(a) REPORT ON COMMERCIAL ACTIVITY.—Not later than 30 days after the date of the enactment of the Comprehensive Peace in Sudan Act of 2004, and annually thereafter until the completion of the interim period outlined in the Machakos Protocol of 2002, the Secretary of State, in consultation with relevant United States Government departments and agencies, shall submit to the appropriate congressional committees a report regarding commercial activity in Sudan that includes—

“(1) a description of the sources and current status of Sudan's financing and construction of infrastructure and pipelines for oil exploitation, the effects of such financing and construction on the inhabitants of the regions in which the oil fields are located and the ability of the Government of Sudan to finance the war in Sudan with the proceeds of the oil exploitation;

“(2) a description of the extent to which that financing was secured in the United States or with the involvement of United States citizens; and

“(3) a description of the relationships between Sudan's arms industry and major foreign business enterprises and their subsidiaries, including government-controlled entities.

“(b) REPORT ON THE CONFLICT IN SUDAN, INCLUDING THE DARFUR REGION.—Not later than 30 days after the date of the enactment of the Comprehensive Peace in Sudan Act of 2004, and annually thereafter until the completion of the interim period outlined in the Machakos Protocol of 2002, the Secretary of State shall prepare and submit to the appropriate congressional committees a report regarding the conflict in Sudan, including the conflict in the Darfur region. Such report shall include—

“(1) the best estimates of the extent of aerial bombardment of civilian centers in Sudan by the Government of Sudan, including targets, frequency, and best estimates of damage; and

“(2) a description of the extent to which humanitarian relief in Sudan has been obstructed or manipulated by the Government of Sudan or other forces, and a contingency plan to distribute assistance should the Government of Sudan continue to obstruct or delay the international humanitarian response to the crisis in Darfur.

“(c) DISCLOSURE TO THE PUBLIC.—The Secretary of State shall publish or otherwise make available to the public each unclassified report, or portion of a report that is unclassified, submitted under subsection (a) or (b).”

SEC. 6. SANCTIONS IN SUPPORT OF PEACE IN DARFUR.

(a) SANCTIONS.—Beginning on the date that is 30 days after the date of enactment of this Act,

the President shall, notwithstanding paragraph (1) of section 6(b) of the Sudan Peace Act (50 U.S.C. 1701 note), implement the measures set forth in subparagraphs (A) through (D) of paragraph (2) of such section.

(b) **BLOCKING OF ASSETS.**—Beginning on the date that is 30 days after the date of enactment of this Act, the President shall, consistent with the authorities granted in the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block the assets of appropriate senior officials of the Government of Sudan.

(c) **WAIVER.**—The President may waive the application of subsection (a) or (b) if the President determines and certifies to the appropriate congressional committees that such a waiver is in the national interest of the United States.

(d) **CONTINUATION OF RESTRICTIONS.**—Restrictions against the Government of Sudan that were imposed pursuant to title III and sections 508, 512, and 527 of the Foreign Operations, Export Financing, and Related Programs Act, 2004 (division D of Public Law 108-199; 118 Stat. 143), or any other similar provision of law, shall remain in effect against the Government of Sudan and may not be lifted pursuant to such provisions of law unless the President transmits a certification to the appropriate congressional committees in accordance with paragraph (2) of section 12(a) of the Sudan Peace Act (as added by section 5(a)(1) of this Act).

(e) **DETERMINATION.**—Notwithstanding subsection (a) of this section, the President shall continue to transmit the determination required under section 6(b)(1)(A) of the Sudan Peace Act (50 U.S.C. 1701 note).

SEC. 7. ADDITIONAL AUTHORITIES.

Notwithstanding any other provision of law, the President is authorized to provide assistance, other than military assistance, to areas that were outside of the control of the Government of Sudan on April 8, 2004, including to provide assistance for emergency relief, development and governance, or to implement any program in support of any viable peace agreement at the local, regional, or national level in Sudan.

SEC. 8. TECHNICAL CORRECTION.

Section 12 of the International Organizations Immunities Act (22 U.S.C. 288f-2) is amended by striking "Organization of African Unity" and inserting "African Union".

Mr. BURNS. I ask unanimous consent that the Senate concur in the House amendment, the motion to reconsider be laid upon the table, and any statements relating to this bill be printed in the RECORD.

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

COMMEMORATING THE TRICENTENARY OF THE BIRTH OF BENJAMIN FRANKLIN

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3204, which is at the desk.

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

The legislative clerk read as follows:

A bill (H.R. 3204) to require the Secretary of the Treasury to mint coins in commemoration of the tercentenary of the birth of Benjamin Franklin, and for other purposes.

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

Mr. BURNS. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table, with no intervening action or de-

bate, and that any statements related to this bill be printed in the RECORD.

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

The bill (H.R. 3204) was read the third time and passed.

TO HONOR AND THANK ROBERT RAY HOWE

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 484, which was submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 484) to honor and thank Robert Ray Howe.

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

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

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

The resolution (S. Res. 484) was agreed to, as follows:

S. RES. 484

Whereas Assistant Chief Robert Ray Howe, a native of the State of Wyoming, was appointed as a United States Capitol Police Private on March 4, 1971;

Whereas Assistant Chief Howe, throughout his career, has distinguished himself through countless commendations and recognition for professionalism and extraordinary service for the United States Capitol Police;

Whereas Assistant Chief Howe, through extraordinary efforts and dedication during his outstanding career of over thirty (30) years, rose from the rank of private to the position of Assistant Chief of Police, the second in command of the United States Capitol Police;

Resolved, That the Senate hereby honors and thanks Robert Ray Howe and his family for a lifelong professional commitment of service to the United States Capitol Police and the United States Congress.

TREATING CERTAIN ARRANGEMENTS MAINTAINED BY THE YMCA RETIREMENT FUND AS CHURCH PLANS FOR THE PURPOSES OF CERTAIN PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5365, which is at the desk.

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

The legislative clerk read as follows:

A bill (H.R. 5365) to treat certain arrangements maintained by the YMCA Retirement Fund as church plans for the purposes of certain provisions of the Internal Revenue Code of 1986, and for other purposes.

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

Mr. BUNNING. Mr. President, I support H.R. 5365, a bill designed to ensure

that the thousands of pension plan participants and retirees for the YMCA continue to be able to count on their benefits, ensuring the pension plan may continue to operate as it has for over 80 years. The Senate passed my bill, S. 2589, by unanimous consent on July 14 of this year, and I am pleased that the House has recently passed H.R. 5365, which closely follows the direction of the Senate legislation. I worked together with fellow Senators, including Senator GRAHAM of Florida, to move this process toward today's hopeful conclusion. I want to stress that this effort has been a very bipartisan effort, in both the House and Senate, to produce a consensus solution and legislation.

I also thank Finance Committee Chairman GRASSLEY and Ranking Member BAUCUS for their assistance in bringing this bill to the floor today.

This is a bill about protecting the retirement security for thousands of YMCA employees and retirees. I have heard from Kentucky YMCA leaders and employees—leaders such as R. Stephen Tarver of YMCA of Greater Louisville, Dean Ehrenheim of the Owensboro YMCA, and Kenneth Barnes, who runs the Chestnut Street YMCA in Louisville, and countless YMCA employees—about the importance of protecting retirement security. This legislation addresses a concern about the technical status of the YMCA pension plan as a church plan, a type of pension plan offered by churches or associations of churches. This legislation will ensure that the YMCA pension plan will be able to provide a secure retirement to the more than 80,000 plan participants.

I also thank the Treasury Department and IRS for their patience while the Congress worked through finding a solution to ensure the YMCA pension plan could continue to offer the benefits to its participants and retirees.

As I have stated, the YMCA pension plan is a very significant part of each YMCA employee's compensation package, most of whom are modestly paid. I have heard from many of the Kentucky YMCAs, and their employees, about the importance of this pension plan to their future. In Kentucky alone, there are 19 YMCAs with over 485,000 members, and 918 pension plan participants, retirees or past employees who have vested benefits. Today's legislation is vitally important to the each and every plan participant in Kentucky and their families, and more than 80,000 participants and retirees in the YMCA pension plan, offering them financial and retirement security for their long service on behalf of our Nation's YMCA.

In closing, I encourage all of my colleagues to support this bill, and I am pleased that we are moving forward with this legislation today and look forward to its enactment soon.

Mr. BURNS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the

table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 5365) was read the third time and passed.

PEARL HARBOR DAY

Mr. BURNS. Mr. President, where were you on December 7, 1941? There are some of us who can remember that day. I was around 6 or 7 years old. I remember being on that small farm where I was raised. We were doing the evening chores when my mother—we did not have electricity in those days so you had a battery-operated radio and you did not turn on the radio until the evening. But mom had turned on the radio and the newscast was that Japan had attacked the United States at Pearl Harbor. When she told dad about that—I remember dad had two feed buckets in his hands—he said: “Where in the world is Pearl Harbor?” We did not even know where it was.

At 6 o'clock in the morning, Pearl Harbor time, 183 Japanese aircraft were launched from six major fleet carriers and flew toward Oahu. At 7:02 a.m. Honolulu time, the Japanese aircraft were spotted on their approach to Oahu, and they were mistaken for a flight of B-17 Flying Fortresses on an approach to the islands. At 7:15 a.m., a second wave of 167 Japanese planes departed the fleet carriers for Pearl Harbor. At 7:55 a.m., the attack on Pearl Harbor began, with the first Japanese dive-bomber appearing over Pearl Harbor. It was followed by a first wave of nearly 200 aircraft, including torpedo planes, bombers, and fighters.

The ships in our fleet were sitting ducks, all gathered up in one place. The anchored ships in the harbor made perfect targets for those bombers, and since it was Sunday morning—a time chosen by the Japanese for maximum surprise—they were not fully manned. In fact, back in those days in the Navy, half of the crew on the ships was on liberty.

Most of the damage to the battleships was inflicted in the first 30 minutes of the assault. The *Arizona*, which still lies in state, so to speak, at that harbor, sank. The *Oklahoma* was captured. The *California*, *Nevada*, and *West Virginia* sank in shallow water. In all, more than 180 aircraft were destroyed. U.S. military casualties totaled about 3,400.

That was a fateful day in 1941. Tied up to the *Arizona* was a ship, the *USS Vestal*. A good friend of mine, a member of our church, and his two brothers were on that ship. It was a repair ship. They were working on the *Arizona*. He said he remembers that day like it was yesterday. Glenn Sahlgren is gone now. I spent many hours on the Big Horn River fishing with him. I told him: When they find our bones one of these days, they will be down here on this river with a fly pole in our hand. He said: CONRAD, every day since Decem-

ber 8, 1941, has been a bonus to me. He and his two brothers were raised in Saco, MT. All three of them were in the Navy and on that ship, and it too sank. All three survived that fateful morning.

They were young Americans, hit by surprise. Now we are talking about another intelligence bill on the heels of 9/11. There were 3,581 killed, missing, and wounded. In my State alone, on the *USS Arizona*, Montana lost seven of its finest: Lloyd Daniel, Jerald Dillum, Joseph Marling, Earl Morrison, Robert Pearson, Harold Scilley, and George Smart.

Of course, that attack launched America into World War II where it suffered even more losses. Thousands of men and women died in World War II, but it changed the face of the world and gave us the freedoms we enjoy today. None of us here earned those; we inherited them. What Tom Brokaw called “the greatest generation” is a true statement. For after that attack, this country bound up its wounds and didn't look back. We honored those who were lost, and we built a better peace.

As this holiday season approaches and we gather around friends and family, it is important that we count our blessings. Most of those blessings were inherited and not earned. We remember those who went before us. We turn to this holiday and think about those families who are missing someone either because a family member died for their country or he or she is standing tall on foreign soil around the world.

One characteristic about Americans, we have always thought about the next generation. Those who answered the call in 1941 knew full well it was worth the sacrifice so that their families, their children and grandchildren, would never be vulnerable to anything like that again. We are witnessing today's greatest generation also. They understand the risk and the mission, but they also understand their families and what this great country stands for—we tend to forget that every now and again—because they, too, think it is worth the sacrifice so their children and grandchildren will not live under the pall of terrorism, perpetrated on the world from the shadows by faceless people. Today we have brave military men and women again, just as those who have gone before them, standing on alert, securing our freedoms, guarding the innocent abroad. I salute their bravery and their sacrifice, and I ask my colleagues to do the same.

This December 7 is a reminder of where we have been, how we reacted, what we have done, and the challenges to be faced in the future by young folks who are willing to pay the price.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TRIBUTE TO LES BROWNLEE

Mr. INHOFE. Mr. President, I wish to take a few minutes to speak about a truly remarkable American who, after serving his country with remarkable competence and quiet excellence, has moved on with little fanfare.

I am talking about Les Brownlee, a man we worked with very closely for a long period of time. So often you learn to love these people when you work with them over the years, and then they move on and you prepare to miss them, as we will.

Les Brownlee would probably not want me to talk about him. He normally avoids that type of thing. He shunned public recognition for his achievements, while compiling a stellar record of support and leadership for the men and women of the U.S. Army.

Mr. Brownlee was a highly decorated Vietnam veteran and executive officer to Army Under Secretary James Ambrose when he retired as a colonel in the U.S. Army in 1984. The experience he gained during his time in uniform made him an attractive candidate to advise my colleague from Virginia, Senator WARNER.

Mr. Brownlee served on Senator WARNER's staff for several years before joining the Senate Armed Services Committee as a professional staff member, where I worked with him for 7 years. From 1994, when I first came from the House to the Senate, until 2001, when he accepted a job as Under Secretary of the Army, Mr. Brownlee proved his expertise again and again while deflecting the accolades he deserved.

It is hard to conceive of a more tumultuous time for an acting Secretary of the Army to hold that position. From the events of 9/11, which helped convince Mr. Brownlee to take the Under Secretary position, to the campaigns of Afghanistan and Iraq, to the myriad challenges faced by the Army today, these times are like no other. In the face of these daunting events, Mr. Brownlee provided incredibly strong leadership from the top without losing touch with the personal integrity that characterizes the finest members of the Army he oversaw. Moreover, while executing the high-level concerns of his office, he also worked to ensure that the pressing needs of individual soldiers were met. He reflected on the old days, and he knew he had the instinct as to what those needs were. I am thinking particularly of the need for more and better body armor for our troops.

My only disappointment now is that Mr. Brownlee is moving on. It is clear his successors will have big shoes to fill, and the trajectory that Mr. Brownlee set for the service and coordination with the Secretary of Defense

and Joint Chiefs is one that will lead to transformation and victory in our current engagements and dominance in the decades to come. Perhaps more importantly, Mr. Brownlee has established a gold standard for character to which all of our military personnel should aspire.

I thank him for his service, the time he spent, and the dedication and commitment he made to his country.

HONORING OUR ARMED FORCES

LANCE CORPORAL LAMONT NOEL WILSON

Mr. INHOFE. Mr. President, I stand today to honor a brave young American who gave his life defending our Nation. He felt a call to serve his country, to be part of something bigger than himself, and, ultimately, paid the highest price.

LCpl Lamont Wilson, of Lawton, OK, was assigned to 2nd Battalion, 1st Marine Regiment, 1st Marine Division, 1st Marine Expeditionary Force, from Camp Pendleton, CA. His parents, Lanny and Florence Wilson, still live in Lawton, where he graduated from Eisenhower High School in 2003. By June, he was already serving as a marine, fulfilling a military dream Lamont kept alive since childhood. When asked why he joined the Marines, Lamont explained it was to make his father proud.

On September 6, in Fallujah, Lamont was killed in combat. He gave his life for the freedom of millions of Americans and also for the peace and prosperity of the Iraqi people crippled by a totalitarian regime. His funeral, held at St. John's Missionary Baptist Church in Lawton, was a joyous celebration of Lamont's life and service to God and country. Although the loss of this young man is a loss we all feel, our thoughts and prayers are especially with his family and friends.

Lamont's dedicated service showed the spirit that drives us to fight oppression around the world. He knew that he and his fellow marines were fighting to protect America, to keep their Nation safe. The way Lamont signed letters he wrote home—"Sleep Well, America"—embodied the noble spirit of sacrifice in the hearts of the men and women in our Armed Forces. It is for men like Lance Corporal Wilson that I am proud to be a part of this great country. He was a special marine but, more importantly, a special man.

Several of us who have spent time over in Afghanistan and Iraq have talked to these young people there, the young troops. They sometimes ask the question: Why is it that people don't appreciate us? It is because they get kind of a perverted media over there that doesn't really understand what the war is all about. I gave them my assurance that we understand the sacrifices they make, that we are at the most threatened position today this country has ever been in, and it is people like you who are keeping and preserving our freedom.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

BRIGADIER GENERAL CHARLES "BEN" ALLEN

Mr. INHOFE. Mr. President, it is not very often that one has the opportunity to talk about someone they knew personally. We have so many fallen heroes in Iraq and in this war on terror. Those who have spent any time on the Armed Services Committee know that right now we are in the most threatened position our country has ever been in.

Today, I honor the memory of a really remarkable man whom I had the honor of meeting. In fact, I had the honor of meeting this man over in Iraq. It was around the time the U.N. building was bombed and I happened to be there at the time. He was over there with General Griffin, and I am speaking of BG Charles "Ben" Allen. He was a classic Oklahoman, a hard worker and leader who was dedicated to his family, his faith, and his country.

General Allen was an assistant commander in the 4th Infantry Division and was killed along with six other soldiers in the Blackhawk helicopter crash in central Texas.

Although he was born in Alaska, Ben Allen grew up in the Lawton/Fort Sill, OK, area, an Army town where the artillery is king of battle and familiar to all.

The son of an Army colonel, he graduated from Eisenhower High School in Lawton and went on to study at Lawton's Cameron University where he graduated from the ROTC program and was commissioned into the artillery.

General Allen's career was a long and distinguished one and included assignments with the 9th Infantry Division at Fort Lewis, WA, the 70th Field Artillery Detachment in Greece, the 7th Infantry Division at Fort Ord, CA, and the 9th Field Artillery in Heilbronn, Germany, the 101st Airborne Division at Fort Campbell, KY, where he was the operations officer for division artillery during Desert Shield and Desert Storm, and the 24th and 3rd Infantry Divisions at Fort Stewart, GA.

Allen then served as the J5 Balkans Branch Chief for the Joint staff at the Pentagon, after which he commanded the 4th Infantry Division's artillery and served in several positions under the Army deputy chief of staff for programming before returning to the 4th ID.

It is often said that when a soldier chooses a branch of service, he also is choosing the hometown of his future wife. Ben changed the order of that expectation. He and Cindy were college sweethearts at Cameron. In college,

Cindy was a serious student who shared Ben's competitive spirit. For fun, the couple would compete for the highest GPA.

When Ben graduated from Cameron's ROTC program, he asked Cindy to marry him. She has been a partner, a friend, and a source of strength and truth, a cherished wife and beloved mother.

Cindy is a teacher by trade. For her, life in the military was a positive challenge which she took on with the same focused energy Ben showed whenever the Allens arrived at the new assignment. Cindy educated herself about each new duty assignment. She managed each move in an organized and disciplined way.

A lot of people do not understand what this is like for a family to be moved around this way, but Cindy handled it very well. Her leadership, responsibility, duty, love, and calm made her the perfect partner in life and love for this soldier. Even in this dark hour, Cindy is strong, dignified, and helping others cope with their losses as well.

Although General Allen was a man who faced the foes of the world with steely resolve, he stood no chance when it came to his only daughter, Laura, who is a 20-year-old student at George Mason University. Ben and Laura had a special father-daughter relationship fortified by great humor, warmth, understanding, and natural affection, a bond that will endure in her heart forever. She will always be his little girl.

I remember talking to him about this because my youngest daughter Katie and I also have that. To this day, I still call her my little girl. That is the relationship Ben had with Laura.

As the saying goes, like father like son, we likewise send our heartfelt condolences to General Allen's son Brian who is attending the University of Virginia on an ROTC scholarship. So we are talking now about the third generation. Brian and Ben shared many great times together watching their favorite teams, the Boston Red Sox and the Dallas Cowboys, and of course the University of Oklahoma, the No. 1 team in the Nation.

Whatever career path Brian chooses, he will have the life and accomplishments of a great and courageous man to serve as a bright and shining example for selfless service.

I will also share several thoughts about GEN Ben Allen that I have heard from some of my constituents who knew him. Many of these folks attended the memorial service held yesterday at Fort Sill. I was unable to be there because of votes here but I believe their comments say even more about the man, Ben Allen, than the long record of honorable service I just read.

Here are their words:

Ben Allen was known to be a soldier's soldier. He cared about his troops and he enthusiastically led his troops to achieve victory both on and off the battlefield. He was also a soldier's son. Ben was the beloved son of a career Army officer.

His father was a colonel.

Ben had a special talent for maintaining friendships. When he arrived at new duty stations, he made a special effort to seek out and reconnect with friends and colleagues from previous assignments. Whether on the golf course or standing on the bank of one of his favorite fishing holes, Ben could make you feel as though only days had passed since he last saw you.

Ben was a man of faith, with a great sense of humor. He worked hard and expected the best from himself and from his troops. He loved his family, the Army, his life, and his country.

One friend suggested that this quotation from John Ruskin would be fitting in describing the way Ben Allen lived his life:

This a good and safe rule to sojourn in many places, as if you meant to spend your life there, never omitting an opportunity of doing a kindness or speaking a true word or making a friend.

In this time of trouble and tragedy, we remember and pay tribute to General Allen and also to the many other Americans who do dangerous work not only overseas in places such as Iraq and Afghanistan, but within our own borders. Soldiering is a risky job. I am a veteran of the U.S. Army. I know there is no time you are not risking your life if you take this career. We should be grateful there are people like General Allen, people committed to defending freedom and truth, who are willing to take those risks on our behalf.

We remember Cindy, Brian, and Laura Allen, as well as General Allen's mother, Christine Allen Harper. We grieve for them, for their fallen husband and father and son. In his life and his death he set a high standard for all of us to follow. As we travel onward together, we will never forget BG Charles "Ben" Allen.

I know it is unusual to say something like this, but I have had occasion, just in the last few minutes, to talk to his wife Cindy. I recall something that he said to me when we were together over in Iraq. I said to him, "Do you know Jesus?"

He was very straightforward, and he said, "Yes."

I talked to his wife about that. There was no doubt in his mind. For some who do not understand this, if you are a man of faith like Ben, we can assure you it is not: Goodbye, Ben. He is with Jesus now. It is: So long, we will see you soon.

CORPORAL BRYAN WILSON

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Otterbein, IN. Corporal Bryan Wilson, twenty-two years old, died on December 1 as a result of injuries sustained in a Humvee crash in the Al Anbar Province. With his entire life before him, Bryan risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

After graduating from Seeger Memorial High School in 2001, Bryan joined

the Marines. His mother-in-law, Linda, told the Lafayette Journal & Courier that Bryan "knew when he graduated that he was going to be a Marine . . . He was very brave, and we're so proud of him. He made the ultimate sacrifice for all of us."

Bryan was the fortieth Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. He was assigned to the 2nd Battalion, 11th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, California. This brave young soldier leaves behind his wife Samantha; his parents Charles and Brenda Wilson; his brothers Lonnie and Adam; and his 20-month-old daughter Breanne. May Bryan's daughter grow up knowing that her father fought bravely, giving his own life so that young Iraqis can some day know the freedom she enjoys.

Today, I join Bryan's family, his friends and the entire Hoosier community in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Bryan, a memory that will burn brightly during these continuing days of conflict and grief.

Bryan was known for his dedication to serving others and his love of family and country. When looking back on Bryan's life, his wife Samantha told the Associated Press that he had been determined to serve his country and that "he would never have changed his mind about going." Today and always, Bryan will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Bryan's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Bryan's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Bryan Wilson in the official record of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Bryan's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory;

and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Bryan.

LANCE CORPORAL ADAM R. BROOKS, USMC

Mr. GREGG. Mr. President, I rise today to remember and honor LCpl Adam R. Brooks of Manchester, NH for his service and supreme sacrifice for his country.

Lance Corporal Brooks demonstrated a willingness and dedication to serve and defend his country by joining the United States Marine Corps. His enthusiasm and devotion to service were indicated early on by his decision to enlist in the Delayed Entry Program which obligated him to the Marines well before he graduated from Central High School in 2003. Just as many of America's heroes have taken up arms in the face of dire threats, Adam, too, dedicated himself to the defense of our ideals, values, freedoms, and way of life. His valor and service cost him his life, but earned him a place on the roll call of honor within the pantheon of heroes this country has produced.

Adam reported to recruit training at Marine Corps Recruit Depot Parris Island in August 2003. Following his basic training, he volunteered for and received further training as a rifleman in the infantry. Upon completion of this training, he became a member of 1st Battalion, 2d Marines, 2d Marine Division. From this unit's home base in Camp Lejeune, NC, he would deploy to Iraq in pursuit of those who would threaten our way of life.

Tragically, on November 28, 2004, Lance Corporal Brooks gave his last full measure for our Nation during combat with the enemy in the Babil Province of Iraq. Throughout his short career, Adam earned a series of accolades which testify to the dedication and devotion he held for the Marine Corps, his fellow Marines, and his country. Adam's hard work and dedication contributed greatly to his unit's successes and cemented his place as a participant in the great endeavor known as America. Adam was recognized for his service by the Purple Heart Medal, the National Defense Service Medal, the Global War on Terrorism Expeditionary Medal, and the Sea Service Deployment Ribbon.

My condolences and prayers go out to Adam's family, and I offer them my deepest sympathies and most heartfelt thanks for the service, sacrifice, and example of their Marine, Lance Corporal Adam R. Brooks. Adam exemplified the words of Daniel Webster who said, "God grants liberty only to those who love it, and are always ready to guard and defend it." Because of his efforts, the liberty of this country is made more secure.

SPECIALIST ALAN J. BURGESS

Mr. GREGG. Mr. President, the United States of America was founded on a passion for freedom, personal liberties, and equality for all its citizens. In a fierce battle for freedom and independence, the citizens of this new

world cast off the shackles of tyranny and built for themselves a land of hope and promise. So fervently held were the beliefs and ideals of this country, that a son of New Hampshire, General John Stark, reminded us of the price of our liberties with his admonishment to "live free or die." The heroes and Founding Fathers of that long ago time have been joined by another noble son of New Hampshire, SPC Alan J. Burgess of Landaff. It is in his memory that I rise today to honor Alan for his service and supreme sacrifice in the continuing defense of this country and for his relentless defense of freedom.

Specialist Burgess demonstrated a willingness and dedication to serve and defend his country by joining the National Guard after this country was attacked in September 2001 and we had begun the task of destroying the enemies of our country. Just as many of America's heroes have taken up arms in the face of dire threats, Alan too dedicated himself to the defense of our ideals, values, freedoms, and way of life. His valor and service cost him his life but earned him a place on the roll call of honor within the pantheon of heroes this country has produced.

Following basic training, Alan joined his comrades in 2nd Battalion, 197th Field Artillery Brigade, Army National Guard as a military policeman and began training for his deployment to Iraq in support of Operation Iraqi Freedom. From this unit's home base in Woodsville, NH, he would deploy in March 2004 to Iraq in pursuit of those who would threaten our way of life.

During his all too brief career, Alan accumulated a significant list of accolades and experiences which testify to the dedication and devotion he held for the Army, his fellow soldiers, and his country. Alan's expertise contributed greatly to his unit's successes and cemented his place as a participant in the great endeavor known as America. Alan was recognized for his service by the Bronze Star Medal, the Purple Heart Medal, the Good Conduct Medal, the National Defense Service Medal, the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, the Army Service Ribbon, and the Army Reserve Overseas Service Ribbon.

I offer Alan's family my deepest sympathies and most heartfelt thanks for the service, sacrifice, and example of their soldier, Specialist Alan Burgess. Alan exemplified the words of Daniel Webster who said, "God grants liberty only to those who love it, and are always ready to guard and defend it." Because of his efforts, the liberty of this country is made more secure.

SPECIALIST DARYL DAVIS

Mr. GRASSLEY. Mr. President, I rise today to pay tribute to a heroic American, SPC Daryl Davis, a fellow Iowan originally from Spencer, IA. A member of the 144th Transportation Company of the Florida Army National Guard, Specialist Davis was killed November 29, 2004 when his Humvee was involved

in an accident traveling between military camps in Iraq. Specialist Davis was serving as a gunner when the accident occurred. Daryl Davis graduated from Spencer High school and enlisted in the Iowa National Guard at age 17 before transferring to Florida earlier this year. Specialist Davis is survived by his mother and father, Dana Davis and Richard Rosado, as well as two brothers. I know that he will be deeply missed by his family and friends. My thoughts and prayers are with them.

I ask my colleagues in the Senate and my fellow Americans to join me in remembering Specialist Davis and the enormous sacrifice he made for his country. Many people thought very highly of Specialist Davis and he will always be remembered for his willingness to serve others. The United States owes its continued prosperity to Specialist Davis and others like him who are willing to advance our ideals at great personal cost. Daryl Davis will be remembered as a great patriot and it is fitting that we honor him today.

MARINE SERGEANT NICK NOLTE

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of Nick Nolte of Falls City, NE, a sergeant in the United States Marine Corps. Sergeant Nolte died November 24, 2004 at the Walter Reed Army Medical Center from wounds he received on November 9 when his Humvee drove over a bomb near Baghdad, Iraq. He was 25 years old.

Sergeant Nolte graduated from Falls City Sacred Heart High School in 1998. After graduating, he enlisted in the U.S. Marine Corps and became a member of the Presidential Helicopter Squadron HMX-1, guarding Presidents Clinton and Bush. In June 2004, Nolte joined Operation Iraqi Freedom as a rifleman, Marine and personal security expert. Sergeant Nolte will be remembered as a loyal Marine who believed in his mission and who had a strong sense of duty, honor and love of country. Thousands of brave Americans like Sergeant Nolte are currently serving in Iraq.

Sergeant Nolte is survived by his mother, Anita Nolte; his wife, Melina and 3-year-old daughter, Alanna of Cherry Point, NC and sister, Jessica Nolte of Omaha. Our thoughts and prayers are with them at this difficult time. The United States of America is proud of Nick Nolte's service and mourns his loss.

For his service, bravery and sacrifice, I ask my colleagues to join me and all Americans in honoring Sergeant Nick Nolte.

STAFF SERGEANT ROBERT S. DOUGHTY

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a Kentucky hero, SSG Robert S. Doughty. Sergeant Doughty, an 11-year-veteran of the U.S. Army and from Paducah, KY, went to Iraq last spring as a member of the 3rd Battalion, 5th Special Forces Group. On July 8, 2004, Sergeant Doughty was riding in the passenger seat of a Humvee deep in the Sunni Triangle.

His team's mission was to deliver laptop computers and a new vehicle to another Special Forces team. They didn't make it.

A 155mm-mortar struck Sergeant Doughty's vehicle. Shrapnel tore through both of his legs. Two medics began treating him immediately, and Sergeant Doughty believes they saved his life by preventing him from bleeding to death. He was rushed by helicopter to a surgical hospital in Balad, Iraq, then to Germany, and finally to Walter Reed Army Medical Center here in the Nation's Capital. Doctors were able to save his life, but not his legs.

Sergeant Doughty's incredible courage has not diminished one iota since that July day. Two months to the day of that vicious attack, he stood for the first time on two prosthetic legs. Since then, he has graduated from using a walker to crutches to canes, and intends to walk without difficulty by Christmas. I have no doubt he will succeed.

I had the pleasure of meeting Sergeant Doughty and his family in my office on September 9. I told him how grateful America is for his service to our country. This amazing man has not let his injury hamper his love for his country, her military, or the cause of freedom and justice we fight for in Iraq. If he could, he would go back. He serves as a model of heroism to us all.

Today I ask my colleagues to join me in honoring SSG Robert S. Doughty for his supreme valor. My prayers, and those of millions of grateful Americans, are with him as he recovers from his injuries. With other fine men and women like him in our Armed Forces, we are sure to succeed as we continue ridding the newly liberated Iraq of the terrorists trying to drive that country back into the hands of tyranny.

LCPL JOSEPH WELKE

Mr. JOHNSON. Mr. President, I rise today to pay tribute to LCpl Joseph T. Welke, a resident of Rapid City, SD who died on November 20, 2004, while serving in Operation Iraqi Freedom.

Lance Corporal Welke was a member of the 3rd Battalion of the 1st Marine Regiment based out of Camp Pendleton, CA. He was killed while fighting insurgents in Fallujah, Iraq.

Answering America's call to the military, Lance Corporal Welke joined the Marines after graduating from Rapid City Stevens High School in 2003. As a fullback for the varsity football team, Joe earned Greater Dakota All Conference team honors. He enjoyed riding his motorcycle and spending time with his family. Friends and family remember him as having a love for life and as an inspiration to all those who knew him best.

Lance Corporal Welke served our country and, as a hero, died fighting for it. He served as model of the loyalty and dedication that comes with preservation of freedom. The thoughts and prayers of my family, as well as the rest of the country, are with his family during this time of mourning.

Our thoughts continue to be with all of those families with loved ones serving overseas.

Lance Corporal Welke led a full life, committed to his family, his Nation, and his community. It was his incredible dedication to helping others that will serve as his greatest legacy. Our Nation is a far better place because of Lance Corporal Welke's contributions, and, while his family, friends, and Nation will miss him very much, the best way to honor his life is to remember his commitment to service and family.

Mr. President, I join with all South Dakotans in expressing my sympathies to the friends and family of LCpl Joseph Welke. I know that he will always be missed, but his service to our Nation will never be forgotten.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, we are in morning business, are we not?

The PRESIDING OFFICER. We are in morning business.

Mr. DORGAN. Will the Senator yield for a unanimous consent request?

Mr. LEAHY. Of course I yield for that purpose.

Mr. DORGAN. I ask unanimous consent to be recognized following the presentation by Senator LEAHY.

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

The Senator from Vermont is recognized.

NOMINATION OF ALBERTO GONZALES TO BE ATTORNEY GENERAL

Mr. LEAHY. Mr. President, soon after we return in January, the Senate Judiciary Committee will begin consideration of the nomination of Alberto Gonzales for the position of Attorney General of the United States. I met with Judge Gonzales on November 17, soon after his designation as the President's nominee. I had that meeting in preparation for our hearings. I look forward to working with Senator SPECTER and the other members of the Judiciary Committee to assure a prompt and fair and thorough hearing on this important nomination in early January.

There is no secret that Judge Gonzales will be called upon to explain not only his vision of what the role of the Attorney General should be, but also how he would distinguish it from that of the White House Counsel. And he is also going to be asked about the role he has played in formulating the administration's policy on the treatment and interrogation of prisoners in U.S. custody overseas.

The scandal of Abu Ghraib, allegations of mistreatment in Guantanamo, investigations and charges from cases in Iraq and Afghanistan are serious matters. There are lingering questions. There is unresolved accountability left in their wake.

The Bush administration circled the wagons long ago. It has continually maintained that the abuses were simply the work of a few bad apples. But we know that the photos from Abu Ghraib do not depict an isolated incident. Abuses have occurred in many locations, including Afghanistan, Guantanamo Bay, and in a number of other facilities within Iraq.

I have long said that somewhere in the upper reaches of the executive branch, a process was set in motion that rolled forward until it produced this scandal. Even without a truly independent investigation, we now know the responsibility for abuse runs very high into the chain of command. Senior officials in the White House, the Justice Department, and the Pentagon set in motion a systematic effort to minimize, distort, and even ignore laws, policies, and agreements on torture and the treatment of prisoners. Defense Secretary Rumsfeld and later LTG Ricardo Sanchez authorized the use of techniques that were contrary to both U.S. military manuals and international law.

Former CIA Director Tenet requested, and Secretary Rumsfeld approved, the secret detention of a ghost detainee in Iraq so he could be hidden from the International Committee of the Red Cross.

These issues, especially when they involve the greatest democracy history has known, are a significant concern. But there are also issues in which the administration has been far less than forthcoming. In letters dated May 17 and June 15 of this year, long before the fall elections, long before the resignation of John Ashcroft, and long before he was designated by the President as nominee, I asked Judge Gonzales to describe his role in both the interpretation of the law and the development of policies that led to what I and many others considered to have been a disregard for the rule of law. Those letters of May 17 and June 15 remain unanswered as of today.

I have repeatedly emphasized to Judge Gonzales the need for responsiveness and accountability in these matters. Last Friday, I sent Judge Gonzales a letter reiterating my concerns. I emphasized the importance of full disclosure during this confirmation process.

I urge him to cooperate, to cooperate now with all members of the Judiciary Committee on both sides of the aisle on the full range of issues of oversight and accountability that come before us. That is something his predecessor did not do. That lack of oversight on the part of the Senate, the lack of accountability and lack of responsiveness on the part of the administration, should not continue.

I ask unanimous consent to have my December 3, 2004, letter to Judge Gonzales printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, December 3, 2004.

Hon. ALBERTO R. GONZALES,
Counsel to the President, the White House,
Washington, DC.

DEAR JUDGE GONZALES: I enjoyed our preliminary meeting and look forward to your confirmation hearings. In following up on our meeting, and to give you and your staff ample opportunity to prepare for the hearings, I write to reiterate several concerns that I have raised in prior discussions and correspondence. When we met on November 17, 2004, I said that these issues will be raised, by myself and other members of the Senate Judiciary Committee, during the upcoming hearings. Based on our conversation, I am encouraged by your willingness to answer questions about your role and your views in these matters.

Photographs and reports of prisoner abuse in Iraq and other locations show an interrogation and detention system operating contrary to U.S. law and the Geneva Conventions. In addition to the abhorrent images from the Abu Ghraib prison that were published last spring, actions that have occurred with Administration approval include the forcible rendition of individuals to nations where they may face torture, and the hiding of "ghost detainees" from the International Committee of the Red Cross. Reports of abuse continue to emerge. Just this week, The New York Times reported that the Red Cross has charged U.S. military authorities with using physical and psychological coercion "tantamount to torture" on prisoners at Guantanamo Bay. The Washington Post is reporting that in December 2003 Army generals in Iraq were warned in a confidential report that members of an elite military and CIA task force were abusing detainees. According to The Post, the report concluded that certain arrest and detention practices could be deemed to be "technically" illegal.

In letters dated May 17 and June 15 of this year, I asked you to describe your role in both the interpretation of the law and the development of policies that led to what I and many others consider to have been a disregard for the rule of law. These letters remain unanswered.

My concerns regarding the abuse of prisoners in U.S. custody did not begin with these letters. I have been seeking answers from the Administration for well over a year, before the abuses at Abu Ghraib came to light. In a very few cases my questions were answered, but with information that later proved to be less than accurate. For example, in a news conference on June 22, 2004, you stated, "In Iraq, it has always been U.S. position that Geneva applies. From the early days of the conflict, both the White House and the Department of Defense have been very public and clear about that."

However, an October 24, 2004, article in The Washington Post revealed yet another Justice Department memo authorizing actions that potentially violate the Geneva Conventions. The draft memo, dated March 19, 2004, apparently was written to authorize the CIA to transfer detainees out of Iraq for interrogation—a practice expressly prohibited by the Geneva Conventions. According to the memo's cover letter, it was drafted at your request.

In another example, a June 25, 2003, letter from Department of Defense General Counsel William Haynes stated that the United States was adhering to its international obligations including those under the Convention Against Torture. We later learned of an August 1, 2002, Department of Justice memorandum that twisted the definition of torture in unrecognizable ways. That memo was addressed to your. We also learned months

later of the rendition of a Canadian-Syrian citizen to Syria, despite his fear of being tortured there, and despite the Syrian government's well-documented history of torture. Unnamed CIA officials told the press that this man was in fact tortured in Syria.

The Committee and the Senate will want to know your role in these situations and your views with regard to the development of the legal justifications that appear to underlie so many of these actions. You will be called upon to explain in detail your role in developing policies related to the interrogation and treatment of foreign prisoners. The American public and the Senate that will be called upon to confirm your appointment deserve to know how a potential Attorney General, the chief law enforcement officer in the nation, will interpret and enforce the laws and how you will develop policy.

We want to know what the current policy on torture is, but since the Administration disavowed the August 1, 2002, memo, no public statement of policy has replaced it. Questions remain unanswered on a host of issues. Requests to the White House and the Department of Justice for relevant documents—including my requests to you in May and June of this year—have been ignored or rejected. I urge you and the Administration to provide the documents that have been requested by myself and others without further delay so that the hearings will be well informed.

Another key concern you will be called upon to discuss is how you view the duties and responsibilities of the Attorney General. As we discussed, I view the White House Counsel position and that of the Attorney General as quite distinct. You may well have viewed this President as your "client" while serving him at the White House, although the courts do not recognize an attorney-client privilege in that setting. We will want to know how differently you will act and view your responsibilities as the Attorney General of the United States.

Finally, I encourage you to commit to cooperating with all members of the Judiciary Committee on issues of oversight and accountability. In the 108th Congress, the Judiciary Committee failed to fulfill its oversight responsibilities. Accountability and improving government performance are sound and long established purposes of congressional oversight, and accountability has been lacking on these and other crucial issues. With a new Congress, and a new Attorney General, I expect a return to the diligent oversight envisioned by our Founders to ensure that the Executive Branch remains accountable to the American people.

Our meeting was a constructive beginning at the start of the confirmation process, and I look forward to your hearing early next month. In the meantime, Marcelle and I send our best wishes to you and your family and hope that you have a restful and rewarding holiday season.

Sincerely,

PATRICK LEAHY,
Ranking Democratic Member.

Mr. LEAHY. Mr. President, I yield the floor. I see the distinguished Senator from North Dakota now seeking the floor.

The PRESIDING OFFICER. Under the previous unanimous consent, the Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, let me ask consent to speak for 20 minutes in morning business.

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

SALE OF AGRICULTURAL GOODS TO CUBA

Mr. DORGAN. Mr. President, I want to speak today about several items, the first of which is the sale of agricultural goods to Cuba.

Some years ago, Attorney General John Ashcroft, who then was a U.S. Senator, and I, offered an amendment that opened the opportunity to sell agricultural commodities into the Cuban marketplace. For over 40 years that marketplace had been closed to American farmers because of an embargo.

The bill that Congress passed was called the Trade Sanctions Reform and Export Enhancement Act of 2000. It permitted agricultural sales to Cuba on the condition that the Cubans had to use cash in order to purchase agricultural commodities from this country. We have now sold over \$900 million worth of farm commodities to the Cuban marketplace for cash. In fact, about 1½ or 2 years ago, 22 train carloads of dried peas left North Dakota to be shipped into the Cuban marketplace—the first time in 42 years our farmers had an opportunity to sell into this market that the Canadians and the Europeans had been selling into all along.

That is what we did in the legislation. I felt that having an embargo on food shipments to Cuba all those years was wrong. It didn't affect Fidel Castro. We tried to injure Fidel Castro by slapping on this embargo which included food and medicine, which I thought was an insidious policy. It didn't hurt Fidel Castro. He never missed a breakfast, lunch, or dinner because we were not able to sell food into Cuba.

The same is true with travel restrictions. We prohibited Americans from traveling into Cuba except for those who are able to get a license from the Treasury Department, which is increasingly difficult to do. Restricting the American people's right to travel is not hurting Fidel Castro. It simply injures the American people. We can travel in Communist China and in Communist Vietnam but we can't travel in Cuba. I have held up a picture on the floor of the Senate of Joni Scott. She went to Cuba to distribute free Bibles. This administration's Treasury Department tracked her down and said we are going to try to slap a \$10,000 fine on you for distributing free Bibles in Cuba. I have also shown the picture of Joan Slote, a retired senior Olympian in her midseventies. She went to ride a bicycle in Cuba with a Canadian group. The Treasury tracked her down even as she was dealing with her son's brain cancer and slapped a fine on her and threatened, by the way, to seize her Social Security payments.

It is outrageous what this policy has been with respect to Cuba. But we had a small victory when Senator Ashcroft and I were able to change the law so that our farmers and ranchers could sell into the Cuban marketplace. Since then we have sold \$900 million of agricultural commodities for cash to Cuba.

In recent weeks something else has happened. It is apparent this administration is fighting every possible way to shut down the opportunities of farmers and ranchers to sell into the Cuban marketplace. Here is a new way. This chart shows part of the Trade Sanctions Reform and Export Enhancement Act of 2000 legislation. Here are the words that stipulate that the Cubans must pay "cash in advance" for food they purchase. And that is exactly what the Cubans have done for about \$900 million in shipments so far. But someone at Treasury took a look at this, and said, You know, there is a way to interpret these words to shut down these shipments even tighter. We will interpret cash in advance to mean the cash must be received by the exporter before anything can be shipped toward Cuba.

That is much different from the way the term cash in advance has been generally understood by the export community and the way I as an author would have understood what we meant. Up to now, cash in advance meant that you must pay cash before you take receipt of the product. That ship goes to Cuba with dried peas, or wheat, or flour, or beef. Before it is offloaded and the Cubans take possession, they must pay cash to the seller. It is very simple. You pay cash before you take possession of the product.

The Treasury Department has now found a way to say, Not good enough. The way sales have been made to Cuba for the past three years is not what the Treasury thinks the legislation says. We insist that the phrase cash in advance means you pay cash before anything gets loaded on the ship.

What is this about? It is about someone down at the Treasury Department who has decided they have found another way to see if they can stop our farmers and ranchers from selling into the Cuban marketplace. I was an author of the legislation, and they need to understand that I knew what I was doing, and I believe my colleague Senator Ashcroft and others in the Congress knew what they were doing. We were trying to provide access to the Cuban marketplace.

This country has now said for almost two dozen years the way to move Communist countries such as China and Vietnam toward greater human rights is through more trade and travel engagement to move them in the right direction. We have said that with China and with Vietnam, both Communist countries. The exception is Cuba. They say if we begin to allow people to travel in Cuba, to trade with Cuba, somehow that is pernicious and moves in the wrong direction.

At some point you have to say that is an argument that is completely devoid of common sense. But Congress has already acted on this. The Congress said it is all right and we believe we should be able to trade with Cuba provided that sale is for cash. The Cubans buy agricultural commodities from us.

They pay for it through a European bank with cash so that no direct transfer of funds from Cuba to a U.S. institution. And now there is someone who has found a way to restrict this, to try to interrupt rice shipments and other shipments to Cuba.

The farm community was caught unaware by this issue. I was unaware of it. Once we discovered it, I called people in the Bush administration to ask, What on earth are you doing this time? Can't you get it straight that this Congress has already said this is the law, this is the way the law reads? I have asked, by the way, the Inspector General at the Department of the Treasury to investigate what OFAC—called the Office of Foreign Assets Control—is doing here. Essentially, the Office of Foreign Assets Control at Treasury is supposed to be tracking money to terrorists. They are supposed to be shutting down the funding for Osama bin Laden. They are supposed to be tracking the network of funds around the world that finances terrorism.

But what are the people at OFAC doing? They are tracking down Joan Slote and Joni Scott who traveled to Cuba to ride bicycles and distribute free Bibles. They are spending time trying to figure out how they can reinterpret Federal law to try to put a wrench in the crankcase of farmers and ranchers who are trying to sell into the Cuban marketplace. They ought to be ashamed of themselves down at OFAC. They know better than that.

When Secretary of Treasury O'Neill testified at a hearing a couple of years ago, I asked him repeatedly about this. He finally answered, but he didn't want to. I asked him, Wouldn't you, with some common sense, much rather use your assets in OFAC to track the financing of terrorists than track Americans who are suspected of taking a vacation in Cuba? Finally, he said, Sure, sure.

The OFAC is not a very big agency. But they have over 20 people who are tracking this Cuba issue trying to nab an American person who is suspected of taking vacations in Cuba or trying to find ways to reinterpret the law to shut down agricultural trade to Cuba. They have more people doing that than they have tracking Osama bin Laden, and trying to shut down Osama bin Laden's network of funding to support his terrorist activity.

OFAC ought to be ashamed. What a false choice for the security of this country. And what a false choice for the welfare and benefit of family farmers and ranchers, just like the Europeans and Canadians and others who have access to this marketplace. My hope is they will have a meeting in the administration. My understanding is they had one late yesterday afternoon, or will have one today, and perhaps some common sense will prevail. If not, we will find a way here on the floor of the Congress to see if we can't make the right thing happen and perhaps force them to use their resources—or

perhaps if they are misusing their resources, to diminish the resources they have.

In any event, we have a significant problem in agricultural trade.

Ten years ago, we had a \$25 billion agricultural trade surplus. This year, it is \$9 billion. It shrank from \$25 billion to \$9 billion, and next year it is expected to be zero. For the first time in over 50 years we will not have a surplus in agricultural trade, according to the estimates in the administration.

If that is the case, why are they trying to shut down our sales of agricultural product to Cuba? It doesn't make sense at all to me.

I hope those in the administration who have done this and who think that redefining the meaning of cash in advance is a genius scheme to try to thwart the will of Congress will think through it more clearly and understand it is a harebrained scheme that doesn't comport at all with the law. My hope is they will finally get that message.

TRADE ISSUES

Mr. DORGAN. Mr. President, let me mention a couple of other trade issues because I think they are critically important. I am going to spend a great deal of time on trade issues in this coming session of Congress. We have the largest trade deficit in the history of the country. That translates into lost jobs and lost opportunity for our country. This town is completely brain dead on trade issues.

We can start with the Washington Post and the major news outlets. They do not cover trade or care about it, and if they cover it at all, they only cover one side, and that is the side of so-called free trade. Let me tell you where the so-called mantra of free trade has led: the largest trade deficit in the history of our country with massive outsourcing of jobs replaced with jobs that pay less with fewer benefits in our country.

I have spoken at great length about the trade issues to a deafening silence; it could be because of my presentation. But this country, this Congress, this town, has to get serious about this issue because it is hollowing out the economic stability and opportunity for this country's future.

We have a huge unprecedented trade deficit with China. We buy everything China has to manufacture—shoes, shirts, shorts, trinkets, toys, just name it. It is coming in an armada of ships every single day. We buy every single day nearly \$2 billion more from other countries than we are able to export.

Why do we do that? I have spoken about Huffy bicycles, and I will not go through the story today, but Ohio workers making Huffy bicycles, proud of their jobs, lost their jobs, and Huffy bicycles are now made in China. The little red wagon, American Flyer, made in America for 120 years, but the employees lost their jobs to China.

A new report, December 3rd in the Washington Post: "A Rough Ride for

Schwinn Bicycles." We know Schwinn bicycles. I rode a Schwinn when I was a kid. They are now made in China. This story describes the mistake of Schwinn bicycles. They decided as a company they needed to try to continue to stay in the United States and manufacture bicycles here. What a huge mistake, they decided later, because it drove them into bankruptcy. So there are no longer any Schwinn bicycles made in America.

Let me give an example of why this is happening, whether it is Huffy or Schwinn bicycles or a thousand other items.

This is a story about unrest in a Chinese manufacturing plant from the Washington Post. In the latest unrest, about 1,000 workers staged a walk out on November 7th at the Shanlin Technology appliance factory near Guangzhou, demanding higher overtime pay and more days off, according to the government-run New China News Agency. The workers returned to the assembly line a day later after receiving assurances that overtime pay would rise by 12 cents to 36 cents an hour and that they would get two days off a month.

When the Huffy jobs went from Ohio to China, for example, the jobs changed in one respect. The U.S. workers had made \$11 an hour plus benefits. The Chinese workers instead make 33 cents an hour and work 12 to 13 hours a day 7 days a week. Some insist that is what America should compete with. I insist that is a race to the bottom of economic standards and one this country should not aspire to win.

What has happened to our Yankee ingenuity when it comes to international trade? We used to be known as good traders. Instead, we now have a strange idea that if we can just open up all markets and have no admission standards or no admission price to the U.S. marketplace, and allow the production of most goods to migrate to countries in the world where you can hire 12-year-olds, pay them 33 cents an hour, work them 12 hours a day, and ship the products to Toledo and Santa Fe, that America would be better off. And that is just not so. In fact, as the jobs migrate from a country that cannot continue to pay workers \$11 or \$20 an hour, when corporations will simply move the jobs to China where they are paid 33 cents or 50 cents an hour, this country begins to feel the economic pain and the shrinking of economic opportunity.

It seems to me, that after decades of failed trade policy—whether it is GATT, WTO, NAFTA, CAFTA or any one of a number of trade agreements—at some point those who predicted a good outcome for these trade agreements, and were so fundamentally wrong, should be discredited.

NAFTA is an example. We were told with respect to NAFTA, This is a good thing for our country because what will happen if jobs migrate to Mexico, they will only be low-wage and low-

skill jobs. But since NAFTA has been in effect, the three largest exports from Mexico have been automobiles, automobile parts, and electronics, all the product of high-skilled labor. It is exactly the opposite of what the experts predicted.

I am told that we now import more cars from Mexico than we export to the entire rest of the world. We now import more automobiles from Mexico than we export to the entire rest of the world. What that means is the migration of jobs in automobiles and automobile parts to Mexico after NAFTA. Why? Because of lower wages and fewer health, environmental, and safety regulations on manufacturing. That has meant those jobs have left our country. It results in part in this very significant trade deficit, which, in my judgment, injures this country and is a long-term serious problem.

I intend to speak at much greater length about that, and repeatedly, because we must find legislative approaches to interrupt this failed trade policy. I am not saying I am opposed to free trade. I believe trade must be fair trade. There must be fair trade requirements. This free trade is a mantra that people chant. But chanting "free trade" at a time when we are up to our neck and choking on trade debt, with jobs moving from the country in wholesale quantity, it is time to stop that and decide it ought not be something to be ashamed of for anyone to say: My interest is in the economic well-being of the United States of America. I am so tired of people refusing to say: My interest is in protecting the economy of our country.

Why are we afraid to stand up for American jobs? Why do we believe it is inappropriate for an employee to make \$15 an hour in a manufacturing plant? Somehow large corporations have convinced most policymakers and editorial writers that it makes a lot of sense to hollow out our manufacturing business.

I guarantee this: No country will long remain a world economic power if it does not have a strong manufacturing base. We are headed in the wrong direction. This country needs to make a U-turn. As I have said, we are completely brain dead in trade policy. We intend to have that discussion. I will force that discussion in the next session of Congress.

WHISTLEBLOWER: FIRM DE-FRAUDED IRAQ OCCUPATION AUTHORITY

Mr. DORGAN. Mr. President, the largest area of deficiency for the Congress in the last few years has been the failure to have oversight hearings on issues that demand oversight hearings. I have held some hearings as chairman of the Democratic Policy Committee, in cases where members of other committees have asked for oversight hearings and they have been denied. This has been particularly true, by the way, when it comes to Halliburton.

Let me give an example of why oversight hearings are critical. This comes from a report recently on National Public Radio. I will read this because it describes why this Congress must begin exercising its oversight responsibility. This is about waste, fraud, abuse, and the American taxpayers being cheated.

Let me read some of it:

Custer-Battles was a young company founded by former Army Rangers Scott Custer and Michael Battles who came to Iraq on borrowed money. An August Wall Street Journal article said that he (Mr. Battles) only had \$450 when he convinced an official to put Custer-Battles [his new company he formed] on a list of bidders at an airport security contract.

Mr. President, I ask unanimous consent for 5 additional minutes.

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

Mr. DORGAN. An August Wall Street Journal article said Mr. Michael Battles, a former Army Ranger, showed up in the country of Iraq with \$450. He and his partner, former Army Ranger Scott Custer, convinced an official to put Custer-Battles, a new company, on a list of bidders for an airport security contract. They promised to get the job done fast, and they won the contract, which included two upfront cash advances of \$2 million each.

Then there was a fellow, a former FBI agent, whose name is Isakson who said 2 weeks into this job, by this two-person company that showed up with no money but got \$2 million of advanced funding for this contract at the airport—Isakson, a former FBI agent, said something went wrong. "They approached me to participate in a scheme to defraud the government." Isakson said it involved bidding for cost plus contracts which guarantee payment for a contractor's actual cost plus an agreed to profit margin.

This is what Isakson said:

They would take and open a company in Lebanon and buy materials through the Lebanese company, which they owned, then the Lebanese company would sell it to their American company [Custer-Battles] at a highly inflated rate and then they would charge their profit on top of the highly inflated rate. In other words, they would make a [big] profit plus another profit.

Isakson said he refused to go along, and he warned company officials that such a plan would put them in jail. Again, this is an ex-FBI agent. He said he could not go along with this. It will put you in jail.

The next day at the airport, Isakson claims, Custer-Battles security guards cornered him in a hallway at gunpoint. His brother and his 14-year-old son were there as well.

Isakson said:

They said you're terminated and you're under arrest and don't move or I'll shoot you.

Isakson said the guard took their weapons and ID badges and eventually turned them out of the airport compound, where they made the dangerous journey from Baghdad to the Jordanian border. He has filed a lawsuit against

Custer-Battles over the ordeal, and he is also a party to a \$50 million Federal lawsuit filed in Virginia under the False Claims Act.

The other whistleblower in this case is a Pete Baldwin, a former country manager for Custer-Battles in Iraq who now runs another firm there. Baldwin describes a web of false billing practices designed to inflate costs and boost company profits. He cites a deal to provide forklifts on a security detail.

Now, this is what Baldwin says:

They confiscated old Iraqi airways green and white forklifts and transported them out of the airport facility which Custer-Battles had control over and painted them blue, then sold them back to the [U.S.] government on a lease.

He says:

This is a blatant example where something was actually acquired free and sold back to the government [after they were repainted blue].

So Baldwin took his suspicions to Government investigators and quit over the company's billing practices. Now Baldwin claims his life has been threatened because of his actions.

The Pentagon has suspended Custer-Battles from receiving further military contracts and sources, according to NPR, say a Federal criminal investigation is ongoing. However, a civil probe ended in October when the U.S. Justice Department declined to join in the whistleblower case.

Here is the key, and it is an interesting piece of information: A spokesman says the Bush administration has made a policy decision that cheating the Coalition Provision Authority in Iraq is, for the most part, not cheating the U.S. Government. Let me say that again. This is quoting Mr. Gracing:

The reason they gave to us is that the Bush administration has made a policy decision that cheating the Coalition Provision Authority in Iraq or basically the military, and for the most part the U.S. military, is not the same as cheating the U.S. government.

The fact is, the Coalition Provisional Authority was us. It was our money, our resources, our people. So here we have a company that takes forklift trucks from an airport property, moves them someplace to a warehouse, paints them blue, sells them back to the Coalition Provisional Authority, which pays for them with U.S. taxpayer funds, and our U.S. Justice Department says: That's all right. We'll close our eyes while you cheat us because the Coalition Provisional Authority is not really the U.S. Government. Are they nuts? Don't they care whether we are being cheated?

These are the kinds of things that literally beg for oversight hearings. Yet this Congress is dead silent on these issues. I said I have held oversight hearings about Iraq with respect to Halliburton. The minute you talk about Halliburton, somebody raises the Vice President. I did not talk about the Vice President in those hearings, but I talked about Halliburton and about

cheating. This is about Halliburton. It is not about anybody else.

When a company says they are feeding 42,000 soldiers and being paid for it by the U.S. Government and it ends up they are only feeding 14,000 soldiers a day, and 28,000 meals are being paid for that are not being fed, it seems to me there ought to be aggressive oversight hearings to figure out what is going on, who is cheating the Government. Yet there is dead silence.

I come from a really small town, about 300 people. We have one small little cafe right in the middle of Main Street. My guess is, if somebody got a check for 4 meals that were never served, they would sure know that, and the same goes for 14 meals, or 40 meals. It would appropriately be a big deal in my hometown. But 28,000 meals that are billed but were not delivered to U.S. troops? In my little town, they would call that cheating and fraud. Yet there is dead silence with respect to the oversight responsibility we ought to have as a Congress to find out what is happening, why, and who is responsible.

Mr. President, I will have more to say about this as well, and we intend to continue to hold oversight hearings as well in the Democratic Policy Committee.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, we are in morning business, as I understand it.

The PRESIDING OFFICER. Yes, with Senators permitted to speak for up to 10 minutes each.

Mr. THOMAS. I thank the Chair.

ISSUES BEFORE CONGRESS

Mr. THOMAS. Mr. President, I want to take a couple minutes as we come to the close of this congressional session and soon will be entering into a new one. It seems to me we have some great challenges before us, of course, as is always the case. However, in this instance, we have perhaps some more defined issues than normal. There are lots of issues before us, of course.

There are always challenging issues before the Congress. Sometimes they are less well defined, but this time hopefully we can come together on issues we have talked about, trying to find answers to questions that are important to this country.

It seems to me there are several issues that are pretty well defined. I hope we can find, on both sides of the aisle and both sides of the Capitol, some solutions or at least move toward some solutions that are very important to us.

In doing that, it seems to me—and I will comment on it a little later—we have to take a long look at the kinds of things we deal with here to try to make some kind of an analysis as to the issues that are appropriate for the Congress to deal with.

There are lots of interesting things going on, of course, but we find our-

selves in the position of dealing with lots of things that I think quite easily could be defined as a role for some other Government level or indeed for the private sector to deal with.

We find ourselves dealing with a good many of those things that are interesting. I was thinking a while back about the activity we had with respect to—I don't remember what it was—\$15 million to help kids play tennis. Well, playing tennis is a great thing, and helping kids to play tennis is a great thing, but is that a congressional activity, I wonder.

I have some concerns from time to time, but there are issues we clearly have to face up to. One of them is health care and the cost of health care throughout the country. Particularly, I am aware of the issues of health care in my State of Wyoming, as is the Presiding Officer, which include the fact that the costs of health care are beginning to limit access to one of the best health care systems in the world.

Well, we have the best health care in the world, but if people cannot utilize it and are not able to take advantage of it, then, of course, we have to do something. The cost of health insurance, which is related to the cost of health care, more and more is one of those issues we need to deal with nationwide. It is not an easy issue.

One of the obvious problems is the uninsured. Approximately 40 million are uninsured. Quite often the costs, when the uninsured receive health care, have to be shifted to those who have insurance, and that lifts the price. The same is true of hospitals and emergencies and Medicare and Medicaid, which actually pay less than the cost, quite often, so that cost again is shifted. It is particularly difficult for the families of the self-employed. In our case, many rural ranchers and farmers pay very high prices to carry insurance for their families. That is one we clearly need to work on. I don't suppose we will find the total solution all at once. We are moving forward in Medicare, but this goes beyond Medicare. This goes to health care in general. We are going to have to do some things there, I am sure.

Energy, of course, continues to be an issue that we have sort of avoided over the last couple years. I guess we have the idea that all you have to do is turn the light on or get in the car and go to the station and everything is going to be all right. The fact is, demand is exceeding production in many of these areas, and we are going to have to do something about it. I am hopeful we can at least begin with an energy policy—and we have tried a number of times—that looks ahead for 15 years or 20 years and says here is what we will have to do, here is where we want to be. And to be there, we have to do other things.

Unfortunately, in this body we haven't been able to pass a policy. I have never understood why. Some areas, such as New England, generally

have been cold on it, and they don't even have production. Production has to come from somewhere else, but there is no interest in that. We need to talk about alternative sources. We need to talk about renewables, efficiency, and conservation of energy, as well as domestic production. We find ourselves with a 60-percent dependence on imported oil, much of which comes from the Middle East, which is unsettled. That is a tough thing. I hope we can get moving on that.

Social Security is a hard one. The President has talked a great deal about it. I am sure there will be some things done here. But clearly there has to be something done for the future. It is true that over the next few years things won't change very much. When Social Security was begun, I believe there were 28 people working for every beneficiary. Now it is about three people working for every beneficiary. Obviously the system that we started with is not going to be able to continue to be the kind of system that we need. It is going to be hard. We will have to get together.

On the highway bill, nothing is more important to us than having highways. We haven't really done that in terms of the 6 years looking out. It is important because the highway departments in the various States do almost all their work by contracting, and they have difficulty contracting if they don't know what their income is going to be over a period of time.

Obviously, we have to continue our fight on terrorism until that job is done, whether it is here or in Iraq, wherever. We will do that, I am sure.

However, now we are faced with a deficit, a legitimate deficit. When you have emergencies in your business or in your family, you spend more than you would normally spend. That is what has happened in the last 4 years. It hasn't been normal. We had September 11. We had a turnaround in the economy. We had terrorism. We had Iraq. Now it is more important. I am pleased in the last year in our omnibus bill, the increase in discretionary spending was only about 1 percent. That is good. We will have to continue to do that.

I had a thick book outlining all the Federal programs we have, a tremendous number of Federal programs. I hope we can take an analysis of those from time to time and see if programs that were started 10 years ago are still as viable as they were at that time. I wish we had programs that ended in a few years so that there would be time to evaluate and see what is getting done.

I hope we can work on some of these things and that we can do a little sorting. I hope we don't become part of that group which thinks that Government action is the only answer to problems in the world. I hope we don't think the Congress has to get involved in every issue that is there. Many of them can be better done in the private

sector and by local governments. I know you get requests from everyone to do something, but we need to control our activities and control our spending and yet do the things that are there that need to be done.

We have a great challenge and a great opportunity. Hopefully, we will be away for a year or so from the real intense politics in this body. The election is over. We might consider that for a year or so and really move ahead on those things that have merit rather than political impact.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

(Mr. THOMAS assumed the chair.)

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

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

CONDEMNING REPRESSION OF THE IRANIAN BAHÁ'Í COMMUNITY AND CALLING FOR EMANCIPATION OF IRANIAN BAHÁ'IS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. Con. Res. 78 and the Senate proceed to its immediate consideration.

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

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 78) condemning the repression of the Iranian Bahá'í community and calling for the emancipation of Iranian Bahá'ís.

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

Mr. THOMAS. Mr. President, I ask unanimous consent that the amendment to the concurrent resolution be agreed to, the concurrent resolution, as amended, be agreed to, the amendment to the preamble be agreed to, the preamble, as amended, be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

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

The amendment (No. 4082) was agreed to, as follows:

AMENDMENT NO. 4082

(Purpose: To amend the resolution to update and reflect current events)

Beginning with page 5, line 22, strike all through page 6, line 7, and insert the following:

“(A) assert the concerns of the United States Government regarding violations by the Iranian Government of the rights of Iranian citizens, including members of the Bahá'í community;”.

The concurrent resolution (S. Con. Res. 78), as amended, was agreed to.

The amendment (No. 4083) was agreed to, as follows:

AMENDMENT NO. 4083

(Purpose: To update the preamble to reflect current events)

Insert after the fourth whereas clause the following:

“Whereas Iranian authorities destroyed a Bahá'í holy site, the tomb of Quddus, in February 2004, and the historic house of the father of the founder of the Bahá'í faith in June 2004, marking the first time in 25 years that Bahá'í sites have been destroyed;”.

Strike the tenth whereas clause that begins “Whereas as of June 2003” and insert the following:

“Whereas as of November 2004, one Bahá'í remains in an Iranian prison for converting from Islam to the Bahá'í faith in 1995;”.

The preamble, as amended, was agreed to. The resolution, with its preamble, reads as follows:

S. CON. RES. 78

Whereas in 1982, 1984, 1988, 1990, 1992, 1994, 1996, and 2000, Congress, by concurrent resolution, declared that it holds the Government of Iran responsible for upholding the rights of all Iranian nationals, including members of the Bahá'í Faith;

Whereas in those resolutions and in numerous other appeals, Congress has deplored the religious persecution by the Government of Iran of the Bahá'í community and has condemned the execution by Iran of more than 200 Bahá'ís and the disruptive imprisonment of thousands of others solely on account of their religious beliefs;

Whereas Iranian Bahá'ís are not permitted to elect their leaders, assemble or organize as a community, operate religious schools, or conduct other religious community activities that are guaranteed by the Universal Declaration of Human Rights, adopted and proclaimed by the United Nations General Assembly Resolution 217(A)(III) of December 10, 1948;

Whereas the continued denial of Bahá'í property rights by the Iranian Government is demonstrated by the confiscation by the Iranian Government of a multitude of Bahá'í community and private properties;

Whereas Iranian authorities destroyed a Bahá'í holy site, the tomb of Quddus, in February 2004, and the historic house of the father of the founder of the Bahá'í faith in June 2004, marking the first time in 25 years that Bahá'í sites have been destroyed;

Whereas the Government of Iran continues to deny individual Bahá'ís access to higher education and government employment, in addition to denying recognition and religious rights to the Bahá'í community;

Whereas because Bahá'ís have been banned from teaching and studying at Iranian universities since the Islamic Revolution, Bahá'ís established the Bahá'í Institute of Higher Education, or Bahá'í Open University, to provide educational opportunities to Bahá'í youth using volunteer faculty and a network of classrooms, libraries, and laboratories in private homes and buildings throughout Iran;

Whereas in September and October of 1998, officers of the Ministry of Information, the intelligence agency of the Iranian Government, arrested 36 faculty members of the Open University;

Whereas on July 19, 2002, Iranian Revolutionary Guards systematically disrupted student qualifying examinations for the Open University in 9 different districts by videotaping the proceedings, questioning the students, and confiscating examination papers and Bahá'í books;

Whereas the use of arbitrary arrests, suspended sentences, and short-term detentions against the Iranian Bahá'ís have become widespread;

Whereas as of November 2004, one Bahá'í remains in an Iranian prison for converting from Islam to the Bahá'í faith in 1995;

Whereas on October 10, 2003, the Norwegian Nobel Committee awarded the Nobel Peace Prize for 2003 to Shirin Ebadi for her efforts involving democracy and human rights, including advocating equal rights for the Bahá'í community in Iran;

Whereas the conclusions contained in the report of October 13, 2003, by the General Affairs and External Relations Council of the European Union, conveyed the continuing concern of the European Union about the violations of the Bahá'ís' right to freedom of religion, and urged the Iranian Government to comply with both the recommendations made in June 2003 by the United Nations Working Group on Arbitrary Detention and with the recommendations made in August 2003 by the Committee on the Elimination of Racial Discrimination concerning injustice, particularly in relation to education, property rights, and employment; and

Whereas in the 2003 General Affairs and External Relations Council report, the European Union urged the Government of Iran to expedite reform on many fronts, while recognizing the meetings held in 2003 and the planned meetings that have been welcomed by the Government of Iran, to be an important step toward progress: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), that Congress—

(1) continues to hold the Government of Iran responsible for upholding all the rights of its nationals, including members of the Bahá'í community, in a manner consistent with Iran's obligations under the Universal Declaration of Human Rights, adopted and proclaimed by the United Nations General Assembly Resolution 217(A)(III) of December 10, 1984, and other international agreements guaranteeing the civil and political rights of Iranian citizens;

(2) condemns the repressive anti-Bahá'í policies and actions of the Government of Iran, including the denial of legal recognition to the Bahá'í community and the basic rights to organize, elect leaders, educate youth, and conduct the normal activities of a law-abiding religious community;

(3) expresses concern that individual Bahá'ís continue to suffer from severely repressive and discriminatory government actions, solely on account of their religion;

(4) urges the Government of Iran to permit Bahá'í students to attend Iranian universities and Bahá'í faculty to teach at Iranian universities, to return the property confiscated from the Bahá'í Open University, and to permit the Open University to continue to function;

(5) urges the Government of Iran to implement fully the conclusions and recommendations on the emancipation of the Iranian Bahá'í community made by the United Nations Working Group on Arbitrary Detention and also to comply with the recommendations made in August 2003 by the Committee on the Elimination of Racial Discrimination;

(6) urges the Government of Iran to extend to the Bahá'í community the rights guaranteed by the Universal Declaration of Human Rights, adopted and proclaimed by the United Nations General Assembly Resolution 217(A)(III) of December 10, 1984, and other international covenants of human rights, including the freedoms of thought, conscience, and religion, and equal protection of the law;

(7) calls upon the President to continue to—

(A) assert the concerns of the United States Government regarding violations by the Iranian Government of the rights of Iranian citizens, including members of the Bahá'í community;

(B) emphasize that the United States regards the human rights practices of the Government of Iran, including its treatment of the Bahá'í community and other religious minorities, as a significant factor in the development of relations between the United States and Iran;

(C) urge the Government of Iran to emancipate the Bahá'í community by granting those rights guaranteed by the Universal Declaration of Human Rights, adopted and proclaimed by the United Nations General Assembly Resolution 217(A)(III) of December 10, 1984, and other international covenants on human rights; and

(D) cooperate with international organizations, including the United Nations and its agencies, in efforts to protect the religious rights of the Bahá'ís and other minorities through joint appeals to the Government of Iran; and

(8) calls upon the President to—

(A) initiate an active and consistent dialogue with other governments who are influential with Iran in order to persuade the Government of Iran to rectify its human rights practices; and

(B) urge the European Union to use its relationship with Iran to address and advance these fundamental human rights issues.

PROVIDING FOR FEDERAL EMPLOYEE ELECTIONS TO MAKE, MODIFY, AND TERMINATE CONTRIBUTIONS TO THRIFT SAVINGS FUND

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4324, which was received from the House.

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

The assistant legislative clerk read as follows:

A bill (H.R. 4324) to amend chapter 84 of title 5, United States Code, to provide for Federal employees to make elections to make, modify, and terminate contributions to the Thrift Savings Fund at any time, and for other purposes.

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

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

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

The bill (H.R. 4324) was read the third time and passed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GRAHAM of Florida. Mr. President, I ask unanimous consent to speak

for up to 20 minutes to deliver a farewell address.

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

A FOND FAREWELL

Mr. GRAHAM of Florida. Mr. President, my 18-year tenure in the Senate has capped an extremely satisfying personal experience with great rewards and gratification of public service. These have been some of the most significant influences on my life. The greatest influence, of course, has been my family.

I was born into a family with good values and an admiration for education and an interest in politics. In February of 1936, my mother and father made two significant decisions. First, my father, who was a mining engineer by education and a dairy farmer by occupation, a man who had become extremely distressed at the level of underworld corruption in Dade County, FL, decided to run for the Florida State Senate to represent that county on a platform of cleaning up underworld corruption.

The second decision my parents made in February of 1936 was to have a baby. I was the happy result of that second decision. My mother says that I came by my political instincts from the womb, that she spent her whole pregnancy going to political activities and that I became addicted.

Throughout my public career, I have had the love and support of my partner of 45 years, Adele. No person in public life could have a more loving, a more caring, and a more contributing partner than I.

At one point, Adele used to be nervous in public settings. Today, I wish I had her calm, her persuasiveness, her effectiveness in public settings. Together, we have had the privilege of raising four wonderful daughters, two of whom were born after our first election to public office.

All of those qualities have been enhanced during my Senate years, including the addition of 11 grandchildren. On Thanksgiving Day I shared a special tradition with 9 of those 11 grandchildren when they joined me here at this desk on the Senate floor and observed and critiqued my skills—and lack of skills—as I carved my name into the Senate desk.

The second greatest influence is my home, the State of Florida. I thought I knew a lot about Florida as a native and as a two-term Governor, but I have learned so much more during the last 18 years. Since 1974, I have been taking different jobs, jobs alongside fellow Floridians, and as of last Thursday I have done 406 of these workdays; 214 of them have been done since I became a Member of the Senate. Even though my day job is 1,000 miles away from where many Floridians live, these workdays have been an important part of maintaining a close relationship with my

fellow Floridians and reminding me what our priorities should be on their behalf here in Washington. Workdays and my experiences in Congress have taught me ways in which the Federal Government affects the lives of typical Americans and, most acutely, Floridians.

I come from a State which is marked with dramatic growth in a very fragile environment, with a close affiliation with the countries to the south of the United States, a State in which one out of five of our citizens is over the age of 65, and therefore programs such as Medicare and Social Security take on a very special significance. How we conduct a law-based immigration system with humanity intimately affects many of our people, as does the obligation to use power responsibly. All of these issues I have learned about at greater depth during my service in the Senate.

What I have also gained in my three terms here is an appreciation of the institution of the Senate and the unique role it plays in balancing our Government in order to avoid excessive power falling into the hands of any one person or governmental institution.

One of our greatest responsibilities as Members of the Senate is to assure an independent judiciary. I am especially pleased that I was able to join my Florida colleagues in the Senate in establishing and maintaining a bipartisan, merit-based process by which we recommended and confirmed applicants for the Federal judiciary.

Particularly, I am gratified by the work I did with former Senator Connie Mack. As a Democrat and as a Republican, we forwarded outstanding judicial candidates to both Democratic and Republican Presidents. Because this process was based on judicial merit, Florida nominees have been uniformly and expeditiously accepted for nomination and confirmation.

I also came to see the Senate as our country's best graduate school, offering access to private seminars with the best and the brightest, supplemented by outside organizations such as the Aspen Institute's congressional program and the InterAmerican Dialog's Focus on Hemispheric Issues.

Finally, Mr. President, as with you and your father, I came to appreciate the people of the Senate. Simply put, I enjoy being around politicians and the people who love politics, including my staff and the family of the Senate, and including the journalists who cover our activities. I value my relationship with each of my colleagues, and I wish I had the time to tell a story about each of you.

Mr. President, your father was one of the first people I met when I came into the Senate. We had a number of things in common in our background and quickly formed a friendship which was one of the most significant parts, particularly, of my early years in the Senate. My grief at his loss is diluted by the knowledge not only that he has

been followed by his son, but that his son is a person of such exemplary qualities as you represent.

I would also like to single out one of my colleagues, a non-Floridian, as representative of the over 200 people with whom I have served during my tenure in the Senate. Senator JAY ROCKEFELLER has been very special to me. We served as Governors at the same time. JAY, as much as anyone, encouraged me to run for the Senate.

I especially treasure the relationships I have had with my congressional political mentors such as Congressman Danny Fascell and Senator, later Congressman, Claude Pepper, and my Florida colleagues in this institution: Lawton Chiles, Connie Mack, and BILL NELSON.

BILL NELSON is a man I have known for over 40 years. In each stage of his life he has been committed to public service and to excellence in the execution of that public service. It has been a joy for the last 4 years jointly representing our 17 million constituents with BILL. I greatly admire his contributions to Florida and to the Nation. I wish to Senator NELSON a long tenure in the Senate. Florida and America will be better places because of his service.

I am also hugely grateful to those who have been willing to share this journey with me, the tens of thousands of people who have worked with me in my successful statewide campaigns, and the over 1,000 people who have joined me in public service in appointive or staff positions. I regret that I do not have time today to name all of them, but illustrative of all of them I will mention a few: Buddy Shorstein, Ken Klein, and Buddy Menn, all of whom have served as chiefs of staff in the Senate; Gary Smith, Dick Burroughs, Charles Reed, Jay Hakes, and Tom Herndon, who served in a similar position when I was Governor of Florida; Mary Chiles, Ellen Roth, Lula Rodriguez, Susan McGinn, and Lydia Mount; Al Cumming and Bob Filippone; Mark Block, John Provenzano, and Paul Anderson—these wonderful people and a thousand more who have shared this joyful experience in public service.

Winston Churchill once declared:

Now is not the end. It is not even the beginning of the end. But it is, perhaps, the end of the beginning.

My friends, the Senate needs to regain its tradition of controlled partisanship; in other words, placing country before party. Another of my Florida political mentors, former Governor and Senator, Spessard Holland, once said that it was the jet airplane that caused the greatest change in the culture of the Senate.

Prior to the jet airplane, Senator Holland and his wife would come in the first week of January to Washington, would settle in the hotel where they would live while they were here, and they would spend the next 6 to 7 months doing the business of America.

While they were doing that, they would spend time with the families of their colleagues. They would become more than just occasional colleagues. They would become genuine friends.

It was out of that development of relationships across regions and across parties that the Senate came to earn the title of "the world's most exclusive club." And it was the club where the essential bond was that of common respect.

The jet airplane began to change that, because instead of staying here for a 5-day workweek and then a week-end of personal relations with the families of their colleagues, it became possible for each Member of the Senate to leave on Friday to return to their home State for whatever request was made of them. The Senator knew that and the requesting organization knew that. So it became a matter of political necessity to respond.

The effect of that was not only did the work of the Senate extend from 6 to 7 months to today's 7th of December—we have been in session now for 11 months and 1 week—it also meant that those weekends of personal relationships were largely lost.

My No. 1 suggestion in this post-jet airplane age is that we try to get back to the tradition of spending more time together as families, as Americans, rather than as Republicans and Democrats. For instance, rather than holding our traditional partisan retreats in the spring of the year, huddling as reds and blues, we should go to a retreat as a whole Senate celebrating the families of this great institution.

I point to the pending intelligence reform bill, which I hope we will pass in the next day, as an example of what can be done when we recognize that an issue is so important to our Nation that we must work together to understand the problem and then develop solutions which are driven by pragmatism, not ideology.

I suggest we apply the lessons that are being learned in developing and forming and passing intelligence reform to some of the challenges that are before us now such as reform of Social Security and Medicare, and reform of our energy policy that we as a nation would be well served.

Franklin Roosevelt declared in 1940:

I do not believe that the common denominator of our great men in public life has not been mere allegiance to one political party, but the disinterested devotion with which they have strived to serve the whole country—and the relative unimportance that they have ascribed to politics compared with the paramount importance of government.

The Congress should also spend less time looking at the rearview mirror for the accidents behind and more time looking out of the front windshield.

Since I have served there for a decade including 18 months as chairman, I would cite the Intelligence Committee as a prime example of this institutional failure to focus ahead. Prior to September 11, the committee spent an

inordinate amount of time examining a series of mistakes, of acts of treachery and of bureaucratic turf fighting. What we failed adequately to do was to look forward to the threats and challenges that our intelligence agencies needed to address before those threats and challenges resolved into a tragedy. We desperately need to apply this principle of looking out the front windshield to our accumulative deficits, budgetary deficits, trade deficits, transportation and public utilities deficits, education deficits among them. These deficits are challenges which this generation, unlike our forefathers, is ignoring because they are tough and managing them now has political downsides. But it is wrong, it is immoral to let our grandchildren do the heavy lifting because we have refused to do so.

We need to learn again the principle of federalism that our forefathers laid out for us. I come out of a Jeffersonian philosophy believing that the best governmental decisions are most likely to be made by those closest to the citizens who will be affected by those decisions. I recognize the importance of a national response to truly national issues and to the protection of the civil rights of all citizens. But America's great contribution to political thought has been federalism, the sharing of responsibility between a central government and our 50 individual States.

I am concerned that this appreciation for federalism has too frequently been situational. We at the Federal level, the national level, determine what outcome we wish to secure and then support either centralization or a distribution of power based on what has a better chance of achieving the goal we seek. We would be well advised to resist this temptation.

Daily we are learning from the headlines of Ukraine and Iraq and other countries such as America with a diverse population which are struggling to secure peace and prosperity. These foreign countries remind us of how difficult it is to hold to the model of federalism unless we are prepared to treat it with respect even when it may result in a different outcome than we would personally prefer.

Finally, we should support the institution of the Senate. Its procedures and prerogatives are not arbitrary but reflect a responsibility to balance a complex government which is designed to protect the freedoms of the people against the temptation of government becoming authoritarian.

I would like to give special recognition to Senator ROBERT BYRD. Frankly, when I entered this institution, Senator BYRD and I had some disagreements over how we thought the National Government should address its priorities. But over the years, I have come to gain increasing respect and admiration for his defense of the institution of the Senate precisely because it plays such a crucial role in protecting our individual freedoms.

Mine has been a wonderful life, an exciting and unpredictable journey. But

it is a journey that is not ending but, rather, taking a different course. I am planning to travel especially in Latin America to teach, to write at least one more book, to continue my years of interest in relations within the Western hemisphere and in modernizing America's intelligence capability, and finally to fulfill our responsibilities to future generational leaders through the creation of an institution that instills the values of public service of such great Floridians such as LeRoy Collins, Reubin Askew, and our former colleague Lawton Chiles.

These are things that excite me, that inspire me and to which I am convinced I can make a better contribution as a private citizen at this, the end of the beginning of my life.

Four years after he left the Presidency, President Harry Truman said:

I have seen a great many men in public life, and one of their besetting sins is to stay in office too long.

I decided that I would not be guilty of this common failing, and that I should make way for younger men.

I extend my congratulations to the man Floridians have chosen as my successor, soon to be Senator MEL MARTINEZ. I wish him the very best in his new role. MEL is a friend. He is a good man who has served Florida and America in many different positions of responsibility. I know the Senate will welcome him to his new home in the Senate.

We Floridians have high expectations for Senator MEL MARTINEZ and for those who will be serving in the 109th Congress and beyond.

Goodbye, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CONFIRMING AUTHORITY OF THE SECRETARY OF AGRICULTURE

Mr. ALEXANDER. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4620, which is at the desk.

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

The legislative clerk read as follows:

A bill (H.R. 4620) to confirm the authority of the Secretary of Agriculture to collect approved State commodity assessments on behalf of the State from the proceeds of marketing assistance loans.

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

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

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

The bill (H.R. 4620) was read the third time and passed.

VIDEO VOYEURISM PREVENTION ACT OF 2004

Mr. ALEXANDER. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1301) 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 PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

S. 1301

Resolved, That the bill from the Senate (S. 1301) entitled "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", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Video Voyeurism Prevention Act of 2004".

SEC. 2. PROHIBITION OF VIDEO VOYEURISM.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 87 the following new chapter:

"CHAPTER 88—PRIVACY

"Sec.

"1801. Video voyeurism.

"§ 1801. Video voyeurism

"(a) Whoever, in the special maritime and territorial jurisdiction of the United States, has the intent to capture an image of a private area of an individual without their consent, and knowingly does so under circumstances in which the individual has a reasonable expectation of privacy, shall be fined under this title or imprisoned not more than one year, or both.

"(b) In this section—

"(1) the term 'capture', with respect to an image, means to videotape, photograph, film, record by any means, or broadcast;

"(2) the term 'broadcast' means to electronically transmit a visual image with the intent that it be viewed by a person or persons;

"(3) the term 'a private area of the individual' means the naked or undergarment clad genitals, pubic area, buttocks, or female breast of that individual;

"(4) the term 'female breast' means any portion of the female breast below the top of the areola; and

"(5) the term 'under circumstances in which that individual has a reasonable expectation of privacy' means—

"(A) circumstances in which a reasonable person would believe that he or she could disrobe in privacy, without being concerned that an image of a private area of the individual was being captured; or

"(B) circumstances in which a reasonable person would believe that a private area of the individual would not be visible to the public, regardless of whether that person is in a public or private place.

"(c) This section does not prohibit any lawful law enforcement, correctional, or intelligence activity."

(b) AMENDMENT TO PART ANALYSIS.—The table of chapters at the beginning of part 1 of title 18, United States Code, is amended by inserting after the item relating to chapter 87 the following new item:

"88. Privacy 1801".

Mr. LEAHY. Mr. President, I am pleased that the Senate is poised to pass S. 1301, the DeWine-Schumer-Leahy Video Voyeurism Prevention Act of 2004. This bill targets the pernicious practice of invading a person's privacy through the surreptitious use of hidden surveillance equipment. Specifically, the bill makes it a crime to capture an improper, naked, or near-naked image of a person without his or her consent, and in such a way as to violate his or her privacy. Any person found guilty of video voyeurism as outlined in the bill may be fined or imprisoned for up to 1 year or both.

In recent years, the explosion of microcamera technology has fed the growing phenomenon of video voyeurism. Hidden cameras have been discovered in bedrooms, bathrooms, public showers, changing rooms, locker rooms, and tanning salons, all aimed at filming unsuspecting victims in various states of undress. Often, the invasion of privacy is exacerbated when captured images are posted on the Internet for all the world to see.

I commend Senators DEWINE and SCHUMER for bringing this invasive practice to the attention of the Judiciary Committee and for crafting a bill that addresses it in a thoughtful and measured manner. In addition, I thank them for addressing a concern I raised during the committee's consideration of the bill. As introduced, the bill did not expressly prohibit "cyber-peeping"—a particularly offensive form of video voyeurism involving the contemporaneous transmission of improper images of a non-consenting person over the Internet through Web cameras and other means. As reported by the Judiciary Committee, the "cyber-peeping" loophole has been closed: The bill before the Senate today covers the simultaneous Web casting of images or any other transmissions that may not be recorded so that defendants who use this means of violating people's privacy cannot escape punishment.

The National Center for Victims of Crime has dubbed video voyeurism "the new frontier of stalking." The States are already responding to this "new frontier" in many different ways. Some have passed video voyeurism laws; others have addressed the conduct within the context of their laws against stalking. The Video Voyeurism Prevention Act brings the Federal criminal laws to bear on those who commit this offense within the special maritime or territorial jurisdiction of the United States. It should be enacted without delay.

Mr. DEWINE. Mr. President, I rise today in support of passage of the Video Voyeurism Prevention Act of 2004. This act would help safeguard the privacy we all value, and help ensure that our criminal law reflects the realities of rapidly changing technology. It would do this by prohibiting both the filming of and taking compromising pictures of people in places where they expect privacy the most. This important legislation would give prosecutors

and law enforcement officers the tools they need to fully prosecute these disturbing acts, acts that have, tragically, become more and more prevalent.

For example, a woman in my home State of Ohio became a victim of video voyeurism while she attended a church picnic with her young daughter. She told the Cincinnati Enquirer that, "as I crouched down to put the baby in my stroller, I saw a video camera sticking out of his bag, taping up my dress. . . . It rocked my whole sense of security." The law needs to say clearly that such an act is illegal.

As disturbing as these acts are, they are occurring with increasing frequency and are going unpunished. Almost weekly, there are reports of cameras found in public bathrooms and changing rooms. Just recently, an employee of the New Mexico Department of Transportation had installed a tiny camera in an office restroom. What makes these crimes even more troubling is the ease with which these images can be transmitted to countless people via the Internet. Now, not only has an individual been victimized by having per picture taken, she faces the possibility of millions more seeing those pictures in cyberspace.

While video voyeurism is currently illegal in over 30 States, including Ohio, there are still areas where prosecutors are unable to file charges for these crimes. As the defense attorney for one video voyeur aptly observed, "The criminal law necessarily lags behind technology and human ingenuity."

This legislation takes an important step toward ensuring a person that he or she will not be filmed or photographed where there is a reasonable expectation of privacy on Federal land, like at a national park. Additionally, the bill makes certain that perpetrators of video voyeurism are punished, by imposing a sentence of a fine or imprisonment for up to 1 year.

I thank my colleagues for supporting the legislation.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senate concur in the House amendment, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

UNANIMOUS CONSENT AGREEMENT—H.R. 5364, H.R. 4968, H.R. 4847, H.R. 4829, H.R. 4807, H.R. 4232, H.R. 480, and H.R. 5370

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the following postal naming bills which have been received from the House en bloc: H.R. 5364, H.R. 4968, H.R. 4847, H.R. 4829, H.R. 4807, H.R. 4232, H.R. 480, and H.R. 5370.

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

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the bills be read a third time and passed, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the bills be printed in the RECORD.

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

EARL B. GILLIAM/IMPERIAL AVENUE POST OFFICE BUILDING

The bill (H.R. 5364) to designate the facility of the United States Postal Service located at 5505 Stevens Way in San Diego, California, as the "Earl B. Gilliam/Imperial Avenue Post Office Building," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

BILL MONROE POST OFFICE

The bill (H.R. 4968) to designate the facility of the United States Postal Service located at 25 McHenry Street in Rosine, Kentucky, as the "Bill Monroe Post Office," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

LIEUTENANT GENERAL JAMES V. EDMUNDSON POST OFFICE BUILDING

The bill (H.R. 4847) to designate the facility of the United States Postal Service located at 560 Bay Isles Road in Longboat Key, Florida, as the "Lieutenant General James V. Edmundson Post Office Building," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

IRMA RANGEL POST OFFICE BUILDING

The bill (H.R. 4829) to designate the facility of the United States Postal Service located at 103 East Kleberg in Kingsville, Texas, as the "Irma Rangel Post Office Building," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

ADAM G. KINSER POST OFFICE BUILDING

The bill (H.R. 4807) to designate the facility of the United States Postal Service located at 140 Sacramento Street in Rio Vista, California, as the "Adam G. Kinser Post Office Building," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

CONGRESSMAN JACK FIELDS POST OFFICE

The bill (H.R. 4232) to redesignate the facility of the United States Postal Service located at 4025 Feather Lakes Way in Kingwood, Texas, as the "Con-

gressman Jack Fields Post Office," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

UNITED STATES POSTAL SERVICE HENRY JOHNSON ANNEX

The bill (H.R. 480) to redesignate the facility of the United States Postal Service located at 747 Broadway in Albany, New York, as the "United States Postal Service Henry Johnson Annex," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

DONALD G. BROTZMAN POST OFFICE BUILDING

The bill (H.R. 5370) to designate the facility of the United States Postal Service located at 4985 Moorhead Avenue in Boulder, Colorado, as the "Donald G. Brotzman Post Office Building," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

HIPOLITO F. GARCIA FEDERAL BUILDING AND UNITED STATES COURTHOUSE

JAMES V. HANSEN FEDERAL BUILDING

TOMOCHICHI UNITED STATES COURTHOUSE

Mr. ALEXANDER. Mr. President, on behalf of the leader, I ask unanimous consent that the Environment and Public Works Committee be discharged from further consideration of H.R. 3884, H.R. 3147, and H.R. 2523, and that the Senate proceed to their immediate consideration en bloc.

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

The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (H.R. 3884) to designate the Federal building and United States courthouse located at 615 East Houston Street in San Antonio, Texas, as the Hipolito F. Garcia Federal Building and United States Courthouse.

A bill (H.R. 3147) to designate the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the James V. Hansen Federal Building.

A bill (H.R. 2523) to designate the United States courthouse located at 125 Bull Street in Savannah, Georgia, as the Tomochichi United States Courthouse.

There being no objection, the Senate proceeded to consider the bills, en bloc.

Mr. ALEXANDER. I ask unanimous consent that the bills be read a third time and passed and that the motions to reconsider be laid upon the table en bloc.

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

The bills (H.R. 3884, H.R. 3147, and H.R. 2523) were read the third time and passed.

JOE SKEEN FEDERAL BUILDING

F. H. NEWELL BUILDING

Mr. ALEXANDER. I ask unanimous consent that the Senate now proceed to the consideration of H.R. 3734 and H.R. 3124, en bloc.

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

Mr. ALEXANDER. I ask unanimous consent that the bills be read a third time and passed and that the motions to reconsider be laid upon the table en bloc.

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

The bills (H.R. 3734 and H.R. 3124) were read the third time and passed.

TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO PROVIDE SUPPLEMENTAL FUNDING TO ASSIST THE STATE OF CALIFORNIA IN PROVIDING EDUCATIONAL SERVICES

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 478, H.R. 620.

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

The legislative clerk read as follows:

A bill (H.R. 620) to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist the State of California or local educational agencies in California in providing educational services for students attending schools located within the Park.

There being no objection, the Senate proceed to consider the bill, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

H.R. 620

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

SECTION 1. FINDINGS AND PURPOSE.

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

[(1) The three elementary schools serving the children of employees of Yosemite National Park are served by the Bass Lake Joint Union Elementary School District and the Mariposa Unified School District.

[(2) The schools are in remote mountainous areas and long distances from other educational and administrative facilities of the two local educational agencies.

[(3) Because of their remote locations and relatively small number of students, schools serving the children of employees of the Park provide fewer services in more basic facilities than the educational services and facilities provided to students that attend other schools served by the two local educational agencies.

[(4) Because of the long distances involved and adverse weather and road conditions that occur during much of the school year, it is impractical for the children of employees of the Park who live within or near the Park

to attend other schools served by the two local educational agencies.

[(b) PURPOSE.—The purpose of this Act is to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist the State of California or local educational agencies in California in providing educational services for students attending schools located within the Park.

SECTION 2. PAYMENTS FOR EDUCATIONAL SERVICES.

[(a) AUTHORITY TO PROVIDE FUNDS.—For fiscal years 2003 through 2007, the Secretary may provide funds to the Bass Lake Joint Union Elementary School District and the Mariposa Unified School District for educational services to students who are dependents of persons engaged in the administration, operation, and maintenance of the Park or students who live at or near the Park upon real property of the United States.

[(b) LIMITATION ON USE OF FUNDS.—Payments made by the Secretary under this section may not be used for new construction, construction contracts, or major capital improvements, and may be used only to pay public employees for services otherwise authorized by this Act.

[(c) LIMITATION ON AMOUNT OF FUNDS.—Payments made under this section shall not exceed the lesser of \$400,000 in any fiscal year or the amount necessary to provide students described in subsection (a) with educational services that are normally provided and generally available to students who attend public schools elsewhere in the State of California.

[(d) ADJUSTMENT OF PAYMENTS.—Subject to subsection (c), the Secretary is authorized to adjust payments made under this section if the State of California or the appropriate local education agencies do not continue to provide funding for educational services at Park schools at per student levels that are equal to or greater than those provided in the fiscal year immediately prior to the date of the enactment of this section.

[(e) SOURCE OF PAYMENTS.—

[(1) AUTHORIZED SOURCES.—Except as provided in paragraph (2), in order to make payments under this section, the Secretary may use funds available to the National Park Service from appropriations, donations, or fees.

[(2) EXCEPTIONS.—Funds from the following sources may not be used to make payments under this section:

[(A) Fees authorized and collected under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 et seq.).

[(B) The recreational fee demonstration program under section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104–134; 16 U.S.C. 4601–6a note).

[(C) The national park passport program established under section 602 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5992).

[(D) Emergency appropriations for Yosemite flood recovery.

[(f) DEFINITIONS.—For the purposes of this Act, the following definitions apply:

[(1) LOCAL EDUCATIONAL AGENCIES.—The term “local educational agencies” has the meaning given that term in section 9101(26) of the Elementary and Secondary Education Act of 1965.

[(2) EDUCATIONAL SERVICES.—The term “educational services” means services that may include maintenance and minor upgrades of facilities and transportation to and from school.

[(3) PARK.—The term “Park” means Yosemite National Park.

[(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SECTION 3. AUTHORIZATION FOR PARK FACILITIES TO BE LOCATED OUTSIDE THE BOUNDARIES OF YOSEMITE NATIONAL PARK.

[(Section 814(c) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 346e) is amended—

[(1) in the first sentence—

[(A) by inserting “and Yosemite National Park” after “Zion National Park”; and

[(B) by inserting “transportation systems and” before “the establishment of”; and

[(2) by striking “park” each place it appears and inserting “parks”.]

SECTION 1. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Table of contents.

TITLE I—FUNDING FOR YOSEMITE NATIONAL PARK SCHOOLS

Sec. 101. Short title.

Sec. 102. Payments for educational services.

Sec. 103. Authorization for park facilities to be located outside the boundaries of Yosemite National Park; fees.

TITLE II—RANCHO CORRAL DE TIERRA GOLDEN GATE NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT

Sec. 201. Short title.

Sec. 202. Golden Gate National Recreation Area, California.

Sec. 203. Manzanar National Historic Site Advisory Commission.

TITLE I—FUNDING FOR YOSEMITE NATIONAL PARK SCHOOLS

SEC. 101. SHORT TITLE.

This title may be cited as the “Yosemite National Park School Funding Act”.

SEC. 102. PAYMENTS FOR EDUCATIONAL SERVICES.

(a) *AUTHORITY TO PROVIDE FUNDS.—For fiscal years 2004 through 2008, the Secretary may provide funds to the Bass Lake Joint Union Elementary School District and the Mariposa Unified School District for educational services to students who are dependents of persons engaged in the administration, operation, and maintenance of the Park or students who live at or near the Park upon real property of the United States.*

(b) *LIMITATION ON USE OF FUNDS.—Payments made by the Secretary under this section may not be used for new construction, construction contracts, or major capital improvements, and may be used only to pay public employees for services otherwise authorized by this title.*

(c) *LIMITATION ON AMOUNT OF FUNDS.—Payments made under this section shall not exceed the lesser of \$400,000 in any fiscal year or the amount necessary to provide students described in subsection (a) with educational services that are normally provided and generally available to students who attend public schools elsewhere in the State of California.*

(d) *ADJUSTMENT OF PAYMENTS.—Subject to subsection (c), the Secretary is authorized to adjust payments made under this section if the State of California or the appropriate local education agencies do not continue to provide funding for educational services at Park schools at per student levels that are equal to or greater than those provided in the fiscal year immediately prior to the date of the enactment of this Act.*

(e) *SOURCE OF PAYMENTS.—*

(1) *AUTHORIZED SOURCES.—Except as otherwise provided in this subsection, the Secretary may use funds available to the National Park Service from appropriations, donations, or fees.*

(2) *EXCEPTIONS.—Funds from the following sources shall not be used to make payments under this section:*

(A) *Any law authorizing the collection or expenditure of entrance or use fees at units of the National Park System, including—*

(i) *the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 et seq.);*

(ii) the recreational fee demonstration program established under section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (16 U.S.C. 4601-6a note); or

(iii) the National Park Passport Program established under section 602 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5992).

(B) Emergency appropriations for flood recovery at Yosemite National Park.

(f) DEFINITIONS.—For the purposes of this title, the following definitions apply:

(1) LOCAL EDUCATIONAL AGENCIES.—The term “local educational agencies” has the meaning given that term in section 9101(26) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(26)).

(2) EDUCATIONAL SERVICES.—The term “educational services” means services that may include maintenance and minor upgrades of facilities and transportation to and from school.

(3) PARK.—The term “Park” means Yosemite National Park.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 103. AUTHORIZATION FOR PARK FACILITIES TO BE LOCATED OUTSIDE THE BOUNDARIES OF YOSEMITE NATIONAL PARK; FEES.

(a) AUTHORIZATION FOR PARK FACILITIES TO BE LOCATED OUTSIDE THE BOUNDARIES OF YOSEMITE NATIONAL PARK.—Section 814(c) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 346e) is amended—

(1) in the first sentence—

(A) by inserting “and Yosemite National Park” after “Zion National Park”; and

(B) by inserting “transportation systems and” before “the establishment of”; and

(2) by striking “park” each place it appears and inserting “parks”.

(b) FEES.—Section 501 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5981) is amended in the first sentence by inserting “, cooperative agreement, or other contractual agreement” after “contract”.

TITLE II—RANCHO CORRAL DE TIERRA GOLDEN GATE NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT

SEC. 201. SHORT TITLE.

This title may be cited as the “Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act”.

SEC. 202. GOLDEN GATE NATIONAL RECREATION AREA, CALIFORNIA.

(a) BOUNDARY ADJUSTMENT.—Section 2(a) of Public Law 92-589 (16 U.S.C. 460bb-1(a)) is amended—

(1) by striking “The recreation area shall comprise” and inserting the following:

“(1) INITIAL LANDS.—The recreation area shall comprise”; and

(2) by striking “The following additional lands are also” and all that follows through the period at the end of the subsection and inserting the following new paragraphs:

“(2) ADDITIONAL LANDS.—In addition to the lands described in paragraph (1), the recreation area shall include the following:

“(A) The parcels numbered by the Assessor of Marin County, California, 119-040-04, 119-040-05, 119-040-18, 166-202-03, 166-010-06, 166-010-07, 166-010-24, 166-010-25, 119-240-19, 166-010-10, 166-010-22, 119-240-03, 119-240-51, 119-240-52, 119-240-54, 166-010-12, 166-010-13, and 119-235-10.

“(B) Lands and waters in San Mateo County generally depicted on the map entitled ‘Sweeney Ridge Addition, Golden Gate National Recreation Area’, numbered NRA GG-80,000-A, and dated May 1980.

“(C) Lands acquired under the Golden Gate National Recreation Area Addition Act of 1992 (16 U.S.C. 460bb-1 note; Public Law 102-299).

“(D) Lands generally depicted on the map entitled ‘Additions to Golden Gate National Recreation Area’, numbered NPS-80-076, and dated July 2000/PWR-PLRPC.

“(E) Lands generally depicted on the map entitled ‘Rancho Corral de Tierra Additions to the Golden Gate National Recreation Area’, numbered NPS-80,079E, and dated March 2004.

“(3) ACQUISITION LIMITATION.—The Secretary may acquire land described in paragraph (2)(E) only from a willing seller.”.

(b) ADVISORY COMMISSION.—Section 5 of Public Law 92-589 (16 U.S.C. 460bb-4) is amended—

(1) by striking subsection (b) and inserting the following new subsection:

“(b) MEMBERSHIP.—The Commission shall be composed of 18 members appointed by the Secretary for terms of five years each. In appointing such members, the Secretary shall ensure that the interests of local, historic recreational users of the recreation area are represented.”; and

(2) in subsection (g), by striking “cease to exist thirty years after the enactment of this Act” and inserting “terminate on December 31, 2014”.

SEC. 203. MANZANAR NATIONAL HISTORIC SITE ADVISORY COMMISSION.

Section 105(h) of Public Law 102-248 (16 U.S.C. 461 note) is amended by striking “10 years after the date of enactment of this title” and inserting “on December 31, 2013”.

Mr. ALEXANDER. I ask unanimous consent that the substitute amendment at the desk be agreed to, the committee-reported amendment, as amended, be agreed to, the bill as amended be read a third time and passed, the amendment to the title be agreed to, the motions to reconsider be laid on the table en bloc, and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 4084) was agreed to.

(The text of the amendment is printed in today’s RECORD under “Text of Amendments.”)

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (H.R. 620), as amended, was read the third time and passed.

The title was amended so as to read:

“An Act to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing educational services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area, and for other purposes.”.

TO PROVIDE FOR THE CONVEYANCE OF FEDERAL LANDS, IMPROVEMENTS, EQUIPMENT, AND RESOURCE MATERIALS AT THE OXFORD RESEARCH STATION IN GRANVILLE COUNTY, NORTH CAROLINA, TO THE STATE OF NORTH CAROLINA

Mr. ALEXANDER. Mr. President, I ask unanimous consent the Senate now proceed to the immediate consideration of H.R. 2119, which is at the desk.

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

The legislative clerk read as follows:

A bill (H.R. 2119) to provide for the conveyance of Federal lands, improvements, equip-

ment, and resource materials at the Oxford Research Station in Granville County, North Carolina, to the State of North Carolina, to provide for the conveyance of Federal lands, and for other purposes.

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

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

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

The bill (H.R. 2119) was read the third time and passed.

SPECIALTY CROPS COMPETITIVENESS ACT OF 2004

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3242, which is at the desk.

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

The legislative clerk read as follows:

A bill (H.R. 3242) to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops, and for other purposes.

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

Mr. ALEXANDER. I ask unanimous consent the bill be read a third time and passed and the motion to reconsider be laid upon the table.

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

The bill (H.R. 3242) was read the third time and passed.

EDWARD H. MCDANIEL AMERICAN LEGION POST NO. 22 LAND CONVEYANCE ACT

Mr. ALEXANDER. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1521) to direct the Secretary of the Interior to convey certain land to the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada, for the construction of a post building and memorial park for use by the American Legion, other veterans’ groups, and the local community.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

S. 1521

Resolved, That the bill from the Senate (S. 1521) entitled “An Act to direct the Secretary of the Interior to convey certain land to the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada, for the construction of a post building and memorial park for use by the American Legion, other veterans’ groups, and the local community”, do pass with the following amendments:

Strike out all after the enacting clause and insert:

TITLE I—LAND CONVEYANCE**SEC. 101. SHORT TITLE.**

This Act may be cited as the “Edward H. McDaniel American Legion Post No. 22 Land Conveyance Act”.

SEC. 102. DEFINITIONS.

In this Act:

(1) **POST NO. 22.**—The term “Post No. 22” means the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

SEC. 103. CONVEYANCE OF LAND TO EDWARD H. MCDANIEL AMERICAN LEGION POST NO. 22.

(a) **CONVEYANCE ON CONDITION SUBSEQUENT.**—Not later than 180 days after the date of enactment of this Act, subject to valid existing rights and the condition stated in subsection (c) and in accordance with the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.), the Secretary shall convey to Post No. 22, for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (b).

(b) **DESCRIPTION OF LAND.**—The parcel of land referred to in subsection (b) is the parcel of Bureau of Land Management land that—

(1) is bounded by Route 160, Bride Street, and Dandelion Road in Nye County, Nevada;

(2) consists of approximately 4.5 acres of land; and

(3) is more particularly described as a portion of the S ¼ of section 29, T. 20 S., R. 54 E., Mount Diablo and Base Meridian.

(c) **CONDITION ON USE OF LAND.**—

(1) **IN GENERAL.**—Post No. 22 and any successors of Post No. 22 shall use the parcel of land described in section (b) for the construction and operation of a post building and memorial park for use by Post No. 22, other veterans groups, and the local community for events and activities.

(2) **REVERSION.**—Except as provided in paragraph (3), if the Secretary, after notice to Post No. 22 and an opportunity for a hearing, makes a finding that Post No. 22 has used or permitted the use of the parcel for any purpose other than the purpose specified in paragraph (1) and Post No. 22 fails to discontinue that use, title to the parcel shall revert to the United States, to be administered by the Secretary.

(3) **WAIVER.**—The Secretary may waive the requirements of paragraph (2) if the Secretary determines that a waiver would be in the best interests of the United States.

TITLE II—EXTENSIONS**SEC. 201. AUTHORIZATION AND APPROPRIATION EXTENSIONS.**

Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 16 U.S.C. 461 note) is amended—

(1) in each of sections 107, 208, 408, 507, 811, and 910, by striking “September 30, 2012” and inserting “September 30, 2027”;

(2) in each of sections 108(a), 209(a), 409(a), 508(a), 812(a), and 909(c), by striking “\$10,000,000” and inserting “\$20,000,000”; and

(3) in title VIII, by striking “Canal National Heritage Corridor” each place it appears in the section headings and text and inserting “National Heritage Canalway”.

TITLE III—NATIONAL COAL HERITAGE AREA**SEC. 301. NATIONAL COAL HERITAGE AREA.**

(a) **NATIONAL COAL HERITAGE AREA AUTHORITY; BOUNDARY REVISION.**—Title I of division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 16 U.S.C. 461 note) is amended as follows:

(1) In section 103(b), by inserting “(1)” before “the counties” and by inserting the following before the period: “; (2) Lincoln County, West Virginia; and (3) Paint Creek and Cabin Creek in Kanawha County, West Virginia”.

(2) In section 104, by striking “Governor” and all that follows through “organizations” in the matter preceding paragraph (1) and inserting “National Coal Heritage Area Authority, a public corporation and government instrumentality established by the State of West Virginia, pursuant to which the Secretary shall assist the National Coal Heritage Area Authority”.

(3) In section 105—

(A) by striking “paragraph (2) of”;

(B) by adding at the end the following new sentence: “Resources within Lincoln County, West Virginia, and Paint Creek and Cabin Creek within Kanawha County, West Virginia, shall also be eligible for assistance as determined by the National Coal Heritage Area Authority”.

(4) In section 106(a)—

(A) by striking “Governor” and all that follows through “and Parks” and inserting “National Coal Heritage Area Authority”; and

(B) in paragraph (3), by striking “State of West Virginia” and all that follows through “entities” and inserting “National Coal Heritage Area Authority”.

(b) **AGREEMENT CONTINUING IN EFFECT.**—The contractual agreement entered into by the Secretary of the Interior and the Governor of West Virginia prior to the date of the enactment of this Act pursuant to section 104 of title I of division II of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 461 note) shall be deemed as continuing in effect, except that such agreement shall be between the Secretary and the National Coal Heritage Area Authority.

TITLE IV—COASTAL HERITAGE TRAIL ROUTE IN NEW JERSEY**SEC. 401. REAUTHORIZATION OF APPROPRIATIONS FOR COASTAL HERITAGE TRAIL ROUTE IN NEW JERSEY.**

(a) **REAUTHORIZATION.**—Section 6 of Public Law 100-515 (16 U.S.C. 1244 note) is amended—

(1) in subsection (b)(1), by striking “\$4,000,000” and all that follows and inserting “such sums as may be necessary.”; and

(2) in subsection (c), by striking “10” and inserting “12”.

(b) **STRATEGIC PLAN.**—

(1) **IN GENERAL.**—The Secretary of the Interior shall, by not later than 2 years after the date of the enactment of this Act, prepare a strategic plan for the New Jersey Coastal Heritage Trail Route.

(2) **CONTENTS.**—The strategic plan shall describe—

(A) opportunities to increase participation by national and local private and public interests in planning, development, and administration of the New Jersey Coastal Heritage Trail Route; and

(B) organizational options for sustaining the New Jersey Coastal Heritage Trail Route.

TITLE V—ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR**SEC. 501. SHORT TITLE.**

This title may be cited as the “Illinois and Michigan Canal National Heritage Corridor Act Amendments of 2004”.

SEC. 502. TRANSITION AND PROVISIONS FOR NEW MANAGEMENT ENTITY.

The Illinois and Michigan Canal National Heritage Corridor Act of 1984 (Public Law 98-398; 16 U.S.C. 461 note) is amended as follows:

(1) In section 103—

(A) in paragraph (8), by striking “and”;

(B) in paragraph (9), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(10) the term ‘Association’ means the Canal Corridor Association (an organization described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code).”.

(2) By adding at the end of section 112 the following new paragraph:

“(7) The Secretary shall enter into a memorandum of understanding with the Association

to help ensure appropriate transition of the management entity to the Association and coordination with the Association regarding that role.”.

(3) By adding at the end the following new sections:

“SEC. 119. ASSOCIATION AS MANAGEMENT ENTITY.

“Upon the termination of the Commission, the management entity for the corridor shall be the Association.

“SEC. 120. DUTIES AND AUTHORITIES OF ASSOCIATION.

“For purposes of preparing and implementing the management plan developed under section 121, the Association may use Federal funds made available under this title—

“(1) to make loans and grants to, and enter into cooperative agreements with, States and their political subdivisions, private organizations, or any person;

“(2) to hire, train, and compensate staff; and

“(3) to enter into contracts for goods and services.

“SEC. 121. DUTIES OF THE ASSOCIATION.

“The Association shall—

“(1) develop and submit to the Secretary for approval under section 123 a proposed management plan for the corridor not later than 2 years after Federal funds are made available for this purpose;

“(2) give priority to implementing actions set forth in the management plan, including taking steps to assist units of local government, regional planning organizations, and other organizations—

“(A) in preserving the corridor;

“(B) in establishing and maintaining interpretive exhibits in the corridor;

“(C) in developing recreational resources in the corridor;

“(D) in increasing public awareness of and appreciation for the natural, historical, and architectural resources and sites in the corridor; and

“(E) in facilitating the restoration of any historic building relating to the themes of the corridor;

“(3) encourage by appropriate means economic viability in the corridor consistent with the goals of the management plan;

“(4) consider the interests of diverse governmental, business, and other groups within the corridor;

“(5) conduct public meetings at least quarterly regarding the implementation of the management plan;

“(6) submit substantial changes (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary;

“(7) for any year in which Federal funds have been received under this title—

“(A) submit an annual report to the Secretary setting forth the Association’s accomplishments, expenses and income, and the identity of each entity to which any loans and grants were made during the year for which the report is made;

“(B) make available for audit all records pertaining to the expenditure of such funds and any matching funds; and

“(C) require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for audit all records pertaining to the expenditure of such funds.

“SEC. 122. USE OF FEDERAL FUNDS.

“(1) **IN GENERAL.**—The Association shall not use Federal funds received under this title to acquire real property or an interest in real property.

“(2) **OTHER SOURCES.**—Nothing in this title precludes the Association from using Federal funds from other sources for authorized purposes.

“SEC. 123. MANAGEMENT PLAN.

“(a) **PREPARATION OF MANAGEMENT PLAN.**—Not later than 2 years after the date that Federal funds are made available for this purpose,

the Association shall submit to the Secretary for approval a proposed management plan that shall—

“(1) take into consideration State and local plans and involve residents, local governments and public agencies, and private organizations in the corridor;

“(2) present comprehensive recommendations for the corridor’s conservation, funding, management, and development;

“(3) include actions proposed to be undertaken by units of government and nongovernmental and private organizations to protect the resources of the corridor;

“(4) specify the existing and potential sources of funding to protect, manage, and develop the corridor; and

“(5) include the following:

“(A) Identification of the geographic boundaries of the corridor.

“(B) A brief description and map of the corridor’s overall concept or vision that show key sites, visitor facilities and attractions, and physical linkages.

“(C) Identification of overall goals and the strategies and tasks intended to reach them, and a realistic schedule for completing the tasks.

“(D) A listing of the key resources and themes of the corridor.

“(E) Identification of parties proposed to be responsible for carrying out the tasks.

“(F) A financial plan and other information on costs and sources of funds.

“(G) A description of the public participation process used in developing the plan and a proposal for public participation in the implementation of the management plan.

“(H) A mechanism and schedule for updating the plan based on actual progress.

“(I) A bibliography of documents used to develop the management plan.

“(J) A discussion of any other relevant issues relating to the management plan.

“(b) **DISQUALIFICATION FROM FUNDING.**—If a proposed management plan is not submitted to the Secretary within 2 years after the date that Federal funds are made available for this purpose, the Association shall be ineligible to receive additional funds under this title until the Secretary receives a proposed management plan from the Association.

“(c) **APPROVAL OF MANAGEMENT PLAN.**—The Secretary shall approve or disapprove a proposed management plan submitted under this title not later than 180 days after receiving such proposed management plan. If action is not taken by the Secretary within the time period specified in the preceding sentence, the management plan shall be deemed approved. The Secretary shall consult with the local entities representing the diverse interests of the corridor including governments, natural and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners prior to approving the management plan. The Association shall conduct semi-annual public meetings, workshops, and hearings to provide adequate opportunity for the public and local and governmental entities to review and to aid in the preparation and implementation of the management plan.

“(d) **EFFECT OF APPROVAL.**—Upon the approval of the management plan as provided in subsection (c), the management plan shall supersede the conceptual plan contained in the National Park Service report.

“(e) **ACTION FOLLOWING DISAPPROVAL.**—If the Secretary disapproves a proposed management plan within the time period specified in subsection (c), the Secretary shall advise the Association in writing of the reasons for the disapproval and shall make recommendations for revisions to the proposed management plan.

“(f) **APPROVAL OF AMENDMENTS.**—The Secretary shall review and approve all substantial amendments (including any increase of more than 20 percent in the cost estimates for imple-

mentation) to the management plan. Funds made available under this title may not be expended to implement any changes made by a substantial amendment until the Secretary approves that substantial amendment.

“SEC. 124. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.

“(a) **TECHNICAL AND FINANCIAL ASSISTANCE.**—Upon the request of the Association, the Secretary may provide technical assistance, on a reimbursable or nonreimbursable basis, and financial assistance to the Association to develop and implement the management plan. The Secretary is authorized to enter into cooperative agreements with the Association and other public or private entities for this purpose. In assisting the Association, the Secretary shall give priority to actions that in general assist in—

“(1) conserving the significant natural, historic, cultural, and scenic resources of the corridor; and

“(2) providing educational, interpretive, and recreational opportunities consistent with the purposes of the corridor.

“(b) **DUTIES OF OTHER FEDERAL AGENCIES.**—Any Federal agency conducting or supporting activities directly affecting the corridor shall—

“(1) consult with the Secretary and the Association with respect to such activities;

“(2) cooperate with the Secretary and the Association in carrying out their duties under this title;

“(3) to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

“(4) to the maximum extent practicable, conduct or support such activities in a manner which the Association determines is not likely to have an adverse effect on the corridor.

“SEC. 125. AUTHORIZATION OF APPROPRIATIONS.

“(a) **IN GENERAL.**—To carry out this title there is authorized to be appropriated \$10,000,000, except that not more than \$1,000,000 may be appropriated to carry out this title for any fiscal year.

“(b) **50 PERCENT MATCH.**—The Federal share of the cost of activities carried out using any assistance or grant under this title shall not exceed 50 percent of that cost.

“SEC. 126. SUNSET.

“The authority of the Secretary to provide assistance under this title terminates on September 30, 2027.”

SEC. 503. PRIVATE PROPERTY PROTECTION.

The Illinois and Michigan Canal National Heritage Corridor Act of 1984 is further amended by adding after section 126 (as added by section 502 of this title) the following new sections:

“SEC. 127. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

“(a) **NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.**—No privately owned property shall be preserved, conserved, or promoted by the management plan for the corridor until the owner of that private property has been notified in writing by the Association and has given written consent for such preservation, conservation, or promotion to the Association.

“(b) **LANDOWNER WITHDRAW.**—Any owner of private property included within the boundary of the corridor, and not notified under subsection (a), shall have their property immediately removed from the boundary of the corridor by submitting a written request to the Association.

“SEC. 128. PRIVATE PROPERTY PROTECTION.

“(a) **ACCESS TO PRIVATE PROPERTY.**—Nothing in this title shall be construed to—

“(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

“(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

“(b) **LIABILITY.**—Designation of the corridor shall not be considered to create any liability, or

to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

“(c) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE.**—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

“(d) **PARTICIPATION OF PRIVATE PROPERTY OWNERS IN CORRIDOR.**—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the corridor to participate in or be associated with the corridor.

“(e) **EFFECT OF ESTABLISHMENT.**—The boundaries designated for the corridor represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the corridor and its boundaries shall not be construed to provide any non-existing regulatory authority on land use within the corridor or its viewshed by the Secretary, the National Park Service, or the Association.”

SEC. 504. TECHNICAL AMENDMENTS.

Section 116 of Illinois and Michigan Canal National Heritage Corridor Act of 1984 is amended—

(1) by striking subsection (b); and

(2) in subsection (a)—

(A) by striking “(a)” and all that follows through “For each” and inserting “(a) For each”;

(B) by striking “Commission” and inserting “Association”;

(C) by striking “Commission’s” and inserting “Association’s”;

(D) by redesignating paragraph (2) as subsection (b); and

(E) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

TITLE VI—POTASH ROYALTY REDUCTION

SEC. 601. SHORT TITLE.

This Act may be cited as the “Potash Royalty Reduction Act of 2004”.

SEC. 602. POTASSIUM AND POTASSIUM COMPOUNDS FROM SYLVITE.

(a) **ROYALTY RATE.**—Notwithstanding section 102(a)(9) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701(a)(9)), section 2 of the Act of February 7, 1927 (30 U.S.C. 282) and the term of any lease issued under such section 2, the royalty rate on the quantity or gross value of the output from Federal lands of potassium and potassium compounds from the mineral sylvite at the point of shipment to market in the 5-year period beginning on the date of the enactment of this Act shall be 1.0 percent.

(b) **RECLAMATION FUND.**—Fifty percentum of any royalties paid pursuant to this Act during the 5-year period referred to in subsection (a), together with any interest earned from the date of payment, shall be paid by the Secretary of the Treasury to the payor of the royalties to be used solely for land reclamation purposes in accordance with a schedule to implement a reclamation plan for the lands for which the royalties are paid. No payment shall be made by the Secretary of the Treasury pursuant to this subsection until the Secretary of the Interior receives from the payor of the royalties, and approves, the reclamation plan and schedule, and submits the approved schedule to the Secretary of the Treasury. The share of royalties held by the Secretary of the Treasury pursuant to this subsection, and interest earned thereon, shall be available until paid pursuant to this subsection, without further appropriation; shall not be considered as money received under section 35 of the Mineral Leasing Act (30 U.S.C. 191) for the purpose of revenue allocation; and shall not be reduced by any administrative or other costs incurred by the United States.

(c) **STUDY AND REPORT.**—After the end of the 4-year period beginning on the date of the enactment of this Act, and before the end of the 5-year period beginning on that date, the Secretary of the Interior shall report to the Congress on the effects of the royalty reduction

under this Act, including a recommendation on whether the reduced royalty rate for potassium from sylvite should apply after the end of the 5-year period.

TITLE VII—SODA ASH ROYALTY REDUCTION

SEC. 701. SHORT TITLE.

This Act may be cited as the "Soda Ash Royalty Reduction Act of 2004".

SEC. 702. FINDINGS.

The Congress finds the following:

(1) The combination of global competitive pressures, flat domestic demand, and spiraling costs of production threaten the future of the United States soda ash industry.

(2) Despite booming world demand, growth in United States exports of soda ash since 1997 has been flat, with most of the world's largest markets for such growth, including Brazil, the People's Republic of China, India, the countries of eastern Europe, and the Republic of South Africa, have been closed by protectionist policies.

(3) The People's Republic of China is the prime competitor of the United States in soda ash production, and recently supplanted the United States as the largest producer of soda ash in the world.

(4) Over 700 jobs have been lost in the United States soda ash industry since the Department of the Interior increased the royalty rate on soda ash produced on Federal land, in 1996.

(5) Reduction of the royalty rate on soda ash produced on Federal land will provide needed relief to the United States soda ash industry and allow it to increase export growth and competitiveness in emerging world markets, and create new jobs in the United States.

SEC. 703. REDUCTION IN ROYALTY RATE ON SODA ASH.

Notwithstanding section 102(a)(9) of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1701(a)(9)), section 24 of the Mineral Leasing Act (30 U.S.C. 262), and the terms of any lease under that Act, the royalty rate on the quantity or gross value of the output of sodium compounds and related products at the point of shipment to market from Federal land in the 5-year period beginning on the date of the enactment of this Act shall be 2 percent.

SEC. 704. STUDY.

After the end of the 4-year period beginning on the date of the enactment of this Act, and before the end of the 5-year period beginning on that date, the Secretary of the Interior shall report to the Congress on the effects of the royalty reduction under this Act, including—

(1) the amount of sodium compounds and related products at the point of shipment to market from Federal land during that 4-year period;

(2) the number of jobs that have been created or maintained during the royalty reduction period;

(3) the total amount of royalty paid to the United States on the quantity or gross value of the output of sodium compounds and related products at the point of shipment to market produced during that 4-year period, and the portion of such royalty paid to States; and

(4) a recommendation of whether the reduced royalty rate should apply after the end of the 5-year period beginning on the date of the enactment of this Act.

Amend the title so as to read "An Act to direct the Secretary of the Interior to convey certain land to the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada, for the construction of a post building and memorial park for use by the American Legion, other veterans' groups, and the local community, and for other purposes."

Mr. ALEXANDER. I ask unanimous consent the Senate concur in the House amendment, with an amendment which is at the desk, concur in the House amendment to the title, the motions to reconsider be laid on the table en bloc,

and any statements related to the bill be printed in the RECORD.

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

The amendment (No. 4085) was agreed to.

(The text of the amendment is printed in today's RECORD under "Text of Amendment.")

REMOVAL OF INJUNCTION OF SECRECY

Mr. ALEXANDER. Mr. President, as in executive session, I ask unanimous consent the injunction of secrecy be removed from the following revision transmitted to the Senate on December 7, 2004, by the President of the United States: 1995 Revision of Radio Regulations (Treaty Document No. 108-28).

I further ask that the revision be considered as having been read the first time, that it be referred with accompanying papers to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the 1995 Revision of the Radio Regulations, with appendices, signed by the United States at Geneva on November 17, 1995 (the "1995 Revision"), together with declarations and reservations of the United States as contained in the final Acts of the World Radiocommunication Conference (WRC-95). I transmit also, for the information of the Senate, the report of the Department of State concerning these revisions.

The 1995 Revision, which was adopted at WRC-95, constitutes a revision of the International Telecommunication Union (ITU) Radio Regulations, to which the United States is a party. It provides for the simplification of the Radio Regulations, the introduction of new global mobile-satellite services, and new regulatory provisions both for non-geostationary satellites operating in the same frequency bands as geostationary satellites and for other new space services that share spectrum with the space research and terrestrial services.

Subject to the U.S. declarations and reservations mentioned above, I believe the United States should become a party to the 1995 Revision, which will facilitate the development of mobile-satellite and non-geostationary satellite orbit communication services by U.S. Government and industry, it is my hope that the Senate will take early action on this matter and give its advice and consent to ratification.

GEORGE W. BUSH,

The White House, December 7, 2004.

Mr. ALEXANDER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

FAREWELL TO ACTING SECRETARY OF THE ARMY LES BROWNLEE

Mr. FRIST. Mr. President, I would like to take a moment to honor a distinguished American for his tireless, dedicated service to the U.S. Army, the U.S. Senate, and the American people. After more than four decades of national service, Acting Secretary of the Army Less Brownlee is resigning his post as Under Secretary of the Army.

Secretary Brownlee is a highly decorated veteran. He has earned the Silver Star with Oak Leaf Cluster, the Bronze Star with two Oak Leaf Clusters, and a Purple Heart during his two tours of duty in Vietnam and over 22 years on active duty.

He has also served this body with distinction for 18 years as a Hill staff member, reaching the post of staff director for the Armed Services Committee. During his time on the committee, Secretary Brownlee was the committee's principal professional staff member responsible for Army and Marine Corps programs, Special Operations Forces, and drug interdiction policy and support. In addition, he was deeply involved in policies and programs ranging from ballistic missile defense and weapons programs to strategic deterrence and naval strategy.

Most recently, during his 18 months as Acting Secretary of the Army, Secretary Brownlee has been responsible for managing the Army's \$80 billion annual budget and more than 1.3 million Active Duty, National Guard, Army Reserve, and civilian personnel. As a part of this duty, Secretary Brownlee has overseen recruiting, organizing, supplying, equipping, training, and mobilization efforts.

In addition, during his tenure, the Army began the process of an extraordinary transformation to meet the threats and challenges of the 21st century. Most notably, the Army has borne the brunt of the global war on terrorism, making all Americans proud of its victories and achievements in Afghanistan, Iraq, and other far-off places around the globe.

Throughout these challenging times for the Nation and our Armed Forces, Secretary Brownlee has consistently provided strong, steady leadership for the Army as it adapts and prepares for the future. His service as Acting Secretary of the Army will undoubtedly have a profound impact on our fighting men and women and will ensure that the Army remains the world's finest fighting force for years to come.

I congratulate Secretary Brownlee on a brilliant career. I thank him for his

commitment and dedication to making America stronger and safer, and I wish him all the best in his future endeavors.

RETIREMENT OF ADMINISTRATIVE ASSISTANT TO SECRETARY OF THE ARMY

Mr. REED. Mr. President, I rise to commend J.B. Hudson, who is retiring after 42 outstanding years of Federal service to the United States Army.

In 1962, Mr. Hudson began his Government career at Fort Eustis, VA, as a management analyst with the Office of the Assistant Chief of Staff, Comptroller. While pursuing his civilian career, Mr. Hudson also served as an Army reservist, 1963–1969, and continued his post graduate education earning a masters of personnel administration from George Washington University, 1969. In 1966, he accepted a position at Fort Monroe, VA, where he served as a management analyst with the Office of the Deputy Chief of Staff, Comptroller; and later, as chief, Management Improvement Branch, Office of the Deputy Chief of Staff, Resource Management from 1973–1975.

Since 1975, Mr. Hudson has been with the Office of the Administrative Assistant to the Secretary of the Army serving in a number of senior leadership positions, including deputy director and director, studies and analyses staff, 1975–1977; director, plans and projects, 1977–1979, director, policy and plans/safety, security and support services—Washington, 1979–1995, and deputy administrative assistant, 1995–1996. In over 42 years of Government service, Mr. Hudson has received numerous honors and awards, including the Meritorious Civilian Service Award and the Decoration for Exceptional Civilian Service.

Mr. Hudson is an extraordinary leader who recognizes that people are his most important resource. He epitomizes leadership by example, perpetuating a work environment in which harmony, resilience, and productivity reign. In the days following the terrorist attack on the Pentagon, he faced his toughest leadership challenge. Not only did he have to deal with the tragic loss of 40 staff members and the injury of many more, he also had to lead the effort of restoring calm and productivity to the agency, the Army, and the Pentagon, minimizing any disruption of support to the Army and OSD.

As the overseer of the Defense Post Office, Mr. Hudson faced the possibility of receiving mail contaminated with chemical or biological agents since the Pentagon's mail is processed through the same facility where two United States Postal Service workers died from exposure of mail contaminated with anthrax spores. Working in collaboration with Defense Department and White House officials, Mr. Hudson quickly assessed the threat and developed courses of defense.

His reputation for initiating leading-edge business practices is widely recog-

nized. His vision, adaptability, and passion for customer success have enabled him to gain recognition for the Office of the Administrative Assistant to the Secretary of the Army as a preferred support provider throughout Headquarters, Department of the Army, and Defense Department activities within the Pentagon and the National Capital Area.

Mr. Hudson has been a focused and competent defender of the Army's limited resources and is absolutely committed to achieving operational excellence. In more recent years, he consistently used his keen business acumen, technical expertise, political savvy, and resourcefulness to proficiently position the agency for the best business results.

Mr. Hudson is a superior advisor, astute negotiator, and superb administrator who can operate comfortably in all environments. His ability to bring divergent parties together and forge a common vision to achieve desired outcomes is renowned. His mastery of unique Defense Department and National Capitol Region relationships has enabled him to consistently produce quality results, even on the most contentious and complex issues. Perhaps the best examples of Mr. Hudson's ability to build coalitions and achieve results for the Army and the Department of Defense are evident in his management of the Army's executive aircraft fleet and his championing of the Pentagon Athletic Facility. In the first initiative, Mr. Hudson worked with Defense Department and Congressional representatives to acquire two state-of-the-art executive airplanes. As the overseer of the Pentagon's 55-year old athletic center, Mr. Hudson realized that the aging infrastructure of the current facility and the growing demand for fitness facilities in support of the Army's readiness mission required quick action. Once again, he negotiated prime real estate at the Pentagon for the construction of a new facility and fought for and won funding for the \$19 million project that offers a state-of-the-art facility comparable to well-known commercial fitness facilities.

Mr. Hudson's distinctive accomplishments, selflessness, dedication, commitment to excellence, and willingness to "go the extra mile" in supporting the Department of the Army, the Department of Defense and Joint Service activities in the Pentagon truly set a standard of excellence for others to follow. Mr. Hudson's distinctive accomplishments and selfless service in support of the Defense of our great nation truly set a standard of excellence worthy of emulation. I thank him on behalf of a grateful Nation and wish him well in his retirement.

WORLD AIDS DAY

Mr. LUGAR. Mr. President, I rise to comment on World AIDS Day, which was on December 1. The global HIV/AIDS pandemic is a humanitarian cri-

sis of horrific proportions. World AIDS Day is a day to remember the millions of lives lost to and devastated by this global pandemic and to strengthen our commitment to fight this disease.

Last year, Congress passed legislation that created the Office of the Global AIDS Coordinator and pledged \$15 billion over 5 years to address the HIV/AIDS crisis. The Senate Foreign Relations Committee continues to make HIV/AIDS a priority. Charged with the oversight of the President's initiative, we will continue to hold hearings and briefings on the subject of AIDS and the progress of the President's Emergency Plan for AIDS Relief. Earlier this year, for instance, we held a hearing focused on the intersection of HIV/AIDS and hunger. At this hearing, Ambassador Randall Tobias, the Global AIDS Coordinator, and Jim Morris, Executive Director of the World Food Program, testified about the devastating effects that the HIV/AIDS crisis is having on agricultural workers and the food supply in sub-Saharan Africa. In addition, we explored the special nutritional needs of individuals who are taking antiretroviral medication.

The theme of World AIDS Day this year, "Women, Girls, and HIV and AIDS," is an appropriate one. This disease is having a particularly devastating effect on women and girls around the world. We are just beginning to understand how women, and young girls in particular, are especially vulnerable to HIV and AIDS, due to a combination of biological, cultural, economic, social, and legal factors. Young girls constitute 75 percent of new infections in South Africa among individuals between 14 and 25 years of age. In Malawi, the National AIDS Commission has said that HIV and AIDS is killing more women than men, and that HIV-positive girls between 15 and 24 years of age outnumber males in the same age group by a six-to-one margin. Even in the United States, the disease is having a devastating effect on women and is the leading cause of death among African American women ages 25 to 34.

Not only are women and girls more vulnerable to infection, they are also shouldering much of the burden of taking care of sick and dying relatives and friends. In addition, in the vast majority of cases, they are the caretakers of the estimated 14 million children who have been orphaned by this pandemic. Grandmothers often take the responsibility of caring for grandchildren, and older female children often take care of their younger siblings.

One such young girl is Fanny Madanitsa. Fanny is a 16-year-old girl living in Malawi with her two younger sisters and a brother. Life has been difficult for Fanny and her siblings since they lost their parents to AIDS. As the oldest child, Fanny must deal with the stress of taking care of her younger siblings. They live in a modest house and share one bed. Fanny dreams of

being a nurse, but reaching this goal will be a challenge for her. She cannot always attend classes, as she sometimes has to look after her siblings. Because money is scarce, she has a difficult time paying for school materials and other costs of her education.

But Fanny is more fortunate than many girls in similar circumstances. With the help of her Village AIDS Committee, a community-based organization that has organized to take care of the orphans in its village, Fanny and her siblings receive food, soap, school materials, and also medicines. Through the Village AIDS Committee, which receives support from Save the Children, the community assists Fanny in watching her siblings so she can attend school.

This June, I introduced the Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2004. My bill would require the United States Government to develop a comprehensive strategy for providing assistance to orphans and would authorize the President to support community-based organizations that provide basic care for orphans and vulnerable children.

Furthermore, my bill aims to improve enrollment and access to primary school education for orphans and vulnerable children by supporting programs that reduce the negative impact of school fees and other expenses. It also would reaffirm our commitment to international school lunch programs. School meals provide basic nutrition to children who otherwise do not have access to reliable food. They have been a proven incentive for poor and orphaned children to enroll in school.

In addition, many women and children who lose one or both parents often face difficulty in asserting their inheritance rights. Even when the inheritance rights of women and children are spelled out in law, such rights are difficult to claim and are seldom enforced. In many countries, it is difficult or impossible for a widow—even if she has small children—to claim property after the death of her husband. This often leaves the most vulnerable children impoverished and homeless. My bill seeks to support programs that protect the inheritance rights of orphans and widows with children. Although the legislation will not become law this session, I am hopeful that, with bipartisan support, it will become law early next year.

The AIDS orphans crisis in sub-Saharan Africa has implications for political stability, development, and human welfare that extend far beyond the region. Turning the tide on this crisis will require a coordinated, comprehensive, and swift response. I am hopeful that, with the President's Emergency Plan for AIDS Relief, the Global Fund, and the Congress, we can make great strides in the battle against this pandemic.

Mr. LEVIN. Mr. President, December 1 marked the 17th annual observance of

World AIDS Day. HIV/AIDS is an epidemic that requires a global solution and the United States has a responsibility to lead the world in addressing this horrible disease.

Since the beginning of the HIV/AIDS epidemic more than two decades ago, over 21 million people have died as a result of this disease. Worldwide, more than 42 million people are living with HIV/AIDS. It is estimated that AIDS claims the lives of over 8,000 people per day and 5 million more people are infected with HIV/AIDS each year.

This year's theme for Global AIDS Day is "Women, Girls, HIV and AIDS" to recognize and call attention to the rapidly growing number of females with HIV/AIDS. Women, and especially young women, are almost two and a half times more vulnerable to the disease than men because of the social and educational inequalities they face in many areas of the world. Women are much more likely to be sexually abused and are less likely to be aware of the risks associated with unprotected sex and IV drug use. Women also risk passing the disease on to their newborn children. It is estimated that over 19 million women currently live with HIV/AIDS, of which 2 million will pass the disease on to over 700,000 newborn children worldwide this year alone.

Tragically, more Americans lost their lives to AIDS in the 1990s than in all wars in U.S. history. Currently it is estimated that there are nearly 950,000 Americans living with HIV/AIDS, nearly one-third of which do not know they are infected. The disease continues to spread throughout the country and we have seen infection rates among women and minorities rise at alarming rates over the last few years.

The vast majority of deaths from HIV/AIDS occur in the developing world, most notably in Africa where AIDS is the leading cause of death. While Africa accounts for only 10 percent of the world's population, approximately two-thirds of the world's HIV/AIDS cases occur there. There are an estimated 11,000 new infections per day in Africa and 57 percent of all women living with HIV/AIDS live in sub-Saharan Africa.

In addition, there have been dramatic increases in HIV/AIDS cases in Asia, Eastern Europe, and the Caribbean. This is clearly not a regional issue. The disease is spreading in every corner of the globe. The industrialized world has benefited greatly from new medicines that help people live with HIV/AIDS, but most developing countries still lack access to them in sufficient quantities. In many areas, non-governmental organizations are operating small-scale pilot programs that clearly are not adequate to meet the needs of the millions who are living with the disease. In order to successfully combat HIV/AIDS on a global scale, resources must continue to be made available to developing countries to assist in integrating prevention, treat-

ment, and education programs into a national health care system.

There are no easy solutions to the problems associated with this epidemic. Researchers are continuing to work hard to find new treatments and ultimately a cure for this devastating disease. Halting the spread of the epidemic requires prevention and a commitment to supporting organizations that are vigorously working to defeat HIV/AIDS through education, humanitarian relief, and public awareness.

We must recognize the sobering reality that this disease continues to spread and infect people around the globe regardless of race, gender, age, or income. Remembering those who have already lost their lives to HIV/AIDS requires us to redouble our efforts to defeat the disease and prevent its spread to new members of our communities.

NORTHERN ARIZONA FOREST LANDS EXCHANGE AND VERDE RIVER BASIN PARTNERSHIP ACT

Mr. McCAIN. Mr. President, after several years of negotiation and compromise, I am pleased that the Northern Arizona Forest Lands Exchange and Verde River Basin Partnership Act of 2004 was approved by the Senate today. Through the dedicated efforts of all parties, this bipartisan agreement provides a sound framework for a fair and equal value exchange of 50,000 acres of private and public land in Northern Arizona. The bill also addresses the water issues raised by the exchange of lands located within the Verde River Basin watershed by limiting water usage on certain exchanged lands and by supporting the development of a collaborative science based water resource planning and management entity for the Verde River Basin watershed.

It is gratifying that the compromise reached on the bill, after countless hours of deliberation and discussion, is both balanced and foresighted in terms of addressing the various issues raised by the exchange. I want to thank Senator KYL and his staff, as well as Senators DOMENICI and BINGAMAN, and their staffs on the Senate Energy and Natural Resources Committee, for their tireless efforts in reaching this agreement. I also want to recognize the work of Congressmen RENZI and HAYWORTH who have championed this legislation in the House of Representatives.

The bill sets forth a sound process for the achievement of a fair market value exchange which is expected to offer significant benefits for all parties. Benefits will accrue to the U.S. Forest Service and the public with the consolidation of checkerboard lands and the protection and enhanced management of extensive forest and grasslands. The communities of Flagstaff, Williams, and Camp Verde also will benefit in terms of economic development, water supply, and other important purposes.

Since introducing this legislation in April 2003, I have heard from hundreds

of Arizonans and learned first-hand of the significant water issues raised by the transfer of federal land into private ownership. I want to thank all of the citizens that offered their time, expertise, and interest and provided us with valuable information on these issues. In large measure because of their efforts, I am more keenly aware that one of the most crucial challenges facing Arizona is the wise management of its water resources, particularly as we endure extended drought coupled with rapid population growth. Therefore, I am pleased that in addition to facilitating the Northern Arizona land exchange, this bill includes a number of new provisions to address water supply concerns associated with the exchange.

First, in order to ensure that current water users and water rights holders are not adversely affected by increased future water demands, an agreement was reached to remove an 820 acre parcel of federal land in the Verde Valley, where the long-term availability of water supplies is uncertain and current problems exist. On the remaining 2000 acre parcel of federal land in the Verde Valley, a maximum water use limit of 300 acre-feet per year has been established along with other land and water use restrictions.

Further, this bill includes a new title which supports the creation of a Verde River Basin Partnership to advance sound water resource decision-making at the state and local level in Northern Arizona.

The development of a sound, long-term watershed management plan requires the involvement of all the stakeholders with water supply responsibilities and interests and a foundation of knowledge about available resources and existing demands. We are fortunate to have an existing model of collaborative science-based water resource planning and management with the Upper San Pedro Partnership in the Sierra Vista subwatershed of Arizona. In my view, the establishment of a similar, cooperative body in the Verde Basin will be a vital step in assuring the wise use of our limited water resources.

Again, I want to thank all of the parties involved in this legislation during the past several years.

VETERANS HEALTH PROGRAMS IMPROVEMENT ACT OF 2004

Mr. GRAHAM of Florida. Mr. President, I rise today to applaud the passage of H.R. 3936, which is essentially a conference report on various veterans' health care measures. This bill will go far in giving the Department of Veterans Affairs, VA, the tools it needs to continue providing high-quality health care to our Nation's veterans. Though the bill contains many important provisions, I would like to draw attention to just a few of its key ones.

H.R. 3936 would authorize specialized centers to improve the rehabilitation services available to veterans suffering

from multiple combat injuries. The centers would focus on all aspects involved in the development of improved rehabilitation programs, including through research, education, and clinical activities. These comprehensive centers are designed specifically to fill the gap that currently exists in the treatment of the complex injuries that result from modern conflict. Due to technological advancements in warfare and body armor, as well as improvements in battlefield medical care, an increased number of service personnel are surviving wounds that probably would have been fatal in previous wars.

The centers would be part of a larger collaboration effort between the Department of Veterans Affairs, VA, and the Department of Defense, DoD, in order to improve the rehabilitation process and treatment of these service members once they have returned from overseas. The initiative as a whole truly represents the way in which VA health care is evolving with changes in the areas of warfare and health care delivery.

The Veterans Health Programs Improvement Act of 2004 also would require VA to track waiting times for specialty care services and subsequently issue to Congress a report on any such waiting times of more than 3 months. VA has been suffering from a severe shortage of specialty care physicians. This shortage has led to significant increases in the time it takes for veterans to get appointments for specialty services like audiology and ophthalmology.

This compromise legislation would also provide a fix for the way VA per diem payments to State homes for veterans are handled, as they relate to Medicaid. Recently, many State homes have become Medicaid-certified to secure eligibility for payment for any veteran who qualifies under the Medicaid program. However, Medicaid officials determined that VA per diem payments made to State homes for the care of veterans are "additional payments" made on behalf of an individual patient. Thus, VA's per diem payments must be reimbursed to the Medicaid program. This provision would specify that per diem payments made by VA for the care of veterans in State homes will not be used to offset or reduce any other payment made to assist veterans in securing health care services. The impact of this change will be felt in many States across the country, including my home State of Florida.

Mr. President, I am proud to have contributed to legislation that is so vital to the continued provision of quality health care to our Nation's veterans. I thank my colleagues in both Chambers of Congress for their support of this measure.

VETERANS' BENEFITS IMPROVEMENT ACT OF 2004

Mr. GRAHAM of Florida. Mr. President, as ranking member of the Com-

mittee on Veterans' Affairs, I am proud to announce the passage of S. 2486, the Veterans Benefits Improvement Act of 2004, by both Chambers of Congress.

This bill, which I shall call the compromise agreement, is the final version of a veterans omnibus bill. The compromise agreement will improve and expand a host of veterans benefits, including: survivors benefits for spouses with dependent children; housing benefits; and educational benefits for Guard and Reserve members, veterans, and spouses of veterans killed on active duty.

It is very appropriate that at a time when our airmen, soldiers, sailors and marines are in harm's way, that we remember the sacrifices that those before them have made on behalf of this great Nation by improving and expanding veterans benefits for our Nation's bravest and their families.

I will briefly highlight some of the more important provisions. For further explanation of the proposed legislation please see the Joint Explanatory Statement, which accompanied the passage of the bill.

Dependency and indemnity compensation is a monthly benefit paid to eligible survivors of service members who died on active duty, and of certain veterans. A larger monthly benefit is paid to surviving spouses with children under the age of 18. Under this legislation, dependency and indemnity compensation for survivors, with dependent children, of spouses killed on active duty would be increased by \$250 a month, for 2 years, beginning on the date when entitlement to benefits begins. A VA contracted study found that spouses with children had a higher level of unmet need than spouses without children. This provision is included to further aid the transition of surviving spouses with dependent children. We must make every effort to make certain that the families of service members who paid the ultimate sacrifice have their needs met.

Owning a home of one's own is the American Dream. This legislation would make that dream a reality for more of our veterans by increasing the maximum amount of the VA home loan guaranty. The current VA loan limit of \$240,000 restricts beneficiaries from using the guaranty because it is insufficient to cover median housing prices in many parts of the Nation. Section 403 of the compromise agreement would increase the maximum VA loan amount to \$333,700. It would also index the loan limit to 25 percent of the conforming loan limit for a single-family residence as set by Freddie Mac. This would allow the loan limit to continue to rise with the cost of housing inflation automatically. This change, coupled with the reinstatement of the VA adjustable rate mortgage loan program and improvement of the hybrid adjustable rate mortgage loan program will allow many more veterans to be able to purchase a home.

The second half of the American Dream is a college education. Educational assistance is provided to the surviving spouse of a service member or veteran who died of a service-connected injury, or the spouse of a veteran who is rated by VA to be totally and permanently disabled. The spouse has 10 years to use the entitlement. However, many surviving spouses, during this difficult transitional period, are busy raising children and working making it impossible to use the education benefit. This legislation would give an additional 10 years to the surviving spouse of a service member who died of a service-connected disability to use the benefit.

Under current law, a member of the Selected Reserve or National Guard must contribute a nonrefundable \$1,200 in order to participate in the Montgomery GI Bill education program. However, a member of the Selected Reserve must spend one year on active duty before being eligible for the program. Section 109 of the committee bill would create flexibility and allow the Montgomery GI Bill participation fee to be collected not later than 1 year after the completion of 2 years of active duty, ensuring that the Reserve or Guard has become eligible by satisfying the service requirement.

With the costs of attending college rising, it is important that we do as much for our veterans as possible so that they may reach their academic objectives. This legislation would allow VA to reimburse eligible beneficiaries for the cost of certain national admission tests, such as the Law School Admission Test, Graduate Record Exam, Graduate Management Admission Test, and Scholastic Aptitude Test, and for course credit at institutions of higher learning, such as the Advanced Placement Exam and College-Level Examination Program.

In keeping with this committee's continuing effort to aid veterans in attaining appropriate education and employment opportunities, this legislation improves the full-time apprenticeship and on-job training programs under the MGIB. Section 103 of the compromise agreement, for more than a 2-year period, would increase the full-time VA monthly educational assistance allowance payable to individuals participating in these training programs. For the first 6 months of training, the monthly benefit would increase to 85 percent from 75 percent; for the second 6 months, 65 percent from 55 percent; and the remainder of months, 45 percent from 35 percent. Additionally, section 104 of the compromise agreement authorizes VA to pay educational benefits to veterans participating in competency-based apprenticeships, in addition to time-based apprenticeships, bringing the VA program in line with the way most apprenticeship programs are structured today.

These provisions show our veterans America's continuing unwavering sup-

port of the service and sacrifice that they have made on behalf of this country. Particularly at a time when we are at war, we must ensure our service members that we will fulfill the commitment promised by Abraham Lincoln, "to care for him that shall have borne the battle and for his widow and his orphan."

In conclusion, I specifically thank Senator SPECTER and his benefits staff for their work on this comprehensive bill, specifically Bill Tuerk, Jon Towers and Chris McNamee, and my staff—Buddy Menn, Mary Schoelen, Dahlia Melendrez, Ted Pusey, Amanda Krohn, and Tandy Barrett, who recently left the committee, for all of their hard work in helping to put this legislation together. I thank my colleagues for their support of this legislation on behalf of America's veterans and their families.

DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE PERSONNEL ENHANCEMENT ACT OF 2004

Mr. GRAHAM of Florida. Mr. President, I rise today to applaud the passage of S. 2484, which reflects a compromise agreement on a new system for compensating physicians and dentists in the Department of Veterans Affairs, VA, health care system, as well as alternative work schedules for VA nurses. VA doctors and dentists have not gotten a pay adjustment in over a decade. All of these measures are aimed at improving VA's ability to recruit and retain quality health care professionals. I would like to highlight some of the key aspects of this legislation.

The compromise agreement would set forth a three-tiered system for paying VA physicians and dentists. The three tiers consist of base, market, and performance pay. The base pay element is similar to that employed by other Federal agencies, also known as the General Schedule, GS, system. As such, increases would be guaranteed for every 2 years a physician or dentist remains employed by VA.

The second component of the new pay system is market pay. This element would be implemented by the Secretary in the form of pay bands that will be determined by surveys of regional salaries in the academic and private sectors. Also relevant to the market pay determinations are factors such as the scarcity, or abundance, of certain specialty physicians, type and years of experience, and board certifications. Finally, the Secretary would consult with professional review panels composed of other physicians or dentists.

The final component is performance pay. Performance pay would be awarded to doctors and dentists if they meet certain goals and measures set forth by the Secretary. Currently, VA has extensive performance measures that it utilizes to motivate its health care pro-

viders and ensure quality of care. This element has a maximum of \$15,000 or 7.5 percent of the sum of the base and market pay.

One other major section of this agreement would establish alternative work schedules for VA nurses. It is widely known that the entire country is suffering from a nursing shortage. VA anticipates that it will be hit especially hard by the retirement of a significant portion of its nursing workforce over the next 10 years. S. 2484 would allow VA to employ different types of working schedules in order to attract more nurses to the system.

I am proud to have worked on this valuable piece of legislation for our Nation's veterans, and I thank my colleagues in both Chambers of Congress for their support.

RECENT VISIT TO CANADA BY PRESIDENT BUSH

Mr. CRAPO. Mr. President, I commend President Bush on his recent trip to Canada and efforts to build on our strong relations with our neighbor to the north. Canada is our Nation's largest trading partner and one of our closest allies, and this relationship must continue to remain vibrant and strong. As the co-chairman of the Canada-U.S. Interparliamentary Group, I continue to work with my peers in Canada to do what I can to assist in this effort.

Despite certain media coverage to the contrary, many Canadians warmly embrace Americans and the President's policies. I want to share comments made by Senator Jerry Grafstein in the Canadian Senate on the occasion of President Bush's visit. I ask unanimous consent that they be printed in the RECORD.

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

"MANIFEST DEMOCRACY"—THE BUSH DOCTRINE

Honourable senators, today President Bush visits Canada. We welcome President Bush, his wife and his senior advisers to our nation's capital. As Co-chair of the Canada-U.S. Interparliamentary Group, now the largest interparliamentary group in Parliament, it is my hope that Canada will actively engage President Bush and the Bush doctrine, which I call "Manifest Democracy."

Senators will recall that, in 1947 the then Minister of External Affairs, Louis St. Laurent, in Toronto defined the principles and practices of Canada's foreign policy based on these words: "freedom, liberty and democracy." Mr. St. Laurent and his then Deputy Minister, Mr. Pearson, were not confused by political debate or shifting political opinion within or outside Canada when it came to Canada's strategic interests.

In 1947, the UN was gridlocked. It was Mr. St. Laurent who convinced a reluctant Mr. King that Canada should take the lead in constructing and joining a transatlantic coalition of democracies to enhance our collective security called NATO. Mr. St. Laurent had learned well from the lessons of history—the sad experience of the League of Nations and the causes of World War II. Mr. St. Laurent believed in the democratic dialectic. Both Mr. St. Laurent and Mr. Pearson

were not confused. They understood that democracies did not make war with democracies.

Before the shock of 9/11, it seemed the 21st century voices for a democratic dialectic were muted. The origins of the Helsinki Process were forgotten. It was the Helsinki Process, in 1974, that laid the groundwork for democratic change in Europe. The Berlin Wall collapsed following the popular democratic movement of Solidarity in Poland and the "Velvet" revolution in the Czech Republic. The drive toward human rights and expanding democracies slowed at the turn of the century. Yet, the appetite for democracy once tasted cannot be easily satisfied. With the "Rose" revolution in Georgia, and now the "Orange" revolution in Ukraine, democracy is on the march again.

The Bush doctrine of manifest democracy provoked by September 11, 2001, continues to gain support by raising the banner of freedom, liberty and free markets. Public sentiment for democracy is rising not only in the East, in Georgia and now Ukraine, but across Eurasia, in Afghanistan and seeping into the dialectics of the Middle East as well as, painfully, in Iraq.

My hope is that Canada will regain its principal place as an active protagonist and creative partner for democracy, liberty and freedom and as a forceful agent in the spread of free trade and free markets around the globe.

Canada owns a capacious toolbox of democratic instruments and best practices that can quickly and cost-efficiently be deployed to help build the infrastructure of democracy—independent parliamentary commissions; parliamentary practices, including checks and balances; separation of powers; policing; independent judging and free trade agreements.

We hope that Prime Minister Martin and Canada will actively re-engage with President Bush and America, as we did after World War II, in a collective effort to spread democracy, free trade and free markets around the world.

REMEMBRANCE OF ATTACK ON PEARL HARBOR

Mr. LAUTENBERG. Mr. President, today marks the sixty-third anniversary of the horrific attacks on Pearl Harbor, HI, the first major attack on American soil by a foreign enemy since British troops set fire to the White House and the Capitol Building in the War of 1812. It was 60 years later, September 11, 2001, before the next attack took place on American soil. Pearl Harbor will always be remembered as the first incident to shock the collective psyche of our Nation out of its complacency.

Whether it could be classified as a terrorist act or otherwise, the attack on Pearl Harbor claimed the lives of 2,403 American servicemen. This event, perpetrated by a people who have long since reconciled their differences with America and the world, is a reminder to all of us of the sacrifices made by millions of individuals during this time of national peril. Their selfless actions and incredible courage in the face of extreme personal risk helped to ensure that the freedoms which are the bedrock of our country were preserved. We honor the memory of our countrymen who sacrificed their own lives, so oth-

ers could live, and the families who lost loved ones in the attack. And we honor the survivors of Pearl Harbor, including the roughly 6,000 who are still alive today. We must never forget any of these brave Americans.

FAMILY ENTERTAINMENT AND COPYRIGHT ACT OF 2004

Mr. LEAHY. Mr. President, today, in the waning hours of this Congress, the Senate has passed legislation that will improve important parts of our intellectual property law. Sponsored by myself, as well as by Senators HATCH, CORNYN, BIDEN, and FEINSTEIN, the Family Entertainment and Copyright Act of 2004 is the product of many months of bipartisan effort. Many of its provisions have passed the Senate before, others have passed the House, and the package enjoys the well-justified support of the many stakeholders. I am especially grateful for the assistance and support of our colleagues in the House of Representatives as we have tried to craft a broad, consensus bill.

Intellectual property is one of the driving forces in our Nation's economy, but if we do not continue to protect it, we will lose our place as the global leader in its production. Just as importantly, the United States enjoys the fruits of the labors of a multitude of creative and talented artists and inventors. Our arts and sciences bring not only monetary revenue to the country, but deep artistic satisfaction and rewards on a cultural level. The Digital Age has great potential to bring more of each.

Digital technology has allowed producers of intellectual property to find new and innovative ways to create and distribute their products, and it has enhanced our position as a global leader in the creation of cultural and intellectual works. However, the ease of duplication and nearly instantaneous communication that make these technologies so wonderful has also been used by some to undermine intellectual property rights; as a result, many of our copyright-holders are reluctant to embrace the very tools that offer so much to consumers and, if used legally, to our innovators. Thus, we face a key challenge: to preserve intellectual property rights while at the same time promoting the growth of new technologies. This act responds to the challenge. It bolsters our intellectual property protections while preserving the freedom necessary to make full use of music, movies, and other entertainment. The act also takes important steps to preserve our Nation's rich cultural heritage, and to ensure that this heritage remains available to our children.

The act includes the version of the CREATE Act that has passed both the House and Senate. That bill corrects for a provision in the Bayh-Dole Act which, when read literally by the Court of Appeals for the Federal, runs

counter to the intent of that legislation. The correction will encourage more of the joint efforts between private industry and research universities that have proved so fruitful to the U.S. economy, our research universities, and the many Americans who work in the patent industries.

It also includes a version of the National Film Preservation Act and the Preservation of Orphan Works Act. These two provisions each play an important role in preserving our national heritage. The National Film Preservation Act, which I first introduced on November 21, 2003, reauthorizes a Library of Congress program dedicated to saving rare and significant films. The Preservation of Orphan Works Act corrects a drafting error in the Sonny Bono Copyright Term Extension Act. Correction of this error will allow libraries to create copies of certain copyrighted works, such as films and musical compositions that are in the last 20 years of their copyright term, are no longer commercially exploited, and are not available at a reasonable price.

The act also includes the Artists' Rights and Theft Prevention Act, which protects filmmakers from an increasingly common threat: the theft of their work by individuals who record films as they are played in theaters. Part of that provision directs the Register of Copyrights to create a registry of pre-release works in order to better address the problems associated with piracy of creative works before they are offered for legal distribution and provides improved remedies for such piracy.

It also includes the Anti-counterfeiting Act of 2004, an important piece of legislation that Senator BIDEN has championed for several years. This provision adds much-needed protections to those who create records, films, and computer programs, by expanding the prohibition on affixing counterfeit labels to such products. Another provision, the Fraudulent Online Identity Sanctions Act, enhances the integrity of the Internet by creating a rebuttable presumption that a trademark or copyright infringer acted willfully if that infringer used false information to register a domain name used in connection with the infringement. It also increases penalties for crimes committed using fraudulently-acquired domain names.

Finally, the act includes the Family Movie Act, which will preserve the right of home viewers to watch motion pictures in the manner they see fit. At the same time, the act protects the rights of directors and copyright holders to maintain the artistic vision and integrity of their works.

I thank my colleagues on both sides of the aisle, and in both houses of Congress, for their hard work on this bill. Our efforts here should be a model for achieving legislative consensus in this area, and others, in the future.

ARUBA AND COUNTER-TERRORISM
FINANCING

Mr. BURNS. Mr. President, I rise today to pay tribute to the Government of Aruba, a leader in the fight to stop the flow of terrorist funds in the Caribbean and Latin America. There can be no doubt that terrorism is the defining challenge of the Nation since 9-11. While I have always believed that the United States must boldly and confidently lead the way in this brutal war we find ourselves in, I believe that help from our allies is essential to stop the financial networks that support terrorism.

One of the most important fronts in the war on terror concerns the funding mechanisms that support terrorist activities, including underground financial systems, illicit charities, and corrupt financial service providers. Financiers, fundraisers, or donors who provide financial support to terrorists need to be stopped.

Earlier this year, I had met with the Prime Minister of Aruba, Mr. Nelson Oduber. We discussed the international threat of terrorism and a number of other issues. Prime Minister Oduber stressed his nation's support for stopping terrorism and his determination in stopping money laundering and terrorist financing in his nation.

In fact, Aruba's leadership in this field started in 1990 when it hosted what became known as the Aruba Drug Money Laundering Conference, a regional mirror of the Financial Action Task Force—FATF—launched at the Paris G-7 summit of 1989. This started a process, which eventually led to the creation of the Caribbean Financial Action Task Force—CFATF—an organization that now plays a key role in the War on Terror. On October 30, 2001, the FATF adopted eight special recommendations on terrorist financing and Aruba has moved to implement some of those recommendations.

I pay tribute today to Aruba for joining the United States of America in the War on Terror.

SUPPORT OF LAW ENFORCEMENT

Mr. CAMPBELL. Mr. President, as a former Sacramento County, CA, sheriff's deputy, I have, throughout my congressional career, zealously sought to ensure the safety and effectiveness of America's Federal, tribal, State and local law enforcement officers. I have also worked hard to promote a better understanding and appreciation of law enforcement's extraordinary service and sacrifice by the American public.

Underscoring this commitment, I was proud to have authored a number of important laws, including the National Law Enforcement Museum Act (P.L. 106-492); the Law Enforcement Officers Safety Act of 2003 (P.L. 108-277); the Bulletproof Vest Partnership Act (P.L. 106-517); the Cops in School Act of 1998 (P.L. 105-302) and the resolution passed each year to designate May 15 as Na-

tional Peace Officers Memorial Day. I want to take this opportunity to also commend my deputy chief of staff and legislative director, Larry Vigil, for all of his good work in getting these important initiatives passed on behalf of law enforcement.

As I conclude my tenure in the U.S. Senate, I challenge my colleagues and those who will follow in my footsteps to continue this valuable and necessary work to support those brave individuals who are putting their lives at risk each and every day for our safety and protection. There are currently some 870,000 sworn law enforcement officers serving our Nation. Each year, on average, 167 officers are killed in the line of duty—that is one officer killed somewhere in America every 53 hours. Roughly 58,000 officers are assaulted each year, resulting in about 17,000 injuries. It is the most dangerous profession in our Nation, and also one of the most important.

An inscription on the National Law Enforcement Officers Memorial, just a few blocks from here in a place called Judiciary Square, says it best: "In valor there is hope." As long as there are men and women among us who are willing to put their lives on the line for others, there is indeed great hope for this Nation of ours.

But, it must be remembered that our officers cannot do their job effectively or safely without the necessary resources. This means the best possible training and equipment, especially bullet-resistant vests for every officer. Studies have clearly shown that these vests save police lives. In fact, nearly 3,000 police lives have been saved by bullet resistant vests since they first started being used some 30 years ago.

But, another vital resource that our officers need is the trust and support of the American public they serve. That is why one of my proudest achievements as a legislator and former law enforcement officer was authoring the law to establish a National Law Enforcement Museum here in our Nation's capital. The U.S. Department of Justice has determined that only about one out of five Americans has any direct contact with a law enforcement officer during the course of a normal year, and most of those contacts are traffic stops. The fact is that most of our citizens draw their conclusions about law enforcement from the fictional works of Hollywood and the often sensationalized reporting by the media. Most Americans do not truly understand, nor fully appreciate the tremendous worth of the law enforcement profession to our Nation.

But all of that will soon change when the doors of the National Law Enforcement Museum open, which is expected to happen in 2009. Finally, we will have a popular destination here in Washington, DC, devoted to telling law enforcement's true story of selfless service and supreme sacrifice. Through some of the most entertaining and stimulating exhibit ideas I have ever

seen for a museum, visitors will experience what it is like to walk in the shoes of a police officer, and to make split-second, life-or-death decisions. They will understand the vital roles our officers played in every pivotal moment of our Nation's history, including the taming of the Wild West, and the wars against gangsters, drug lords and now, terrorists. In short, this museum will vastly increase public understanding and support for law enforcement, and the museum's research repository will contribute greatly to promoting police safety. It will truly be a must-see destination in our Nation's capital and, appropriately, it will be located right across the street from the National Law Enforcement Officers Memorial.

I want to commend Craig W. Floyd, the chairman of the National Law Enforcement Officers Memorial Fund, his talented staff and dedicated board of directors for working so hard to make this museum a reality, just like they made the National Law Enforcement Officers Memorial a reality in 1991. Neither of these projects would be successful, though, without the generous funding provided by citizens and corporations across this country and I am grateful to see that support pouring in for the museum.

I pledge my continued full support for this museum project and I challenge my colleagues to do the same. That means ensuring that during the public approval process the integrity and importance of this museum as a major visual presence in Judiciary Square must not be compromised in any way.

Those dedicated public servants of the law enforcement profession—especially the more than 16,500 officers who have made the ultimate sacrifice in the performance of duty, and their families—deserve no less.

ELDER JUSTICE ACT

Mr. GRAHAM of Florida. Mr. President, I wish to commend Senator JOHN BREAUX and his staff for their excellent work on the Elder Justice Act. They have worked long and hard on this legislation, and I share their strong desire to see it pass the Senate this year.

I would like to share the comments I received from two Florida attorneys, Nick Cox and Mark Shalloway, who have extensive knowledge and experience in elder justice issues.

Nick Cox is a professor at the Stetson University College of Law in St. Petersburg, where he specializes in elder consumer protection matters and works on a special Federal project within the Elder Law Center. Mr. Cox, a former State prosecutor, worked for Attorneys General Bob Butterworth and Charlie Crist as their acting central Florida regional deputy and bureau chief of the Economic Crimes Division, which is the Florida Attorney General's consumer protection unit. Mr. Cox's comments are as follows:

I feel very strongly about passage of this act from a consumer protection standpoint. At this time I have been researching criminal elder exploitation issues and have found that there is a complete lacking in good support research. Despite several attempts to get a statistical handle on how bad criminal exploitation of the elderly is, the reports that have been done have been consistently criticized or found to be scientifically/statistically deficient. The Elder Justice Act calls for such research to be done on a national level and would provide the needed data that could assist those of us in the field of identifying the primary issues and hopefully some suggestions for solutions to the problem.

I also am very excited about the call in the Elder Justice Act for nationwide centers of excellence for study into these matters. We have already begun such work here at Stetson, but we can only address it on a regional basis here given the magnitude of our senior populations in Florida and throughout the Southeast United States. However, the work we have done so far has been very well received and applauded by those in the aging network. I think the Elder Justice Act would also give us some significant strides forward in that respect as well.

I also, as a former prosecutor, appreciate the attention it seems to give to increasing prosecutions. From the exploitation standpoint, I have experienced the positive outcome of criminally charging scam artists and the resulting change in business practices in that area. My office conducted undercover sting operations with the Florida Department of Law Enforcement. Once we convinced a prosecutor to charge a few of the salesmen and business owners who were targeting and scaring seniors into buying unneeded and overpriced equipment, there was an immediate change in the manner in which other companies conducted business.

Anything we can do to encourage or mandate criminal prosecutions will be a positive step. I think the Elder Justice Act starts us in the right direction.

Mark Shalloway is a practicing attorney in West Palm Beach and has extensive experience in elder abuse and exploitation. Mr. Shalloway's comments are as follows:

Elder Law attorneys, including my Florida colleagues see a great deal of elder abuse and financial exploitation on a weekly to monthly basis in our offices. The National Academy of Elder Law Attorneys (NAELA) is one of the five founding members of the Elder Justice Coalition that has worked for several years to get this piece of legislation passed. Senator Breaux and other supporters, like yourself, deserve much credit for keeping this bill on the front burner during a year when few bills have been addressed.

The revised version of S. 333 that the Finance Committee has marked up is not as comprehensive as the original bill, but is a great starting point and should be passed by the full Senate as soon as possible.

As a Long-Term Care Ombudsman in Florida, I am anecdotally aware of the difficulties in identifying and prosecuting crimes against the elderly. This Act should give greater recognition to a silent but huge and growing problem.

I agree with the comments of Mr. Cox and Mr. Shalloway, and have thus strongly supported passage of the Elder Justice Act.

During Finance Committee deliberations of the Elder Justice Act, I added two critically important provisions to the bill. These amendments strengthened the bill immensely, would have

greatly improved patient safety in long-term care facilities, and, in fact, would have saved lives.

Therefore, I am greatly disappointed that my patient safety provisions were the basis of an objection from Senator GREGG. That objection resulted in the provisions being stripped from the Elder Justice Act. The result? The legislation will do less on behalf of our elderly Americans than it could have done, and the elderly will continue to suffer from adverse events and death as a result of medication errors. This disappoints me deeply.

I would like to briefly describe the two amendments I had hoped would be part of the Elder Justice Act.

The first would have provided grants to long-term care facilities to improve quality and prevent neglect by improving patient safety and reducing health care complications and deaths resulting from medication errors in long-term care settings.

Section 108 of the Medicare Modernization Act gave authority to the Secretary to make such grants available to physicians in order to improve the quality of care and patient safety in physician offices. We should strive for no less for our patients in long-term care facilities.

According to the Institute of Medicine, medical errors cause up to 98,000 deaths in this country each year, in addition to otherwise avoidable injuries, hospitalizations, and expenses.

Although technologies are available to reduce errors and save lives, start-up costs and a lack of awareness have slowed the diffusion of these technologies, and prevented our long-term care facilities and elderly patients from reaping the benefits of these technologies.

The grant program would improve patient safety among the elderly by reducing medication errors in long-term care facilities. Grant money could be used by long-term care facilities to purchase proven technologies; the adoption of computer physician order entry systems, for example, is an essential component of any effective strategy to reduce medication errors.

Purchase and deployment of such systems is a substantial investment. Costs can delay the rapid introduction of new information technologies into long-term care facilities that already are grappling with other major financial challenges.

The grant program would have reduced this barrier by providing financial incentives for long term care facilities to adopt the resource intensive information technologies essential to system wide strategies for reducing and eventually ending most medication errors.

We know how to improve patient safety. We know how to save lives. My provision to create a grant program would have done just that, and I deeply regret having to strike the provision because of Senator GREGG's objection to it.

My second amendment would have required the Secretary of Health and Human Services to develop a plan for adopting open standards to enable improved electronic submission of clinical data by long term care facilities and allowing electronic transmission of data using such standards.

Although the Medicare Modernization Act requires the Secretary to develop uniform standards relating to requirements for electronic prescription drug programs, there is no provision for adopting uniform standards for data not related to prescription drug programs and no requirement that the Secretary allow long term care facilities to submit data electronically to HHS using uniform open standards.

The use of open standards is critical to ensuring that systems are able to communicate with each other and without human manipulation, thus allowing information to be processed automatically and quickly. Automatic, expedited processing of information will reduce neglect in the form of medical errors and save lives.

Currently, data may only be transmitted electronically using spreadsheets, PDFs, or SAS transport files. This form of submission does not allow systems to communicate with each other, and slows the processing of information.

I would like to explain the importance of this amendment to my constituents back in Florida and to people throughout our country.

Flu season is approaching. Without timely and accurate information to guide public health officials and physicians, seniors in my State and throughout the country are at risk. But, the public health system currently relies on a slow and unreliable methods of tracking outbreaks such as postcards and phonecalls from physicians and other medical professionals. If I want to get information on the health status of 290 million Americans, post cards and telephone calls simply aren't adequate. We need to use electronic reporting based on some common method of collecting that data to make public health safer.

Vioxx provides another example. Vioxx is a drug used for arthritis by seniors throughout the world; it was withdrawn by its manufacturer this fall. Vioxx was first sold in the United States 5 years ago and has been marketed in more than 80 countries. Worldwide sales of Vioxx in 2003 were \$2.5 billion. It is a major drug with broad use. But, the FDA relies on slow and unreliable methods of tracking problems associated with drugs that may only appear after they go into broad use. Although prescriptions are one of the most thoroughly computerized areas in medicine, the FDA relies on slow and unreliable methods to track medical problems resulting from drug use. We need to use electronic reporting based on common method of collecting that data to make drug use safer.

One last example: heart conditions are one of the leading diseases affecting Medicare patients and heart attacks can result in deaths and high costs. Many heart attack victims can be helped if they receive drugs to assist their damaged heart while it recovers. CMS studies indicate that many of the victims do not receive those medications. But, CMS collects that data with great effort—relying on many health professionals to extract data from clinical records and summarize the data for analysis. By the time the data is available, the patient has met their fate and the time for correcting a mistake, for getting them a lifesaving drug, has passed. We need to use electronic reporting based on a common method of collecting data to improve quality of care and patient safety for those in long-term care facilities, and for all Medicare patients.

I had hoped to see these measures pass in my final days in the Senate and thus leave patients with a safer medical system. I am deeply disappointed in the removal of the amendments from the Elder Justice Act.

However because of my great desire to see the Elder Justice Act go through, I removed my hold on the legislation on Wednesday, November 17. It is my understanding that the Elder Justice Act has not yet cleared the Senate because of Republican objections to the substance of the legislation.

I share Senator BREAUX's desire to see the legislation enacted this year, and fervently hope that may still be possible.

"HUGS, NOT BULLETS"

Mr. LEVIN. Mr. President, I want to bring to the attention of my colleagues a campaign by the Neighborhood Service Organization's Youth Initiatives Project in Detroit, MI, called "Hugs, Not Bullets." This is an outstanding example of involvement by youth leaders who want to make a difference in their community by decreasing gun violence.

The Youth Initiatives Project was created in 1999 to address growing community issues including violence and substance abuse in Detroit. For five years, community organizations and students have been involved in a coordinated effort to accomplish the goals of the project. Previous Youth Initiatives Project campaigns have focused on after-school programs to reduce gun violence and increase the use of trigger locks in homes.

The current campaign, "Hugs, Not Bullets," is intended to reduce the use of firearms during the celebration of the New Year's holiday. Youth leaders have been organizing for months and plan to enlist over 200 students and numerous community groups in support of the campaign. Several rallies and a candlelight vigil are planned to draw attention to the campaign and the issue of gun safety. In addition, the

centerpiece of the campaign is a four-foot by eight-foot card which will make its way through schools and the community to be signed by those who pledge to help reduce gun violence over the New Year's holiday. The card will serve as a powerful symbol of the community's determination to fight violence, particularly involving firearms.

I would like to express my heartfelt thanks to the members of the Youth Initiatives Project for their hard work to bring an end to the gun violence that continues to plague our society. I am hopeful that the 109th Congress will do more to support their efforts and pass sensible gun safety legislation. We owe it to them, to our police officers, and to our communities to do all we can to keep dangerous guns off of our streets.

EDUCATION

Mr. ENZI. Mr. President, I appreciate having this opportunity to express my congratulations and note for the RECORD the achievements of Dr. Steven F. Barrett who has just been named the Wyoming Professor of the Year. This prestigious honor is the only national award that recognizes the performance of college and university professors who have produced outstanding results as undergraduate teachers and mentors.

As an assistant professor of Electrical and Computer Engineering at the University of Wyoming, Dr. Barrett has served as a role model for his colleagues on the school's academic staff, as well as the students he teaches in his classes. His unique teaching style gets students more involved in their classes and increases their commitment to the successful completion of their education.

Dr. Barrett played a key role in the effort to improve the electrical and computer engineering curriculum. He revived courses in biomedical engineering and image processing that had not been taught for years. He also served on a committee to establish a computer engineering degree at the university. Thanks in no small part to his efforts, the degree was approved by the university trustees in 2000, and the first students graduated from the program in 2001. Wyoming students now have the chance to obtain a degree in one of the fastest growing job industries. That will help to improve their future chances for success and the ability of our workforce to compete in an ever changing job market.

Dr. Barrett's dedication to his profession extends far beyond his efforts to establish the computer engineering degree. To ensure his students have the skills they will need to prepare them for post graduate life, he has upgraded the department's course work and laboratory activities involving micro-controllers, which are small self-contained computers. When he couldn't find a textbook he liked for the degree, he contacted a close friend and former

colleague to help him write a text that he could use in his classes. He has gone on to write another textbook and is in the process of completing a third. He truly does exemplify the characteristics needed to get students excited about education and what they need to do to reach their greatest potential.

Dr. Barrett's classes provide his students with a unique opportunity not only to learn, but to take a more active role in the process by helping to teach what they have learned. He applied for and was able to secure funding from the National Science Foundation for a program that improves the interaction between undergraduates and those with assistive technology needs. Through the program, students have had the support and encouragement they needed to develop a workshop to teach assistive technology professionals how to adapt off-the-shelf toys to assistive technology teaching aids. His students were also involved in the effort to create a 50-page workshop manual that they then used to help teach the workshop to assistive technology professionals across the state of Wyoming. By giving students these life experiences, they can more readily see the positive impact of the skills they have developed in the effort to improve the lives and education of others.

Wyoming can be very proud of professors such as Dr. Barrett who are such an integral part of our Wyoming school system. His dedication to the future of his students and his enthusiasm for teaching continues to improve the quality of the education Wyoming students receive in our schools, and better prepares them for the challenges they will face in their postgraduate years.

UNITED STATES CAPITOL HOLIDAY TREE

Mr. WARNER. Mr. President, I rise today to celebrate Virginia's role as the 2004 provider of the annual U.S. Capitol Holiday Tree, selected each year from America's national forests.

In recent decades, the traditional Christmas tree has moved beyond its place as solely a religious symbol in the homes of hundreds of millions of Americans. Although the Christmas tree will always, and rightfully, have a special meaning in Christian homes, today all Americans await the annual tree-trimming to signal the beginning of the year-end religious and holiday season.

It is with great pleasure that I join my colleagues from the Virginia congressional delegation in recognizing the first-ever contribution from the Commonwealth of Virginia to this fine tradition. This year, our State, the home of the first English-speaking colony in the Americas, and home to our first President, George Washington, and eight of his successors, will make America proud as the home of the Nation's holiday tree for the first time since this tradition began 40 years ago.

The poet Samuel Taylor Coleridge wrote of friendship as a "sheltering

tree." And this year, thousands of Virginians—from all ages and from all across the Commonwealth—have extended the right hand of friendship to their fellow Americans by providing this great tree for display in our Nation's capital.

At five o'clock on the evening of December 9, the Speaker of the House of Representatives will mark the official beginning of America's holiday season by lighting 10,000 small lights on a 79-year-old Virginia red spruce that, until last month, stood as one of Virginia's finest. Without question, it has lived through a remarkable period in our Nation's history.

That flip of a switch will culminate over a year of activity by ordinary Virginians, park rangers, State officials, schoolchildren and countless others in selecting, preparing and decorating this wonderful, 82-foot tree from Warm Springs Ranger District of the George Washington National Forest in Highland County.

All Virginians rightfully take pride that this 7,500 pound tree will remain lit each evening on the National Mall until the 2nd of January, welcoming the Christmas and Holiday season for citizens across this great land. Since the day last month that the tree was airlifted from its place in the George Washington National Forest, Virginians from every corner of the Commonwealth have played a part in getting this wonderful tree ready for primetime. Beginning on November 13, the spruce visited 33 communities in our State on its way to the National Mall: Monterey, Winchester, Leesburg, Culpeper, King George County, Westmoreland County, Henrico County, Petersburg, Charles City, Hampton, Onancock, Cape Charles, Virginia Beach, Norfolk, Suffolk, Emporia, South Boston, Chatham, Damascus, Smyth County/Marion, Wise, Tazewell, Wytheville, Clifton Forge, New Market, Staunton, New Castle, Roanoke, Orange, Amherst, Farmville, Manassas, Alexandria, and Vienna.

In addition to the thousands of Virginians who greeted the tree on its way to Washington, thousands of other school children, scouts, State and Federal officials, police departments, members of 4-H clubs, and citizen volunteers also took part in crafting and preparing some 10,000 original ornaments for the tree. Approximately 5,000 of these will hang on the holiday tree, and the rest will decorate 70 smaller companion trees in the Nation's capital.

As the time-intensive, individual contributions of tens of thousands of Virginians demonstrate, our State is proud to take a lead role this year in welcoming in the Christmas and holiday season for our fellow Americans. On a personal note, one of my longest-serving and hardest-working staff members, Ms. Doriene Steeves, has played a key organizing role in putting together this wonderful event for the benefit of our State and our Nation. I

salute her and those other Virginians whose hard work and creativity have brought this magnificent tree to the Nation's doorstep for all to see and appreciate through the holidays.

HONORING TOM BROKAW

Mr. JOHNSON. Mr. President, I rise today to publicly honor and recognize one of South Dakota's favorite sons, Tom Brokaw. He has had an extraordinarily successful career as anchor of NBC Nightly News. During his 21-year reign as anchor, NBC moved from the least watched to the most watched network newscast.

Born in Webster, SD, in 1940, Mr. Brokaw attended high school in Yankton, SD, and began his journalism career after graduating from the University of South Dakota in 1962. He was hired by NBC news in 1966.

Throughout his tenure at NBC, Mr. Brokaw has gathered an impressive list of accomplishments. In 1987, he was the first American to interview Soviet Premier Mikhail Gorbachev, and this exclusive one-on-one from the Kremlin earned him the prestigious Alfred I. duPont Award. Mr. Brokaw was also the first American anchor to interview the Dalai Lama and to report on human rights abuses in Tibet. In 1989, Mr. Brokaw was the only anchor at the scene when the Berlin Wall fell, and in 1995 he was the first anchor to report from the site of the Oklahoma City bombing. He was also the first American anchor to interview Russian President Vladimir Putin in 2000. Mr. Brokaw has reported live from war zones in Iraq, Afghanistan, and Kosovo.

Mr. Brokaw is a highly respected political journalist, having covered every American election since 1968. He anchored all of NBC's political coverage from 1984 through 2004, including primaries, national conventions, and election nights. He has also moderated nine primary and general election debates, including the Presidential debates of 1987 and 1991.

In 1997, Mr. Brokaw won his second duPont award for "Why Can't We Live Together," a documentary examining the racial separation within American suburbs. He won his first Peabody award in 1989 for examining American society in his report, "To Be An American," and received another Peabody in 2004 for "Tom Brokaw Reports: A Question of Fairness," which discussed the University of Michigan affirmative action case and the history of affirmative action in the United States. Mr. Brokaw has received seven Emmy awards for reports on China, the 1992 floods in the Midwest, and the 1999 Kosovo conflict, among others.

With his 1998 book "The Greatest Generation," Mr. Brokaw became a best selling author. "The Greatest Generation Speaks," "An Album of Memories," and "A Long Way from Home" subsequently followed. He has also contributed to The New York Times, The Washington Post, The Los Angeles Times, Newsweek, and Time.

Prior to his position as sole anchor for NBC Nightly News, Mr. Brokaw served as Whitehouse Correspondent for NBC from 1973 to 1976, reporting on the Watergate scandal, and from 1976 to 1981 he anchored NBC's "Today."

After 38 years with NBC, Tom and his wife Meredith will be moving on to new challenges. Tom and Meredith have never forgotten their South Dakota roots and have returned home with great frequency. Their generous contributions of time and financial assistance to projects in Yankton, at the University of South Dakota, and throughout our State reflects their wonderful spirit of giving and a commitment to an enhanced quality of life for all South Dakotans. It is with great honor that I share his impressive accomplishments with my colleagues.

IN HONOR OF THE ARLES GREENE FAMILY

Mr. ALEXANDER. Mr. President, I have a few words before we adjourn for the holidays. This isn't the first year that there will be a lot of empty places at our holiday dinner tables. Even if our own table doesn't have a missing spot, we know a neighbor or a friend whose brother, mother, or husband is away fighting to keep us safe at home. These empty places remind us of the generations of men and women who have sacrificed to keep us free so that we can, in freedom, celebrate those holidays that are important to each of us.

Today I rise to honor the service of the family of Arles Greene of Hendersonville, TN. Arles's family has a lot of empty places around their dinner table in the Second World War. Arles's father Eugene W. Greene, his uncle William Edwin McDavid and friend Ed Gallbreath, Jr., all served some 60 years ago.

Ed Galbreath, Jr., a friend of Arles's family, joined the Air Force in February 1944, during his senior year of high school. He flew 23½ missions as a gunman, operated a VHF radio, and worked the radar jammers. He survived four crashes. In his last crash, out of a B-24 Tiger Shark, he landed in Berlin where he was taken prisoner. He spent months in confinement with some 6,000 other prisoners of war until he was liberated by the Russian Army. For his bravery, Sergeant Galbreath received many awards, including the Air Medal with three Oak Leaf Clusters, the Purple Heart, the P.O.W. Medal, and the Parachute Club Medal. His understanding of those prisons shaped his many future contributions to his community of Goodlettsville, TN.

In October of 1943, Arles's uncle, PVT William Edwin McDavid, left Moccasin Gap, Virginia, to serve in the 38th Infantry Division. Private McDavid was just 18 years old when he served in Normandy, the Rhineland, the Ardennes, and northern France. While fighting in the Battle of the Bulge on New Year's Eve of 1944, McDavid suffered frost-bitten hands that ended his infantry

career. Private McDavid's service and bravery was recognized with the award of a European-African Theatre Ribbon with four Bronze Battle Stars, a Bronze Star Medal, and a Purple Heart.

Arles's father, Eugene Greene, began his career with the U.S. Army in July 1944. The oldest of 12 children, he enlisted at 18 years old with the Hancock County Draft Board. He served with the U.S. Army infantry, 2nd Division, 9th Regiment that assisted in the liberation of Nazi concentration camps in the spring of 1945. Greene and his unit liberated the death camps at Dachau. He remembers finding only 25 people alive at the sub-camp where he shot a lock off a prison gate setting them free. Those prisoners rushed to drink the milk of Holstein cattle pastured nearby.

Eugene met General Patton shortly before his death. He says of Patton, "He was over there to get a job done, and that's what he did." Eugene Greene returned with many memories of the war. Most of these he buried in the fields of his Tennessee farm, but some lived on—the faith he had in his fellow soldiers, in his family, and in God.

I have had a lot to say about the importance of teaching American history and civics to help our children grow up understanding what it means to be an American. The teacher in me thinks of this tribute as an assignment. I hope when we gather around our holiday tables this season we pause to take stock, like Arles did, to answer what our own families have contributed to America's history and to answering the question of what it means to be an American.

Thank you for allowing me to honor my friend Arles Greene and his family.

TRIBUTE TO MS. GLORIA MARTIN

Mr. SHELBY. Mr. President, today I honor Ms. Gloria Martin, a legal assistant to the Battalion Commander, 1st Battalion, 210th Aviation Regiment, Fort Rucker, AL. Ms. Martin was hired at Fort Rucker in January of 1980. She has 24 years of exemplary and dedicated service to the United States Army and Fort Rucker.

This morning, the Army will honor Ms. Martin with the Army Outstanding Employee of the Year with a Disability Award. Later today, Ms. Martin will be honored by the Department of Defense as the Army's recipient of the DoD Outstanding Disabled Employee of the Year Award. Ms. Martin will also be honored with the Meritorious Civilian Service Award.

Ms. Martin was born on August 13, 1955, to Paul and Mallie Martin in Opp, AL. Ms. Martin has five brothers and sisters, including her twin sister Gladys. While Gladys was born healthy, Gloria suffered from serious abnormalities that she has battled her entire life. The debilitating effects of scoliosis, neurofibromatosis and osteoporosis required a series of major back surgeries, the first when Gloria was 5 years old

making her childhood very difficult. Through all the surgeries and many months of recovery and therapy, Gloria showed great courage and strength by working extremely hard to complete her school work to remain with her peers. She completed elementary school on time, and she also completed high school on time. She went on to complete a business course as a member of the Dean's List at Douglas MacArthur Technical College and worked two jobs before being hired at Fort Rucker.

Gloria faced another major back surgery in 1992 and, despite complications that required a prolonged absence, she returned to her job at Fort Rucker with the same fierce determination and strength of will that had made her such a popular and respected colleague with so many of her fellow employees. A back injury in 2000 that left her with a compression fracture in her middle back did not deter Gloria from continuing to perform her duties from home as best she could. But Gloria returned to work at Fort Rucker with the help of a walker and cane even though she was in constant, often severe, pain.

Gloria Martin's tenacious and courageous service to the Army and Fort Rucker is being very rightly rewarded. She has a wonderfully supportive family, and she also loves her church, the First Assembly of God in Kinston, AL. She has held many leadership positions in her church and participates in community service activities. In a recent Army Flier article, Ms. Martin put her experience in perspective when she said, "I think it's made me a stronger person because I grew up going to the Hospital and to doctor appointments a lot. I feel like it has strengthened my faith because when you have a disability, you have to depend more on God. My faith gives me confidence in my abilities. It gives me the strength to get up in the morning. I know that my faith in God and His care has enabled me to keep working."

Gloria Martin is a very special lady, and I am very proud to join the Army and Department of Defense in honoring her tremendous accomplishments and extraordinary service to our military. She is a role model for us all. She is an example for so many others with disabilities and a true testament to what faith and personal courage can accomplish. She has touched many lives, and I thank her today for her service.

KEITH KIDD

Mrs. HUTCHISON. Mr. President, over the Thanksgiving weekend, I received a letter from a State Department employee from Dallas, Keith Kidd, who left his previous job to serve in Afghanistan in 2003 and then in Iraq early this year. As a representative from the U.S. Embassy to Iraq, he worked with military and civilian leaders from the Western Al Anbar Province. I want to share his Thanksgiving

message to his friends and family because he represents the best of America and his letter reflects the positive spirit that is so representative of our country. He has volunteered for the mission to stabilize Iraq and help the Iraqi people have the freedom and democracy that every human being deserves. I hope this letter makes every American proud of the thousands of U.S. men and women, both military and civilian, serving bravely overseas during the holidays.

His letter reads as follows:

Greetings from Ramadi.

As Thanksgiving draws near, I found it fitting to tally my blessings. As it turns out, I have oodles of them.

I'm thankful that I'm alive. All of the attempts on my life have failed. I realize I'm wrecking some poor terrorist's batting average, but that's just tough. I'm thankful for the guys on my Personal Security Detail who help ensure those attempts keep failing. I'm thankful for my health. The dust storms are bad for my eyes, nose, throat and lungs so I cry, sneeze and cough but it could be much worse. Much worse.

I'm thankful for the Dining Facility. The grub is not all that good but it sure beats MREs. The food is usually warm. Sometimes it's even hot. We often go weeks without fresh vegetables, but we enjoy them when we have them. I'm thankful for Coke. I'm not a coffee consumer so that crimson-colored can of carbonated cola contains the caffeine I crave when I work to the wee hours all week.

I'm thankful for the military postal system. It eventually delivers the dusty, bashed, mangled boxes that contain the vital vittles, the essential sundries and the other simple pleasures of home that folks have sent my way.

I'm thankful for fall. It has been over a month since the mercury was measured in triple digits. I'm thankful for cool evenings. I'm thankful for full moons, bright stars and desert sunsets. I'm thankful that I get to see that big orange orb drop below the horizon every day. The only thing worse than having a bad day is not making it to the end.

I'm thankful for the shipping container that acts as my desert abode. It's modest but it's higher class than the plywood box I called home in Afghanistan. I'm thankful for showers. Standing under a gentle cascade of water with a bar of soap in hand is far superior to baby-wipe style bathing.

I'm thankful for electricity. It powers the window unit air conditioner that keeps me from melting and the computer that makes it possible for me to communicate with you. Sometimes we don't have any of these things but it's nice when we do.

I'm thankful for armored cars. They have saved my life more than once. I'm thankful for ballistic vests. They protect me from flying projectiles when I'm in town. I'm thankful for sandbags. They protect me from flying projectiles when I'm at home. I'm thankful for Mylar. It's a plastic coating on my windows that prevents the glass from shattering into thousands of pieces when flying projectiles break through it. I'm thankful for dumb luck. I suspect it has saved my life more times than I will ever know. I'm thankful I was not in my tin home when the rocket exploded over it and blew a 3" x 5" hole in the roof right over my desk and chair where I would ordinarily have been sitting. (No sandbags or Mylar on the roof—a deficiency we have oft noted.) I'm thankful for Mother Nature's sense of humor. I had not seen rain in six months but it rained that night.

I'm thankful for the soldiers and marines who fight our enemies on the ground and I'm

thankful for the airmen and the sailors who fight them from the sky and sea. I'm thankful there are people who would give their lives so that others can live in freedom.

I'm thankful for you. It is wonderful to have friends and family back home who care for me and pray for me.

I'm thankful for God above. I am here by His design and I will only come home by His grace.

All in all, not bad. Not bad at all.

TRIBUTE TO CAROL SALISBURY

Mr. ALLARD. Mr. President, on this occasion I pay tribute to a dear friend and employee, Carol Salisbury. Carol joined my office in January of 1991, when I was first elected to Congress from the Fourth Congressional District. One of my original staffers, Carol has served my office and the people of Colorado for 14 years, and she has done so with grace and conviction. She will be leaving my office in January 2005.

Carol began her career working out of my Fort Collins congressional office, and later, the Senate offices in Greeley and Loveland. As area director, she managed the office and provided dedicated service on a variety of issues, including housing and healthcare. Carol was instrumental in establishing the Fall River Visitor Center at Rocky Mountain National Park, the acquisition of Cherokee Park by the Forest Service, and many other smaller objects that have greatly benefitted our public lands and will lead to greater enjoyment by the public. She was passionate about historic preservation and worked tirelessly on behalf of many worthwhile interests, including the historic Cumbres & Toltec Scenic Railroad in Southern California. Her presence on Team Allard will be missed and I know the Northern Colorado community will miss her as well. Carol was a hard working and earnest friend and employee.

My wife, Joan, joins me in thanking her for dedication and loyalty. We both wish her and her husband Jack the best in their future endeavors.

TRIBUTE TO MARTI MORGAN

Mr. ALLARD. Mr. President, I express my appreciation and gratitude to Marti Morgan for her dedicated service and contributions to my office and to the people of Colorado. Marti will be leaving my office on January 5, 2005. As the 108th Congress concludes, a career that began during the 102d Congress comes to a successful and resounding conclusion.

Marti began working in my office nearly 13 years ago, in January 1992. Working out of my northern Colorado office, located first in Fort Collins and Greeley and then in Loveland, Marti has been an excellent employee and a true constituent representative. Her work and expertise in the areas of natural resources, water, and endangered species, among others, will be truly missed. Through her tireless work, she has helped me protect and improve na-

tional treasures like the Rocky Mountain National Park. Having served as my academy nominations coordinator, Marti has assisted thousands of Colorado's best and brightest youth in their aspirations to become the future leaders of our military and our nation.

My wife, Joan, joins me in expressing our thanks for Marti's many years of hard work, and in wishing her the best for whatever venture she may pursue in the future.

ADDITIONAL STATEMENTS

NEW JERSEY COMMUNITY DEVELOPMENT CORPORATION

• Mr. LAUTENBERG. Mr. President, I rise today to pay tribute and to recognize a New Jersey organization celebrating its tenth anniversary, the New Jersey Community Development Corporation, NJCDC. I wish to take a moment now to honor NJCDC for the important work it is doing in the State of New Jersey and the accomplishments it has achieved over the past decade.

The work of the NJCDC has helped make the dreams of New Jersey residents become a reality for over a decade now. The NJCDC provides hope for a rewarding future through urban revitalization efforts, financial support, education initiatives, and the creation of jobs. The work done by NJCDC has directly transformed the lives of many, especially in the city of Paterson, where I was born.

In honor of the accomplishments of this organization, I ask that a proclamation honoring the tenth anniversary of the NJCDC be printed in the RECORD.

The proclamation follows.

Whereas, the New Jersey Community Development Corporation is a non-profit community development and social service agency based in the City of Paterson, New Jersey; and

Whereas, the New Jersey Community Development Corporation and its dedicated staff empowers individuals to transform their lives and offers a variety of programs and services to assist economically disadvantaged individuals, at-risk youth, and people with disabilities; and

Whereas, the New Jersey Community Development Corporation helps create jobs, support affordable housing, generate educational initiatives, and support men, women, and children of the community; and

Whereas, the New Jersey Community Development Corporation has contributed to the revitalization of the City of Paterson and the Great Falls Historic District, helping to ensure a vibrant future for the City and its residents; and

Whereas, now as the New Jersey Community Development Corporation prepares to celebrate its 10th Anniversary, we congratulate the staff and volunteers on this milestone.

Therefore, in presenting this citation to the New Jersey Community Development Corporation, I, Frank R. Lautenberg, United States Senator, State of New Jersey, on behalf of the People of the State of New Jersey hereby congratulate the New Jersey Community Development Corporation on its contributions to the community, the City of Paterson, and the State of New Jersey. •

TRIBUTE TO MRS. MARIE PRINGLE

• Mr. BOND. Mr. President, I rise today to honor Mrs. Marie Pringle who is retiring this month from the Department of Veterans Affairs, VA. Mrs. Pringle's retirement is well deserved after serving more than 30 years for the Federal Government, including over 20 years in the VA's Office of Budget. Mrs. Pringle epitomizes the best of public service in terms of her dedication, commitment, hard work, and professionalism.

Mrs. Pringle began her Federal service in 1972 with the Department of Army as a clerk typist. She then moved on to the Department of Energy in 1978 to work as a budget analyst. After a 2-year period in the private sector, Mrs. Pringle returned to the Federal Government working for the VA's Office of Budget. At the VA, Mrs. Pringle worked diligently in analyzing the budgetary activities of the Department whose budget has grown to some \$68 billion.

As chairman of the VA, HUD, and Independent Agencies Appropriations Subcommittee, my staff and I have found Mrs. Pringle to be an invaluable resource for reliable and timely data that was critical in helping me make decisions impacting the millions of veterans who depend on the VA. Further, Mrs. Pringle provided my subcommittee with technical expertise that helped us develop our appropriations bills.

Mrs. Pringle's departure is a great loss to the Department and my subcommittee and she will be missed. I commend Mrs. Pringle for her outstanding public service to the American Taxpayer and the millions of our veterans. I wish Mrs. Pringle and her husband Darian all the best. •

HARRISON LIM

• Mrs. BOXER. Mr. President, I take this opportunity to recognize Harrison Lim, the founder and executive director of Charity Cultural Services, who is retiring after 21 years of dedicated service to the community.

Mr. Lim emigrated from China to San Francisco over 30 years ago. Upon his arrival in America, he struggled with the difficulties of learning a new language and assimilating into a new culture. As he worked hard to establish himself in his new country, Mr. Lim noticed that there were other immigrants who faced similar situations. Seeing the struggles of immigrants, Mr. Lim dedicated his life to making sure that new immigrants had resources available to them to ease the transition of immigration.

To achieve this goal, Mr. Lim founded and established Charity Cultural Services Center, CCSC, in 1983. Located in the heart of San Francisco's Chinatown, CCSC aimed to provide essential services to new Asian American immigrants and their families. Today, CCSC successfully assists over 4,000 people

each year by offering a variety of services, from employment-training for adults, apprenticeship programs, and English-as-a-Second-Language classes to school-based academic support services and other activities for youth. Working with local government, businesses, and educational institutions, CCSC's programs result in the ability of new immigrants to improve their quality of life and provide them with a greater chance at equal opportunities. In 1990, seeing a similar need by Asian American immigrants in Silicon Valley, Mr. Lim worked successfully with the Silicon Valley community to establish a Silicon Valley chapter of Charity Cultural Services Center, the Silicon Valley Crosscultural Community Services Center.

In addition to his work at CCSC, Mr. Lim has also been involved with other community-based organizations in San Francisco. He has served as the President of the Chinese Consolidated Benevolent Association and also sits on the Chinatown Economic Development Committee.

Mr. Lim has tirelessly strived to address the issues and meet the needs of new immigrants and their families who find themselves living in two different cultures. Through CCSC, he has enriched the community by helping its residents develop positive identities, build confidence in their capabilities, and become active members of society.

Harrison Lim is an invaluable asset to the Bay Area's Asian American community. I commend him for his dedication, hard work and many achievements, and wish him well in his future endeavors. I am sure that, even in his retirement, he will continue to serve as an advocate for the Bay Area's Asian American immigrants. He is the kind of person who makes my state and our country a better place.●

TRIBUTE TO NORTH AMERICAN BAPTIST MISSION

● Mr. SESSIONS. Mr. President, I wish today to give tribute to the North American Baptist Mission for the great leadership and assistance they provided the citizens of Alabama in their time of need following Hurricane Ivan. Their selfless devotion of time, energy, and skills played an integral role in helping Alabamians recover from such a tragic event.

Much of Alabama suffered as a result of Hurricane Ivan. It was a major hurricane that did tremendous damage to homes and properties, timber, and agriculture throughout the State. I was shocked by the devastation that was left in the wake of the storm. I was, however, encouraged by the resilient nature of the citizens in Alabama during such a difficult time. I remain continually thankful for the thousands of volunteers and, in particular, the North American Baptist Mission, that came to Alabama lending helping hands in our time of need.

Concerned for Alabama, the North American Baptist Mission alerted its

churches to the extreme destruction caused by Hurricane Ivan, and Baptist churches across the Nation responded. Volunteers from 14 different States ventured into the most devastated counties in Alabama: Baldwin, Butler, Conecuh, Covington, Clarke, Escambia, Mobile, and Washington Counties. The Baptist volunteers assisted Alabamians in putting their homes and lives back together. The Baptist groups set up 16 feeding sites that served 559,000 meals in Alabama. Specifically, in Butler County, 45 North Carolina Baptist Men volunteers served 17,586 meals. I had the opportunity and privilege of seeing this particular outreach mission, and I was thoroughly impressed with the volunteers attitudes and selfless acts. In addition to serving meals, clean up crews removed yard debris from 1,750 homes and businesses throughout the eight counties in Alabama, and in some locations the Baptist groups were able to set up portable showers and washer/dryer connections, providing 1,118 people with laundry assistance.

These men and women, working from motor homes and in the heat, reflected the best in selfless service. Many were retired and some have served the Lord for many years, yet they were full of energy and vitality. They served, they encouraged, and they helped. The spirit of Jesus was indeed alive and strong in Greenville.

I realize that there were numerous organizations, charities, churches, and individuals that came to Alabama's aid in our time of need. Additionally, I realize that what I witnessed in Greenville was multiplied all across the State, and I would like to take this opportunity to thank all of the good Samaritans who sacrificed their time, energy, and resources to help Alabamians on their road to recovery. Particularly, I would like to say thank you to the North American Baptist Mission volunteers I met in Greenville for their selfless devotion of time and energy.●

NANCY EARLE

● Mr. LEAHY. Mr. President, I recently learned that Nancy Earle of South Conway, NH, was presented with the New Hampshire Lakes Association John F. Morton Annual Award for Exemplary Service, 2004.

I mention this for two reasons. First, although Nancy is not a Vermonter, she and her husband Rink Earle once lived in Putney, VT where three sons and two granddaughters later attended the Putney School, her husband has a niece who lives in Norwich, VT, and they both have close friends in Vermont. Second, this award honors Nancy for her tireless work to protect New Hampshire's many beautiful lakes, lakes which not only citizens of New Hampshire, but Vermonters and people from around the country, as well as from other countries, enjoy particularly in the summer months.

Protecting the environment is a global challenge, but much if not most of

the work is done at the local level. New Hampshire's lakes, like Vermont's and every State's, are threatened by rapid development along their shores, by pollutants caused from marine craft and by over-fishing. It is concerned individuals like Nancy Earle, motivated by nothing more than their sense of responsibility to protect these fragile aquatic ecosystems for the use and enjoyment of future generations to whom we owe a debt of gratitude.

I want to congratulate Nancy for this award, and to commend the New Hampshire Lakes Association for paying tribute to such a fine and deserving person. Nancy was the president of the Walker's Pond Association in Conway for over 30 years. She will be 86 years old this December 24, and despite a recent bout with cancer I suspect that, health permitting, Nancy Earle will continue to do what she can to protect New Hampshire's lakes.●

COMMENDING MAJOR GENERAL JOHN E. "GENE" PRENDERGAST ON HIS RETIREMENT

● Mr. BURNS. Mr. President, I rise today to commend a great man and his long career of selfless service to our country. On August 31, Major General John E. "Gene" Prendergast retired after serving 12 years as Montana's Adjutant General.

His 46-year career in the Montana National Guard began 1958, when he joined the Montana Air National Guard. I had the pleasure of getting to know Gene during his time as Montana's Adjutant General. His leadership, vision, and dedication brought a great deal to the dedicated and professional men and women of the Montana National Guard.

Over the years, he worked to improve the Guard's infrastructure in the State and saw the 1940s vintage buildings at Fort Harrison converted into some of the most state-of-the-art facilities in the country. Top of the line military training sites exist today at Limestone Hills. In addition, new and improved infrastructure exists at the Air National Guard Base at Gore Hill in Great Falls and the Army Aviation Support Facility at the Helena Airport.

Our warfighters need the best equipment and infrastructure possible to do their jobs. Gene understood this and I enjoyed working with him to make some of these improvements a reality. As a result, Montana's Guard is known as one of the best in the Nation.

His work did not just stop there. During General Prendergast's time as Adjutant General, Montana's involvement in the Partnership for Peace Program with the country of Kyrgyzstan became a model for the rest of the United States. Also, the Montana National Guard's Youth Challenge Program has successfully transitioned hundreds of "at risk" youth to active, involved members of society.

While he had a talented, dedicated, selfless group behind him, General

Prendergast led in an inspiring and intelligent manner which will not be forgotten. I enjoyed my time working with General Prendergast—a man I am proud to call my friend. His presence will be missed, but a new chapter of his life lies ahead, and I wish him well as that chapter unfolds.●

CONGRATULATING TIM TURNER

● Mr. GRASSLEY. Mr. President, I rise today to bring to the attention of my colleagues a fine Iowan and American. Tim Turner, formerly of Iowa, has been selected for his photographic skills to represent the United States in the First International Culinary Competition. This competition brings together professional culinary photographers from around the globe to bring to life the elements of wine and food in unique settings. The artists will be judged by professional chefs, members of the press, and the general public.

Mr. Turner began his interest in photography while at Heelen High School in Sioux City, IA, and pursued it further at the University of Iowa and the Brooks Institute of Photography. By combining his passion for cuisine with his keen eye for photography he has received major recognition for his work. His photographs have appeared in over 40 cookbooks and he has been nominated three times for the prestigious Beard Award and received a Beard Award for best food photography in a cookbook.

Commenting about his photograph selected for the competition, Turner stated:

The human touch is vital to the authenticity of the food we eat, the wines we drink and the heirlooms we treasure. These are the connections to the heart and soul of mankind. This photograph, uses a patchwork (quilt) as a metaphor for the connection between food and wine, all are united by tradition, in methods, techniques, knowledge and cultural influences, passed through the generations. The patchwork (quilt), sewn for the occasion, was created from scraps of old fabric, clothes and my photographs reproduced on fabric. Set in a timeless space, the chair invites the viewer to explore and enjoy.

The competition is being organized by the Beaujolais winemaking region of France and competitors from 12 countries including Denmark, Sweden, Japan, Germany, Belgium, Switzerland, Italy, Norway, Finland, Great Britain, and France are displaying their artistic photographs.

I want to encourage my colleagues to log on to the website at <http://lauriers.beaujolais.com/en> to learn more about the competition and to vote for the United States contestant Tim Turner. The winner will be decided on February 1, 2005. I ask that you please join me in supporting Mr. Turner.●

CECELIA FIRE THUNDER

● Mr. JOHNSON. Mr. President, I rise today to publicly recognize Cecelia Fire Thunder, the newly elected presi-

dent of the Oglala Sioux Tribe. Ms. Fire Thunder is the first woman ever to hold this distinguished position.

Located on the Pine Ridge Indian Reservation in southwest South Dakota and comprised of about 16,000 residents, the Oglala Sioux Tribe elected Ms. Fire Thunder over Russell Means by a margin of 648 votes. Traditionally, the Oglala Sioux Tribe has only been led by male presidents or leaders. Those leaders include historic figures such as Crazy Horse and Red Cloud.

Ms. Fire Thunder's election is truly a momentous occasion, but this accomplishment is not the first example of her selfless dedication to serving her community. Ms. Fire Thunder has devoted much of her energy to enriching the lives of those around her, and now she will take on an even larger role in her tribe. Her altruistic vision for her people is unmatched.

Ms. Fire Thunder was born on the Pine Ridge Reservation but moved to California as a young child. Upon her return to the reservation 24 years later, she attended nursing school and became active in an effort to provide free health care to people unable to afford it themselves. Fire Thunder's background includes her work at a hospital, for the tribe itself, for state government, and as a private consultant. Most recently, she served as the education specialist for Cangleska, Inc., a domestic abuse education and prevention program on the reservation.

President-elect Fire Thunder was inaugurated today and I have faith that her hard work will be a catalyst for positive changes in her community. I congratulate Cecelia Fire Thunder on her election as the next president of the Oglala Sioux Tribe in southwest South Dakota. Ms. Fire Thunder is a shining example of perseverance and strength for her people, and for all South Dakota citizens. I have known Cecelia for some time and I sincerely look forward to working with her for many years to come.●

HONORING THE PUBLIC SERVICE OF STEPHEN MYERS

● Mr. JOHNSON. Mr. President, I rise today to publicly thank Stephen R. Myers for his 32 years as chief investment officer of the South Dakota Investment Council. Mr. Myers has served with distinction as the state investment officer for the State of South Dakota since September 11, 1972. He will retire in January to spend more time with his wife, Mary Lynn.

The South Dakota Legislature created the investment council in 1971 to manage seven funds, including assets from the State's retirement system and the proceeds from tobacco lawsuit damages. Mr. Myers invested \$65 million during the first year of the council's existence and had immediate success. In more than three decades the fund has returned an average of 11.2 percent annually, while the capital markets benchmark is only a 10.5-per-

cent annual return. The assets have grown to over \$7.2 billion, with returns putting the funds in the top 1 percent of the Nation's pension funds. The returns from the SDIC's investments allow over 65,000 South Dakotans to retire with financial dignity.

Mr. Myers is a man of passion and integrity who takes his responsibility to retiring South Dakotans very seriously. As he himself has stated, "When you're managing other people's money, it simply won't do to have 99 percent integrity." Mr. Myers is also humble and quick to give credit to his co-workers and members of the South Dakota State Government for their roles in the SDIC's success.

In addition to his role as chief investment officer of the South Dakota Investment Council, Stephen is a co-founder and past president of the South Dakota Investment Society and co-founder and executive committee member of the National Association of State Investment Officers. He also received the National Association of State Investment Officers' Stoddard Award for his significant contribution to the State's public pensions funds.

After growing up in Pierre, Mr. Myers attended the University of South Dakota, where he met his future bride. His dedication to and love of the State of South Dakota is evident and has led to investments that have positively impacted every South Dakotan, either directly or indirectly. The State will miss his leadership, and it is with honor that I share his accomplishments with my colleagues.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the President Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE DURING ADJOURNMENT

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Under authority of the order of the Senate of January 7, 2003, the Secretary of the Senate, on November 29, 2004, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills and joint resolutions:

S. 150. An act to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

S. 437. An act to provide for adjustments to the Central Arizona Project in Arizona, to authorize the Gila River Indian Community water rights settlement, to reauthorize and amend the Southern Arizona Water Rights Settlement Act of 1982, and for other purposes.

S. 1466. An act to facilitate the transfer of land in the State of Alaska, and for other purposes.

S. 2192. An act to amend title 35, United States Code, to promote cooperative research involving universities, the public sector, and private enterprises.

S. 2486. An act to amend title 38, United States Code, to improve and extend housing, education, and other benefits under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

S. 2618. An act to amend title XIX of the Social Security Act to extend medicare cost-sharing for the medicare part B premium for qualifying individuals through September 2005.

S. 2873. An act to extend the authority of the United States District Court for the Southern District of Iowa to hold court in Rock Island, Illinois.

S. 3014. An act to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control act of 1998, and for other purposes.

H.R. 1350. An act to reauthorize the Individuals with Disabilities Education Act, and for other purposes.

H.R. 2655. An act to amend and extend the Irish Peace Process Cultural and Training Program Act of 1998.

H.R. 4302. An act to amend title 21, District of Columbia Official Code, to enact the provisions of the Mental Health Civil Commitment Act of 2002 which affect the Commission on Mental Health and require action by Congress in order to take effect.

H.J. Res. 115. Joint resolution making further continuing appropriations for the fiscal year 2005, and for other purposes.

Under the authority of the order of January 7, 2003, the enrolled bills and joint resolution were signed by the President pro tempore (Mr. STEVENS) during the adjournment of the Senate, on November 29, 2004.

MESSAGES FROM THE HOUSE

At 9:33 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5394. An act to amend the Internal Revenue Code of 1986 to modify the taxation of arrow components.

The message also announced that the House has passed the following bills, without amendment:

S. 2657. An act 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.

S. 2856. An act to limit the transfer of certain Commodity Credit Corporation funds between conservation programs for technical assistance for the programs.

The message further announced that the House agree to the amendments of the Senate to the bill (H.R. 4012) to amend the District of Columbia College Access Act of 1999 to reauthorize for 5 additional years the public school and private school tuition assistance programs established under the Act.

The message also announced that the House agree to the amendment of the Senate to the resolution (H. Con. Res. 528) directing the clerk of the House of Representatives to make technical corrections in the enrollment of the bill H.R. 4818.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 4012. An act to amend the District of Columbia College Access Act of 1999 to reauthorize for 2 additional years the public school and private school tuition assistance programs established under the Act.

H.R. 4818. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. STEVENS).

At 6:06 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagree to the amendment of the Senate to 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, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon and appoints the following members as the managers of the conference on the part of the House: From the Permanent Select Committee on Intelligence, for consideration of the House bill and the Senate amendment, and modifications committed to conference; Mr. Hoekstra, Mr. Boehlert, Mr. Gibbons, Mr. LaHood, Mr. Cunningham, Mr. Burr, Mr. Everett, Mr. Gallegly, Mr. Collins, Mrs. Jo Ann Davis of Virginia, Mr. Thornberry, Ms. Harman, Mr. Hastings of Florida, Mr. Reyes, Mr. Boswell, Mr. Peterson of Minnesota, Mr. Cramer, Ms. Eshoo, Mr. Holt, and Mr. Ruppersberger.

From the Committee on Armed Services, for consideration of defense tactical intelligence and related activities: Mr. Hunter, Mr. Weldon of Pennsylvania, and Mr. Skelton.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on November 29, 2004, she had presented to the President of the United States the following enrolled bills:

S. 150. An act to make permanent the moratorium on taxes on Internet access and

multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

S. 437. An act to provide for adjustments to the Central Arizona Project in Arizona, to authorize the Gila River Indian Community water rights settlement, to reauthorize and amend the Southern Arizona Water Rights Settlement Act of 1982, and for other purposes.

S. 1466. An act to facilitate the transfer of land in the State of Alaska, and for other purposes.

S. 2192. An act to amend title 35, United States Code, to promote cooperative research involving universities, the public sector, and private enterprises.

S. 2486. An act to amend title 38, United States Code, to improve and extend housing, education, and other benefits under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

S. 2618. An act to amend title XIX of the Social Security Act to extend medicare cost-sharing for the medicare part B premium for qualifying individuals through September 2005.

S. 2873. An act to extend the authority of the United States District Court for the Southern District of Iowa to hold court in Rock Island, Illinois.

S. 3014. An act to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-10067. A communication from the Secretary of State, transmitting, pursuant to law, a report prepared by the Department of State for the August 26, 2004 through October 25, 2004 reporting period concerning matters relating to post-liberation Iraq under section 7 of the Iraq Liberation Act of 1998 (P.L. 105-338); to the Committee on Foreign Relations.

EC-10068. A message from the President of the United States, transmitting, pursuant to law, the report of the modification of the national emergency with respect to the development fund for Iraq and certain property in which Iraq has an interest and protecting the central bank of Iraq that was declared in Executive Order 13303 of May 22, 2003, 13315 of August 28, 2003, and 13350 of July 29, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-10069. A communication from the President of the United States, transmitting, the report of an alternative plan for locality pay increases payable to civilian Federal employees covered by the General Schedule (GS) and certain other pay systems in January 2005; to the Committee on Governmental Affairs.

EC-10070. A message from the President of the United States, transmitting, pursuant to law, a report concerning the standards for supervision of physical therapist assistants (PTAs) and the effects of eliminating the "Personal" PTA supervision requirement on the financial caps for medicare therapy services; to the Committee on Finance.

EC-10071. A message from the President of the United States, transmitting, pursuant to law, three documents in response to requests for reports to Congress on outpatient therapy services: the first document is the Center for Medicare and Medicaid Services report on two studies required by Congress; the second document is the report entitled "Study and Report on Outpatient Therapy

Utilization"; and the third document is entitled "Part B Therapy Services under Medicare in 1998-2000"; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Governmental Affairs:

Special Report entitled "Activities of the Committee on Governmental Affairs for the One Hundred Seventh Congress" (Rept. No. 108-421).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation:

Report to accompany S. 1380, a bill to distribute universal service support equitably throughout rural America, and for other purposes (Rept. No. 108-422).

Report to accompany S. 1963, a bill to amend the Communications Act of 1934 to protect the privacy right of subscribers to wireless communication services (Rept. No. 108-423).

Report to accompany S. 2145, a bill to regulate the unauthorized installation of computer software, to require clear disclosure to computer users of certain computer software features that may pose a threat to user privacy, and for other purposes (Rept. No. 108-424).

Report to accompany S. 2281, a bill to provide a clear and unambiguous structure for the jurisdictional and regulatory treatment for the offering or provision of voice-over-Internet-protocol applications, and for other purposes (Rept. No. 108-425).

Report to accompany S. 2505, a bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low power FM service (Rept. No. 108-426).

Report to accompany S. 2644, a bill to amend the Communications Act of 1934 with respect to the carriage of direct broadcast satellite television signals by satellite carriers to consumers in rural areas, and for other purposes (Rept. No. 108-427).

Report to accompany S. 2820, a bill to ensure the availability of certain spectrum for public safety entities by amending the Communications Act of 1934 to establish January 1, 2009, as the date by which the transition to digital television shall be completed, and for other purposes (Rept. No. 108-428).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SMITH (for himself and Mr. CONRAD):

S. 3029. A bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments from annuities and similar payments of life insurance proceeds at dates later than death by excluding from income a portion of such payments; to the Committee on Finance.

By Mr. NELSON of Florida:

S. 3030. A bill to establish an Office of Consumer Advocacy and Outreach within the Federal Trade Commission to protect consumers from certain unfair or deceptive acts or practices, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. NICKLES (for himself, Ms. LANDRIEU, Mr. CRAIG, and Mr. INHOFE):

S. 3031. A bill to provide for the reform of intercountry adoption, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH (for himself and Mr. LEAHY):

S. 3032. A bill to provide for special trial judges of the United States Court of Federal Claims, make technical and conforming amendments relating to the transition of special masters to special trial judges, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWNBACK (for himself and Mr. DURBIN):

S. Res. 483. A resolution expressing the sense of the Senate regarding the detention of Tibetan political prisoners by the Government of the People's Republic of China; considered and agreed to.

By Mr. FRIST:

S. Res. 484. A resolution to honor and thank Robert Ray Howe; considered and agreed to.

By Mr. NELSON of Florida (for himself, Mr. ALLARD, Mr. NELSON of Nebraska, and Mr. ALLEN):

S. Con. Res. 152. A concurrent resolution expressing the sense of the Congress that the Department of Defense should continue to exercise its statutory authority to support the activities of the Boy Scouts of America, in particular the periodic national and world Boy Scout Jamborees; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 282

At the request of Ms. SNOWE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 282, a bill to amend the Education Sciences Reform Act of 2002 to require the Statistics Commissioner to collect information from coeducational secondary schools on such schools' athletic programs.

S. 1704

At the request of Ms. COLLINS, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1704, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 1762

At the request of Mr. CRAPO, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1762, a bill to amend title II of the Social Security Act to eliminate the five-month waiting period in the disability insurance program, and for other purposes.

S. 1771

At the request of Ms. SNOWE, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1771, a bill to amend title XIX

of the Social Security Act to permit States to obtain reimbursement under the medicaid program for care or services required under the Emergency Medical Treatment and Active Labor Act that are provided in a nonpublicly owned or operated institution for mental diseases.

S. 1956

At the request of Mrs. BOXER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1956, a bill to provide assistance to States and nongovernmental entities to initiate public awareness and outreach campaigns to reduce teenage pregnancies.

S. 2038

At the request of Mr. BAYH, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2038, a bill to amend the Public Health Service Act to provide for influenza vaccine awareness campaign, ensure a sufficient influenza vaccine supply, and prepare for an influenza pandemic or epidemic, to amend the Internal Revenue Code of 1986 to encourage vaccine production capacity, and for other purposes.

S. 2282

At the request of Mr. KENNEDY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2282, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes.

S. 2338

At the request of Mr. BOND, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2338, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 2526

At the request of Mr. BOND, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 2526, a bill to reauthorize the Children's Hospitals Graduate Medical Education Program.

S. 2647

At the request of Mr. HOLLINGS, the names of the Senator from Arizona (Mr. MCCAIN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 2647, a bill to establish a national ocean policy, to set forth the missions of the National Oceanic and Atmospheric Administration, to ensure effective interagency coordination, and for other purposes.

S. 2722

At the request of Mr. SPECTER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2722, a bill to maintain and expand the steel import licensing and monitoring program.

S. 2994

At the request of Ms. SNOWE, the names of the Senator from Florida (Mr. NELSON) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 2994, a bill to provide that funds received as universal service contributions under section 254 of the Communications Act of 1934 and the universal service support programs established pursuant thereto are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act, for a period of time.

S. 3002

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 3002, a bill to amend title 10, United States Code, to direct the Secretary of Defense to carry out a program to provide a support system for members of the Armed Forces who incur severe disabilities.

S. 3026

At the request of Mr. INHOFE, his name was added as a cosponsor of S. 3026, a bill to support the Boy Scouts of America and the Girl Scouts of the United States of America.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SMITH (for himself and Mr. CONRAD):

S. 3029. A bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments from annuities and similar payments of life insurance proceeds at dates later than death by excluding from income a portion of such payments; to the Committee on Finance.

Mr. SMITH. Mr. President, with over 77 million baby boomers beginning to retire in 2008, a serious retirement challenge is looming in our country. Moreover, with Americans living longer and a growing numbers of retirees facing the challenge of managing their own retirement savings, we need to provide them with better retirement options. In response, I rise today to offer legislation aimed at assisting people to maintain their financial independence and their standard of living throughout their retirement by making it easier for them to secure a steady income for life.

In recent years, the focus of the "retirement security" debate in Congress has almost entirely been on the need to accumulate a nest egg to fund retirement. Congress is doing much to encourage personal saving and employer-provided retirement plans. I am proud of both our successes and our continuing efforts in these areas. Encouraging greater savings is an important step; however, it is not enough.

Unfortunately, there has been little attention paid to the retirement income or "payout" phase of the retirement security equation. The risk of outliving one's savings is one of the biggest problems facing retirees. I have

heard it said that Americans perceive the retirement savings "finish line" to be the point of retirement. But retirement is just the beginning of a very different kind of race, one of unknown duration. If Americans are going to fully enjoy their retirement years, we need to ensure that as many Americans as possible will have a stream of income they cannot outlive. We have some control over when we retire. However, we have very little control over how long we will live.

For most Americans, a "secure retirement" means maintaining their standard of living through retirement and the means to deal with life's challenges from the first day of retirement to the very last. For the majority of Americans, that requires a steady stream of income that, combined with Social Security or other retirement income, covers basic living expenses— from housing expenses to medical bills, taxes to transportation, food to clothing. Yet, Americans today are facing a serious and growing challenge to retirement security.

At the same time Americans are living longer, the future of private and public retirement programs, as well as financial markets, is increasingly uncertain. Fewer Americans are covered by traditional pension plans, and Social Security currently replaces on average only about 42 percent of earnings. This means it's increasingly up to each individual to manage their retirement savings to last their lifetime. And exactly how long will that period in retirement be? It depends. Of course none of us know how long we will live; research shows most Americans vastly underestimate their longevity.

According to the Society of Actuaries, a male age 65 has a 50 percent chance of living beyond age 85 and a 25 percent chance of living beyond age 92. Indeed, the biggest risk we face in retirement is the longevity risk—that is, living longer than our retirement savings lasts. In order to meet this challenge, Senator CONRAD and I are introducing legislation to encourage the use of retirement vehicles that pay a guaranteed lifetime income.

Under the Retirement Security for Life Act that Senator CONRAD and I are introducing today, a tax incentive would be enacted that encourages retirees to provide themselves with a guaranteed lifetime income that they can't outlive. Specifically, the proposal would exclude from Federal taxes one-half of the income payments from an annuity purchased with after tax dollars (a so-called non-qualified annuity). Importantly, we have proposed a cap on the exclusion so that no more than \$20,000 could be excluded in a year. For a typical American in the 25 percent tax bracket, this would provide an annual maximum tax savings of up to \$5,000. I believed that this modest tax incentive will enable some retirees to consider annuitizing a portion of their nest egg so that they have a guaranteed lifetime of income.

This legislation has a wide range of support from organizations representing women, minorities, farmers and small businesses. Many in these groups do not have access to traditional employer provided pension. As we tackle the challenges of retirement policy, we need to ensure that all Americans have adequate financial security to meet their basic needs during retirement. Personal savings and responsibility are the keys to a balanced national retirement security policy. Please join me in supporting our proposal as a crucial step in providing a secure retirement for all Americans. I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 3029

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 "Retirement Security for Life Act of 2004".

SEC. 2. EXCLUSION FOR LIFETIME ANNUITY PAYMENTS.

(a) LIFETIME ANNUITY PAYMENTS UNDER ANNUITY CONTRACTS.—Section 72(b) of the Internal Revenue Code of 1986 (relating to exclusion ratio) is amended by adding at the end the following new paragraph:

"(5) EXCLUSION FOR LIFETIME ANNUITY PAYMENTS.—

"(A) IN GENERAL.—In the case of lifetime annuity payments received under one or more annuity contracts in any taxable year, gross income shall not include 50 percent of the portion of lifetime annuity payments otherwise includible (without regard to this paragraph) in gross income under this section. For purposes of the preceding sentence, the amount excludible from gross income in any taxable year shall not exceed \$20,000.

"(B) COST-OF-LIVING ADJUSTMENT.—In the case of taxable years beginning after December 31, 2005, the \$20,000 amount in subparagraph (A) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2004' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as increased under the preceding sentence is not a multiple of \$500, such amount shall be rounded to the next lower multiple of \$500.

"(C) APPLICATION OF PARAGRAPH.—Subparagraph (A) shall not apply to—

"(i) any amount received under an eligible deferred compensation plan (as defined in section 457(b)) or under a qualified retirement plan (as defined in section 4974(c)),

"(ii) any amount paid under an annuity contract that is received by the beneficiary under the contract—

"(I) after the death of the annuitant in the case of payments described in subsection (c)(5)(A)(ii)(III), unless the beneficiary is the surviving spouse of the annuitant, or

"(II) after the death of the annuitant and joint annuitant in the case of payments described in subsection (c)(5)(A)(ii)(IV), unless the beneficiary is the surviving spouse of the last to die of the annuitant and the joint annuitant, or

"(iii) any annuity contract that is a qualified funding asset (as defined in section

130(d)), but without regard to whether there is a qualified assignment.

“(D) INVESTMENT IN THE CONTRACT.—For purposes of this section, the investment in the contract shall be determined without regard to this paragraph.”

(b) DEFINITIONS.—Subsection (c) of section 72 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(5) LIFETIME ANNUITY PAYMENT.—

“(A) IN GENERAL.—For purposes of subsection (b)(5), the term ‘lifetime annuity payment’ means any amount received as an annuity under any portion of an annuity contract, but only if—

“(i) the only person (or persons in the case of payments described in subclause (II) or (IV) of clause (ii)) legally entitled (by operation of the contract, a trust, or other legally enforceable means) to receive such amount during the life of the annuitant or joint annuitant is such annuitant or joint annuitant, and

“(ii) such amount is part of a series of substantially equal periodic payments made not less frequently than annually over—

“(I) the life of the annuitant,

“(II) the lives of the annuitant and a joint annuitant, but only if the annuitant is the spouse of the joint annuitant as of the annuity starting date or the difference in age between the annuitant and joint annuitant is 15 years or less,

“(III) the life of the annuitant with a minimum period of payments or with a minimum amount that must be paid in any event, or

“(IV) the lives of the annuitant and a joint annuitant with a minimum period of payments or with a minimum amount that must be paid in any event, but only if the annuitant is the spouse of the joint annuitant as of the annuity starting date or the difference in age between the annuitant and joint annuitant is 15 years or less.

“(iii) EXCEPTIONS.—For purposes of clause (ii), annuity payments shall not fail to be treated as part of a series of substantially equal periodic payments—

“(I) because the amount of the periodic payments may vary in accordance with investment experience, reallocations among investment options, actuarial gains or losses, cost of living indices, a constant percentage applied not less frequently than annually, or similar fluctuating criteria,

“(II) due to the existence of, or modification of the duration of, a provision in the contract permitting a lump sum withdrawal after the annuity starting date, or

“(III) because the period between each such payment is lengthened or shortened, but only if at all times such period is no longer than one calendar year.

“(B) ANNUITY CONTRACT.—For purposes of subparagraph (A) and subsections (b)(5) and (w), the term ‘annuity contract’ means a commercial annuity (as defined by section 3405(e)(6)), other than an endowment or life insurance contract.

“(C) MINIMUM PERIOD OF PAYMENTS.—For purposes of subparagraph (A), the term ‘minimum period of payments’ means a guaranteed term of payments that does not exceed the greater of 10 years or—

“(i) the life expectancy of the annuitant as of the annuity starting date, in the case of lifetime annuity payments described in subparagraph (A)(ii)(III), or

“(ii) the life expectancy of the annuitant and joint annuitant as of the annuity starting date, in the case of lifetime annuity payments described in subparagraph (A)(ii)(IV).

For purposes of this subparagraph, life expectancy shall be computed with reference to the tables prescribed by the Secretary

under paragraph (3). For purposes of subsection (w)(1)(C)(ii), the permissible minimum period of payments shall be determined as of the annuity starting date and reduced by one for each subsequent year.

“(D) MINIMUM AMOUNT THAT MUST BE PAID IN ANY EVENT.—For purposes of subparagraph (A), the term ‘minimum amount that must be paid in any event’ means an amount payable to the designated beneficiary under an annuity contract that is in the nature of a refund and does not exceed the greater of the amount applied to produce the lifetime annuity payments under the contract or the amount, if any, available for withdrawal under the contract on the date of death.”

(c) RECAPTURE TAX FOR LIFETIME ANNUITY PAYMENTS.—Section 72 of the Internal Revenue Code of 1986 is amended by redesignating subsection (w) as subsection (x) and by inserting after subsection (v) the following new subsection:

“(w) RECAPTURE TAX FOR MODIFICATIONS TO OR REDUCTIONS IN LIFETIME ANNUITY PAYMENTS.—

“(1) IN GENERAL.—If any amount received under an annuity contract is excluded from income by reason of subsection (b)(5) (relating to lifetime annuity payments), and—

“(A) the series of payments under such contract is subsequently modified so any future payments are not lifetime annuity payments,

“(B) after the date of receipt of the first lifetime annuity payment under the contract an annuitant receives a lump sum and thereafter is to receive annuity payments in a reduced amount under the contract, or

“(C) after the date of receipt of the first lifetime annuity payment under the contract the dollar amount of any subsequent annuity payment is reduced and a lump sum is not paid in connection with the reduction, unless such reduction is—

“(i) due to an event described in subsection (c)(5)(A)(iii), or

“(ii) due to the addition of, or increase in, a minimum period of payments within the meaning of subsection (c)(5)(C) or a minimum amount that must be paid in any event (within the meaning of subsection (c)(5)(D)),

then gross income for the first taxable year in which such modification or reduction occurs shall be increased by the recapture amount.

“(2) RECAPTURE AMOUNT.—

“(A) IN GENERAL.—For purposes of this subsection, the recapture amount shall be the amount, determined under rules prescribed by the Secretary, equal to the amount that (but for subsection (b)(5)) would have been includible in the taxpayer’s gross income if the modification or reduction described in paragraph (1) had been in effect at all times, plus interest for the deferral period at the underpayment rate established by section 6621.

“(B) DEFERRAL PERIOD.—For purposes of this subsection, the term ‘deferral period’ means the period beginning with the taxable year in which (without regard to subsection (b)(5)) the payment would have been includible in gross income and ending with the taxable year in which the modification described in paragraph (1) occurs.

“(3) EXCEPTIONS TO RECAPTURE TAX.—Paragraph (1) shall not apply in the case of any modification or reduction that occurs because an annuitant—

“(A) dies or becomes disabled (within the meaning of subsection (m)(7)),

“(B) becomes a chronically ill individual within the meaning of section 7702B(c)(2), or

“(C) encounters hardship.”

(d) LIFETIME DISTRIBUTIONS OF LIFE INSURANCE DEATH BENEFITS.—

(1) IN GENERAL.—Section 101(d) of the Internal Revenue Code of 1986 (relating to payment of life insurance proceeds at a date later than death) is amended by adding at the end the following new paragraph:

“(4) EXCLUSION FOR LIFETIME ANNUITY PAYMENTS.—

“(A) IN GENERAL.—In the case of amounts to which this subsection applies, gross income shall not include the lesser of—

“(i) 50 percent of the portion of lifetime annuity payments otherwise includible in gross income under this section (determined without regard to this paragraph), or

“(ii) the amount in effect under section 72(b)(5).

“(B) RULES OF SECTION 72(B)(5) TO APPLY.—For purposes of this paragraph, rules similar to the rules of section 72(b)(5) and section 72(w) shall apply, substituting the term ‘beneficiary of the life insurance contract’ for the term ‘annuitant’ wherever it appears, and substituting the term ‘life insurance contract’ for the term ‘annuity contract’ wherever it appears.”

(2) CONFORMING AMENDMENT.—Section 101(d)(1) of such Code is amended by inserting “or paragraph (4)” after “to the extent not excluded by the preceding sentence”.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to amounts received in calendar years beginning after the date of the enactment of this Act.

(2) SPECIAL RULE FOR EXISTING CONTRACTS.—In the case of a contract in force on the date of the enactment of this Act that does not satisfy the requirements of section 72(c)(5)(A) of the Internal Revenue Code of 1986 (as added by this section), or requirements similar to such section 72(c)(5)(A) in the case of a life insurance contract, any modification to such contract (including a change in ownership) or to the payments thereunder that is made to satisfy the requirements of such section (or similar requirements) shall not result in the recognition of any gain or loss, any amount being included in gross income, or any addition to tax that otherwise might result from such modification, but only if the modification is completed prior to the date that is 2 years after the date of the enactment of this Act.

Mr. CONRAD. Mr. President, I am pleased to join my friend and colleague, Senator GORDON SMITH from Oregon, in introducing legislation that can help seniors enjoy a more secure retirement. The good news is that Americans are living longer but it also means that people have to plan for a longer period of retirement. A successful retirement income plan is a challenge even for the savvy investor. How much more difficult is this task for the millions of Americans with limited investment experience?

For years Congress has encouraged people to save for their retirement. Through the tax code, we encourage asset building through home ownership. We provide significant tax incentives for employer-based pension plans and for dedicated retirement savings programs by individuals, such as IRAs and 401(k) plans.

One of the biggest threats to retirement income security for baby boomers is their own longevity. It will not be easy to manage their accumulated assets so that they will last a lifetime. Unprecedented numbers of Americans are now living into their 90s and even past 100. Today, actuaries tell us that

about one in six 65-year-old men and one out of three 65-year-old women can expect to live into their 90s.

Consequently, people are going to spend more time in retirement than previous generations. Over the course of the 20th century, the percentage of men in the workforce aged 65 years or older dropped from about 66 percent to less than 20 percent. Now our society confronts the impending retirement of 77 million baby boomers. Many of them will not have the guaranteed monthly retirement checks that many of their parents enjoyed as a result of employer-based pension plans. Traditional defined-benefit pension plans have given way to defined contribution plans, which have shifted the retirement income security risk from the employer to the individual.

Of course, there are still many Americans who have no access at all to employer-provided pension plans. Some have never been in the traditional workforce; others work in seasonal jobs or part time. In my state of North Dakota, as well as in rural and farming communities across America, there is an acute need for retirement vehicles that will provide a secure lifetime payout. Others who could face difficulty in securing retirement income are widowed individuals—both men and women—who suddenly find themselves having to make a life insurance benefit or proceeds from the sale of a business or family home last a lifetime.

The proposal we are introducing today will provide a valuable tool for helping people avoid the risk of outliving their assets. Specifically, we are proposing a tax incentive to encourage Americans to available a portion of their assets annuitize for retirement. If they annuitize—in other words, elect to receive their money from an annuity in a series of payments for the rest of their lives, no matter how long that may be—they would be able to exclude from income a portion of the annuity benefit that represents the accumulation in the annuity above and beyond the original investment. The tax benefit is capped to ensure that tax sheltering activity is not encouraged and that the incentive will be effective for people who would benefit most from securing a lifetime income stream.

This proposal we offer today would apply only to life-contingent, non-qualified annuities. A life-contingent annuity that is subsequently modified to a fixed-term payout would be subject to a recapture tax.

Baby boomers represent an unprecedented challenge to our retirement security policies. They should have a wide range of options available for responsible retirement planning. Our proposal focuses on non-qualified annuities because it is important to have this option considered as part of the larger retirement income security debate that Congress should have before baby boomers begin retiring in large numbers. Options for making qualified plans more secure should be part of that debate as well.

I hope that the 109th Congress will tackle this matter promptly because time is short. That first wave of baby boomer retirees begins in 2008—just over 36 months from today.

By Mr. NELSON of Florida:

S. 3030. A bill to establish an Office of Consumer Advocacy and Outreach within the Federal Trade Commission to protect consumers from certain unfair or deceptive acts or practices, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Florida. Mr. President, today I rise to introduce a bill to create a new government reward hotline designed to solicit tips from Spanish-speaking immigrants and other groups that are more likely to be the silent victims of consumer fraud.

The hotline will allow anyone with knowledge of a fraud scheme involving deceptive advertising to get a reward for reporting it directly to the experts who work at the Federal Trade Commission.

This legislation addresses the unscrupulous businesses that target certain communities because they know the victims are less likely to report crimes. It will further the efforts of the Federal Trade Commission to combat this problem by creating an Office of Consumer Advocacy and Outreach within the Federal Trade Commission which will administer programs and services that make it easier for victims in these communities to hold wrongdoers accountable.

A Federal Trade Commission survey from earlier this year revealed that nearly 25 million adults in the United States, or 11.2 percent of the adult population, were victims of fraud, and that certain communities were more likely to fall prey to fraudulent schemes. For example, the survey found that Hispanics are twice as likely to be victims of fraud as non-Hispanic whites. A study conducted by the National Institute of Justice concluded that immigrant victims report crimes less frequently than other victims. The factors cited as contributing to this underreporting included language barriers, cultural differences, and a limited understanding of the United States Justice system.

During this past year the Federal Trade Commission has levied an increasing number of complaints against deceptive Spanish-language advertisements, including fraudulent driving permits and junk computers. Two of these complaints were filed against businesses in South Florida that targeted Spanish speakers with advertisements for “scientifically unfeasible” weight-loss pills.

The Office of Consumer Advocacy and Outreach created by this bill will provide information to targeted consumers in these communities on how to protect themselves against fraudulent schemes and where to seek redress if they become a victim. The Office will

work with law enforcement to track and investigate fraud schemes that target immigrants, the elderly, minorities and other communities.

One of the ways the Office will work to increase reporting of fraud by Spanish-speakers, for example, will be to publicize the reward program through a Spanish-language public service advertising campaign produced by the Federal Trade Commission that warns against consumer fraud and provides the number for this newly created anonymous hotline.

Additionally, the Office will work with law enforcement to increase their level of participation in the Consumer Sentinel database system. This database, currently in existence, collects information from local, State and Federal agencies on consumer complaints to assist in the tracking and investigating of consumer fraud issues.

By Mr. NICKLES (for himself, Ms. LANDRIEU, Mr. CRAIG, and Mr. INHOFE): S. 3031. A bill to provide for the reform of intercountry adoption, and for other purposes; to the Committee on the Judiciary.

Mr. NICKLES. Mr. President, last month we celebrated National Adoption Month. In 2003, Americans opened their hearts and homes to over 20,000 orphaned children born overseas. In order to adopt these children the families had to submit extensive paperwork and work with three federal agencies in order to be approved to adopt a foreign born child and to be able to bring that child home to America. The Intercountry Adoption Reform Act that I am introducing today along with Senators LANDRIEU, CRAIG, and INHOFE streamlines the process families go through to adopt a child from overseas by eliminating unnecessary paperwork and consolidating the federal functions into one office.

Last November, I introduced the first version of the Intercountry Adoption Reform Act, known simply as the ICARE Act, along with Senators LANDRIEU, CRAIG, INHOFE, BINGAMAN, and SMITH. Over the last year we have received many comments about the bill from groups representing adoption professionals as well as comments from the administration. In response to these comments, we have revised our original bill to incorporate many of the suggestions provided to us and to address some of the concerns expressed.

Two major changes have been made. First, we have added enforcement provisions. We revised the bill to make clear that the new Office of Intercountry Adoption (OIA) will have the ability to protect children, birth families and adoptive families from fraud and abuse through enforcement provisions. It also clarifies that the OIA can work with the Department of Homeland Security and the Department of Justice to enforce the provisions of the Act. Second, we added provisions to provide a smooth transition from the

current adoption process to the new and improved process. These provisions ensure that all adoption cases filed prior to the opening of the OIA would be processed under the current rules. Any cases filed after the opening of the OIA would be processed under the provisions of ICARE.

There were many other technical and minor changes made to clarify and perfect the original language. I believe that these changes have significantly improved the bill and address many, if not all of the concerns that were raised.

Since 1998, I have been working to improve the foreign adoption process. It was in that year that I introduced the first version of the Child Citizenship Act which became law in 2000. This Act provides for automatic U.S. citizenship for foreign born children adopted by American citizens. When that bill took effect on February 27, 2001, over 150,000 foreign adopted children became U.S. citizens automatically.

In the fall of 2001, and the first half of 2002, I helped work on the crisis that ensued when the INS suspended American adoptions from Cambodia. Four hundred and fifty families who were in the process of adopting from Cambodia were left stranded, unable to bring their adopted children home to America. Although there was evidence that fraudulent players were involved in adoptions in Cambodia and that there is a need for a fraud free, transparent adoption process, the suspension impacted many American families and the Cambodian orphans they hoped to adopt. The children and families stuck in the process when the suspension was announced needed to be able to complete the adoption process they had started prior to the suspension. I worked with the Administration to develop a plan to process those adoptions where it was determined that no fraud was involved. I worked closely with Senator LANDRIEU and other members of Congress on both the House and Senate side to ensure that these Cambodian orphans could come home to their American families.

I have also been working since 2002, to develop the ICARE Act. ICARE has two main goals. First, and most importantly, this bill acknowledges and affirms that foreign adopted children of American citizens are to be treated in all respects the same as children born abroad to an American citizen. Under existing law, foreign adopted children are treated as immigrants to the United States. They have to apply for, and be granted immigrant visas to enter the United States. Once they enter the United States, citizenship is acquired automatically. Had these children been born abroad to American citizens, they would have traveled back to the United States with a U.S. passport and entered as citizens. This bill provides for equal treatment for foreign adopted children.

The second goal is to consolidate the existing functions of the federal gov-

ernment relating to foreign adoption into one centralized office. The office would be located within the Department of State. Currently, these functions are performed by offices within the Department of Homeland Security and the Department of State. Consolidation of these functions into one office will result in focused attention on the needs of families seeking to adopt overseas and on the children they are hoping to make part of their families.

Although I have not been able to see this bill through to completion during my tenure in the Senate, it is my hope and desire that my colleagues who have cosponsored this bill with me will continue to press forward until the goals of this bill are accomplished.

I introduce this revised version of the ICARE Act and hope that it will be reintroduced and acted upon in the next Congress. Passage of this bill will significantly improve the foreign adoption process so that more children worldwide can find loving, permanent homes. It is my prayer that someday, adoption will not be needed. That all children will be born into stable, loving homes to parents who want them and are able to care for them. However, until that day comes, the foreign adoption process can be improved and should be improved. Foreign adopted children of American citizens should be treated as children of U.S. citizens, not as immigrants, and should be accorded all the same rights as biological children of U.S. citizens. To that end, I introduce this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3031

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 "Inter-country Adoption Reform Act of 2004" or the "ICARE Act".

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) That a child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love, and understanding.

(2) That intercountry adoption may offer the advantage of a permanent family to a child for whom a suitable family cannot be found in his or her country of origin.

(3) There has been a significant growth in intercountry adoptions. In 1990, Americans adopted 7,093 children from abroad. In 2001, they adopted 19,237 children from abroad.

(4) Americans increasingly seek to create or enlarge their families through intercountry adoptions.

(5) There are many children worldwide that are without permanent homes.

(6) In the interest of children without a permanent family and the United States citizens who are waiting to bring them into their families, reforms are needed in the intercountry adoption process used by United States citizens.

(7) Before adoption, each child should have the benefit of measures taken to ensure that intercountry adoption is in his or her best interests and prevents the abduction, selling, or trafficking of children.

(8) In addition, Congress recognizes that foreign born adopted children do not make the decision whether to immigrate to the United States. They are being chosen by Americans to become part of their immediate families.

(9) As such these children should not be classified as immigrants in the traditional sense. Once fully and finally adopted, they should be treated as children of United States citizens.

(10) Since a child who is fully and finally adopted is entitled to the same rights, duties, and responsibilities as a biological child, the law should reflect such equality.

(11) Therefore, foreign born adopted children of United States citizens should be accorded the same procedural treatment as biological children born abroad to a United States citizen.

(12) If a United States citizen can confer citizenship to a biological child born abroad, then the same citizen is entitled to confer such citizenship to their legally and fully adopted foreign born child immediately upon final adoption.

(13) If a United States citizen cannot confer citizenship to a biological child born abroad, then such citizen cannot confer citizenship to their legally and fully adopted foreign born child, except through the naturalization process.

(b) PURPOSES.—The purposes of this Act are—

(1) to ensure that intercountry adoptions take place in the best interests of the child;

(2) to ensure that foreign born children adopted by United States citizens will be treated identically to a biological child born abroad to the same citizen parent; and

(3) to improve the intercountry adoption process by making it more citizen friendly and focused on the protection of the child.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADOPTABLE CHILD.—The term "adoptable child" has the same meaning given such term in section 101(c)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(c)(3)), as added by section 204(a) of this Act.

(2) AMBASSADOR AT LARGE.—The term "Ambassador at Large" means the Ambassador at Large for Intercountry Adoptions appointed to head the Office pursuant to section 101(b).

(3) COMPETENT AUTHORITY.—The term "competent authority" means the entity or entities authorized by the law of the child's country of residence to engage in permanent placement of children who are no longer in the legal or physical custody of their biological parents.

(4) CONVENTION.—The term "Convention" means the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, done at The Hague on May 29, 1993.

(5) FULL AND FINAL ADOPTION.—The term "full and final adoption" means an adoption—

(A) that is completed according to the laws of the child's country of residence or the State law of the parent's residence;

(B) under which a person is granted full and legal custody of the adopted child;

(C) that has the force and effect of severing the child's legal ties to the child's biological parents;

(D) under which the adoptive parents meet the requirements of section 205; and

(E) under which the child has been adjudicated to be an adoptable child in accordance with section 206.

(6) OFFICE.—The term “Office” means the Office of Intercountry Adoptions established under section 101(a).

(7) READILY APPROVABLE.—A petition or certification is considered “readily approvable” if the documentary support provided demonstrates that the petitioner satisfies the eligibility requirements and no additional information or investigation is necessary.

TITLE I—ADMINISTRATION OF INTERCOUNTRY ADOPTIONS

Subtitle A—In General

SEC. 101. OFFICE OF INTERCOUNTRY ADOPTIONS.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, there is to be established within the Department of State, an Office of Intercountry Adoptions which shall be headed by the Ambassador at Large for Intercountry Adoptions who shall be appointed pursuant to subsection (b).

(b) AMBASSADOR AT LARGE.—

(1) APPOINTMENT.—The Ambassador at Large shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who have background, experience, and training in intercountry adoptions, taking care to ensure that the individual who serves as Ambassador is free from any conflicts of interest that might inhibit such individual’s ability to serve as Ambassador.

(2) AUTHORITY.—The Ambassador at Large shall report directly to the Secretary of State, in consultation with the Assistant Secretary for Consular Affairs. The Ambassador at Large has no independent regulatory authority.

(3) DUTIES OF THE AMBASSADOR AT LARGE.—In carrying out the functions of the Office, the Ambassador at Large shall have the following responsibilities:

(A) IN GENERAL.—The primary responsibilities of the Ambassador at Large shall be—

(i) to ensure that intercountry adoptions take place in the best interests of the child; and

(ii) to assist the Secretary of State in fulfilling the responsibilities designated to the central authority under title I of the Intercountry Adoption Act of 2000 (42 U.S.C. 14911 et seq.).

(B) ADVISORY ROLE.—The Ambassador at Large shall be a principal advisor to the President and the Secretary of State regarding matters affecting intercountry adoption and the general welfare of children abroad and shall make recommendations regarding—

(i) the policies of the United States with respect to the establishment of a system of cooperation among the parties to the Convention;

(ii) the policies to prevent abandonment, strengthen families, and to advance the placement of children in permanent families; and

(iii) policies that promote the protection and well-being of children.

(C) DIPLOMATIC REPRESENTATION.—Subject to the direction of the President and the Secretary of State, the Ambassador at Large may represent the United States in matters and cases relevant to international adoption in—

(i) fulfillment of the responsibilities designated to the central authority under title I of the Intercountry Adoption Act of 2000 (42 U.S.C. 14911 et seq.);

(ii) contacts with foreign governments, intergovernmental organizations, and specialized agencies of the United Nations and other international organizations of which the United States is a member; and

(iii) multilateral conferences and meetings relevant to international adoption.

(D) INTERNATIONAL POLICY DEVELOPMENT.—The Ambassador at Large shall advise and support the Secretary of State and other relevant Bureaus of the Department of State in the development of sound policy regarding child protection and intercountry adoption.

(E) REPORTING RESPONSIBILITIES.—The Ambassador at Large shall have the following reporting responsibilities:

(i) IN GENERAL.—The Ambassador at Large shall assist the Secretary of State and other relevant Bureaus in preparing those portions of the Human Rights Reports that relate to the abduction, sale, and trafficking of children.

(ii) ANNUAL REPORT ON INTERCOUNTRY ADOPTION.—On September 1 of each year, the Secretary of State, with the assistance of the Ambassador at Large, shall prepare and transmit to Congress an annual report on intercountry adoption. Each annual report shall include—

(I) a description of the status of child protection and adoption in each foreign country, including—

(aa) trends toward improvement in the welfare and protection of children and families;

(bb) trends in family reunification, domestic adoption, and intercountry adoption;

(cc) movement toward ratification and implementation of the Convention; and

(dd) census information on the number of children in orphanages, foster homes, and other types of nonpermanent residential care as reported by the foreign country;

(II) the number of intercountry adoptions by United States citizens, including the country from which each child emigrated, the State in which each child resides, and the country in which the adoption was finalized;

(III) the number of intercountry adoptions involving emigration from the United States, including the country where each child now resides and the State from which each child emigrated;

(IV) the number of placements for adoption in the United States that were disrupted, including the country from which the child emigrated, the age of the child, the date of the placement for adoption, the reasons for the disruption, the resolution of the disruption, the agencies that handled the placement for adoption, and the plans for the child, and in addition, any information regarding disruption or dissolution of adoptions of children from other countries received pursuant to section 422(b)(14) of the Social Security Act (42 U.S.C. 622(b)(14));

(V) the average time required for completion of an adoption, set forth by the country from which the child emigrated;

(VI) the current list of agencies accredited and persons approved under the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 et seq.) to provide adoption services;

(VII) the names of the agencies and persons temporarily or permanently debarred under the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 et seq.), and the reasons for the debarment;

(VIII) the range of adoption fees involving adoptions by United States citizens and the median of such fees set forth by the country of origin;

(IX) the range of fees charged for accreditation of agencies and the approval of persons in the United States engaged in providing adoption services under the Convention; and

(X) recommendations of ways the United States might act to improve the welfare and protection of children and families in each foreign country.

(c) FUNCTIONS OF OFFICE.—The Office shall have the following 7 functions:

(1) APPROVAL OF A FAMILY TO ADOPT.—To approve or disapprove the eligibility of United States citizens to adopt foreign born children.

(2) CHILD ADJUDICATION.—To investigate and adjudicate the status of a child born abroad to determine their eligibility as an adoptable child.

(3) FAMILY SERVICES.—To provide assistance to United States citizens engaged in the intercountry adoption process in resolving problems with respect to that process and to track intercountry adoption cases so as to ensure that all such adoptions are processed in a timely manner.

(4) INTERNATIONAL POLICY DEVELOPMENT.—To advise and support the Ambassador at Large and other relevant Bureaus in the development of sound policy regarding child protection and intercountry adoption.

(5) CENTRAL AUTHORITY.—To assist the Secretary of State in carrying out duties of the central authority as defined in section 3 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14902).

(6) ENFORCEMENT.—To investigate, either directly or in cooperation with other appropriate international, Federal, State, or local entities, improprieties relating to adoption, including issues of child protection, birth family protection, and consumer fraud.

(7) ADMINISTRATION.—To perform administrative functions related to the functions performed under paragraphs (1) through (6), including legal functions and congressional liaison and public affairs functions.

(d) ORGANIZATION.—

(1) IN GENERAL.—All functions of the Office shall be performed by officers housed in a centralized office located in Washington, D.C. Within the Washington, D.C. office, there shall be 7 divisions corresponding to the 7 functions of the Office. All 7 divisions and their respective directors shall report directly to the Ambassador at Large.

(2) APPROVAL TO ADOPT.—The division responsible for approving parents to adopt shall be divided into regions of the United States as follows:

(A) Northwest.

(B) Northeast.

(C) Southwest.

(D) Southeast.

(E) Midwest.

(F) West.

(3) CHILD ADJUDICATION.—To the extent practicable, the division responsible for the adjudication of foreign born children as adoptable shall be divided by world regions which correspond to those currently used by other divisions within the Department of State.

(4) USE OF INTERNATIONAL FIELD OFFICERS.—Nothing in this section shall be construed to prohibit the use of international field officers posted abroad, as necessary, to fulfill the requirements of this Act.

(5) USE OF EXISTING SYSTEMS.—Whenever possible, the Office shall utilize systems currently in place that ensure protections against child trafficking.

(e) QUALIFICATIONS AND TRAINING.—In addition to meeting the employment requirements of the Department of State, officers employed in any of the 7 divisions of the Office shall undergo extensive and specialized training in the laws and processes of intercountry adoption as well as understanding the cultural, medical, emotional, and social issues surrounding intercountry adoption and adoptive families. The Ambassador at Large shall, whenever possible, recruit and hire individuals with background and experience in intercountry adoptions, taking care to ensure that such individuals do not have any conflicts of interest that might inhibit their ability to serve.

(f) USE OF ELECTRONIC DATABASES AND FILING.—To the extent possible, the Office shall make use of centralized, electronic databases and electronic form filing.

SEC. 102. RECOGNITION OF CONVENTION ADOPTIONS IN THE UNITED STATES.

Section 505(a)(1) of the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 note) is amended by inserting “301, 302,” after “205.”

SEC. 103. TECHNICAL AND CONFORMING AMENDMENT.

Section 104 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14914) is repealed.

Subtitle B—Transition Provisions

SEC. 111. TRANSFER OF FUNCTIONS.

(a) IN GENERAL.—Subject to subsection (c), all functions under the immigration laws of the United States with respect to the adoption of foreign born children by United States citizens and their admission to the United States that have been vested by statute in, or exercised by, the Commissioner of Immigration and Naturalization, the Immigration and Naturalization Service (or any officer, employee, or component thereof), of the Department of Homeland Security (or any officer, employee, or component thereof) immediately prior to the effective date of this title, are transferred to the Office on the effective date of this title for exercise by the Ambassador at Large in accordance with applicable laws and title II of this Act.

(b) EXERCISE OF AUTHORITIES.—Except as otherwise provided by law, the Ambassador at Large may, for purposes of performing any function transferred to the Ambassador at Large under subsection (a), exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer of the function pursuant to this title.

(c) LIMITATION ON TRANSFER OF PENDING ADOPTIONS.—If an individual has filed a petition with the Immigration and Naturalization Service or the Department of Homeland Security with respect to the adoption of a foreign born child prior to the date of enactment of this title, the Secretary of Homeland Security shall have the authority to make the final determination on such petition and such petition shall not be transferred to the Office.

SEC. 112. TRANSFER OF RESOURCES.

Subject to section 1531 of title 31, United States Code, upon the effective date of this title, there are transferred to the Ambassador at Large for appropriate allocation in accordance with section 115, the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available to the Immigration and Naturalization Service or the Department of Homeland Security in connection with the functions transferred pursuant to this title.

SEC. 113. INCIDENTAL TRANSFERS.

The Ambassador at Large may make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out this title. The Ambassador at Large shall provide for such further measures and dispositions as may be necessary to effectuate the purposes of this title.

SEC. 114. SAVINGS PROVISIONS.

(a) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits,

grants, loans, contracts, agreements, including collective bargaining agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the President, the Ambassador at Large, the former Commissioner of the Immigration and Naturalization Service, their delegates, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred pursuant to this title; and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date);

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, any other authorized official, a court of competent jurisdiction, or operation of law, except that any collective bargaining agreement shall remain in effect until the date of termination specified in the agreement.

(b) PROCEEDINGS.—

(1) PENDING.—The transfer of functions under section 111 shall not affect any proceeding or any application for any benefit, service, license, permit, certificate, or financial assistance pending on the effective date of this title before an office whose functions are transferred pursuant to this title, but such proceedings and applications shall be continued.

(2) ORDERS.—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(3) DISCONTINUANCE OR MODIFICATION.—Nothing in this section shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(c) SUITS.—This title shall not affect suits commenced before the effective date of this title, and in all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Department of State, the Immigration and Naturalization Service, or the Department of Homeland Security, or by or against any individual in the official capacity of such individual as an officer or employee in connection with a function transferred pursuant to this section, shall abate by reason of the enactment of this Act.

(e) CONTINUANCE OF SUIT WITH SUBSTITUTION OF PARTIES.—If any Government officer in the official capacity of such officer is party to a suit with respect to a function of the officer, and pursuant to this title such function is transferred to any other officer or office, then such suit shall be continued with the other officer or the head of such other office, as applicable, substituted or added as a party.

(f) ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW.—Except as otherwise provided by this title, any statutory requirements relating to notice, hearings, action upon the record, or administrative or judicial review that apply to any function transferred pursuant to any provision of this title shall apply to the exercise of such function by the head of the office, and other officers of the office,

to which such function is transferred pursuant to such provision.

Subtitle C—Effective Date

SEC. 121. EFFECTIVE DATE.

This title shall take effect 180 days after the date of enactment of this Act.

TITLE II—REFORM OF UNITED STATES LAWS GOVERNING INTERCOUNTRY ADOPTIONS

SEC. 201. AUTOMATIC ACQUISITION OF CITIZENSHIP FOR ADOPTED CHILDREN BORN OUTSIDE THE UNITED STATES.

(a) AMENDMENTS OF AUTOMATIC CITIZENSHIP PROVISIONS.—Section 320 of the Immigration and Nationality Act (8 U.S.C. 1431) is amended—

(1) by amending the section heading to read as follows: “CHILDREN BORN OUTSIDE THE UNITED STATES; CONDITIONS UNDER WHICH CITIZENSHIP AUTOMATICALLY ACQUIRED”; and

(2) in subsection (a), by striking paragraphs (1) through (3) and inserting the following:

“(1) Upon the date the adoption becomes full and final, at least 1 parent of the child is a citizen of the United States, whether by birth or naturalization, who has been physically present in the United States or its outlying possessions for a period or periods totaling not less than 5 years, at least 2 of which were after attaining the age of 14 years. Any periods of honorable service in the Armed Forces of the United States, or periods of employment with the United States Government or with an international organization as that term is defined in section 1 of the International Organizations Immunities Act (22 U.S.C. 288) by such citizen parent, or any periods during which such citizen parent is physically present abroad as the dependent unmarried son or daughter and a member of the household of a person—

“(A) honorably serving with the Armed Forces of the United States; or

“(B) employed by the United States Government or an international organization as defined in section 1 of the International Organizations Immunities Act (22 U.S.C. 288); may be included in order to satisfy the physical presence requirement of this paragraph.

“(2) The child is an adoptable child described in section 101(c)(3).

“(3) The child is the beneficiary of a full and final adoption decree entered by a foreign government or a court in the United States.

“(4) For purposes of this subsection, the term ‘full and final adoption’ means an adoption—

“(A) that is completed under the laws of the child’s country of residence or the State law of the parent’s residence;

“(B) under which a person is granted full and legal custody of the adopted child;

“(C) that has the force and effect of severing the child’s legal ties to the child’s biological parents;

“(D) under which the adoptive parents meet the requirements of section 205 of the Intercountry Adoption Reform Act of 2004; and

“(E) under which the child has been adjudicated to be an adoptable child in accordance with section 206 of the Intercountry Adoption Reform Act of 2004.”

(b) EFFECTIVE DATE.—This section shall take effect as if enacted on January 1, 1950.

SEC. 202. REVISED PROCEDURES.

Notwithstanding any other provision of law, the following requirements shall apply with respect to the adoption of foreign born children by United States citizens:

(1) Upon completion of a full and final adoption, the Secretary of State shall issue a

United States passport and a Consular Report of Birth for a child who satisfies the requirements of section 320 of the Immigration and Nationality Act (8 U.S.C. 1431), as amended by section 201 of this Act, upon application by a United States citizen parent.

(2) An adopted child described in paragraph (1) shall not require the issuance of a visa for travel and admission to the United States but shall be admitted to the United States upon presentation of a valid, unexpired United States passport.

(3) No affidavit of support under section 213A of the Immigration and Nationality Act (8 U.S.C. 1183a) shall be required in the case of any adoptable child.

(4)(A) The Secretary of State shall require that agencies provide prospective adoptive parents an opportunity to conduct an independent medical exam and a copy of any medical records of the child known to exist (to the greatest extent practicable, these documents shall include an English translation) on a date that is not later than the earlier of the date that is 2 weeks before the adoption, or the date on which prospective adoptive parents travel to such a foreign country to complete all procedures in such country relating to adoption.

(B) The Secretary of State shall not require an adopted child described in paragraph (1) to undergo a medical exam for the purpose of excluding the child's immigration to the United States.

(5) The Secretary of State shall take necessary measures to ensure that all prospective adoptive parents adopting internationally are provided with training that includes counseling and guidance for the purpose of promoting a successful intercountry adoption before such parents travel to adopt the child or the child is placed with such parents for adoption.

(6) The Secretary of State shall take necessary measures to ensure that—

(A) prospective adoptive parents are given full disclosure of all direct and indirect costs of intercountry adoption before they are matched with child for adoption;

(B) fees charged in relation to the intercountry adoption be on a fee for service basis not on a contingent fee basis; and

(C) that the transmission of fees between the adoption agency, the country of origin, and the prospective adoptive parents is carried out in a transparent and efficient manner.

(7) The Secretary of State shall take all measures necessary to ensure that all documents provided to a country of origin on behalf of a prospective adoptive parent are truthful and accurate.

SEC. 203. NONIMMIGRANT VISAS FOR CHILDREN TRAVELING TO THE UNITED STATES TO BE ADOPTED BY A UNITED STATES CITIZEN.

(a) IN GENERAL.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(1) by striking “or” at the end of subparagraph (U);

(2) by striking the period at the end of subparagraph (V) and inserting “; or”; and

(3) by adding at the end the following:

“(W) an adoptable child who is coming into the United States for adoption by a United States citizen and a spouse jointly or by an unmarried United States citizen at least 25 years of age, who has been approved to adopt.”.

(b) TERMINATION OF PERIOD OF AUTHORIZED ADMISSION.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following:

“(s) In the case of a nonimmigrant described in section 101(a)(15)(W), the period of authorized admission shall terminate on the earlier of—

“(1) the date on which the adoption of the nonimmigrant is completed by the courts of the State where the parents reside; or

“(2) the date that is 4 years after the date of admission of the nonimmigrant into the United States, unless a petitioner is able to show cause as to why the adoption could not be completed prior to such date and the Secretary extends such period for the period necessary to complete the adoption.”.

(c) TEMPORARY TREATMENT AS LEGAL PERMANENT RESIDENT.—Notwithstanding any other law, all benefits and protections that apply to a legal permanent resident shall apply to a nonimmigrant described in section 101(a)(15)(W) of the Immigration and Nationality Act, as added by subsection (a), pending a full and final adoption.

(d) EXCEPTION FROM IMMUNIZATION REQUIREMENT FOR CERTAIN ADOPTED CHILDREN.—Section 212(a)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)(C)) is amended—

(1) in the heading by striking “10 YEARS” and inserting “18 YEARS”; and

(2) in clause (i), by striking “10 years” and inserting “18 years”.

(e) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall prescribe such regulations as may be necessary to carry out this section.

SEC. 204. DEFINITION OF ADOPTABLE CHILD.

(a) IN GENERAL.—Section 101(c) of the Immigration and Nationality Act (8 U.S.C. 1101(c)) is amended by adding at the end the following:

“(3) The term ‘adoptable child’ means an unmarried person under the age of 18—

“(A)(i) whose biological parents (or parent, in the case of a child who has one sole or surviving parent) or other persons or institutions that retain legal custody of the child—

“(I) have freely given their written irrevocable consent to the termination of their legal relationship with the child, and to the child's emigration and adoption and that such consent has not been induced by payment or compensation of any kind and has not been given prior to the birth of the child;

“(II) are unable to provide proper care for the child, as determined by the competent authority of the child's residence; or

“(III) have voluntarily relinquished the child to the competent authorities pursuant to the law of the child's residence; or

“(ii) who, as determined by the competent authority of the child's residence—

“(I) has been abandoned or deserted by their biological parent, parents, or legal guardians; or

“(II) has been orphaned due to the death or disappearance of their biological parent, parents, or legal guardians;

“(B) with respect to whom the Secretary of State is satisfied that the proper care will be furnished the child if admitted to the United States;

“(C) with respect to whom the Secretary of State is satisfied that the purpose of the adoption is to form a bona fide parent-child relationship and that the parent-child relationship of the child and the biological parents has been terminated (and in carrying out both obligations under this subparagraph the Secretary of State, in consultation with the Secretary of Homeland Security, may consider whether there is a petition pending to confer immigrant status on one or both of the biological parents);

“(D) with respect to whom the Secretary of State, is satisfied that there has been no inducement, financial or otherwise, offered to obtain the consent nor was it given before the birth of the child;

“(E) with respect to whom the Secretary of State, in consultation with the Secretary of

Homeland Security, is satisfied that the person is not a security risk; and

“(F) whose eligibility for adoption and emigration to the United States has been certified by the competent authority of the country of the child's place of birth or residence.”.

(b) CONFORMING AMENDMENT.—Section 204(d) of the Immigration and Nationality Act (8 U.S.C. 1154(d)) is amended by inserting “and an adoptable child as defined in section 101(c)(3)” before “unless a valid home-study”.

SEC. 205. APPROVAL TO ADOPT.

(a) IN GENERAL.—Prior to the issuance of a visa under section 101(a)(15)(W) of the Immigration and Nationality Act, as added by section 203(a) of this Act, or the issuance of a full and final adoption decree, the United States citizen adoptive parent shall have approved by the Office a petition to adopt. Such petition shall be subject to the same terms and conditions as are applicable to petitions for classification under section 204.3 of title 8 of the Code of Federal Regulations, as in effect on the day before the date of enactment of this Act.

(b) EXPIRATION OF APPROVAL.—Approval to adopt under this Act is valid for 24 months from the date of approval. Nothing in this section may prevent the Secretary of Homeland Security from periodically updating the fingerprints of an individual who has filed a petition for adoption.

(c) EXPEDITED REAPPROVAL PROCESS OF FAMILIES PREVIOUSLY APPROVED TO ADOPT.—The Secretary of State shall prescribe such regulations as may be necessary to provide for an expedited and streamlined process for families who have been previously approved to adopt and whose approval has expired, so long as not more than 3 years have lapsed since the original application.

(d) DENIAL OF PETITION.—

(1) NOTICE OF INTENT.—If the officer adjudicating the petition to adopt finds that it is not readily approvable, the officer shall notify the petitioner, in writing, of the officer's intent to deny the petition. Such notice shall include the specific reasons why the petition is not readily approvable.

(2) PETITIONERS RIGHT TO RESPOND.—Upon receiving a notice of intent to deny, the petitioner has 30 days to respond to such notice.

(3) DECISION.—Within 30 days of receipt of the petitioner's response the Office must reach a final decision regarding the eligibility of the petitioner to adopt. Notice of a formal decision must be delivered in writing.

(4) RIGHT TO AN APPEAL.—Unfavorable decisions may be appealed to the Department of State and, after the exhaustion of the appropriate appeals process of the Department, to a United States district court.

(5) REGULATIONS REGARDING APPEALS.—Not later than 6 months after the date of enactment of this Act, the Secretary of State shall promulgate formal regulations regarding the process for appealing the denial of a petition.

SEC. 206. ADJUDICATION OF CHILD STATUS.

(a) IN GENERAL.—Prior to the issuance of a full and final adoption decree or a visa under section 101(a)(15)(W) of the Immigration and Nationality Act, as added by section 203(a) of this Act—

(1) the Office shall obtain from the competent authority of the country of the child's residence a certification, together with documentary support, that the child sought to be adopted meets the description of an adoptable child; and

(2) not later than 15 days after the date of the receipt of the certification referred to in paragraph (1), the Office shall make a final determination on whether the certification and the documentary support are sufficient

to meet the requirements of this section or whether additional investigation or information is required.

(b) **PROCESS FOR DETERMINATION.—**

(1) **IN GENERAL.—**The Ambassador at Large shall work with the competent authorities of the child's country of residence to establish a uniform, transparent, and efficient process for the exchange and approval of the certification and documentary support required under subsection (a).

(2) **NOTICE OF INTENT.—**If the Office finds that the certification submitted by the competent authority of the child's country of origin is not readily approvable, the Office shall—

(A) notify the competent authority and the prospective adoptive parents, in writing, of the specific reasons why the certification is not sufficient; and

(B) provide the competent authority and the prospective adoptive parents the opportunity to address the stated insufficiencies.

(3) **PETITIONERS RIGHT TO RESPOND.—**Upon receiving a notice of intent to find that a certification is not readily approvable, the prospective adoptive parents shall have 30 days to respond to such notice.

(4) **DECISION.—**Not later than 30 days after the date of receipt of a response submitted under paragraph (3), the Office must reach a final decision regarding the child's eligibility as an adoptable child. Notice of such decision must be in writing.

(5) **RIGHT TO AN APPEAL.—**Unfavorable decisions on a certification may be appealed to the Department of State and, after the exhaustion of the appropriate appeals process of the Department, to a United States district court.

TITLE III—FUNDING

SEC. 301. FUNDS.

The Secretary of State shall provide the Ambassador at Large with such funds as may be necessary for—

(1) the hiring of staff for the Office;

(2) investigations conducted by the Office; and

(3) travel and other expenses necessary to carry out this Act.

TITLE IV—ENFORCEMENT

SEC. 401. ENFORCEMENT.

(a) **CIVIL PENALTIES.—**A person shall be subject, in addition to any other penalty that may be prescribed by law, to a civil money penalty of not more than \$50,000 for a first violation, and not more than \$100,000 for each succeeding violation if such person—

(1) violates a provision of this Act or an amendment made by this Act;

(2) makes a false or fraudulent statement, or misrepresentation, with respect to a material fact, or offers, gives, solicits, or accepts inducement by way of compensation, intended to influence or affect in the United States or a foreign country—

(A) a decision for an approval under title II;

(B) the relinquishment of parental rights or the giving of parental consent relating to the adoption of a child; or

(C) a decision or action of any entity performing a central authority function; or

(3) engages another person as an agent, whether in the United States or in a foreign country, who in the course of that agency takes any of the actions described in paragraph (1) or (2).

(b) **CIVIL ENFORCEMENT.—**

(1) **AUTHORITY OF ATTORNEY GENERAL.—**The Attorney General may bring a civil action to enforce subsection (a) against any person in any United States district court.

(2) **FACTORS TO BE CONSIDERED IN IMPOSING PENALTIES.—**In imposing penalties the court shall consider the gravity of the violation,

the degree of culpability of the defendant, and any history of prior violations by the defendant.

(c) **CRIMINAL PENALTIES.—**Whoever knowingly and willfully commits a violation described in paragraph (1) or (2) of subsection (a) shall be subject to a fine of not more than \$250,000, imprisonment for not more than 5 years, or both.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 483—EX-PRESSING THE SENSE OF THE SENATE REGARDING THE DETENTION OF TIBETAN POLITICAL PRISONERS BY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA

Mr. BROWNBACK (for himself and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 483

Whereas, according to the Department of State and international human rights organizations, the Government of the People's Republic of China continues to commit widespread and well-documented human rights abuses in Tibet;

Whereas the People's Republic of China has yet to demonstrate its willingness to abide by internationally accepted standards of freedom of belief, expression, and association by repealing or amending laws and decrees that restrict those freedoms;

Whereas the Government of the People's Republic of China has detained hundreds of Tibetan nuns, monks, and lay persons as political prisoners for speaking out against China's occupation of Tibet and for their efforts to preserve Tibet's distinct national identity;

Whereas Phuntsog Nyidron was arrested on October 14, 1989, together with 5 other nuns, for participating in a peaceful protest against China's occupation of Tibet;

Whereas, on February 26, 2004, following a sustained international campaign on her behalf, the Government of the People's Republic of China released Phuntsog Nyidron from detention after she served more than 14 years of her 16-year sentence;

Whereas Tenzin Delek, a prominent Tibetan religious leader, and 3 other monks were arrested on April 7, 2002, during a nighttime raid on Jamyang Choekhorling monastery in Nyagchu County, Tibetan Autonomous Prefecture;

Whereas, following a closed trial and more than 8 months of incommunicado detention, Tenzin Delek and another Tibetan, Lobsang Dhondup, were convicted of inciting separatism and for their alleged involvement in a series of bombings on December 2, 2002;

Whereas Lobsang Dhondup was sentenced to death and Tenzin Delek was sentenced to death with a 2-year suspension;

Whereas the Government of the People's Republic of China told senior officials of the United States and other governments that the cases of Lobsang Dhondup and Tenzin Delek would be subjected to a "lengthy review" by the Supreme People's Court prior to the death sentences being carried out;

Whereas the Supreme People's Court never carried out this review, and Lobsang Dhondup was executed on January 26, 2003;

Whereas the Government of the People's Republic of China has failed to produce any evidence that either Lobsang Dhondup or Tenzin Delek were involved in the crimes for which they were convicted, despite repeated

requests from officials of the United States and other governments;

Whereas the Government of the People's Republic of China continues to imprison Tibetans for engaging in peaceful efforts to protest China's repression of Tibetans and preserve the Tibetan identity;

Whereas Tibetan political prisoners are routinely subjected to beatings, electric shock, solitary confinement, and other forms of torture and inhumane treatment while in Chinese custody;

Whereas the Government of the People's Republic of China continues to exert control over religious and cultural institutions in Tibet, abusing human rights through the torture, arbitrary arrest, and detention without fair or public trial of Tibetans who peacefully express their political or religious views or attempt to preserve the unique Tibetan identity; and

Whereas the Government of the People's Republic of China has paroled individual political prisoners for good behavior or for medical reasons in the face of strong international pressure, but has failed to make the systemic changes necessary to provide minimum standards of due process or protections for basic civil and political rights: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Government of the People's Republic of China is in violation of international human rights standards by detaining and mistreating Tibetans who engage in peaceful activities to protest China's repression of Tibetans or promote the preservation of a distinct Tibetan identity;

(2) sustained international pressure on the Government of the People's Republic of China is essential to improve the human rights situation in Tibet and secure the release of Tibetan political prisoners;

(3) the Government of the United States should—

(A) raise the cases of Tenzin Delek and other political prisoners at every opportunity with officials from the People's Republic of China; and

(B) work with other governments concerned about human rights in China, including the Tibet Autonomous Region and other Tibetan areas, to encourage the release of political prisoners and promote systemic improvement of human rights in China; and

(4) the Government of the People's Republic of China should, as a gesture of goodwill and in order to promote human rights, immediately release all political prisoners, including Tenzin Delek.

SENATE RESOLUTION 484—TO HONOR AND THANK ROBERT RAY HOWE

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 484

Whereas Assistant Chief Robert Ray Howe, a native of the State of Wyoming, was appointed as a United States Capitol Police Private on March 4, 1971;

Whereas Assistant Chief Howe, throughout his career, has distinguished himself through countless commendations and recognition for professionalism and extraordinary service for the United States Capitol Police;

Whereas Assistant Chief Howe, through extraordinary efforts and dedication during his outstanding career of over thirty (30) years, rose from the rank of private to the position of Assistant Chief of Police, the second in command of the United States Capitol Police;

Resolved, That the Senate hereby honors and thanks Robert Ray Howe and his family

for a lifelong professional commitment of service to the United States Capitol Police and the United States Congress.

SENATE CONCURRENT RESOLUTION 152—EXPRESSING THE SENSE OF THE CONGRESS THAT THE DEPARTMENT OF DEFENSE SHOULD CONTINUE TO EXERCISE ITS STATUTORY AUTHORITY TO SUPPORT THE ACTIVITIES OF THE BOY SCOUTS OF AMERICA, IN PARTICULAR THE PERIODIC NATIONAL AND WORLD BOY SCOUT JAMBOREES

Mr. NELSON of Florida (for himself, Mr. ALLARD, Mr. NELSON of Nebraska, and Mr. ALLEN) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 152

Whereas the Boy Scouts of America was incorporated on February 8, 1910, and received a Federal charter on June 15, 1916, which is codified as chapter 309 of title 36, United States Code;

Whereas section 30902 of title 36, United States Code, states that it is the purpose of the Boy Scouts of America to promote, through organization, and cooperation with other agencies, the ability of boys to do things for themselves and others, to train them in scoutcraft, and to teach them patriotism, courage, self-reliance, and kindred virtues;

Whereas, since its inception, millions of Americans of every race, creed, and religion have participated in the Boy Scouts of America, and the Boy Scouts of America, as of October 1, 2004, utilizes more than 1,200,000 adult volunteers to serve 2,863,000 youth members organized in 121,051 units;

Whereas the Department of Defense and members of the Armed Forces have a long history of supporting the activities of the Boy Scouts of America and individual Boy Scout troops inside the United States, and section 2606 of title 10, United States Code, enacted in 1988, specifically authorizes the Department of Defense to cooperate with and assist the Boy Scouts of America in establishing and providing facilities and services for members of the Armed Forces and their dependents, and civilian employees of the Department of Defense and their dependents, at locations outside the United States;

Whereas sections 4682, 7541, and 9682 of title 10, United States Code, authorize the Department of Defense to sell and, in certain cases, donate obsolete or excess material to the Boy Scouts of America to support its activities; and

Whereas Public Law 92-249, enacted on March 10, 1972, and codified as section 2554 of title 10, United States Code, recognizes that Boy Scout Jamborees may be held on military installations and authorizes the Department of Defense to loan certain equipment and to provide transportation from the United States or military commands overseas, and return, at no expense to the United States Government, and to provide other personnel services and logistical support to the Boy Scouts of America to support national and world gatherings of Boy Scouts at events known as Boy Scout Jamborees: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring). That it is the sense of the Congress that the Department of Defense should continue to exercise its long-standing statutory authority to support the activities of the Boy Scouts of America, in

particular the periodic national and world Boy Scout Jamborees.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4082. Mr. THOMAS (for Mr. LIEBERMAN) proposed an amendment to the concurrent resolution S. Con. Res. 78, condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is.

SA 4083. Mr. THOMAS (for Mr. LIEBERMAN) proposed an amendment to the concurrent resolution S. Con. Res. 78, supra.

SA 4084. Mr. ALEXANDER (for Mr. DOMENICI) proposed an amendment to the bill H.R. 620, An act to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing educational services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area, and for other purposes.

SA 4085. Mr. ALEXANDER (for Mr. DOMENICI) proposed an amendment to the bill S. 1521, An act to direct the Secretary of the Interior to convey certain land to the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada, for the construction of a post building and memorial park for use by the American Legion, other veterans' groups, and the local community, and for other purposes.

TEXT OF AMENDMENTS

SA 4082. Mr. THOMAS (for Mr. LIEBERMAN) proposed an amendment to the concurrent resolution S. Con. Res. 78, condemning the repression of the Iranian Bahá'í community and calling for the emancipation of Iranian Bahá'ís, as follows:

Beginning with page 5, line 22, strike all through page 6, line 7, and insert the following:

“(A) assert the concerns of the United States Government regarding violations by the Iranian Government of the rights of Iranian citizens, including members of the Bahá'í community;”.

SA 4083. Mr. THOMAS (for Mr. LIEBERMAN) proposed an amendment to the concurrent resolution S. Con. Res. 78, condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is; as follows:

Insert after the fourth whereas clause the following:

“Whereas Iranian authorities destroyed a Bahá'í holy site, the tomb of Quddus, in February 2004, and the historic house of the father of the founder of the Bahá'í faith in June 2004, marking the first time in 25 years that Bahá'í sites have been destroyed;”.

Strike the tenth whereas clause that begins “Whereas as of June 2003” and insert the following:

“Whereas as of November 2004, one Bahá'í remains in an Iranian prison for converting from Islam to the Bahá'í faith in 1995;”.

SA 4084. Mr. ALEXANDER (for Mr. DOMENICI) proposed an amendment to the bill H.R. 620, An act to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist cer-

tain local school districts in the State of California in providing educational services for students attending schools located within Yosemite National Park, to authorize the secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

TITLE I—YOSEMITE NATIONAL PARK AUTHORIZED PAYMENTS.

SEC. 101. PAYMENTS FOR EDUCATIONAL SERVICES.

(a) IN GENERAL.—(1) For fiscal years 2005 through 2008, the Secretary of the Interior may provide funds to the Bass Lake Joint Union Elementary School District and the Mariposa Unified School District in the State of California for educational services to students—

(A) who are dependents of persons engaged in the administration, operation, and maintenance of Yosemite National Park; or

(B) who live within or near the park upon real property owned by the United States.

(2) The Secretary's authority to make payments under this section shall terminate if the State of California or local education agencies do not continue to provide funding to the schools referred to in subsection (a) at per student levels that are no less than the amount provided in fiscal year 2004.

(b) LIMITATION ON USE OF FUNDS.—Payments made under this section shall only be used to pay public employees for educational services provided in accordance with subsection (a). Payments may not be used for construction, construction contracts, or major capital improvements.

(c) LIMITATION ON AMOUNT OF FUNDS.—Payments made under this section shall not exceed the lesser of—

(1) \$400,000 in any fiscal year; or

(2) the amount necessary to provide students described in subsection (a) with educational services that are normally provided and generally available to students who attend public schools elsewhere in the State of California.

(d) SOURCE OF PAYMENTS.—(1) Except as otherwise provided in this subsection, the Secretary may use funds available to the National Park Service from appropriations, donations, or fees.

(2) Funds from the following sources shall not be used to make payments under this section:

(A) Any law authorizing the collection or expenditure of entrance or use fees at units of the National Park System, including the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.); the recreational fee demonstration program established under section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (16 U.S.C. 4601-6a note); and the National Park Passport Program established under section 602 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5992).

(B) Emergency appropriations for flood recovery at Yosemite National Park.

(3)(A) The Secretary may use an authorized funding source to make payments under this section only if the funding available to Yosemite National Park from such source (after subtracting any payments to the school districts authorized under this section) is greater than or equal to the amount made available to the park for the prior fiscal year, or in fiscal year 2004, whichever is greater.

(B) It is the sense of Congress that any payments made under this section should not result in a reduction of funds to Yosemite National Park from any specific funding

source, and that with respect to appropriated funds, funding levels should reflect annual increases in the park's operating base funds that are generally made to units of the National Park System.

SEC. 102. AUTHORIZATION FOR PARK FACILITIES TO BE LOCATED OUTSIDE THE BOUNDARIES OF YOSEMITE NATIONAL PARK.

(a) FUNDING AUTHORITY FOR TRANSPORTATION SYSTEMS AND EXTERNAL FACILITIES.—Section 814(c) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 346e) is amended—

(1) in the heading by inserting “AND YOSEMITE NATIONAL PARK” after “ZION NATIONAL PARK”;

(2) in the first sentence—

(A) by inserting “and Yosemite National Park” after “Zion National Park”; and

(B) by inserting “for transportation systems or” after “appropriated funds”; and

(3) in the second sentence by striking “facilities” and inserting “systems or facilities”.

(b) CLARIFYING AMENDMENT FOR TRANSPORTATION FEE AUTHORITY.—Section 501 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5981) is amended in the first sentence by striking “service contract” and inserting “service contract, cooperative agreement, or other contractual arrangement”.

TITLE II—RANCHO CORRAL DE TIERRA GOLDEN GATE NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT

SEC. 201. SHORT TITLE.

This title may be cited as the “Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act”.

SEC. 202. GOLDEN GATE NATIONAL RECREATION AREA, CALIFORNIA.

(a) BOUNDARY ADJUSTMENT.—Section 2(a) of Public Law 92-589 (16 U.S.C. 460bb-1(a)) is amended—

(1) by striking “The recreation area shall comprise” and inserting the following:

“(1) INITIAL LANDS.—The recreation area shall comprise”; and

(2) by striking “The following additional lands are also” and all that follows through the period at the end of the subsection and inserting the following new paragraphs:

“(2) ADDITIONAL LANDS.—In addition to the lands described in paragraph (1), the recreation area shall include the following:

“(A) The parcels numbered by the Assessor of Marin County, California, 119-040-04, 119-040-05, 119-040-18, 166-202-03, 166-010-06, 166-010-07, 166-010-24, 166-010-25, 119-240-19, 166-010-10, 166-010-22, 119-240-03, 119-240-51, 119-240-52, 119-240-54, 166-010-12, 166-010-13, and 119-235-10.

“(B) Lands and waters in San Mateo County generally depicted on the map entitled ‘Sweeney Ridge Addition, Golden Gate National Recreation Area’, numbered NRA GG-80,000-A, and dated May 1980.

“(C) Lands acquired under the Golden Gate National Recreation Area Addition Act of 1992 (16 U.S.C. 460bb-1 note; Public Law 102-299).

“(D) Lands generally depicted on the map entitled ‘Additions to Golden Gate National Recreation Area’, numbered NPS-80-076, and dated July 2000/PWR-PLRPC.

“(E) Lands generally depicted on the map entitled ‘Rancho Corral de Tierra Additions to the Golden Gate National Recreation Area’, numbered NPS-80,079E, and dated March 2004.

“(3) ACQUISITION LIMITATION.—The Secretary may acquire land described in paragraph (2)(E) only from a willing seller.”

(b) ADVISORY COMMISSION.—Section 5 of Public Law 92-589 (16 U.S.C. 460bb-4) is amended—

(1) by striking subsection (b) and inserting the following new subsection:

“(b) MEMBERSHIP.—The Commission shall be composed of 18 members appointed by the Secretary for terms of five years each. In appointing such members, the Secretary shall ensure that the interests of local, historic recreational users of the recreation area are represented.”; and

(2) in subsection (g), by striking “cease to exist thirty years after the enactment of this Act” and inserting “terminate on December 31, 2014”.

SEC. 203. MANZANAR NATIONAL HISTORIC SITE ADVISORY COMMISSION.

Section 105(h) of Public Law 102-248 (16 U.S.C. 461 note) is amended by striking “10 years after the date of enactment of this title” and inserting “on December 31, 2013”.

TITLE III—OJITO WILDERNESS

SEC. 301. SHORT TITLE.

This title may be cited as the “Ojito Wilderness Act”.

SEC. 302. DEFINITIONS.

In this title:

(1) PUEBLO.—The term “Pueblo” means the Pueblo of Zia.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(3) STATE.—The term “State” means the State of New Mexico.

(4) MAP.—The term “map” means the map entitled “Ojito Wilderness Act” and dated October 1, 2004.

(5) WILDERNESS.—The term “Wilderness” means the Ojito Wilderness designated under section 303(a).

SEC. 303. DESIGNATION OF THE OJITO WILDERNESS.

(a) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), there is hereby designated as wilderness, and, therefore, as a component of the National Wilderness Preservation System, certain land in the Albuquerque District-Bureau of Land Management, New Mexico, which comprise approximately 11,183 acres, as generally depicted on the map, and which shall be known as the “Ojito Wilderness”.

(b) MAP AND LEGAL DESCRIPTION.—The map and a legal description of the Wilderness shall—

(1) be filed by the Secretary with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives as soon as practicable after the date of the enactment of this Act;

(2) have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in the legal description and map; and

(3) be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) MANAGEMENT OF WILDERNESS.—Subject to valid existing rights, the Wilderness shall be managed by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this title, except that, with respect to the Wilderness, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of the enactment of this Act.

(d) MANAGEMENT OF NEWLY ACQUIRED LAND.—If acquired by the United States, the following land shall become part of the Wilderness and shall be managed in accordance with this title and other laws applicable to the Wilderness:

(1) Section 12 of township 15 north, range 01 west, New Mexico Principal Meridian.

(2) Any land within the boundaries of the Wilderness.

(e) MANAGEMENT OF LANDS TO BE ADDED.—The lands generally depicted on the map as

“Lands to be Added” shall become part of the Wilderness if the United States acquires, or alternative adequate access is available to, section 12 of township 15 north, range 01 west.

(f) RELEASE.—The Congress hereby finds and directs that the lands generally depicted on the map as “Lands to be Released” have been adequately studied for wilderness designation pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782) and no longer are subject to the requirement of section 603(c) of such Act (43 U.S.C. 1782(c)) pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

(g) GRAZING.—Grazing of livestock in the Wilderness, where established before the date of the enactment of this Act, shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines set forth in Appendix A of the Report of the Committee on Interior and Insular Affairs to accompany H.R. 2570 of the One Hundred First Congress (H. Rept. 101-405).

(h) FISH AND WILDLIFE.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this section shall be construed as affecting the jurisdiction or responsibilities of the State with respect to fish and wildlife in the State.

(i) WATER RIGHTS.—

(1) FINDINGS.—Congress finds that—

(A) the land designated as Wilderness by this title is arid in nature and is generally not suitable for use or development of new water resource facilities; and

(B) because of the unique nature and hydrology of the desert land designated as wilderness by this title, it is possible to provide for proper management and protection of the wilderness and other values of lands in ways different from those used in other legislation.

(2) STATUTORY CONSTRUCTION.—Nothing in this title—

(A) shall constitute or be construed to constitute either an express or implied reservation by the United States of any water or water rights with respect to the land designated as wilderness by this title;

(B) shall affect any water rights in the State existing on the date of the enactment of this Act, including any water rights held by the United States;

(C) shall be construed as establishing a precedent with regard to any future wilderness designations;

(D) shall affect the interpretation of, or any designation made pursuant to, any other Act; or

(E) shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State and other States.

(3) NEW MEXICO WATER LAW.—The Secretary shall follow the procedural and substantive requirements of the law of the State in order to obtain and hold any water rights not in existence on the date of enactment of this Act with respect to the wilderness areas designated by this title.

(4) NEW PROJECTS.—

(A) WATER RESOURCE FACILITY.—As used in this subsection, the term “water resource facility”—

(i) means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, and transmission and other ancillary facilities, and other water diversion, storage, and carriage structures; and

(ii) does not include wildlife guzzlers.

(B) RESTRICTION ON NEW WATER RESOURCE FACILITIES.—Except as otherwise provided in

this Act, on and after the date of the enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within the wilderness area designated by this title.

(j) WITHDRAWAL.—Subject to valid existing rights, the Wilderness, the lands to be added under subsection (e), and lands identified on the map as the “BLM Lands Authorized to be Acquired by the Pueblo of Zia” are withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(k) EXCHANGE.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall seek to complete an exchange for State land within the boundaries of the Wilderness.

SEC. 304. LAND HELD IN TRUST.

(a) IN GENERAL.—Subject to valid existing rights and the conditions under subsection (d), all right, title, and interest of the United States in and to the lands (including improvements, appurtenances, and mineral rights to the lands) generally depicted on the map as “BLM Lands Authorized to be Acquired by the Pueblo of Zia” shall, on receipt of consideration under subsection (c) and adoption and approval of regulations under subsection (d), be declared by the Secretary to be held in trust by the United States for the Pueblo and shall be part of the Pueblo’s Reservation.

(b) DESCRIPTION OF LANDS.—The boundary of the lands authorized by this section for acquisition by the Pueblo where generally depicted on the map as immediately adjacent to CR906, CR923, and Cucho Arroyo Road shall be 100 feet from the center line of the road.

(c) CONSIDERATION.—

(1) IN GENERAL.—In consideration for the conveyance authorized under subsection (a), the Pueblo shall pay to the Secretary the amount that is equal to the fair market value of the land conveyed, as subject to the terms and conditions in subsection (d), as determined by an independent appraisal.

(2) APPRAISAL.—To determine the fair market value, the Secretary shall conduct an appraisal paid for by the Pueblo that is performed in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(3) AVAILABILITY.—Any amounts paid under paragraph (1) shall be available to the Secretary, without further appropriation and until expended, for the acquisition from willing sellers of land or interests in land in the State.

(d) PUBLIC ACCESS.—

(1) IN GENERAL.—Subject to paragraph (2), the declaration of trust and conveyance under subsection (a) shall be subject to the continuing right of the public to access the land for recreational, scenic, scientific, educational, paleontological, and conservation uses, subject to any regulations for land management and the preservation, protection, and enjoyment of the natural characteristics of the land that are adopted by the Pueblo and approved by the Secretary; Provided that the Secretary shall ensure that the rights provided for in this paragraph are protected and that a process for resolving any complaints by an aggrieved party is established.

(2) CONDITIONS.—Except as provided in subsection (f)—

(A) IN GENERAL.—The land conveyed under subsection (a) shall be maintained as open space, and the natural characteristics of the land shall be preserved in perpetuity.

(B) PROHIBITED USES.—The use of motorized vehicles (except on existing roads or as is necessary for the maintenance and repair of facilities used in connection with grazing operations), mineral extraction, housing, gaming, and other commercial enterprises shall be prohibited within the boundaries of the land conveyed under subsection (a).

(e) RIGHTS OF WAY.—

(1) EXISTING RIGHTS OF WAY.—Nothing in this section shall affect—

(A) any validly issued right-of-way, or the renewal thereof; or

(B) the access for customary construction, operation, maintenance, repair, and replacement activities in any right-of-way issued, granted, or permitted by the Secretary.

(2) NEW RIGHTS OF WAY AND RENEWALS.—

(A) IN GENERAL.—The Pueblo shall grant any reasonable requests for rights-of-way for utilities and pipelines over land acquired under subsection (a) that is designated as the Rights-of-Way corridor #1 as established in the Rio Puerco Resource Management Plan in effect on the date of the grant.

(B) ADMINISTRATION.—Any right-of-way issued or renewed after the date of the enactment of this Act over land authorized to be conveyed by this section shall be administered in accordance with the rules, regulations, and fee payment schedules of the Department of the Interior, including the Rio Puerco Resources Management Plan in effect on the date of issuance or renewal of the right-of-way.

(f) JUDICIAL RELIEF.—

(1) IN GENERAL.—To enforce subsection (d), any person may bring a civil action in the United States District Court for the District of New Mexico seeking declaratory or injunctive relief.

(2) SOVEREIGN IMMUNITY.—The Pueblo shall not assert sovereign immunity as a defense or bar to a civil action brought under paragraph (1).

(3) EFFECT.—Nothing in this section—

(A) authorizes a civil action against the Pueblo for money damages, costs, or attorneys fees; or

(B) except as provided in paragraph (2), abrogates the sovereign immunity of the Pueblo.

TITLE IV—WIND CAVE NATIONAL PARK BOUNDARY REVISION

SEC. 401. SHORT TITLE.

This title may be cited as the “Wind Cave National Park Boundary Revision Act of 2004”.

SEC. 402. DEFINITIONS.

In this title:

(1) MAP.—The term “map” means the map entitled “Wind Cave National Park Boundary Revision”, numbered 108/80,030, and dated June 2002.

(2) PARK.—The term “Park” means the Wind Cave National Park in the State.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) STATE.—The term “State” means the State of South Dakota.

SEC. 403. LAND ACQUISITION.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary may acquire the land or interest in land described in subsection (b)(1) for addition to the Park.

(2) MEANS.—An acquisition of land under paragraph (1) may be made by donation, purchase from a willing seller with donated or appropriated funds, or exchange.

(b) BOUNDARY.—

(1) MAP AND ACREAGE.—The land referred to in subsection (a)(1) shall consist of approximately 5,675 acres, as generally depicted on the map.

(2) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(3) REVISION.—The boundary of the Park shall be adjusted to reflect the acquisition of land under subsection (a)(1).

SEC. 404. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer any land acquired under section 403(a)(1) as part of the Park in accordance with laws (including regulations) applicable to the Park.

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—The Secretary shall transfer from the Director of the Bureau of Land Management to the Director of the National Park Service administrative jurisdiction over the land described in paragraph (2).

(2) MAP AND ACREAGE.—The land referred to in paragraph (1) consists of the approximately 80 acres of land identified on the map as “Bureau of Land Management land”.

SEC. 405. GRAZING.

(a) GRAZING PERMITTED.—Subject to any permits or leases in existence as of the date of acquisition, the Secretary may permit the continuation of livestock grazing on land acquired under section 403(a)(1).

(b) LIMITATION.—Grazing under subsection (a) shall be at not more than the level existing on the date on which the land is acquired under section 403(a)(1).

(c) PURCHASE OF PERMIT OR LEASE.—The Secretary may purchase the outstanding portion of a grazing permit or lease on any land acquired under section 403(a)(1).

(d) TERMINATION OF LEASES OR PERMITS.—The Secretary may accept the voluntary termination of a permit or lease for grazing on any acquired land.

TITLE V—BLUNT RESERVOIR AND PIERRE CANAL LAND CONVEYANCE

SEC. 501. SHORT TITLE.

This title may be cited as the “Blunt Reservoir and Pierre Canal Land Conveyance Act of 2004”.

SEC. 502. BLUNT RESERVOIR AND PIERRE CANAL.

(a) DEFINITIONS.—In this section:

(1) BLUNT RESERVOIR FEATURE.—The term “Blunt Reservoir feature” means the Blunt Reservoir feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin program.

(2) COMMISSION.—The term “Commission” means the Commission of Schools and Public Lands of the State.

(3) NONPREFERENTIAL LEASE PARCEL.—The term “nonpreferential lease parcel” means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a nonpreferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(4) PIERRE CANAL FEATURE.—The term “Pierre Canal feature” means the Pierre Canal feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin program.

(5) PREFERENTIAL LEASEHOLDER.—The term “preferential leaseholder” means a person or descendant of a person that held a lease on a preferential lease parcel as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(6) PREFERENTIAL LEASE PARCEL.—The term “preferential lease parcel” means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a preferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(7) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(8) STATE.—The term “State” means the State of South Dakota, including a successor in interest of the State.

(9) UNLEASED PARCEL.—The term “unleased parcel” means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) is not under lease as of the date of enactment of this Act.

(b) DEAUTHORIZATION.—The Blunt Reservoir feature is deauthorized.

(c) ACCEPTANCE OF LAND AND OBLIGATIONS.—

(1) IN GENERAL.—As a condition of each conveyance under subsections (d)(5) and (e), respectively, the State shall agree to accept—

(A) in “as is” condition, the portions of the Blunt Reservoir Feature and the Pierre Canal Feature that pass into State ownership;

(B) any liability accruing after the date of conveyance as a result of the ownership, operation, or maintenance of the features referred to in subparagraph (A), including liability associated with certain outstanding obligations associated with expired easements, or any other right granted in, on, over, or across either feature; and

(C) the responsibility that the Commission will act as the agent for the Secretary in administering the purchase option extended to preferential leaseholders under subsection (d).

(2) RESPONSIBILITIES OF THE STATE.—An outstanding obligation described in paragraph (1)(B) shall inure to the benefit of, and be binding upon, the State.

(3) OIL, GAS, MINERAL AND OTHER OUTSTANDING RIGHTS.—A conveyance to the State under subsection (d)(5) or (e) or a sale to a preferential leaseholder under subsection (d) shall be made subject to—

(A) oil, gas, and other mineral rights reserved of record, as of the date of enactment of this Act, by or in favor of a third party; and

(B) any permit, license, lease, right-of-use, or right-of-way of record in, on, over, or across a feature referred to in paragraph (1)(A) that is outstanding as to a third party as of the date of enactment of this Act.

(4) ADDITIONAL CONDITIONS OF CONVEYANCE TO STATE.—A conveyance to the State under subsection (d)(5) or (e) shall be subject to the reservations by the United States and the conditions specified in section 1 of the Act of May 19, 1948 (chapter 310; 62 Stat. 240), as amended (16 U.S.C. 667b), for the transfer of property to State agencies for wildlife conservation purposes.

(d) PURCHASE OPTION.—

(1) IN GENERAL.—A preferential leaseholder shall have an option to purchase from the Commission, acting as an agent for the Secretary, the preferential lease parcel that is the subject of the lease.

(2) TERMS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a preferential leaseholder may elect to purchase a parcel on one of the following terms:

(i) Cash purchase for the amount that is equal to—

(I) the value of the parcel determined under paragraph (4); minus

(II) ten percent of that value.

(ii) Installment purchase, with 10 percent of the value of the parcel determined under

paragraph (4) to be paid on the date of purchase and the remainder to be paid over not more than 30 years at 3 percent annual interest.

(B) VALUE UNDER \$10,000.—If the value of the parcel is under \$10,000, the purchase shall be made on a cash basis in accordance with subparagraph (A)(i).

(3) OPTION EXERCISE PERIOD.—

(A) IN GENERAL.—A preferential leaseholder shall have until the date that is 5 years after enactment of this Act to exercise the option under paragraph (1).

(B) CONTINUATION OF LEASES.—Until the date specified in subparagraph (A), a preferential leaseholder shall be entitled to continue to lease from the Secretary the parcel leased by the preferential leaseholder under the same terms and conditions as under the lease, as in effect as of the date of enactment of this Act.

(4) VALUATION.—

(A) IN GENERAL.—The value of a preferential lease parcel shall be its fair market value for agricultural purposes determined by an independent appraisal, exclusive of the value of private improvements made by the leaseholders while the land was federally owned before the date of the enactment of this Act, in conformance with the Uniform Appraisal Standards for Federal Land Acquisition.

(B) FAIR MARKET VALUE.—Any dispute over the fair market value of a property under subparagraph (A) shall be resolved in accordance with section 2201.4 of title 43, Code of Federal Regulations.

(5) CONVEYANCE TO THE STATE.—

(A) IN GENERAL.—If a preferential leaseholder fails to purchase a parcel within the period specified in paragraph (3)(A), the Secretary shall convey the parcel to the State of South Dakota Department of Game, Fish, and Parks.

(B) WILDLIFE HABITAT MITIGATION.—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(6) USE OF PROCEEDS.—Proceeds of sales of land under this title shall be deposited as miscellaneous funds in the Treasury and such funds shall be made available, subject to appropriations, to the State for the establishment of a trust fund to pay the county taxes on the lands received by the State Department of Game, Fish, and Parks under the bill.

(e) CONVEYANCE OF NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—

(1) CONVEYANCE BY SECRETARY TO STATE.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall convey to the South Dakota Department of Game, Fish, and Parks the nonpreferential lease parcels and unleased parcels of the Blunt Reservoir and Pierre Canal.

(B) WILDLIFE HABITAT MITIGATION.—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(2) LAND EXCHANGES FOR NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—

(A) IN GENERAL.—With the concurrence of the South Dakota Department of Game, Fish, and Parks, the South Dakota Commission of Schools and Public Lands may allow a person to exchange land that the person owns elsewhere in the State for a nonpreferential lease parcel or unleased parcel at Blunt Reservoir or Pierre Canal, as the case may be.

(B) PRIORITY.—The right to exchange nonpreferential lease parcels or unleased parcels shall be granted in the following order or priority:

(i) Exchanges with current lessees for nonpreferential lease parcels.

(ii) Exchanges with adjoining and adjacent landowners for unleased parcels and nonpreferential lease parcels not exchanged by current lessees.

(C) EASEMENT FOR WATER CONVEYANCE STRUCTURE.—As a condition of the exchange of land of the Pierre Canal Feature under this paragraph, the United States reserves a perpetual easement to the land to allow for the right to design, construct, operate, maintain, repair, and replace a pipeline or other water conveyance structure over, under, across, or through the Pierre Canal feature.

(f) RELEASE FROM LIABILITY.—

(1) IN GENERAL.—Effective on the date of conveyance of any parcel under this title, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the parcel, except for damages for acts of negligence committed by the United States or by an employee, agent, or contractor of the United States, before the date of conveyance.

(2) NO ADDITIONAL LIABILITY.—Nothing in this section adds to any liability that the United States may have under chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”).

(g) REQUIREMENTS CONCERNING CONVEYANCE OF LEASE PARCELS.—

(1) INTERIM REQUIREMENTS.—During the period beginning on the date of enactment of this Act and ending on the date of conveyance of the parcel, the Secretary shall continue to lease each preferential lease parcel or nonpreferential lease parcel to be conveyed under this section under the terms and conditions applicable to the parcel on the date of enactment of this Act.

(2) PROVISION OF PARCEL DESCRIPTIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall provide the State a full legal description of all preferential lease parcels and nonpreferential lease parcels that may be conveyed under this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this title \$750,000 to reimburse the Secretary for expenses incurred in implementing this title, and such sums as are necessary to reimburse the Commission for expenses incurred implementing this title, not to exceed 10 percent of the cost of each transaction conducted under this title.

TITLE VI—HOLLOMAN AIR FORCE BASE LAND EXCHANGE

SEC. 601. LAND EXCHANGE, PRIVATE AND PUBLIC LAND IN VICINITY OF HOLLOMAN AIR FORCE BASE, NEW MEXICO.

(a) CONVEYANCE OF PUBLIC LAND.—In exchange for the land described in subsection (b), the Secretary of the Interior shall convey to Randal, Jeffrey, and Timothy Rabon of Otero County, New Mexico (in this section referred to as the “Rabons”), all right, title, and interest of the United States in and to certain public land administered by the Secretary through the Bureau of Land Management consisting of a total of approximately 320 acres, as depicted on the map entitled “Alamogordo Rabon Land Exchange” and dated September 24, 2004, and more specifically described as follows:

(1) SE1/4 of section 6, township 17 south, range 10 east, New Mexico principal meridian.

(2) N1/2N1/2 of section 7, township 17 south, range 10 east, New Mexico principal meridian.

(b) CONSIDERATION.—As consideration for the conveyance of the real property under subsection (a), the Rabons shall convey to the United States all right, title, and interest held by the Rabons in and to three parcels of land depicted on the map referred to in subsection (a), which consists of approximately 241 acres, is contiguous to Holloman Air Force Base, New Mexico, and is located within the required safety zone surrounding munitions storage bunkers at the installation. The Secretary shall assume jurisdiction over the land acquired under this subsection. The three parcels are more specifically described as follows:

(1) Lot 4 in the S1/2 of section 30, township 16 south, range 9 east, New Mexico principal meridian, consisting of approximately 17.6 acres.

(2) E1/2SW1/4 of section 31, township 16 south, range 9 east, New Mexico principal meridian, consisting of approximately 80 acres.

(3) Lots 1, 2, 3, and 4 of section 31, township 16 south, range 9 east, New Mexico principal meridian, consisting of approximately 143 acres.

(c) INTERESTS INCLUDED IN EXCHANGE.—Subject to valid existing rights, the land exchange under this section shall include conveyance of all surface, subsurface, mineral, and water rights in the lands.

(d) COMPLIANCE WITH EXISTING LAW.—(1) The Secretary shall carry out the land exchange under this section in the manner provided in section 206 of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1716). Notwithstanding subsection (b) of such section, if necessary, a cash equalization payment may be made in excess of 25 percent of the appraised value the public land to be conveyed under subsection (a).

(2) The cost of the appraisals performed as part of the land exchange shall be borne by the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the land exchange under this section as the Secretary considers appropriate to protect the interests of the United States.

TITLE VII—COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

SEC. 701. COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) IN GENERAL.—Section 19(b) of Public Law 99-396 (48 U.S.C. 1469a-1) is amended by adding at the end the following: “Amounts to be covered over pursuant to section 703(b) of the Covenant to establish the Commonwealth of the Northern Mariana Islands shall include the proceeds of all taxes, fees, and other collections, including on estates and gifts, derived from the Commonwealth or activities therein or its inhabitants and residents, with the sole exception of taxes imposed under chapters 2 and 21 of the Internal Revenue Code of 1986, as specifically excluded under 703(b) of the Covenant, together with interest on any amounts not covered over within 1 year of the date of receipt.”

(b) SETTLEMENT.—The Secretary of the Interior shall review the analysis and methodology submitted by the Commonwealth of the Northern Mariana Islands for amounts due under section 703(b) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (90 Stat. 263) and shall negotiate with the Governor of the Commonwealth to reach a settlement for all past due sums set forth in the analysis as well as other sums, such as excise taxes and other collections applicable in or to the Commonwealth. Any settlement shall be conditioned on the Commonwealth executing a full and final release of any and all claims

under section 703(b) of the Covenant and submission of a plan for the expenditure of all funds for essential infrastructure for education and water.

TITLE VIII—UNITED STATES-MEXICO TRANSBOUNDARY AQUIFER ASSESSMENT

SEC. 801. SHORT TITLE.

This title may be cited as the “United States-Mexico Transboundary Aquifer Assessment Act”.

SEC. 802. PURPOSE.

The purpose of this title is to direct the Secretary of the Interior to establish a United States-Mexico transboundary aquifer assessment program to—

- (1) systematically assess priority transboundary aquifers; and
- (2) provide the scientific foundation necessary for State and local officials to address pressing water resource challenges in the United States-Mexico border region.

SEC. 803. DEFINITIONS.

In this title:

(1) AQUIFER.—The term “aquifer” means a subsurface water-bearing geologic formation from which significant quantities of water may be extracted.

(2) BORDER STATE.—The term “Border State” means each of the States of Arizona, California, New Mexico, and Texas.

(3) INDIAN TRIBE.—The term “Indian tribe” means an Indian tribe, band, nation, or other organized group or community—

(A) that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; and

(B) the reservation of which includes a transboundary aquifer within the exterior boundaries of the reservation.

(4) PRIORITY TRANSBOUNDARY AQUIFER.—The term “priority transboundary aquifer” means a transboundary aquifer that has been designated for study and analysis under the program.

(5) PROGRAM.—The term “program” means the United States-Mexico transboundary aquifer assessment program established under section 804(a).

(6) RESERVATION.—The term “reservation” means land that has been set aside or that has been acknowledged as having been set aside by the United States for the use of an Indian tribe, the exterior boundaries of which are more particularly defined in a final tribal treaty, agreement, executive order, Federal statute, secretarial order, or judicial determination.

(7) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

(8) TRANSBOUNDARY AQUIFER.—The term “transboundary aquifer” means an aquifer that underlies the boundary between the United States and Mexico.

(9) TRI-REGIONAL PLANNING GROUP.—The term “Tri-Regional Planning Group” means the binational planning group comprised of—

(A) the Junta Municipal de Agua y Saneamiento de Ciudad Juarez;

(B) the El Paso Water Utilities Public Service Board; and

(C) the Lower Rio Grande Water Users Organization.

(10) WATER RESOURCES RESEARCH INSTITUTES.—The term “water resources research institutes” means the institutes within the Border States established under section 104 of the Water Resources Research Act of 1984 (42 U.S.C. 10303).

SEC. 804. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—The Secretary, in consultation and cooperation with the Border States, the water resources research institutes, Sandia National Laboratories, and

other appropriate entities in the United States and Mexico, shall carry out the United States-Mexico transboundary aquifer assessment program to characterize, map, and model transboundary groundwater resources along the United States-Mexico border at a level of detail determined to be appropriate for the particular aquifer.

(b) OBJECTIVES.—The objectives of the program are to—

(1) develop and implement an integrated scientific approach to assess transboundary groundwater resources, including—

(A)(i) identifying fresh and saline transboundary aquifers; and

(ii) prioritizing the transboundary aquifers for further analysis by assessing—

(I) the proximity of the transboundary aquifer to areas of high population density;

(II) the extent to which the transboundary aquifer is used;

(III) the susceptibility of the transboundary aquifer to contamination; and

(IV) any other relevant criteria;

(B) evaluating all available data and publications as part of the development of study plans for each priority transboundary aquifer;

(C) creating a new, or enhancing an existing, geographic information system database to characterize the spatial and temporal aspects of each priority transboundary aquifer; and

(D) using field studies, including support for and expansion of ongoing monitoring and metering efforts, to develop—

(i) the additional data necessary to adequately define aquifer characteristics; and

(ii) scientifically sound groundwater flow models to assist with State and local water management and administration, including modeling of relevant groundwater and surface water interactions;

(2) expand existing agreements, as appropriate, between the United States Geological Survey, the Border States, the water resources research institutes, and appropriate authorities in the United States and Mexico, to—

(A) conduct joint scientific investigations;

(B) archive and share relevant data; and

(C) carry out any other activities consistent with the program; and

(3) produce scientific products for each priority transboundary aquifer that—

(A) are capable of being broadly distributed; and

(B) provide the scientific information needed by water managers and natural resource agencies on both sides of the United States-Mexico border to effectively accomplish the missions of the managers and agencies.

(c) DESIGNATION OF PRIORITY TRANSBOUNDARY AQUIFERS.—

(1) IN GENERAL.—For purposes of the program, the Secretary shall designate as priority transboundary aquifers—

(A) the Hueco Bolson and Mesilla aquifers underlying parts of Texas, New Mexico, and Mexico; and

(B) the Santa Cruz River Valley aquifers underlying Arizona and Sonora, Mexico.

(2) ADDITIONAL AQUIFERS.—The Secretary shall, using the criteria under subsection (b)(1)(A)(ii), evaluate and designate additional priority transboundary aquifers.

(d) COOPERATION WITH MEXICO.—To ensure a comprehensive assessment of transboundary aquifers, the Secretary shall, to the maximum extent practicable, work with appropriate Federal agencies and other organizations to develop partnerships with, and receive input from, relevant organizations in Mexico to carry out the program.

(e) GRANTS AND COOPERATIVE AGREEMENTS.—The Secretary may provide grants or enter into cooperative agreements and other agreements with the water resources

research institutes and other Border State entities to carry out the program.

SEC. 805. IMPLEMENTATION OF PROGRAM.

(a) **COORDINATION WITH STATES, TRIBES, AND OTHER ENTITIES.**—The Secretary shall coordinate the activities carried out under the program with—

(1) the appropriate water resource agencies in the Border States;

(2) any affected Indian tribes; and

(3) any other appropriate entities that are conducting monitoring and metering activity with respect to a priority transboundary aquifer.

(b) **NEW ACTIVITY.**—After the date of enactment of this Act, the Secretary shall not initiate any new field studies or analyses under the program before consulting with, and coordinating the activity with, any Border State water resource agencies that have jurisdiction over the aquifer.

(c) **STUDY PLANS; COST ESTIMATES.**—

(1) **IN GENERAL.**—The Secretary shall work closely with appropriate Border State water resource agencies, water resources research institutes, and other relevant entities to develop a study plan, timeline, and cost estimate for each priority transboundary aquifer to be studied under the program.

(2) **REQUIREMENTS.**—A study plan developed under paragraph (1) shall, to the maximum extent practicable—

(A) integrate existing data collection and analyses conducted with respect to the priority transboundary aquifer;

(B) if applicable, improve and strengthen existing groundwater flow models developed for the priority transboundary aquifer; and

(C) be consistent with appropriate State guidelines and goals.

SEC. 806. EFFECT.

Nothing in this title affects—

(1) the jurisdiction or responsibility of a Border State with respect to managing surface or groundwater resources in the Border State; or

(2) the water rights of any person or entity using water from a transboundary aquifer.

SEC. 807. REPORTS.

Not later than 5 years after the date of enactment of this Act, and on completion of the program in fiscal year 2014, the Secretary shall submit to the appropriate water resource agency in the Border States, an interim and final report, respectively, that describes—

(1) any activities carried out under the program;

(2) any conclusions of the Secretary relating to the status of transboundary aquifers; and

(3) the level of participation in the program of entities in Mexico.

SEC. 808. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this title \$50,000,000 for the period of fiscal years 2005 through 2014.

(b) **DISTRIBUTION OF FUNDS.**—Of the amounts made available under subsection (a), 50 percent shall be made available to the water resources research institutes to provide funding to appropriate entities in the Border States (including Sandia National Laboratories, State agencies, universities, the Tri-Regional Planning Group, and other relevant organizations) and Mexico to conduct activities under the program, including the binational collection and exchange of scientific data.

TITLE IX—CASTILLO DE SAN MARCOS NATIONAL MONUMENT

Subtitle A—Castillo de San Marcos National Monument Preservation Act

SEC. 901. SHORT TITLE.

This subtitle may be cited as the “Castillo de San Marcos National Monument Preservation and Education Act”.

SEC. 902. VISITOR CENTER.

(a) **AUTHORIZATION.**—Subject to the availability of appropriations and the project being prioritized in the National Park Services 5-year, line-item construction program, the Secretary of the Interior (referred to in this section as the “Secretary”) may design and construct a Visitor Center for the Castillo de San Marcos National Monument (referred to in this section as the “Monument”).

(b) **PREFERRED ALTERNATIVE.**—The Visitor Center authorized in subsection (a) shall be located and constructed in accordance with the Preferred Alternative identified in the Record of Decision for the General Management Plan for the Monument, expected to be signed in 2005.

SEC. 903. COOPERATIVE AGREEMENT.

The Secretary may enter into cooperative agreements with the City of St. Augustine, Florida, the Colonial St. Augustine Preservation Foundation, other Federal, State, and local departments or agencies, academic institutions, and non-profit entities for the planning and design, construction, management, and operation of the Visitor Center.

SEC. 904. BOUNDARY EXPANSION.

(a) **PROPERTY ACQUISITION.**—If the Preferred Alternative for the Visitor Center authorized by section 902 is located outside the boundary of the Monument, the Secretary is authorized to acquire the site for the Visitor Center, from willing sellers, by donation, purchase with donated or appropriated funds, or by exchange.

(b) **ADMINISTRATION OF NEWLY ACQUIRED LAND.**—Land added to the Monument pursuant to subsection (a) shall be administered by the Secretary in accordance with applicable laws and regulations.

(c) **BOUNDARY MODIFICATION.**—The boundary of the Monument shall be modified to reflect the acquisition of land authorized in subsection (a) after completion of the acquisition.

SEC. 905. PROJECT APPROVAL.

Prior to initiating any planning, design, or construction on the Visitor Center authorized by section 902, the project must be reviewed and approved by the National Park Service consistent with partnership construction guidelines established by that agency.

Subtitle B—Castillo de San Marcos National Monument Boundary Modification

SEC. 911. SHORT TITLE.

This subtitle may be cited as the “Castillo de San Marcos National Monument Boundary Adjustment Act of 2004”.

SEC. 912. FINDINGS.

Congress finds the following:

(1) The early defense lines for Fort Marion, Florida, today known as the Castillo de San Marcos National Monument, included defenses extending in a line due west to the Sebastian River, a distance of about one half mile.

(2) In the 1830’s, during the Seminole Wars in Florida, these defensive lines were maintained, but as Florida became more settled they fell into disrepair and/or became obsolete.

(3) In 1908 the War Department deeded much of the property running west to the Sebastian River to the St. Johns County Board of Public Instruction. The portion of this property remaining in federal ownership today is occupied by Orange Street, a City of St. Augustine, Florida street.

(4) For nearly a century, the City of St. Augustine has maintained and managed Orange Street, a modern city street, and associated utilities in the Orange Street corridor.

(5) Any archeological remains that are still present on the property overlaid by Orange

Street are adequately protected by the City’s archeological ordinances, and by the City having an archeologist on staff.

(6) Although the city currently operates Orange Street under a right-of-way from the National Park Service, from a management perspective it is appropriate for the City of St. Augustine to own Orange Street.

SEC. 913. BOUNDARY ADJUSTMENT.

(a) **CONVEYANCE OF LAND.**—The Secretary of the Interior shall convey, without consideration, to the City of St. Augustine, Florida, all right, title, and interest of the United States in and to the lands known as Orange Street, a portion of the Castillo de San Marcos National Monument (Monument), consisting of approximately 3.1 acres, as shown on the map entitled Castillo de San Marcos National Monument Boundary Adjustment and Correction, numbered 343/80060, and dated April 2003. Upon completion of the conveyance, the Secretary shall revise the boundary of the Monument to exclude the land conveyed.

(b) **BOUNDARY REVISION.**—Effective on the date of the enactment of this Act, the boundary of the Monument is revised to include an area of approximately 0.45 acres, as shown on the map identified in subsection (a). The Secretary shall administer the lands included in the boundary as part of the national monument in accordance with applicable laws and regulations.

TITLE X—NORTHERN CALIFORNIA COASTAL WILD HERITAGE WILDERNESS

SEC. 1001. SHORT TITLE.

This title may be cited as the “Northern California Coastal Wild Heritage Wilderness Act”.

SEC. 1002. DEFINITION OF SECRETARY.

In this title, the term “Secretary” means—

(1) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(2) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

SEC. 1003. DESIGNATION OF WILDERNESS AREAS.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State of California are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) **SNOW MOUNTAIN WILDERNESS ADDITION.**—

(A) **IN GENERAL.**—Certain land in the Mendocino National Forest, comprising approximately 23,312 acres, as generally depicted on the maps described in subparagraph (B), is incorporated in and shall considered to be a part of the “Snow Mountain Wilderness”, as designated by section 101(a)(31) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-425).

(B) **DESCRIPTION OF MAPS.**—The maps referred to in subparagraph (A) are—

(i) the map entitled “Skeleton Glade Unit, Snow Mountain Proposed Wilderness Addition, Mendocino National Forest” and dated September 17, 2004; and

(ii) the map entitled “Bear Creek/Deafy Glade Unit, Snow Mountain Wilderness Addition, Mendocino National Forest” and dated September 17, 2004.

(2) **SANHEDRIN WILDERNESS.**—Certain land in the Mendocino National Forest, comprising approximately 10,571 acres, as generally depicted on the map entitled “Sanhedrin Proposed Wilderness, Mendocino National Forest” and dated September 17, 2004, which shall be known as the “Sanhedrin Wilderness”.

(3) **YUKI WILDERNESS.**—Certain land in the Mendocino National Forest and certain land administered by the Bureau of Land Management in Lake and Mendocino Counties, California, together comprising approximately

54,087 acres, as generally depicted on the map entitled "Yuki Proposed Wilderness" and dated October 28, 2004, which shall be known as the "Yuki Wilderness".

(4) **YOLLA BOLLY-MIDDLE EEL WILDERNESS ADDITION.**—Certain land in the Mendocino National Forest and certain land administered by the Bureau of Land Management in Mendocino County, California, together comprising approximately 25,806 acres, as generally depicted on the map entitled "Middle Fork Eel, Smokehouse and Big Butte Units, Yolla Bolly-Middle Eel Proposed Wilderness Addition" and dated October 28, 2004, is incorporated in and shall be considered to be a part of the Yolla Bolly-Middle Eel Wilderness, as designated by section 3 of the Wilderness Act (16 U.S.C. 1132).

(5) **MAD RIVER BUTTES WILDERNESS.**—Certain land in the Six Rivers National Forest, comprising approximately 6,494 acres, as generally depicted on the map entitled "Mad River Buttes, Mad River Proposed Wilderness" and dated September 17, 2004, which shall be known as the "Mad River Buttes Wilderness".

(6) **SISKIYOU WILDERNESS ADDITION.**—

(A) **IN GENERAL.**—Certain land in the Six Rivers National Forest, comprising approximately 48,754 acres, as generally depicted on the maps described in subparagraph (B), is incorporated in and shall be considered to be a part of the Siskiyou Wilderness, as designated by section 101(a)(30) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-425).

(B) **DESCRIPTION OF MAPS.**—The maps referred to in subparagraph (A) are—

(i) the map entitled "Bear Basin Butte Unit, Siskiyou Proposed Wilderness Additions, Six Rivers National Forest" and dated October 28, 2004;

(ii) the map entitled "Blue Creek Unit, Siskiyou Proposed Wilderness Addition, Six Rivers National Forest" and dated October 28, 2004;

(iii) the map entitled "Blue Ridge Unit, Siskiyou Proposed Wilderness Addition, Six Rivers National Forest" and dated September 17, 2004;

(iv) the map entitled "Broken Rib Unit, Siskiyou Proposed Wilderness Addition, Six Rivers National Forest" and dated September 17, 2004; and

(v) the map entitled "Woolly Bear Unit, Siskiyou Proposed Wilderness Addition, Six Rivers National Forest" and dated September 27, 2004.

(7) **MOUNT LASSIC WILDERNESS.**—Certain land in the Six Rivers National Forest, comprising approximately 7,279 acres, as generally depicted on the map entitled "Mt. Lassic Proposed Wilderness" and dated September 17, 2004, which shall be known as the "Mount Lassic Wilderness".

(8) **TRINITY ALPS WILDERNESS ADDITION.**—

(A) **IN GENERAL.**—Certain land in the Six Rivers National Forest, comprising approximately 28,805 acres, as generally depicted on the maps described in subparagraph (B) and which is incorporated in and shall be considered to be a part of the Trinity Alps Wilderness as designated by section 101(a)(34) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-425).

(B) **DESCRIPTION OF MAPS.**—The maps referred to in subparagraph (A) are—

(i) the map entitled "Orleans Mountain Unit (Boise Creek), Trinity Alps Proposed Wilderness Addition, Six Rivers National Forest", and dated October 28, 2004;

(ii) the map entitled "East Fork Unit, Trinity Alps Proposed Wilderness Addition, Six Rivers National Forest" and dated September 17, 2004;

(iii) the map entitled "Horse Linto Unit, Trinity Alps Proposed Wilderness Addition,

Six Rivers National Forest" and dated September 17, 2004; and

(iv) the map entitled "Red Cap Unit, Trinity Alps Proposed Wilderness Addition, Six Rivers National Forest" and dated September 17, 2004.

(9) **UNDERWOOD WILDERNESS.**—Certain land in the Six Rivers National Forest, comprising approximately 2,977 acres, as generally depicted on the map entitled "Underwood Proposed Wilderness, Six Rivers National Forest" and dated September 17, 2004, which shall be known as the "Underwood Wilderness".

(10) **CACHE CREEK WILDERNESS.**—Certain land administered by the Bureau of Land Management in Lake County, California, comprising approximately 30,870 acres, as generally depicted on the map entitled "Cache Creek Wilderness Area" and dated September 27, 2004, which shall be known as the "Cache Creek Wilderness".

(11) **CEDAR ROUGHS WILDERNESS.**—Certain land administered by the Bureau of Land Management in Napa County, California, comprising approximately 6,350 acres, as generally depicted on the map entitled "Cedar Roughs Wilderness Area" and dated September 27, 2004, which shall be known as the "Cedar Roughs Wilderness".

(12) **SOUTH FORK EEL RIVER WILDERNESS.**—Certain land administered by the Bureau of Land Management in Mendocino County, California, comprising approximately 12,915 acres, as generally depicted on the map entitled "South Fork Eel River Wilderness Area and Elkhorn Ridge Potential Wilderness" and dated September 27, 2004, which shall be known as the "South Fork Eel River Wilderness".

(13) **KING RANGE WILDERNESS.**—

(A) **IN GENERAL.**—Certain land administered by the Bureau of Land Management in Humboldt and Mendocino Counties, California, comprising approximately 42,585 acres, as generally depicted on the map entitled "King Range Wilderness", and dated November 12, 2004, which shall be known as the "King Range Wilderness".

(B) **APPLICABLE LAW.**—With respect to the wilderness designated by subparagraph (A), in the case of a conflict between this title and Public Law 91-476 (16 U.S.C. 460y et seq.), the more restrictive provision shall control.

(14) **ROCKS AND ISLANDS.**—

(A) **IN GENERAL.**—All Federally-owned rocks, islets, and islands (whether named or unnamed and surveyed or unsurveyed) that are located—

(i) not more than 3 geographic miles off the coast of the King Range National Conservation Area; and

(ii) above mean high tide.

(B) **APPLICABLE LAW.**—In the case of a conflict between this title and Proclamation No. 7264 (65 Fed. Reg. 2821), the more restrictive provision shall control.

SEC. 1004. ADMINISTRATION OF WILDERNESS AREAS.

(a) **MANAGEMENT.**—Subject to valid existing rights, each area designated as wilderness by this title shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the wilderness.

(b) **MAP AND DESCRIPTION.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated by this title with—

(A) the Committee on Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) **FORCE OF LAW.**—A map and legal description filed under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary may correct errors in the map and legal description.

(3) **PUBLIC AVAILABILITY.**—Each map and legal description filed under paragraph (1) shall be filed and made available for public inspection in the appropriate office of the Secretary.

(c) **INCORPORATION OF ACQUIRED LAND AND INTERESTS.**—Any land within the boundary of a wilderness area designated by this title that is acquired by the Federal Government shall—

(1) become part of the wilderness area in which the land is located; and

(2) be managed in accordance with this title, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(d) **WITHDRAWAL.**—Subject to valid rights in existence on the date of enactment of this Act, the Federal land designated as wilderness by this title is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(e) **FIRE, INSECT, AND DISEASE MANAGEMENT ACTIVITIES.**—

(1) **IN GENERAL.**—The Secretary may take such measures in the wilderness areas designated by this title as are necessary for the control and prevention of fire, insects, and diseases, in accordance with—

(A) section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)); and

(B) House Report No. 98-40 of the 98th Congress.

(2) **REVIEW.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall review existing policies applicable to the wilderness areas designated by this title to ensure that authorized approval procedures for any fire management measures allow a timely and efficient response to fire emergencies in the wilderness areas.

(f) **ACCESS TO PRIVATE PROPERTY.**—

(1) **IN GENERAL.**—The Secretary shall provide any owner of private property within the boundary of a wilderness area designated by this title adequate access to such property to ensure the reasonable use and enjoyment of the property by the owner.

(2) **KING RANGE WILDERNESS.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), within the wilderness designated by section 1003(13), the access route depicted on the map for private landowners shall also be available for invitees of the private landowners.

(B) **LIMITATION.**—Nothing in subparagraph (A) requires the Secretary to provide any access to the landowners or invitees beyond the access that would be available if the wilderness had not been designated.

(g) **SNOW SENSORS AND STREAM GAUGES.**—If the Secretary determines that hydrologic, meteorologic, or climatological instrumentation is appropriate to further the scientific, educational, and conservation purposes of the wilderness areas designated by this title, nothing in this title prevents the installation and maintenance of the instrumentation within the wilderness areas.

(h) **MILITARY ACTIVITIES.**—Nothing in this title precludes low-level overflights of military aircraft, the designation of new units of special airspace, or the use or establishment

of military flight training routes over wilderness areas designated by this title.

(i) LIVESTOCK.—Grazing of livestock and the maintenance of existing facilities related to grazing in wilderness areas designated by this title, where established before the date of enactment of this Act, shall be permitted to continue in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(j) FISH AND WILDLIFE MANAGEMENT.—

(1) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may carry out management activities to maintain or restore fish and wildlife populations and fish and wildlife habitats in wilderness areas designated by this title if such activities are—

(A) consistent with applicable wilderness management plans; and

(B) carried out in accordance with applicable guidelines and policies.

(2) STATE JURISDICTION.—Nothing in this title affects the jurisdiction of the State of California with respect to fish and wildlife on the public land located in the State.

(k) USE BY MEMBERS OF INDIAN TRIBES.—

(1) ACCESS.—In recognition of the past use of wilderness areas designated by this title by members of Indian tribes for traditional cultural and religious purposes, the Secretary shall ensure that Indian tribes have access to the wilderness areas for traditional cultural and religious purposes.

(2) TEMPORARY CLOSURES.—

(A) IN GENERAL.—In carrying out this section, the Secretary, on request of an Indian tribe, may temporarily close to the general public 1 or more specific portions of a wilderness area to protect the privacy of the members of the Indian tribe in the conduct of the traditional cultural and religious activities in the wilderness area.

(B) REQUIREMENT.—Any closure under subparagraph (A) shall be made in such a manner as to affect the smallest practicable area for the minimum period of time necessary for the activity to be carried out.

(3) APPLICABLE LAW.—Access to the wilderness areas under this subsection shall be in accordance with—

(A) Public Law 95-341 (commonly known as the “American Indian Religious Freedom Act”) (42 U.S.C. 1996 et seq.); and

(B) the Wilderness Act (16 U.S.C. 1131 et seq.).

(l) ADJACENT MANAGEMENT.—

(1) IN GENERAL.—Nothing in this title creates protective perimeters or buffer zones around any wilderness area designated by this title.

(2) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness area designated by this title shall not preclude the conduct of those activities or uses outside the boundary of the wilderness area.

SEC. 1005. RELEASE OF WILDERNESS STUDY AREAS.

(a) FINDING.—Congress finds that, for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), any portion of a wilderness study area described in subsection (b) that is not designated as wilderness by this title or any previous Act has been adequately studied for wilderness.

(b) DESCRIPTION OF STUDY AREAS.—The study areas referred to in subsection (a) are—

(1) the King Range Wilderness Study Area;

(2) the Chemise Mountain Instant Study Area;

(3) the Red Mountain Wilderness Study Area;

(4) the Cedar Roughts Wilderness Study Area; and

(5) those portions of the Rocky Creek/Cache Creek Wilderness Study Area in Lake County, California which are not in R. 5 W., T. 12 N., sec. 22, Mount Diablo Meridian.

(c) RELEASE.—Any portion of a wilderness study area described in subsection (b) that is not designated as wilderness by this title or any other Act enacted before the date of enactment of this Act shall not be subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)).

SEC. 1006. ELKHORN RIDGE POTENTIAL WILDERNESS AREA.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain public land in the State administered by the Bureau of Land Management, comprising approximately 9,655 acres, as generally depicted on the map entitled “South Fork Eel River Wilderness Area and Elkhorn Ridge Potential Wilderness” and dated September 27, 2004, is designated as a potential wilderness area.

(b) MANAGEMENT.—Except as provided in subsection (c) and subject to valid existing rights, the Secretary shall manage the potential wilderness area as wilderness until the potential wilderness area is designated as wilderness.

(c) ECOLOGICAL RESTORATION.—

(1) IN GENERAL.—For purposes of ecological restoration (including the elimination of non-native species, removal of illegal, unused, or decommissioned roads, repair of skid tracks, and any other activities necessary to restore the natural ecosystems in the potential wilderness area), the Secretary may use motorized equipment and mechanized transport in the potential wilderness area until the potential wilderness area is designated as wilderness.

(2) LIMITATION.—To the maximum extent practicable, the Secretary shall use the minimum tool or administrative practice necessary to accomplish ecological restoration with the least amount of adverse impact on wilderness character and resources.

(d) WILDERNESS DESIGNATION.—

(1) IN GENERAL.—The potential wilderness area shall be designated as wilderness and as a component of the National Wilderness Preservation System on the earlier of—

(A) the date on which the Secretary publishes in the Federal Register notice that the conditions in the potential wilderness area that are incompatible with the Wilderness Act (16 U.S.C. 1131 et seq.) have been removed; or

(B) the date that is 5 years after the date of enactment of this Act.

(2) ADMINISTRATION.—On designation as wilderness under paragraph (1), the potential wilderness area shall be—

(A) known as the “Elkhorn Ridge Wilderness”; and

(B) administered in accordance with this title and the Wilderness Act (16 U.S.C. 1131 et seq.).

SEC. 1007. WILD AND SCENIC RIVER DESIGNATION.

(a) DESIGNATION OF BLACK BUTTE RIVER, CALIFORNIA.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

“() BLACK BUTTE RIVER, CALIFORNIA.—The following segments of the Black Butte River in the State of California, to be administered by the Secretary of Agriculture:

“(A) The 16 miles of Black Butte River, from the Mendocino County Line to its confluence with Jumpoff Creek, as a wild river.

“(B) The 3.5 miles of Black Butte River from its confluence with Jumpoff Creek to

its confluence with Middle Eel River, as a scenic river.

“(C) The 1.5 miles of Cold Creek from the Mendocino County Line to its confluence with Black Butte River, as a wild river.”.

(b) PLAN; REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of Agriculture shall submit to Congress—

(A) a fire management plan for the Black Butte River segments designated by the amendment under subsection (a); and

(B) a report on the cultural and historic resources within those segments.

(2) TRANSMITTAL TO COUNTY.—The Secretary of Agriculture shall transmit to the Board of Supervisors of Mendocino County, California, a copy of the plan and report submitted under paragraph (1).

SEC. 1008. KING RANGE NATIONAL CONSERVATION AREA BOUNDARY ADJUSTMENT.

Section 9 of Public Law 91-476 (16 U.S.C. 460y-8) is amended by adding at the end the following:

“(d) In addition to the land described in subsections (a) and (c), the land identified as the King Range National Conservation Area Additions on the map entitled ‘King Range Wilderness’ and dated November 12, 2004, is included in the Area.”.

TITLE XI—TRIBAL PARITY ACT

SEC. 1101. SHORT TITLE.

This title may be cited as the “Tribal Parity Act”.

SEC. 1102. FINDINGS.

Congress finds that—

(1) the Pick-Sloan Missouri River Basin Program (authorized by section 9 of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 891)), was approved to promote the general economic development of the United States;

(2) the Fort Randall and Big Bend dam and reservoir projects in South Dakota—

(A) are major components of the Pick-Sloan Missouri River Basin Program; and

(B) contribute to the national economy;

(3) the Fort Randall and Big Bend projects inundated the fertile bottom land of the Lower Brule and Crow Creek Sioux Tribes, which greatly damaged the economy and cultural resources of the Tribes;

(4) Congress has provided compensation to several Indian tribes, including the Lower Brule and Crow Creek Sioux Tribes, that border the Missouri River and suffered injury as a result of 1 or more Pick-Sloan Projects;

(5) the compensation provided to those Indian tribes has not been consistent;

(6) Missouri River Indian tribes that suffered injury as a result of 1 or more Pick-Sloan Projects should be adequately compensated for those injuries, and that compensation should be consistent among the Tribes; and

(7) the Lower Brule Sioux Tribe and the Crow Creek Sioux Tribe, based on methodology determined appropriate by the General Accounting Office, are entitled to receive additional compensation for injuries described in paragraph (6), so as to provide parity among compensation received by all Missouri River Indian tribes.

SEC. 1103. LOWER BRULE SIOUX TRIBE.

Section 4(b) of the Lower Brule Sioux Tribe Infrastructure Development Trust Fund Act (Public Law 105-132; 111 Stat. 2565) is amended by striking “\$39,300,000” and inserting “\$186,822,140”.

SEC. 1104. CROW CREEK SIOUX TRIBE.

Section 4(b) of the Crow Creek Sioux Tribe Infrastructure Development Trust Fund Act of 1996 (Public Law 104-223; 110 Stat. 3027) is amended by striking “\$27,500,000” and inserting “\$105,917,853”.

**TITLE XII—REDWOOD NATIONAL PARK
BOUNDARY ADJUSTMENT**

SEC. 1201. SHORT TITLE.

This title may be cited as the “Redwood National Park Boundary Adjustment Act of 2004”.

SEC. 1202. REDWOOD NATIONAL PARK BOUNDARY ADJUSTMENT.

Section 2(a) of the Act of Public Law 90–545 (16 U.S.C. 79b(a)) is amended—

(1) in the first sentence, by striking “(a) The area” and all that follows through the period at the end and inserting the following: “(a)(1) The Redwood National Park consists of the land generally depicted on the map entitled ‘Redwood National Park, Revised Boundary’, numbered 167/60502, and dated February, 2003.”;

(2) by inserting after paragraph (1) (as designated by paragraph (1)) the following:

“(2) The map referred to in paragraph (1) shall be—

“(A) on file and available for public inspection in the appropriate offices of the National Park Service; and

“(B) provided by the Secretary of the Interior to the appropriate officers of Del Norte and Humboldt Counties, California.”; and

(3) in the second sentence—

(A) by striking “The Secretary” and inserting the following:

“(3) The Secretary”; and

(B) by striking “one hundred and six thousand acres” and inserting “133,000 acres”.

**TITLE XIII—VALLES CALDERA
PRESERVATION**

SEC. 1301. SHORT TITLE.

This title may be cited as the “Valles Caldera Preservation Act of 2004”.

SEC. 1302. AMENDMENTS TO THE VALLES CALDERA PRESERVATION ACT.

(a) ACQUISITION OF OUTSTANDING MINERAL INTERESTS.—Section 104(e) of the Valles Caldera Preservation Act (16 U.S.C. 698v–2(e)) is amended—

(1) by striking “The acquisition” and inserting the following:

“(1) IN GENERAL.—The acquisition”;

(2) by striking “The Secretary” and inserting the following:

“(2) ACQUISITION.—The Secretary”;

(3) by striking “on a willing seller basis”;

(4) by striking “Any such” and inserting the following:

“(3) ADMINISTRATION.—Any such”; and

(5) by adding at the end the following:

“(4) AVAILABLE FUNDS.—Any such interests shall be acquired with available funds.

“(5) DECLARATION OF TAKING.—

“(A) IN GENERAL.—If negotiations to acquire the interests are unsuccessful by the date that is 60 days after the date of enactment of this paragraph, the Secretary shall acquire the interests pursuant to section 3114 of title 40, United States Code.

“(B) SOURCE OF FUNDS.—Any difference between the sum of money estimated to be just compensation by the Secretary and the amount awarded shall be paid from the permanent judgment appropriation under section 1304 of title 31, United States Code.”.

(b) OBLIGATIONS AND EXPENDITURES.—Section 106(e) of the Valles Caldera Preservation Act (16 U.S.C. 698v–4(e)) is amended by adding at the end the following:

“(4) OBLIGATIONS AND EXPENDITURES.—Subject to the laws applicable to Government corporations, the Trust shall determine—

“(A) the character of, and the necessity for, any obligations and expenditures of the Trust; and

“(B) the manner in which obligations and expenditures shall be incurred, allowed, and paid.”.

(c) SOLICITATION OF DONATIONS.—Section 106(g) of the Valles Caldera Preservation Act

(16 U.S.C. 698v–4(g)) is amended by striking “The Trust may solicit” and inserting “The members of the Board of Trustees, the executive director, and 1 additional employee of the Trust in an executive position designated by the Board of Trustees or the executive director may solicit”.

(d) USE OF PROCEEDS.—Section 106(h)(1) of the Valles Caldera Preservation Act (16 U.S.C. 698v–4(h)(1)) is amended by striking “subsection (g)” and inserting “subsection (g), from claims, judgments, or settlements arising from activities occurring on the Baca Ranch or the Preserve after October 27, 1999.”.

SEC. 1303. BOARD OF TRUSTEES.

Section 107(e) of the Valles Caldera Preservation Act (U.S.C. 698v–5(e)) is amended—

(1) in paragraph (2), by striking “Trustees” and inserting “Except as provided in paragraph (3), trustees”; and

(2) in paragraph (3)—

(A) by striking “Trustees” and inserting the following:

“(A) SELECTION.—Trustees”; and

(B) by adding at the end the following:

“(B) COMPENSATION.—On request of the chair, the chair may be compensated at a rate determined by the Board of Trustees, but not to exceed the daily equivalent of the annual rate of pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) in which the chair is engaged in the performance of duties of the Board of Trustees.

“(C) MAXIMUM RATE OF PAY.—The total amount of compensation paid to the chair for a fiscal year under subparagraph (B) shall not exceed 25 percent of the annual rate of pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code.”.

SEC. 1304. RESOURCE MANAGEMENT.

(a) PROPERTY DISPOSAL LIMITATIONS.—Section 108(c)(3) of the Valles Caldera Preservation Act (16 U.S.C. 698v–6(c)(3)) is amended—

(1) in the first sentence, by striking “The Trust may not dispose” and inserting the following:

“(A) IN GENERAL.—The Trust may not dispose”;

(2) in the second sentence, by striking “The Trust” and inserting the following:

“(B) MAXIMUM DURATION.—The Trust”;

(3) in the last sentence, by striking “Any such” and inserting the following:

“(C) TERMINATION.—The”; and

(4) by adding at the end the following:

“(D) EXCLUSIONS.—For the purposes of this paragraph, the disposal of real property does not include the sale or other disposal of forage, forest products, or marketable renewable resources.”.

(b) LAW ENFORCEMENT AND FIRE MANAGEMENT.—Section 108(g) of the Valles Caldera Preservation Act (16 U.S.C. 698v–6(g)) is amended—

(1) in the first sentence, by striking “The Secretary” and inserting the following:

“(1) LAW ENFORCEMENT.—

“(A) IN GENERAL.—The Secretary”;

(2) in the second sentence, by striking “The Trust” and inserting the following:

“(B) FEDERAL AGENCY.—The Trust”; and

(3) by striking “At the request of the Trust” and all that follows through the end of the paragraph and inserting the following:

“(2) FIRE MANAGEMENT.—

“(A) NON-REIMBURSABLE SERVICES.—

“(i) DEVELOPMENT OF PLAN.—The Secretary shall, in consultation with the Trust, develop a plan to carry out fire preparedness, suppression, and emergency rehabilitation services on the Preserve.

“(ii) CONSISTENCY WITH MANAGEMENT PROGRAM.—The plan shall be consistent with the

management program developed pursuant to subsection (d).

“(iii) COOPERATIVE AGREEMENT.—To the extent generally authorized at other units of the National Forest System, the Secretary shall provide the services to be carried out pursuant to the plan under a cooperative agreement entered into between the Secretary and the Trust.

“(B) REIMBURSABLE SERVICES.—To the extent generally authorized at other units of the National Forest System, the Secretary may provide presuppression and non-emergency rehabilitation and restoration services for the Trust at any time on a reimbursable basis.”.

**TITLE XIV—CENTRAL NEVADA RURAL
CEMETERIES**

SEC. 1401. SHORT TITLE.

This title may be cited as the “Central Nevada Rural Cemeteries Act”.

**SEC. 1402. CONVEYANCE TO LANDER COUNTY,
NEVADA.**

(a) FINDINGS.—Congress finds that—

(1) the historical use by settlers and travelers since the late 1800’s of the cemetery known as “Kingston Cemetery” in Kingston, Nevada, predates incorporation of the land within the jurisdiction of the Forest Service on which the cemetery is situated;

(2) it is appropriate that that use be continued through local public ownership of the parcel rather than through the permitting process of the Federal agency;

(3) in accordance with Public Law 85–569 (commonly known as the “Townsite Act”) (16 U.S.C. 478a), the Forest Service has conveyed to the Town of Kingston 1.25 acres of the land on which historic gravesites have been identified; and

(4) to ensure that all areas that may have unmarked gravesites are included, and to ensure the availability of adequate gravesite space in future years, an additional parcel consisting of approximately 8.75 acres should be conveyed to the county so as to include the total amount of the acreage included in the original permit issued by the Forest Service for the cemetery.

(b) CONVEYANCE ON CONDITION SUBSEQUENT.—Subject to valid existing rights and the condition stated in subsection (e), the Secretary of Agriculture, acting through the Chief of the Forest Service (referred to in this section as the “Secretary”), not later than 90 days after the date of enactment of this Act, shall convey to Lander County, Nevada (referred to in this section as the “county”), for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (c).

(c) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (b) is the parcel of National Forest System land (including any improvements on the land) known as “Kingston Cemetery”, consisting of approximately 10 acres and more particularly described as SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of section 36, T. 16N., R. 43E., Mount Diablo Meridian.

(d) EASEMENT.—At the time of the conveyance under subsection (b), subject to subsection (e)(2), the Secretary shall grant the county an easement allowing access for persons desiring to visit the cemetery and other cemetery purposes over Forest Development Road #20307B, notwithstanding any future closing of the road for other use.

(e) CONDITION ON USE OF LAND.—

(1) IN GENERAL.—The county (including its successors) shall continue the use of the parcel conveyed under subsection (b) as a cemetery.

(2) REVERSION.—If the Secretary, after notice to the county and an opportunity for a hearing, makes a finding that the county has used or permitted the use of the parcel for

any purpose other than the purpose specified in paragraph (1), and the county fails to discontinue that use—

(A) title to the parcel shall revert to the Secretary, to be administered by the Secretary; and

(B) the easement granted to the county under subsection (d) shall be revoked.

(3) WAIVER.—The Secretary may waive the application of subparagraph (A) or (B) of paragraph (2) if the Secretary determines that a waiver would be in the best interests of the United States.

SEC. 1403. CONVEYANCE TO EUREKA COUNTY, NEVADA.

(a) FINDINGS.—Congress finds that—

(1) the historical use by settlers and travelers since the late 1800's of the cemetery known as "Maiden's Grave Cemetery" in Beowawe, Nevada, predates incorporation of the land within the jurisdiction of the Bureau of Land Management on which the cemetery is situated; and

(2) it is appropriate that that use be continued through local public ownership of the parcel rather than through the permitting process of the Federal agency.

(b) CONVEYANCE ON CONDITION SUBSEQUENT.—Subject to valid existing rights and the condition stated in subsection (e), the Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this section as the "Secretary"), not later than 90 days after the date of enactment of this Act, shall convey to Eureka County, Nevada (referred to in this section as the "county"), for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (c).

(c) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (b) is the parcel of public land (including any improvements on the land) known as "Maiden's Grave Cemetery", consisting of approximately 10 acres and more particularly described as S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of section 10, T.31N., R.49E., Mount Diablo Meridian.

(d) EASEMENT.—At the time of the conveyance under subsection (b), subject to subsection (e)(2), the Secretary shall grant the county an easement allowing access for persons desiring to visit the cemetery and other cemetery purposes over an appropriate access route consistent with current access.

(e) CONDITION ON USE OF LAND.—

(1) IN GENERAL.—The county (including its successors) shall continue the use of the parcel conveyed under subsection (b) as a cemetery.

(2) REVERSION.—If the Secretary, after notice to the county and an opportunity for a hearing, makes a finding that the county has used or permitted the use of the parcel for any purpose other than the purpose specified in paragraph (1), and the county fails to discontinue that use—

(A) title to the parcel shall revert to the Secretary, to be administered by the Secretary; and

(B) the easement granted to the county under subsection (d) shall be revoked.

(3) WAIVER.—The Secretary may waive the application of subparagraph (A) or (B) of paragraph (2) if the Secretary determines that a waiver would be in the best interests of the United States.

TITLE XV—DANDINI RESEARCH PARK CONVEYANCE

SEC. 1501. SHORT TITLE.

This title may be cited as the "Dandini Research Park Conveyance Act".

SEC. 1502. DEFINITIONS.

In this title:

(1) BOARD OF REGENTS.—The term "Board of Regents" means the Board of Regents of

the University and Community College System of Nevada.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 1503. CONVEYANCE TO THE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF NEVADA.

(a) CONVEYANCE.—

(1) IN GENERAL.—The Secretary shall convey to the Board of Regents, without consideration, all right, title, and interest of the United States in and to the approximately 467 acres of land located in Washoe County, Nevada, patented to the University of Nevada under the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.), and described in paragraph (2).

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) is—

(A) the parcel of land consisting of approximately 309.11 acres and more particularly described as T. 20 N., R. 19 E., Sec. 25, lots 1, 2, 3, 4, 5, and 11, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Mount Diablo Meridian, Nevada; and

(B) the parcel of land consisting of approximately 158.22 acres and more particularly described as T. 20 N., R. 19 E., Sec. 25, lots 6 and 7, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Mount Diablo Meridian, Nevada.

(b) COSTS.—The Board of Regents shall pay to the United States an amount equal to the costs of the Secretary associated with the conveyance under subsection (a)(1).

(c) CONDITIONS.—If the Board of Regents sells any portion of the land conveyed to the Board of Regents under subsection (a)(1)—

(1) the amount of consideration for the sale shall reflect fair market value, as determined by an appraisal; and

(2) the Board of Regents shall pay to the Secretary an amount equal to the net proceeds of the sale, for use by the Director of the Bureau of Land Management in the State of Nevada, without further appropriation.

TITLE XVI—ACQUISITION OF CERTAIN PROPERTY IN WASHINGTON COUNTY, UTAH

SEC. 1601. ACQUISITION OF CERTAIN PROPERTY IN WASHINGTON COUNTY, UTAH.

(a) DEFINITION OF OWNER.—In this section, the term "owner" means an owner that is able to convey to the United States clear title to property taken under this section.

(b) TAKING OF PROPERTY.—Notwithstanding any other provision of law, effective 30 days after the date of enactment of this Act, there is vested in the United States all right, title, and interest in and to, and the right to immediate possession of certain land located in a master planned community development in Washington County, Utah, known as "PAHO", owned by Environmental Land Technology, Ltd., Rocky Mountain Ventures, and James Doyle, within the Red Cliffs Reserve in Washington County, Utah, consisting of—

(A) the fee simple interest in approximately 1,516 acres of real property; and

(B) the fee simple interest in 34 acres of real property adjacent to the Red Cliffs Reserve owned by Environmental Land Technology, Ltd.

(c) JUST COMPENSATION.—

(1) IN GENERAL.—The United States shall pay the owner just compensation determined as of the date of enactment of this Act.

(2) AMOUNT.—Payment of just compensation shall be in the amount of—

(A) the valuation of the property determined by judgment awarded by a United States Court of competent jurisdiction;

(B) interest from the date of enactment of this Act; and

(C) any other costs and expenses, if any, as determined by the court.

(3) INTEREST.—Interest under this subsection shall be compounded in the same manner as under subsection (b)(2)(B) of the first section of the Act of April 17, 1954 (16 U.S.C. 429b(b)(2)(B)), except that the reference in that provision to the date of enactment of the Manassas National Battlefield Park Amendments of 1988 shall be deemed to be a reference to the date of enactment of this Act.

(4) SOURCE OF PAYMENT.—Payment of the amount pursuant to this section shall be made from the permanent judgment appropriation under section 1304 of title 31, United States Code.

(5) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of any judgment entered against the United States with respect to the taking of property under this section.

TITLE XVII—NORTHERN ARIZONA LAND EXCHANGE AND VERDE RIVER BASIN PARTNERSHIP

SEC. 1701. SHORT TITLE.

This title may be cited as the "Northern Arizona Land Exchange and Verde River Basin Partnership Act of 2004".

Subtitle A—Northern Arizona Land Exchange

SEC. 1711. DEFINITIONS.

In this subtitle:

(1) CAMP.—The term "camp" means Camp Pearlstein, Friendly Pines, Patterdale Pines, Pine Summit, Sky Y, and Young Life Lost Canyon camps in the State of Arizona.

(2) CITIES.—The term "cities" means the cities of Flagstaff, Williams, and Camp Verde, Arizona.

(3) FEDERAL LAND.—The term "Federal land" means the land described in section 1714.

(4) NON-FEDERAL LAND.—The term "non-Federal land" means the land described in section 1713.

(5) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(6) YAVAPAI RANCH.—The term "Yavapai Ranch" means the Yavapai Ranch Limited Partnership, an Arizona Limited Partnership, and the Northern Yavapai, L.L.C., an Arizona Limited Liability Company.

SEC. 1712. LAND EXCHANGE.

(a) IN GENERAL.—(1) Upon the conveyance by Yavapai Ranch of title to the non-Federal land identified in section 1713, the Secretary shall simultaneously convey to Yavapai Ranch title to the Federal land identified in section 1714.

(2) Title to the lands to be exchanged shall be in a form acceptable to the Secretary and Yavapai Ranch.

(3) The Federal and non-Federal lands to be exchanged under this subtitle may be modified prior to the exchange as provided in this subtitle.

(4)(A) By mutual agreement, the Secretary and Yavapai Ranch may make minor and technical corrections to the maps and legal descriptions of the lands and interests therein exchanged or retained under this subtitle, including changes, if necessary to conform to surveys approved by the Bureau of Land Management.

(B) In the case of any discrepancy between a map and legal description, the map shall prevail unless the Secretary and Yavapai Ranch agree otherwise.

(b) EXCHANGE PROCESS.—(1) Except as otherwise provided in this subtitle, the land exchange under subsection (a) shall be undertaken in accordance with section 206 of the Federal Land Policy and Management Act (43 U.S.C. 1716).

(2) Before completing the land exchange under this subtitle, the Secretary shall perform any necessary land surveys and pre-exchange inventories, clearances, reviews, and

approvals, including those relating to hazardous materials, threatened and endangered species, cultural and historic resources, and wetlands and flood plains.

(c) EQUAL VALUE EXCHANGE.—(1) The value of the Federal land and the non-Federal land shall be equal, or equalized by the Secretary by adjusting the acreage of the Federal land in accordance with paragraph (2).

(2) If the final appraised value of the Federal land exceeds the final appraised value of the non-Federal land, prior to making other adjustments, the Federal lands shall be adjusted by deleting all or part of the parcels or portions of the parcels in the following order:

(A) A portion of the Camp Verde parcel described in section 1714(a)(4), comprising approximately 316 acres, located in the Prescott National Forest, and more particularly described as lots 1, 5, and 6 of section 26, the NE $\frac{1}{4}$ NE $\frac{1}{4}$ portion of section 26 and the N $\frac{1}{2}$ N $\frac{1}{2}$ portion of section 27, Township 14 North, Range 4 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona.

(B) A portion of the Camp Verde parcel described in section 1714(a)(4), comprising approximately 314 acres, located in the Prescott National Forest, and more particularly described as lots 2, 7, 8, and 9 of section 26, the SE $\frac{1}{4}$ NE $\frac{1}{4}$ portion of section 26, and the S $\frac{1}{2}$ N $\frac{1}{2}$ of section 27, Township 14 North, Range 4 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona.

(C) Beginning at the south boundary of section 31, Township 20 North, Range 5 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, and sections 33 and 35, Township 20 North, Range 6 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, by adding to the non-Federal land to be conveyed to the United States in $\frac{1}{8}$ -section increments (E-W 64th line) while deleting from the conveyance to Yavapai Ranch Federal land in the same incremental portions of section 32, Township 20 North, Range 5 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, and sections 32, 34, and 36 in Township 20 North, Range 6 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, to establish a linear and continuous boundary that runs east-to-west across the sections.

(D) Any other parcels, or portions thereof, agreed to by the Secretary and Yavapai Ranch.

(3) If any parcel of Federal land or non-Federal land is not conveyed because of any reason, that parcel of land, or portion thereof, shall be excluded from the exchange and the remaining lands shall be adjusted as provided in this subsection.

(4) If the value of the Federal land exceeds the value of the non-Federal land by more than \$50,000, the Secretary and Yavapai Ranch shall, by mutual agreement, delete additional Federal land from the exchange until the value of the Federal land and non-Federal land is, to the maximum extent practicable, equal.

(d) APPRAISALS.—(1) The value of the Federal land and non-Federal land shall be determined by appraisals prepared in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(2)(A) After the Secretary has reviewed and approved the final appraised values of the Federal land and non-Federal land to be exchanged, the Secretary shall not be required to reappraise or update the final appraised values before the completion of the land exchange.

(B) This paragraph shall apply during the three-year period following the approval by

the Secretary of the final appraised values of the Federal land and non-Federal land unless the Secretary and Yavapai Ranch have entered into an agreement to implement the exchange.

(3) During the appraisal process, the appraiser shall determine the value of each parcel of Federal land and non-Federal land (including the contributory value of each individual section of the intermingled Federal and non-Federal land of the property described in sections 103(a) and 104(a)(1)) as an assembled transaction.

(4)(A) To ensure the timely and full disclosure to the public of the final appraised values of the Federal land and non-Federal land, the Secretary shall provide public notice of any appraisals approved by the Secretary and copies of such appraisals shall be available for public inspection in appropriate offices of the Prescott, Coconino, and Kaibab National Forests.

(B) The Secretary shall also provide copies of any approved appraisals to the cities and the owners of the camps described in section 1711(1).

(e) CONTRACTING.—(1) If the Secretary lacks adequate staff or resources to complete the exchange by the date specified in section 1716(c), Yavapai Ranch, subject to the agreement of the Secretary, may contract with independent third-party contractors to carry out any work necessary to complete the exchange by that date.

(2) If, in accordance with this subsection, Yavapai Ranch contracts with an independent third-party contractor to carry out any work that would otherwise be performed by the Secretary, the Secretary shall reimburse Yavapai Ranch for the costs for the third-party contractors.

(f) EASEMENTS.—(1) The exchange of non-Federal and Federal land under this subtitle shall be subject to any easements, rights-of-way, utility lines, and any other valid encumbrances in existence on the date of enactment of this subtitle, including acquired easements for water pipelines as generally depicted on the map entitled "Yavapai Ranch Land Exchange, YRLP Acquired Easements for Water Lines" dated April 2002, and any other reservations that may be agreed to by the Secretary and Yavapai Ranch.

(2) Upon completion of the land exchange under this subtitle, the Secretary and Yavapai Ranch shall grant each other at no charge reciprocal easements for access and utilities across, over, and through—

(A) the routes depicted on the map entitled "Yavapai Ranch Land Exchange, Road and Trail Easements, Yavapai Ranch Area" dated April 2002; and

(B) any relocated routes that are agreed to by the Secretary and Yavapai Ranch.

(3) An easement described in paragraph (2) shall be unrestricted and non-exclusive in nature and shall run with and benefit the land.

(g) CONVEYANCE OF FEDERAL LAND TO CITIES AND CAMPS.—(1) Prior to the completion of the land exchange between Yavapai Ranch and the Secretary, the cities and the owners of the camps may enter into agreements with Yavapai Ranch whereby Yavapai Ranch, upon completion of the land exchange, will convey to the cities or the owners of the camps the applicable parcel of Federal land or portion thereof.

(2) If Yavapai Ranch and the cities or camp owners have not entered into agreements in accordance with paragraph (1), the Secretary shall, on notification by the cities or owners of the camps no later than 30 days after the date the relevant approved appraisal is made publicly available, delete the applicable parcel or portion thereof from the land exchange between Yavapai Ranch and the United States as follows:

(A) Upon request of the City of Flagstaff, Arizona, the parcels, or portion thereof, described in section 1714(a)(2).

(B) Upon request of the City of Williams, Arizona, the parcels, or portion thereof, described in section 1714(a)(3).

(C) Upon request of the City of Camp Verde, Arizona, a portion of the parcel described in section 1714(a)(4), comprising approximately 514 acres located southeast of the southeastern boundary of the I-17 right-of-way, and more particularly described as the SE $\frac{1}{4}$ portion of the southeast quarter of section 26, the E $\frac{1}{2}$ and the E $\frac{1}{2}$ W $\frac{1}{2}$ portions of section 35, and lots 5 through 7 of section 36, Township 14 North, Range 4 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona.

(D) Upon request of the owners of the Younglife Lost Canyon camp, the parcel described in section 1714(a)(5).

(E) Upon request of the owner of Friendly Pines Camp, Patterdale Pines Camp, Camp Pearlstein, Pine Summit, or Sky Y Camp, as applicable, the corresponding parcel described in section 1714(a)(6).

(3)(A) Upon request of the specific city or camp referenced in paragraph (2), the Secretary shall convey to such city or camp all right, title, and interest of the United States in and to the applicable parcel of Federal land or portion thereof, upon payment of the fair market value of the parcel and subject to any terms and conditions the Secretary may require.

(B) A conveyance under this paragraph shall not require new administrative or environmental analyses or appraisals beyond those prepared for the land exchange.

(4) A city or owner of a camp purchasing land under this subsection shall reimburse Yavapai Ranch for any costs incurred which are directly associated with surveys and appraisals of the specific property conveyed.

(5) A conveyance of land under this subsection shall not affect the timing of the land exchange.

(6) Nothing in this subsection limits the authority of the Secretary or Yavapai Ranch to delete any of the parcels referenced in this subsection from the land exchange.

(7)(A) The Secretary shall deposit the proceeds of any sale under paragraph (2) in a special account in the fund established under Public Law 90-171 (commonly known as the "Sisk Act") (16 U.S.C. 484a).

(B) Amounts deposited under subparagraph (A) shall be available to the Secretary, without further appropriation, to be used for the acquisition of land in the State of Arizona for addition to the National Forest System, including the land to be exchanged under this subtitle.

SEC. 1713. DESCRIPTION OF NON-FEDERAL LAND.

(a) IN GENERAL.—The non-Federal land referred to in this subtitle consists of approximately 35,000 acres of privately-owned land within the boundaries of the Prescott National Forest, as generally depicted on the map entitled "Yavapai Ranch Land Exchange, Non-Federal Lands", dated April 2002.

(b) EASEMENTS.—(1) The conveyance of non-Federal land to the United States under section 1712 shall be subject to the reservation of—

(A) water rights and perpetual easements that run with and benefit the land retained by Yavapai Ranch for—

(i) the operation, maintenance, repair, improvement, development, and replacement of not more than 3 wells in existence on the date of enactment of this Act;

(ii) related storage tanks, valves, pumps, and hardware; and

(iii) pipelines to point of use; and

(B) easements for reasonable access to accomplish the purposes of the easements described in subparagraph (A).

(2) Each easement for an existing well referred to in paragraph (1) shall be 40 acres in area, and to the maximum extent practicable, centered on the existing well.

(3) The United States shall be entitled to one-half the production of each existing or replacement well, not to exceed a total of 3,100,000 gallons of water annually for National Forest System purposes.

(4) The locations of the easements and wells shall be as generally depicted on the map entitled "Yavapai Ranch Land Exchange, Reserved Easements for Water Lines and Wells", dated April 2002.

SEC. 1714. DESCRIPTION OF FEDERAL LAND.

(a) IN GENERAL.—The Federal land referred to in this subtitle consists of the following:

(1) Certain land comprising approximately 15,300 acres located in the Prescott National Forest, as generally depicted on the map entitled "Yavapai Ranch Land Exchange, Yavapai Ranch Area Federal Lands", dated April 2002.

(2) Certain land located in the Coconino National Forest—

(A) comprising approximately 1,500 acres as generally depicted on the map entitled "Yavapai Ranch Land Exchange, Flagstaff Federal Lands Airport Parcel", dated April, 2002; and

(B) comprising approximately 28.26 acres in two separate parcels, as generally depicted on the map entitled "Yavapai Ranch Land Exchange, Flagstaff Federal Lands Wetzell School and Mt. Elden Parcels", dated September 2002.

(3) Certain land located in the Kaibab National Forest, and referred to as the Williams Airport, Williams golf course, Williams Sewer, Bucksinner Park, Williams Railroad, and Well parcels number 2, 3, and 4, cumulatively comprising approximately 950 acres, as generally depicted on the map entitled "Yavapai Ranch Land Exchange, Williams Federal Lands", dated April 2002.

(4) Certain land located in the Prescott National Forest, comprising approximately 2,200 acres, as generally depicted on the map entitled "Yavapai Ranch Land Exchange, Camp Verde Federal Land General Crook Parcel", dated April 2002.

(5) Certain land located in the Kaibab National Forest, comprising approximately 237.5 acres, as generally depicted on the map entitled "Yavapai Ranch Land Exchange, Younglife Lost Canyon", dated April 2002.

(6) Certain land located in the Prescott National Forest, including the "Friendly Pines", "Patterdale Pines", "Camp Pearlstein", "Pine Summit", and "Sky Y" camps, cumulatively comprising approximately 200 acres, as generally depicted on the map entitled "Yavapai Ranch Land Exchange, Prescott Federal Lands, Summer Youth Camp Parcels", dated April 2002.

(b) CONDITION OF CONVEYANCE OF CAMP VERDE PARCEL.—(1) To conserve water in the Verde Valley, Arizona, and to minimize the adverse impacts from future development of the Camp Verde General Crook parcel described in subsection (a)(4) on current and future holders of water rights in existence of the date of enactment of this subtitle and the Verde River and National Forest System lands retained by the United States, the United States shall limit in perpetuity the use of water on the parcel by reserving conservation easements that—

(A) run with the land;

(B) prohibit golf course development on the parcel;

(C) require that any public park or greenbelt on the parcel be watered with treated wastewater;

(D) limit total post-exchange water use on the parcel to not more than 300 acre-feet of water per year;

(E) provide that any water supplied by municipalities or private water companies shall count towards the post-exchange water use limitation described in subparagraph (D); and

(F) except for water supplied to the parcel by municipal water service providers or private water companies, require that any water used for the parcel not be withdrawn from wells perforated in the saturated Holocene alluvium of the Verde River.

(2) If Yavapai Ranch conveys the Camp Verde parcel described in subsection (a)(4), or any portion thereof, the terms of conveyance shall include a recorded and binding agreement of the quantity of water available for use on the land conveyed, as determined by Yavapai Ranch, except that total water use on the Camp Verde parcel may not exceed the amount specified in paragraph (1)(D).

(3) The Secretary may enter into a memorandum of understanding with the State or political subdivision of the State to enforce the terms of the conservation easement.

SEC. 1715. STATUS AND MANAGEMENT OF LAND AFTER EXCHANGE.

(a) IN GENERAL.—Land acquired by the United States under this subtitle shall become part of the Prescott National Forest and shall be administered by the Secretary in accordance with this subtitle and the laws applicable to the National Forest System.

(b) GRAZING.—Where grazing on non-Federal land acquired by the Secretary under this subtitle occurs prior to the date of enactment of this Act, the Secretary may manage the land to allow for continued grazing use, in accordance with the laws generally applicable to domestic livestock grazing on National Forest System land.

(c) TIMBER HARVESTING.—(1) After completion of the land exchange under this subtitle, except as provided in paragraph (2), commercial timber harvesting shall be prohibited on the non-Federal land acquired by the United States.

(2) Timber harvesting may be conducted on the non-Federal land acquired under this subtitle if the Secretary determines that such harvesting is necessary—

(A) to prevent or control fires, insects, and disease through forest thinning or other forest management techniques;

(B) to protect or enhance grassland habitat, watershed values, native plants and wildlife species; or

(C) to improve forest health.

SEC. 1716. MISCELLANEOUS PROVISIONS.

(a) REVOCATION OF ORDERS.—Any public orders withdrawing any of the Federal land from appropriation or disposal under the public land laws are revoked to the extent necessary to permit disposal of the Federal land.

(b) WITHDRAWAL OF FEDERAL LAND.—Subject to valid existing rights, the Federal land is withdrawn from all forms of entry and appropriation under the public land laws; location, entry, and patent under the mining laws; and operation of the mineral leasing and geothermal leasing laws, until the date on which the land exchange is completed.

(c) COMPLETION OF EXCHANGE.—It is the intent of Congress that the land exchange authorized and directed under this subtitle be completed not later than 18 months after the date of enactment of this Act.

SEC. 1717. CONVEYANCE OF ADDITIONAL LAND.

(a) IN GENERAL.—The Secretary shall convey to a person that represents the majority of landowners with encroachments on the lot by quitclaim deed the parcel of land described in subsection (b).

(b) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (a) is lot 8 in section 11, T. 21 N., R. 7 E., Gila and Salt

River Base and Meridian, Coconino County, Arizona.

(c) AMOUNT OF CONSIDERATION.—In exchange for the land described in subsection (b), the person acquiring the land shall pay to the Secretary consideration in the amount of—

(1) \$2500; plus

(2) any costs of re-monumenting the boundary of land.

(d) TIMING.—(1) Not later than 90 days after the date on which the Secretary receives a power of attorney executed by the person acquiring the land, the Secretary shall convey to the person the land described in subsection (b).

(2) If, by the date that is 270 days after the date of enactment of this Act, the Secretary does not receive the power of attorney described in paragraph (1)—

(A) the authority provided under this section shall terminate; and

(B) any conveyance of the land shall be made under Public Law 97-465 (16 U.S.C. 521c et seq.).

Subtitle B—Verde River Basin Partnership

SEC. 1721. PURPOSE.

The purpose of this subtitle is to authorize assistance for a collaborative and science-based water resource planning and management partnership for the Verde River Basin in the State of Arizona, consisting of members that represent—

(1) Federal, State, and local agencies; and

(2) economic, environmental, and community water interests in the Verde River Basin.

SEC. 1722. DEFINITIONS.

In this subtitle:

(1) DIRECTOR.—The term "Director" means the Director of the Arizona Department of Water Resources.

(2) PARTNERSHIP.—The term "Partnership" means the Verde River Basin Partnership.

(3) PLAN.—The term "plan" means the plan for the Verde River Basin required by section 1724(a)(1).

(4) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(5) STATE.—The term "State" means the State of Arizona.

(6) VERDE RIVER BASIN.—The term "Verde River Basin" means the land area designated by the Arizona Department of Water Resources as encompassing surface water and groundwater resources, including drainage and recharge areas with a hydrologic connection to the Verde River.

(7) WATER BUDGET.—The term "water budget" means the accounting of—

(A) the quantities of water leaving the Verde River Basin—

(i) as discharge to the Verde River and tributaries;

(ii) as subsurface outflow;

(iii) as evapotranspiration by riparian vegetation;

(iv) as surface evaporation;

(v) for agricultural use; and

(vi) for human consumption; and

(B) the quantities of water replenishing the Verde River Basin by precipitation, infiltration, and subsurface inflows.

SEC. 1723. VERDE RIVER BASIN PARTNERSHIP.

(a) IN GENERAL.—The Secretary may participate in the establishment of a partnership, to be known as the "Verde River Basin Partnership", made up of Federal, State, local governments, and other entities with responsibilities and expertise in water to coordinate and cooperate in the identification and implementation of comprehensive science-based policies, projects, and management activities relating to the Verde River Basin.

(b) AUTHORIZATION OF APPROPRIATIONS.—On establishment of the Partnership, there are

authorized to be appropriated to the Secretary and the Secretary of the Interior such sums as are necessary to carry out the activities of the Partnership for each of fiscal years 2005 through 2009.

SEC. 1724. VERDE RIVER BASIN STUDIES.

(a) STUDIES.—

(1) IN GENERAL.—The Partnership shall prepare a plan for conducting water resource studies in the Verde River Basin that identifies—

(A) the primary study objectives to fulfill water resource planning and management needs for the Verde River Basin; and

(B) the water resource studies, hydrologic models, surface and groundwater monitoring networks, and other analytical tools helpful in the identification of long-term water supply management options within the Verde River Basin.

(2) REQUIREMENTS.—At a minimum, the plan shall—

(A) include a list of specific studies and analyses that are needed to support Partnership planning and management decisions;

(B) identify any ongoing or completed water resource or riparian studies that are relevant to water resource planning and management for the Verde River Basin;

(C) describe the estimated cost and duration of the proposed studies and analyses; and

(D) designate as a study priority the compilation of a water budget analysis for the Verde Valley.

(b) VERDE VALLEY WATER BUDGET ANALYSIS.—

(1) IN GENERAL.—Subject to the availability of appropriations, not later than 14 months after the date of enactment of this Act, the Director of the U.S. Geological Survey, in cooperation with the Director, shall prepare and submit to the Partnership a report that provides a water budget analysis of the portion of the Verde River Basin within the Verde Valley.

(2) COMPONENTS.—The report submitted under paragraph (1) shall include—

(A) a summary of the information available on the hydrologic flow regime for the portion of the Middle Verde River from the Clarkdale streamgauging station to the city of Camp Verde at United States Geological Survey Stream Gauge 09506000;

(B) with respect to the portion of the Middle Verde River described in subparagraph (A), estimates of—

(i) the inflow and outflow of surface water and groundwater;

(ii) annual consumptive water use; and

(iii) changes in groundwater storage; and

(C) an analysis of the potential long-term consequences of various water use scenarios on groundwater levels and Verde River flows.

(c) PRELIMINARY REPORT AND RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 16 months after the date of enactment of this Act, using the information provided in the report submitted under subsection (b) and any other relevant information, the Partnership shall submit to the Secretary, the Governor of Arizona, and representatives of the Verde Valley communities, a preliminary report that sets forth the findings and recommendations of the Partnership regarding the long-term available water supply within the Verde Valley.

(2) CONSIDERATION OF RECOMMENDATIONS.—The Secretary may take into account the recommendations included in the report submitted under paragraph (1) with respect to decisions affecting land under the jurisdiction of the Secretary, including any future sales or exchanges of Federal land in the Verde River Basin after the date of enactment of this Act.

(3) EFFECT.—Any recommendations included in the report submitted under paragraph (1) shall not affect the land exchange process or the appraisals of the Federal land and non-Federal land conducted under sections 103 and 104.

SEC. 1725. VERDE RIVER BASIN PARTNERSHIP FINAL REPORT.

Not later than 4 years after the date of enactment of this Act, the Partnership shall submit to the Secretary and the Governor of Arizona a final report that—

(1) includes a summary of the results of any water resource assessments conducted under this subtitle in the Verde River Basin;

(2) identifies any areas in the Verde River Basin that are determined to have groundwater deficits or other current or potential water supply problems;

(3) identifies long-term water supply management options for communities and water resources within the Verde River Basin; and

(4) identifies water resource analyses and monitoring needed to support the implementation of management options.

SEC. 1726. MEMORANDUM OF UNDERSTANDING.

The Secretary (acting through the Chief of the Forest Service) and the Secretary of the Interior, shall enter into a memorandum of understanding authorizing the United States Geological Survey to access Forest Service land (including stream gauges, weather stations, wells, or other points of data collection on the Forest Service land) to carry out this subtitle.

SEC. 1727. EFFECT.

Nothing in this title diminishes or expands State or local jurisdiction, responsibilities, or rights with respect to water resource management or control.

TITLE XVIII—PACTOLA RESERVOIR REALLOCATION AUTHORIZATION ACT OF 2004

SEC. 1801. SHORT TITLE.

This title may be cited as the “Pactola Reservoir Reallocation Authorization Act of 2004”.

SEC. 1802. FINDINGS.

Congress finds that—

(1) it is appropriate to reallocate the costs of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes; and

(2) section 302 of the Department of Energy Organization Act (42 U.S.C. 7152) prohibits such a reallocation of costs without congressional approval.

SEC. 1803. REALLOCATION OF COSTS OF PACTOLA DAM AND RESERVOIR, SOUTH DAKOTA.

The Secretary of the Interior may, as provided in the contract of August 2001 entered into between Rapid City, South Dakota, and the Rapid Valley Conservancy District, reallocate, in a manner consistent with Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)), the construction costs of Pactola Dam and Reservoir, Rapid Valley Unit, Pick-Sloan Missouri Basin Program, South Dakota, from irrigation purposes to municipal, industrial, and fish and wildlife purposes.

SA 4085. Mr. ALEXANDER (for Mr. DOMENICI) proposed an amendment to the bill S. 1521, an act to direct the Secretary of the Interior to convey certain land to the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada, for the construction of a post building and memorial park for use by the American Legion, other

veterans’ groups, and the local community, and for other purposes; as follows:

Strike section 201 and insert the following:
SEC. 201. AUTHORIZATION AND APPROPRIATION EXTENSIONS.

(a) IN GENERAL.—Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 16 U.S.C. 461 note) is amended—

(1) in each of sections 107, 208, 408, 507, 607, 811, and 910, by striking “September 30, 2012” and inserting “September 30, 2027”; and

(2) in title VIII, by striking “Canal National Heritage Corridor” each place it appears in the section headings and text and inserting “National Heritage Canalway”.

(b) JOHN H. CHAFEE BLACKSTONE RIVER VALLEY.—Section 7 of Public Law 99-647 (16 U.S.C. 461 note) is amended by striking “on the date” and all that follows through “section” and inserting “on September 30, 2027”.

After title VII, add the following:

TITLE VIII—WIND CAVE NATIONAL PARK BOUNDARY REVISION

SEC. 801. SHORT TITLE.

This title may be cited as the “Wind Cave National Park Boundary Revision Act of 2004”.

SEC. 802. DEFINITIONS.

In this title:

(1) MAP.—The term “map” means the map entitled “Wind Cave National Park Boundary Revision”, numbered 108/80,030, and dated June 2002.

(2) PARK.—The term “Park” means the Wind Cave National Park in the State.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) STATE.—The term “State” means the State of South Dakota.

SEC. 803. LAND ACQUISITION.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary may acquire the land or interest in land described in subsection (b)(1) for addition to the Park.

(2) MEANS.—An acquisition of land under paragraph (1) may be made by donation, purchase from a willing seller with donated or appropriated funds, or exchange.

(b) BOUNDARY.—

(1) MAP AND ACREAGE.—The land referred to in subsection (a)(1) shall consist of approximately 5,675 acres, as generally depicted on the map.

(2) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(3) REVISION.—The boundary of the Park shall be adjusted to reflect the acquisition of land under subsection (a)(1).

SEC. 804. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer any land acquired under section 803(a)(1) as part of the Park in accordance with laws (including regulations) applicable to the Park.

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—The Secretary shall transfer from the Director of the Bureau of Land Management to the Director of the National Park Service administrative jurisdiction over the land described in paragraph (2).

(2) MAP AND ACREAGE.—The land referred to in paragraph (1) consists of the approximately 80 acres of land identified on the map as “Bureau of Land Management land”.

SEC. 805. GRAZING.

(a) GRAZING PERMITTED.—Subject to any permits or leases in existence as of the date of acquisition, the Secretary may permit the continuation of livestock grazing on land acquired under section 803(a)(1).

(b) LIMITATION.—Grazing under subsection (a) shall be at not more than the level existing on the date on which the land is acquired under section 803(a)(1).

(c) PURCHASE OF PERMIT OR LEASE.—The Secretary may purchase the outstanding portion of a grazing permit or lease on any land acquired under section 803(a)(1).

(d) TERMINATION OF LEASES OR PERMITS.—The Secretary may accept the voluntary termination of a permit or lease for grazing on any acquired land.

TITLE IX—BLUNT RESERVOIR AND PIERRE CANAL LAND CONVEYANCE

SEC. 901. SHORT TITLE.

This title may be cited as the “Blunt Reservoir and Pierre Canal Land Conveyance Act of 2004”.

SEC. 902. BLUNT RESERVOIR AND PIERRE CANAL.

(a) DEFINITIONS.—In this section:

(1) BLUNT RESERVOIR FEATURE.—The term “Blunt Reservoir feature” means the Blunt Reservoir feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin program.

(2) COMMISSION.—The term “Commission” means the Commission of Schools and Public Lands of the State.

(3) NONPREFERENTIAL LEASE PARCEL.—The term “nonpreferential lease parcel” means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a nonpreferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(4) PIERRE CANAL FEATURE.—The term “Pierre Canal feature” means the Pierre Canal feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin program.

(5) PREFERENTIAL LEASEHOLDER.—The term “preferential leaseholder” means a person or descendant of a person that held a lease on a preferential lease parcel as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(6) PREFERENTIAL LEASE PARCEL.—The term “preferential lease parcel” means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a preferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(7) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(8) STATE.—The term “State” means the State of South Dakota, including a successor in interest of the State.

(9) UNLEASED PARCEL.—The term “unleased parcel” means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) is not under lease as of the date of enactment of this Act.

(b) DEAUTHORIZATION.—The Blunt Reservoir feature is deauthorized.

(c) ACCEPTANCE OF LAND AND OBLIGATIONS.—

(1) IN GENERAL.—As a condition of each conveyance under subsections (d)(5) and (e), respectively, the State shall agree to accept—

(A) in “as is” condition, the portions of the Blunt Reservoir Feature and the Pierre Canal Feature that pass into State ownership;

(B) any liability accruing after the date of conveyance as a result of the ownership, operation, or maintenance of the features re-

ferred to in subparagraph (A), including liability associated with certain outstanding obligations associated with expired easements, or any other right granted in, on, over, or across either feature; and

(C) the responsibility that the Commission will act as the agent for the Secretary in administering the purchase option extended to preferential leaseholders under subsection (d).

(2) RESPONSIBILITIES OF THE STATE.—An outstanding obligation described in paragraph (1)(B) shall inure to the benefit of, and be binding upon, the State.

(3) OIL, GAS, MINERAL AND OTHER OUTSTANDING RIGHTS.—A conveyance to the State under subsection (d)(5) or (e) or a sale to a preferential leaseholder under subsection (d) shall be made subject to—

(A) oil, gas, and other mineral rights reserved of record, as of the date of enactment of this Act, by or in favor of a third party; and

(B) any permit, license, lease, right-of-use, or right-of-way of record in, on, over, or across a feature referred to in paragraph (1)(A) that is outstanding as to a third party as of the date of enactment of this Act.

(4) ADDITIONAL CONDITIONS OF CONVEYANCE TO STATE.—A conveyance to the State under subsection (d)(5) or (e) shall be subject to the reservations by the United States and the conditions specified in section 1 of the Act of May 19, 1948 (chapter 310; 62 Stat. 240), as amended (16 U.S.C. 667b), for the transfer of property to State agencies for wildlife conservation purposes.

(d) PURCHASE OPTION.—

(1) IN GENERAL.—A preferential leaseholder shall have an option to purchase from the Commission, acting as an agent for the Secretary, the preferential lease parcel that is the subject of the lease.

(2) TERMS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a preferential leaseholder may elect to purchase a parcel on one of the following terms:

(i) Cash purchase for the amount that is equal to—

(I) the value of the parcel determined under paragraph (4); minus

(II) ten percent of that value.

(ii) Installment purchase, with 10 percent of the value of the parcel determined under paragraph (4) to be paid on the date of purchase and the remainder to be paid over not more than 30 years at 3 percent annual interest.

(B) VALUE UNDER \$10,000.—If the value of the parcel is under \$10,000, the purchase shall be made on a cash basis in accordance with subparagraph (A)(i).

(3) OPTION EXERCISE PERIOD.—

(A) IN GENERAL.—A preferential leaseholder shall have until the date that is 5 years after enactment of this Act to exercise the option under paragraph (1).

(B) CONTINUATION OF LEASES.—Until the date specified in subparagraph (A), a preferential leaseholder shall be entitled to continue to lease from the Secretary the parcel leased by the preferential leaseholder under the same terms and conditions as under the lease, as in effect as of the date of enactment of this Act.

(4) VALUATION.—

(A) IN GENERAL.—The value of a preferential lease parcel shall be its fair market value for agricultural purposes determined by an independent appraisal, exclusive of the value of private improvements made by the leaseholders while the land was federally owned before the date of the enactment of this Act, in conformance with the Uniform Appraisal Standards for Federal Land Acquisition.

(B) FAIR MARKET VALUE.—Any dispute over the fair market value of a property under subparagraph (A) shall be resolved in accordance with section 2201.4 of title 43, Code of Federal Regulations.

(5) CONVEYANCE TO THE STATE.—

(A) IN GENERAL.—If a preferential leaseholder fails to purchase a parcel within the period specified in paragraph (3)(A), the Secretary shall convey the parcel to the State of South Dakota Department of Game, Fish, and Parks.

(B) WILDLIFE HABITAT MITIGATION.—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(6) USE OF PROCEEDS.—Proceeds of sales of land under this title shall be deposited as miscellaneous funds in the Treasury and such funds shall be made available, subject to appropriations, to the State for the establishment of a trust fund to pay the county taxes on the lands received by the State Department of Game, Fish, and Parks under the bill.

(e) CONVEYANCE OF NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—

(1) CONVEYANCE BY SECRETARY TO STATE.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall convey to the South Dakota Department of Game, Fish, and Parks the nonpreferential lease parcels and unleased parcels of the Blunt Reservoir and Pierre Canal.

(B) WILDLIFE HABITAT MITIGATION.—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(2) LAND EXCHANGES FOR NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—

(A) IN GENERAL.—With the concurrence of the South Dakota Department of Game, Fish, and Parks, the South Dakota Commission of Schools and Public Lands may allow a person to exchange land that the person owns elsewhere in the State for a nonpreferential lease parcel or unleased parcel at Blunt Reservoir or Pierre Canal, as the case may be.

(B) PRIORITY.—The right to exchange nonpreferential lease parcels or unleased parcels shall be granted in the following order or priority:

(i) Exchanges with current lessees for nonpreferential lease parcels.

(ii) Exchanges with adjoining and adjacent landowners for unleased parcels and nonpreferential lease parcels not exchanged by current lessees.

(C) EASEMENT FOR WATER CONVEYANCE STRUCTURE.—As a condition of the exchange of land of the Pierre Canal Feature under this paragraph, the United States reserves a perpetual easement to the land to allow for the right to design, construct, operate, maintain, repair, and replace a pipeline or other water conveyance structure over, under, across, or through the Pierre Canal feature.

(f) RELEASE FROM LIABILITY.—

(1) IN GENERAL.—Effective on the date of conveyance of any parcel under this title, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the parcel, except for damages for acts of negligence committed by the United States or by an employee, agent, or contractor of the United States, before the date of conveyance.

(2) NO ADDITIONAL LIABILITY.—Nothing in this section adds to any liability that the

United States may have under chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act").

(g) REQUIREMENTS CONCERNING CONVEYANCE OF LEASE PARCELS.—

(1) INTERIM REQUIREMENTS.—During the period beginning on the date of enactment of this Act and ending on the date of conveyance of the parcel, the Secretary shall continue to lease each preferential lease parcel or nonpreferential lease parcel to be conveyed under this section under the terms and conditions applicable to the parcel on the date of enactment of this Act.

(2) PROVISION OF PARCEL DESCRIPTIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall provide the State a full legal description of all preferential lease parcels and nonpreferential lease parcels that may be conveyed under this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this title \$750,000 to reimburse the Secretary for expenses incurred in implementing this title, and such sums as are necessary to reimburse the Commission for expenses incurred implementing this title, not to exceed 10 percent of the cost of each transaction conducted under this title.

TITLE X—STEEL INDUSTRY NATIONAL HISTORIC SITE

SEC. 1001. FINDINGS AND PURPOSES.

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

(1) Certain sites and structures in the Commonwealth of Pennsylvania symbolize in physical form the heritage of the steel industry of the United States.

(2) Certain buildings and other structures in the Commonwealth of Pennsylvania are nationally significant historical resources, including the United States Steel Homestead Works, the Carrie Furnace complex, and the Hot Metal Bridge.

(3) Despite substantial efforts for cultural preservation and historical interpretation by the Commonwealth of Pennsylvania and by individuals and public and private entities in the Commonwealth, these buildings and other structures may be lost without the assistance of the Federal Government.

(b) PURPOSES.—The purposes of this title are to ensure the preservation, interpretation, visitor enjoyment, and maintenance of the nationally significant historical and cultural sites and structures described in subsection (a) for the benefit and inspiration of present and future generations.

SEC. 1002. STEEL INDUSTRY NATIONAL HISTORIC SITE, PENNSYLVANIA.

(a) ESTABLISHMENT.—The Steel Industry National Historic Site is hereby established as a unit of the National Park System in the Commonwealth of Pennsylvania.

(b) DESCRIPTION.—

(1) INCLUSION OF CERTAIN PROPERTY.—Subject to paragraph (2), the historic site shall consist of the following properties, each of which relate to the former United States Steel Homestead Works, as depicted on the map entitled "Steel Industry National Historic Site", dated November 2003, and numbered 80,000:

(A) The historic location of the Battle of Homestead site in the borough of Munhall, Pennsylvania, consisting of approximately 3 acres of land, including the pumphouse and water tower and related structures, within the property bounded by the Monongahela River, the CSX railroad, Waterfront Drive, and the Damascus-Marccegaglia Steel Mill.

(B) The historic location of the Carrie Furnace complex in the boroughs of Swissvale and Rankin, Pennsylvania, consisting of approximately 35 acres of land, including blast furnaces 6 and 7, the ore yard, the cast

house, the blowing engine house, the AC power house, and related structures, within the property bounded by the proposed southwesterly right-of-way line needed to accommodate the Mon/Fayette Expressway and the relocated CSX railroad right-of-way, the Monongahela River, and a property line drawn northeast to southwest approximately 100 yards east of the AC power house.

(C) The historic location of the Hot Metal Bridge, consisting of the Union railroad bridge and its approaches, spanning the Monongahela River and connecting the mill sites in the boroughs of Rankin and Munhall, Pennsylvania.

(2) AVAILABILITY OF MAP.—The map referred to in paragraph (1) shall be available for public inspection in an appropriate office of the National Park Service.

(c) ACQUISITION OF PROPERTY.—To further the purposes of this section, the Secretary of the Interior may acquire, only by donation, property for inclusion in the historic site as follows:

(1) Any land or interest in land with respect to the property identified in subsection (b)(1).

(2) Up to 10 acres of land adjacent to or in the general proximity of the property identified in such subsection, for the development of visitor, administrative, museum, curatorial, and maintenance facilities.

(3) Personal property associated with, and appropriate for, the interpretation of the historic site.

(d) PRIVATE PROPERTY PROTECTIONS.—Nothing in this title shall be construed—

(1) to require any private property owner to permit public access (including Federal, State, or local government access) to the private property; or

(2) to modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(e) ADMINISTRATION.—The Secretary of the Interior shall administer the historic site in accordance with this title and the provisions of law generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(f) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—Until such time as the Secretary of the Interior has acquired the property identified in subsection (b)(1), as depicted on the map referred to in such subsection, the Secretary may enter into a cooperative agreement with any interested individual, public or private agency, organization, or institution to further the purposes of the historic site.

(2) CONTRARY PURPOSES.—Any payment made by the Secretary pursuant to a cooperative agreement under this subsection shall be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purpose of the historic site, as determined by the Secretary, shall result in a right of the United States to reimbursement of all funds made available to such a project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

(g) TECHNICAL ASSISTANCE.—The Secretary of the Interior may provide technical assistance to any person for—

(1) the preservation of historic structures within the historic site; and

(2) the maintenance of the natural and cultural landscape of the historic site.

(h) GENERAL MANAGEMENT PLAN.—

(1) PREPARATION.—Not later than three years after the date on which funds are first made available to carry out this title, the Secretary of the Interior shall prepare a general management plan for the historic site

that will incorporate or otherwise address substantive comments made during the consultation required by paragraph (2).

(2) CONSULTATION.—The Secretary shall prepare the general management plan in consultation with—

(A) an appropriate official of each appropriate political subdivision of the Commonwealth of Pennsylvania that has jurisdiction over all or a portion of the lands included in the historic site;

(B) an appropriate official of the Steel Industry Heritage Corporation; and

(C) private property owners in the vicinity of the historic site.

(3) SUBMISSION OF PLAN TO CONGRESS.—Upon the completion of the general management plan, the Secretary shall submit a copy of the plan to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

TITLE XI—ST. CROIX NATIONAL HERITAGE AREA STUDY

SEC. 1101. ST. CROIX NATIONAL HERITAGE AREA STUDY.

(a) STUDY.—The Secretary of the Interior, in consultation with appropriate State historic preservation officers, States historical societies, and other appropriate organizations, shall conduct a study regarding the suitability and feasibility of designating the island of St. Croix as the St. Croix National Heritage Area. The study shall include analysis, documentation, and determination regarding whether the island of St. Croix—

(1) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(2) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(3) provides outstanding recreational and educational opportunities;

(4) contains resources important to the identified theme or themes of the island of St. Croix that retain a degree of integrity capable of supporting interpretation;

(5) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government), and have demonstrated support for the concept of a national heritage area;

(6) has a potential management entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity; and

(7) has a conceptual boundary map that is supported by the public.

(b) PRIVATE PROPERTY.—In conducting the study required by this section, the Secretary of the Interior shall analyze the potential impact that designation of the area as a national heritage area is likely to have on land within the proposed area or bordering the proposed area that is privately owned at the time that the study is conducted.

(c) REPORT.—Not later than 3 fiscal years after the date on which funds are first made available for this section, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations as the Secretary deems appropriate.

TITLE XII—ARABIA MOUNTAIN NATIONAL HERITAGE AREA

SEC. 1201. FINDINGS AND PURPOSES.

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

(1) The Arabia Mountain area contains a variety of natural, cultural, historical, scenic, and recreational resources that together represent distinctive aspects of the heritage of the United States that are worthy of recognition, conservation, interpretation, and continuing use.

(2) The best methods for managing the resources of the Arabia Mountain area would be through partnerships between public and private entities that combine diverse resources and active communities.

(3) Davidson-Arabia Mountain Nature Preserve, a 535-acre park in DeKalb County, Georgia—

(A) protects granite outcrop ecosystems, wetland, and pine and oak forests; and

(B) includes federally-protected plant species.

(4) Panola Mountain, a national natural landmark, located in the 860-acre Panola Mountain State Conservation Park, is a rare example of a pristine granite outcrop.

(5) The archaeological site at Miners Creek Preserve along the South River contains documented evidence of early human activity.

(6) The city of Lithonia, Georgia, and related sites of Arabia Mountain and Stone Mountain possess sites that display the history of granite mining as an industry and culture in Georgia, and the impact of that industry on the United States.

(7) The community of Klondike is eligible for designation as a National Historic District.

(8) The city of Lithonia has 2 structures listed on the National Register of Historic Places.

(b) **PURPOSES.**—The purposes of this title are as follows:

(1) To recognize, preserve, promote, interpret, and make available for the benefit of the public the natural, cultural, historical, scenic, and recreational resources in the area that includes Arabia Mountain, Panola Mountain, Miners Creek, and other significant sites and communities.

(2) To assist the State of Georgia and the counties of DeKalb, Rockdale, and Henry in the State in developing and implementing an integrated cultural, historical, and land resource management program to protect, enhance, and interpret the significant resources within the heritage area.

SEC. 1202. DEFINITIONS.

For the purposes of this title, the following definitions apply:

(1) **HERITAGE AREA.**—The term “heritage area” means the Arabia Mountain National Heritage Area established by section 1203.

(2) **MANAGEMENT ENTITY.**—The term “management entity” means the Arabia Mountain Heritage Area Alliance or a successor of the Arabia Mountain Heritage Area Alliance.

(3) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the heritage area developed under section 1205.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(5) **STATE.**—The term “State” means the State of Georgia.

SEC. 1203. ARABIA MOUNTAIN NATIONAL HERITAGE AREA.

(a) **ESTABLISHMENT.**—There is established the Arabia Mountain National Heritage Area in the State.

(b) **BOUNDARIES.**—The heritage area shall consist of certain parcels of land in the counties of DeKalb, Rockdale, and Henry in the State, as generally depicted on the map entitled “Arabia Mountain National Heritage

Area”, numbered AMNHA/80,000, and dated October, 2003.

(c) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) **MANAGEMENT ENTITY.**—The Arabia Mountain Heritage Area Alliance shall be the management entity for the heritage area.

SEC. 1204. AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.

(a) **AUTHORITIES.**—For purposes of developing and implementing the management plan, the management entity may—

(1) make grants to, and enter into cooperative agreements with, the State, political subdivisions of the State, and private organizations;

(2) hire and compensate staff; and

(3) enter into contracts for goods and services.

(b) **DUTIES.**—

(1) **MANAGEMENT PLAN.**—

(A) **IN GENERAL.**—The management entity shall develop and submit to the Secretary the management plan.

(B) **CONSIDERATIONS.**—In developing and implementing the management plan, the management entity shall consider the interests of diverse governmental, business, and nonprofit groups within the heritage area.

(2) **PRIORITIES.**—The management entity shall give priority to implementing actions described in the management plan, including assisting units of government and nonprofit organizations in preserving resources within the heritage area.

(3) **PUBLIC MEETINGS.**—The management entity shall conduct public meetings at least quarterly on the implementation of the management plan.

(4) **ANNUAL REPORT.**—For any year in which Federal funds have been made available under this title, the management entity shall submit to the Secretary an annual report that describes the following:

(A) The accomplishments of the management entity.

(B) The expenses and income of the management entity.

(5) **AUDIT.**—The management entity shall—

(A) make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds; and

(B) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of those funds.

(c) **USE OF FEDERAL FUNDS.**—

(1) **IN GENERAL.**—The management entity shall not use Federal funds made available under this title to acquire real property or an interest in real property.

(2) **OTHER SOURCES.**—Nothing in this title precludes the management entity from using Federal funds made available under other Federal laws for any purpose for which the funds are authorized to be used.

SEC. 1205. MANAGEMENT PLAN.

(a) **IN GENERAL.**—The management entity shall develop a management plan for the heritage area that incorporates an integrated and cooperative approach to protect, interpret, and enhance the natural, cultural, historical, scenic, and recreational resources of the heritage area.

(b) **BASIS.**—The management plan shall be based on the preferred concept in the document entitled “Arabia Mountain National Heritage Area Feasibility Study”, dated February 28, 2001.

(c) **CONSIDERATION OF OTHER PLANS AND ACTIONS.**—The management plan shall—

(1) take into consideration State and local plans; and

(2) involve residents, public agencies, and private organizations in the heritage area.

(d) **REQUIREMENTS.**—The management plan shall include the following:

(1) An inventory of the resources in the heritage area, including—

(A) a list of property in the heritage area that—

(i) relates to the purposes of the heritage area; and

(ii) should be preserved, restored, managed, or maintained because of the significance of the property; and

(B) an assessment of cultural landscapes within the heritage area.

(2) Provisions for the protection, interpretation, and enjoyment of the resources of the heritage area consistent with the purposes of this title.

(3) An interpretation plan for the heritage area.

(4) A program for implementation of the management plan that includes—

(A) actions to be carried out by units of government, private organizations, and public-private partnerships to protect the resources of the heritage area; and

(B) the identification of existing and potential sources of funding for implementing the plan.

(5) A description and evaluation of the management entity, including the membership and organizational structure of the management entity.

(e) **SUBMISSION TO SECRETARY FOR APPROVAL.**—

(1) **IN GENERAL.**—Not later than 3 years after the date of the enactment of this Act, the management entity shall submit the management plan to the Secretary for approval.

(2) **EFFECT OF FAILURE TO SUBMIT.**—If a management plan is not submitted to the Secretary by the date specified in paragraph (1), the Secretary shall not provide any additional funding under this title until such date as a management plan for the heritage area is submitted to the Secretary.

(f) **APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 90 days after receiving the management plan submitted under subsection (e), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(2) **ACTION FOLLOWING DISAPPROVAL.**—

(A) **REVISION.**—If the Secretary disapproves a management plan submitted under paragraph (1), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) allow the management entity to submit to the Secretary revisions to the management plan.

(B) **DEADLINE FOR APPROVAL OF REVISION.**—Not later than 90 days after the date on which a revision is submitted under subparagraph (A)(iii), the Secretary shall approve or disapprove the revision.

(g) **REVISION OF MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—After approval by the Secretary of a management plan, the management entity shall periodically—

(A) review the management plan; and

(B) submit to the Secretary, for review and approval by the Secretary, the recommendations of the management entity for any revisions to the management plan that the management entity considers to be appropriate.

(2) **EXPENDITURE OF FUNDS.**—No funds made available under this title shall be used to implement any revision proposed by the management entity under paragraph (1)(B) until the Secretary approves the revision.

SEC. 1206. TECHNICAL AND FINANCIAL ASSISTANCE.

(a) IN GENERAL.—At the request of the management entity, the Secretary may provide technical and financial assistance to the heritage area to develop and implement the management plan.

(b) PRIORITY.—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(1) the conservation of the significant natural, cultural, historical, scenic, and recreational resources that support the purposes of the heritage area; and

(2) the provision of educational, interpretive, and recreational opportunities that are consistent with the resources and associated values of the heritage area.

SEC. 1207. EFFECT ON CERTAIN AUTHORITY.

(a) OCCUPATIONAL, SAFETY, CONSERVATION, AND ENVIRONMENTAL REGULATION.—Nothing in this title—

(1) imposes an occupational, safety, conservation, or environmental regulation on the heritage area that is more stringent than the regulations that would be applicable to the land described in section 1203(b) but for the establishment of the heritage area by section 1203; or

(2) authorizes a Federal agency to promulgate an occupational, safety, conservation, or environmental regulation for the heritage area that is more stringent than the regulations applicable to the land described in section 1203(b) as of the date of enactment of this Act, solely as a result of the establishment of the heritage area by section 1203.

(b) LAND USE REGULATION.—Nothing in this title—

(1) modifies, enlarges, or diminishes any authority of the Federal Government or a State or local government to regulate any use of land as provided for by law (including regulations) in existence on the date of enactment of this Act; or

(2) grants powers of zoning or land use to the management entity.

SEC. 1208. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 1209. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this

title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

SEC. 1210. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this title \$10,000,000, to remain available until expended, of which not more than \$1,000,000 may be used in any fiscal year.

(b) FEDERAL SHARE.—The Federal share of the cost of any project or activity carried out using funds made available under this title shall not exceed 50 percent.

SEC. 1211. TERMINATION OF AUTHORITY.

The authority of the Secretary to make any grant or provide any assistance under this title shall terminate on September 30, 2016.

TITLE XIII—UPPER HOUSATONIC VALLEY NATIONAL HERITAGE AREA**SEC. 1301. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds the following:

(1) The upper Housatonic Valley, encompassing 29 towns in the hilly terrain of western Massachusetts and northwestern Connecticut, is a singular geographical and cultural region that has made significant national contributions through its literary, artistic, musical, and architectural achievements, its iron, paper, and electrical equipment industries, and its scenic beautification and environmental conservation efforts.

(2) The upper Housatonic Valley has 139 properties and historic districts listed on the National Register of Historic Places including—

(A) five National Historic Landmarks—

- (i) Edith Wharton's home, The Mount, Lenox, Massachusetts;
- (ii) Herman Melville's home, Arrowhead, Pittsfield, Massachusetts;
- (iii) W.E.B. DuBois' Boyhood Homesite, Great Barrington, Massachusetts;
- (iv) Mission House, Stockbridge, Massachusetts; and
- (v) Crane and Company Old Stone Mill Rag Room, Dalton, Massachusetts; and

(B) four National Natural Landmarks—

- (i) Bartholomew's Cobble, Sheffield, Massachusetts, and Salisbury, Connecticut;
- (ii) Beckley Bog, Norfolk, Connecticut;
- (iii) Bingham Bog, Salisbury, Connecticut; and
- (iv) Cathedral Pines, Cornwall, Connecticut.

(3) Writers, artists, musicians, and vacationers have visited the region for more than 150 years to enjoy its scenic wonders, making it one of the country's leading cultural resorts.

(4) The upper Housatonic Valley has made significant national cultural contributions through such writers as Herman Melville, Nathaniel Hawthorne, Edith Wharton, and W.E.B. DuBois, artists Daniel Chester French and Norman Rockwell, and the performing arts centers of Tanglewood, Music Mountain, Norfolk (Connecticut) Chamber Music Festival, Jacob's Pillow, and Shakespeare & Company.

(5) The upper Housatonic Valley is noted for its pioneering achievements in the iron,

paper, and electrical generation industries and has cultural resources to interpret those industries.

(6) The region became a national leader in scenic beautification and environmental conservation efforts following the era of industrialization and deforestation and maintains a fabric of significant conservation areas including the meandering Housatonic River.

(7) Important historical events related to the American Revolution, Shays' Rebellion, and early civil rights took place in the upper Housatonic Valley.

(8) The region had an American Indian presence going back 10,000 years and Mohicans had a formative role in contact with Europeans during the seventeenth and eighteenth centuries.

(9) The Upper Housatonic Valley National Heritage Area has been proposed in order to heighten appreciation of the region, preserve its natural and historical resources, and improve the quality of life and economy of the area.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To establish the Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts.

(2) To implement the national heritage area alternative as described in the document entitled "Upper Housatonic Valley National Heritage Area Feasibility Study, 2003".

(3) To provide a management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the upper Housatonic Valley region to conserve the region's heritage while continuing to pursue compatible economic opportunities.

(4) To assist communities, organizations, and citizens in the State of Connecticut and the Commonwealth of Massachusetts in identifying, preserving, interpreting, and developing the historical, cultural, scenic, and natural resources of the region for the educational and inspirational benefit of current and future generations.

SEC. 1302. DEFINITIONS.

In this title:

(1) HERITAGE AREA.—The term "Heritage Area" means the Upper Housatonic Valley National Heritage Area, established in section 1303.

(2) MANAGEMENT ENTITY.—The term "Management Entity" means the management entity for the Heritage Area designated by section 1303(d).

(3) MANAGEMENT PLAN.—The term "Management Plan" means the management plan for the Heritage Area specified in section 1305.

(4) MAP.—The term "map" means the map entitled "Boundary Map Upper Housatonic Valley National Heritage Area", numbered P17/80,000, and dated February 2003.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) STATE.—The term "State" means the State of Connecticut and the Commonwealth of Massachusetts.

SEC. 1303. UPPER HOUSATONIC VALLEY NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Upper Housatonic Valley National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall be comprised of—

(1) part of the Housatonic River's watershed, which extends 60 miles from Lanesboro, Massachusetts to Kent, Connecticut;

(2) the towns of Canaan, Colebrook, Cornwall, Kent, Norfolk, North Canaan, Salisbury, Sharon, and Warren in Connecticut; and

(3) the towns of Alford, Becket, Dalton, Egremont, Great Barrington, Hancock, Hinsdale, Lanesboro, Lee, Lenox, Monterey, Mount Washington, New Marlboro, Pittsfield, Richmond, Sheffield, Stockbridge, Tyringham, Washington, and West Stockbridge in Massachusetts.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

(d) MANAGEMENT ENTITY.—The Upper Housatonic Valley National Heritage Area, Inc. shall be the management entity for the Heritage Area.

SEC. 1304. AUTHORITIES, PROHIBITIONS AND DUTIES OF THE MANAGEMENT ENTITY.

(a) DUTIES OF THE MANAGEMENT ENTITY.—To further the purposes of the Heritage Area, the management entity shall—

(1) prepare and submit a management plan for the Heritage Area to the Secretary in accordance with section 1305;

(2) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(A) carrying out programs and projects that recognize, protect and enhance important resource values within the Heritage Area;

(B) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(C) developing recreational and educational opportunities in the Heritage Area;

(D) increasing public awareness of and appreciation for natural, historical, scenic, and cultural resources of the Heritage Area;

(E) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with heritage area themes;

(F) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and

(G) promoting a wide range of partnerships among governments, organizations and individuals to further the purposes of the Heritage Area;

(3) consider the interests of diverse units of government, businesses, organizations and individuals in the Heritage Area in the preparation and implementation of the management plan;

(4) conduct meetings open to the public at least semi-annually regarding the development and implementation of the management plan;

(5) submit an annual report to the Secretary for any fiscal year in which the management entity receives Federal funds under this title, setting forth its accomplishments, expenses, and income, including grants to any other entities during the year for which the report is made;

(6) make available for audit for any fiscal year in which it receives Federal funds under this title, all information pertaining to the expenditure of such funds and any matching funds, and require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for such audit all records and other information pertaining to the expenditure of such funds; and

(7) encourage by appropriate means economic development that is consistent with the purposes of the Heritage Area.

(b) AUTHORITIES.—The management entity may, for the purposes of preparing and implementing the management plan for the Heritage Area, use Federal funds made available through this title to—

(1) make grants to the State of Connecticut and the Commonwealth of Massachusetts, their political subdivisions, nonprofit organizations and other persons;

(2) enter into cooperative agreements with or provide technical assistance to the State of Connecticut and the Commonwealth of Massachusetts, their subdivisions, nonprofit organizations, and other interested parties;

(3) hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resources protection, and heritage programming;

(4) obtain money or services from any source including any that are provided under any other Federal law or program;

(5) contract for goods or services; and

(6) undertake to be a catalyst for any other activity that furthers the purposes of the Heritage Area and is consistent with the approved management plan.

(c) PROHIBITIONS ON THE ACQUISITION OF REAL PROPERTY.—The management entity may not use Federal funds received under this title to acquire real property, but may use any other source of funding, including other Federal funding outside this authority, intended for the acquisition of real property.

SEC. 1305. MANAGEMENT PLAN.

(a) IN GENERAL.—The management plan for the Heritage Area shall—

(1) include comprehensive policies, strategies and recommendations for conservation, funding, management and development of the Heritage Area;

(2) take into consideration existing State, county, and local plans in the development of the management plan and its implementation;

(3) include a description of actions that governments, private organizations, and individuals have agreed to take to protect the natural, historical and cultural resources of the Heritage Area;

(4) specify the existing and potential sources of funding to protect, manage, and develop the Heritage Area in the first 5 years of implementation;

(5) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area related to the themes of the Heritage Area that should be preserved, restored, managed, developed, or maintained;

(6) describe a program of implementation for the management plan including plans for resource protection, restoration, construction, and specific commitments for implementation that have been made by the management entity or any government, organization, or individual for the first 5 years of implementation; and

(7) include an interpretive plan for the Heritage Area.

(b) DEADLINE AND TERMINATION OF FUNDING.—

(1) DEADLINE.—The management entity shall submit the management plan to the Secretary for approval within 3 years after funds are made available for this title.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this subsection, the management entity shall not qualify for Federal funding under this title until such time as the management plan is submitted to the Secretary.

SEC. 1306. DUTIES AND AUTHORITIES OF THE SECRETARY.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may, upon the request of the management entity, provide technical assistance on a reimbursable or non-reimbursable basis and financial assistance to the Heritage Area to develop and implement the approved management plan. The Secretary is authorized to enter into cooperative agreements with the management entity and other public or private entities for this purpose. In assisting the Heritage Area, the Secretary shall give priority to actions that in general assist in—

(1) conserving the significant natural, historical, cultural, and scenic resources of the Heritage Area; and

(2) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(b) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary shall approve or disapprove the management plan not later than 90 days after receiving the management plan.

(2) CRITERIA FOR APPROVAL.—In determining the approval of the management plan, the Secretary shall consider whether—

(A) the management entity is representative of the diverse interests of the Heritage Area including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(B) the management entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan;

(C) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, historical, and cultural resources of the Heritage Area; and

(D) the management plan is supported by the appropriate State and local officials whose cooperation is needed to ensure the effective implementation of the State and local aspects of the management plan.

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan, the Secretary shall advise the management entity in writing of the reasons therefore and shall make recommendations for revisions to the management plan. The Secretary shall approve or disapprove a proposed revision within 60 days after the date it is submitted.

(4) APPROVAL OF AMENDMENTS.—Substantial amendments to the management plan shall be reviewed by the Secretary and approved in the same manner as provided for the original management plan. The management entity shall not use Federal funds authorized by this title to implement any amendments until the Secretary has approved the amendments.

SEC. 1307. DUTIES OF OTHER FEDERAL AGENCIES.

Any Federal agency conducting or supporting activities directly affecting the Heritage Area shall—

(1) consult with the Secretary and the management entity with respect to such activities;

(2) cooperate with the Secretary and the management entity in carrying out their duties under this title and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and,

(3) to the maximum extent practicable, conduct or support such activities in a manner which the management entity determines will not have an adverse effect on the Heritage Area.

SEC. 1308. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Area shall have their

property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 1309. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

SEC. 1310. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated for the purposes of this title not more than \$1,000,000 for any fiscal year. Not more than a total of \$10,000,000 may be appropriated for the Heritage Area under this title.

(b) MATCHING FUNDS.—Federal funding provided under this title may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this title.

SEC. 1311. SUNSET.

The authority of the Secretary to provide assistance under this title shall terminate on the day occurring 15 years after funds are first made available for this title.

TITLE XIV—PACTOLA RESERVOIR REALLOCATION AUTHORIZATION ACT OF 2004

SEC. 1401. SHORT TITLE.

This title may be cited as the “Pactola Reservoir Reallocation Authorization Act of 2004”.

SEC. 1402. FINDINGS.

Congress finds that—

(1) it is appropriate to reallocate the costs of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes; and

(2) section 302 of the Department of Energy Organization Act (42 U.S.C. 7152) prohibits such a reallocation of costs without congressional approval.

SEC. 1403. REALLOCATION OF COSTS OF PACTOLA DAM AND RESERVOIR, SOUTH DAKOTA.

The Secretary of the Interior may, as provided in the contract of August 2001 entered into between Rapid City, South Dakota, and the Rapid Valley Conservancy District, reallocate, in a manner consistent with Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supple-

mental to and amendatory of that Act (43 U.S.C. 371 et seq.), the construction costs of Pactola Dam and Reservoir, Rapid Valley Unit, Pick-Sloan Missouri Basin Program, South Dakota, from irrigation purposes to municipal, industrial, and fish and wildlife purposes.

TITLE XV—GULLAH/GEECHEE CULTURAL HERITAGE

SEC. 1501. SHORT TITLE.

This title may be cited as the “Gullah/Geechee Cultural Heritage Act”.

SEC. 1502. PURPOSES.

The purposes of this title are to—

(1) recognize the important contributions made to American culture and history by African-Americans known as the Gullah/Geechee who settled in the coastal counties of South Carolina and Georgia;

(2) assist State and local governments and public and private entities in the South Carolina and Georgia in interpreting the story of the Gullah/Geechee and preserving Gullah/Geechee folklore, arts, crafts, and music; and

(3) assist in identifying and preserving sites, historical data, artifacts, and objects associated with the Gullah/Geechee for the benefit and education of the public.

SEC. 1503. DEFINITIONS.

For the purposes of this title, the following definitions apply:

(1) COMMISSION.—The term “Commission” means the Gullah/Geechee Cultural Heritage Corridor Commission established under this title.

(2) HERITAGE CORRIDOR.—The term “Heritage Corridor” means the Gullah/Geechee Cultural Heritage Corridor established by this title.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 1504. GULLAH/GEECHEE CULTURAL HERITAGE CORRIDOR.

(a) ESTABLISHMENT.—There is established the Gullah/Geechee Cultural Heritage Corridor.

(b) BOUNDARIES.—

(1) IN GENERAL.—The Heritage Corridor shall be comprised of those lands and waters generally depicted on a map entitled “Gullah/Geechee Cultural Heritage Corridor” numbered GGCHC/80,000, and dated September 2004. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and in an appropriate State office in each of the States included in the Heritage Corridor. The Secretary shall publish in the Federal Register, as soon as practicable after the date of enactment of this Act a detailed description and map of the boundaries established under this subsection.

(2) REVISIONS.—The boundaries of the heritage corridor may be revised if the revision is—

(A) proposed in the management plan developed for the Heritage Corridor;

(B) approved by the Secretary in accordance with this title; and

(C) placed on file in accordance with paragraph (1).

(c) ADMINISTRATION.—The Heritage Corridor shall be administered in accordance with the provisions of this title.

SEC. 1505. GULLAH/GEECHEE CULTURAL HERITAGE CORRIDOR COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as “Gullah/Geechee Cultural Heritage Corridor Commission” whose purpose shall be to assist Federal, State, and local authorities in the development and implementation of a management plan for those land and waters specified in section 1504.

(b) MEMBERSHIP.—The Commission shall be composed of nine members appointed by the Secretary as follows:

(1) Four individuals nominated by the State Historic Preservation Officer of South Carolina and two individuals nominated by the State Historic Preservation Officer of Georgia and appointed by the Secretary.

(2) Two individuals from South Carolina and one individual from Georgia who are recognized experts in historic preservation, anthropology, and folklore, appointed by the Secretary.

(c) TERMS.—Members of the Commission shall be appointed to terms not to exceed 3 years. The Secretary may stagger the terms of the initial appointments to the Commission in order to assure continuity of operation. Any member of the Commission may serve after the expiration of their term until a successor is appointed. A vacancy shall be filled in the same manner in which the original appointment was made.

(d) TERMINATION.—The Commission shall terminate 10 years after the date of enactment of this Act.

SEC. 1506. OPERATION OF THE COMMISSION.

(a) DUTIES OF THE COMMISSION.—To further the purposes of the Heritage Corridor, the Commission shall—

(1) prepare and submit a management plan to the Secretary in accordance with section 1507;

(2) assist units of local government and other persons in implementing the Approved management plan by—

(A) carry out programs and projects that recognize, protect, and enhance important resource values within the Heritage Corridor;

(B) establishing and maintaining interpretive exhibits and programs within the Heritage Corridor;

(C) developing recreational and educational opportunities in the Heritage Corridor;

(D) increasing public awareness of and appreciation for the historical, cultural, natural, and scenic resources of the Heritage Corridor;

(E) protecting and restoring historic sites and buildings in the Heritage Corridor that are consistent with heritage corridor themes;

(F) ensuring that clear, consistent, and appropriate signs identifying points of public access and sites of interest are posted throughout the Heritage Corridor; and

(G) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Corridor;

(3) consider the interests of diverse units of government, business, organizations, and individuals in the Heritage Corridor in the preparation and implementation of the management plan;

(4) conduct meetings open to the public at least quarterly regarding the development and implementation of the management plan;

(5) submit an annual report to the Secretary for any fiscal year in which the Commission receives Federal funds under this title, setting forth its accomplishments, expenses, and income, including grants made to any other entities during the year for which the report is made;

(6) make available for audit for any fiscal year in which it receives Federal funds under this title, all information pertaining to the expenditure of such funds and any matching funds, and require all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organization make available for audit all records and other information pertaining to the expenditure of such funds; and

(7) encourage by appropriate means economic viability that is consistent with the purposes of the Heritage Corridor.

(b) **AUTHORITIES.**—The Commission may, for the purposes of preparing and implementing the management plan, use funds made available under this title to—

(1) make grants to, and enter into cooperative agreements with the States of South Carolina and Georgia, political subdivisions of those States, a nonprofit organization, or any person;

(2) hire and compensate staff;

(3) obtain funds from any source including any that are provided under any other Federal law or program; and

(4) contract for goods and services.

SEC. 1507. MANAGEMENT PLAN.

(a) **IN GENERAL.**—The management plan for the Heritage Corridor shall—

(1) include comprehensive policies, strategies, and recommendations for conservation, funding, management, and development of the Heritage Corridor;

(2) take into consideration existing State, county, and local plans in the development of the management plan and its implementation;

(3) include a description of actions that governments, private organizations, and individuals have agreed to take to protect the historical, cultural, and natural resources of the Heritage Corridor;

(4) specify the existing and potential sources of funding to protect, manage, and develop the Heritage Corridor in the first 5 years of implementation;

(5) include an inventory of the historical, cultural, natural, resources of the Heritage Corridor related to the themes of the Heritage Corridor that should be preserved, restored, managed, developed, or maintained;

(6) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the Heritage Corridor's historical, cultural, and natural resources;

(7) describe a program for implementation of the management plan including plans for resources protection, restoration, construction, and specific commitments for implementation that have been made by the Commission or any government, organization, or individual for the first 5 years of implementation;

(8) include an analysis and recommendations for the ways in which Federal, State, or local programs may best be coordinated to further the purposes of this title; and

(9) include an interpretive plan for the Heritage Corridor.

(b) **SUBMITTAL OF MANAGEMENT PLAN.**—The Commission shall submit the management plan to the Secretary for approval not later than 3 years after funds are made available for this title.

(c) **FAILURE TO SUBMIT.**—If the Commission fails to submit the management plan to the Secretary in accordance with subsection (b), the Heritage Corridor shall not qualify for Federal funding until the management plan is submitted.

(d) **APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—The Secretary shall approve or disapprove the management plan not later than 90 days after receiving the management plan.

(2) **CRITERIA.**—In determining whether to approve the management plan, the Secretary shall consider whether—

(A) the Commission has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan;

(B) the resource preservation and interpretation strategies contained in the manage-

ment plan would adequately protect the cultural and historic resources of the Heritage Corridor; and

(C) the Secretary has received adequate assurances from appropriate State and local officials whose support is needed to ensure the effective implementation of the State and local aspects of the plan.

(3) **ACTION FOLLOWING DISAPPROVAL.**—If the Secretary disapproves the management plan, the Secretary shall advise the Commission in writing of the reasons therefore and shall make recommendations for revisions to the management plan. The Secretary shall approve or disapprove a proposed revision not later than 60 days after the date it is submitted.

(4) **APPROVAL OF AMENDMENTS.**—Substantial amendments to the management plan shall be reviewed and approved by the Secretary in the same manner as provided in the original management plan. The Commission shall not use Federal funds authorized by this title to implement any amendments until the Secretary has approved the amendments.

SEC. 1508. TECHNICAL AND FINANCIAL ASSISTANCE.

(a) **IN GENERAL.**—Upon a request of the Commission, the Secretary may provide technical and financial assistance for the development and implementation of the management plan.

(b) **PRIORITY FOR ASSISTANCE.**—In providing assistance under subsection (a), the Secretary shall give priority to actions that assist in—

(1) conserving the significant cultural, historical, and natural resources of the Heritage Corridor; and

(2) providing educational and interpretive opportunities consistent with the purposes of the Heritage Corridor.

(c) **SPENDING FOR NON-FEDERAL PROPERTY.**—

(1) **IN GENERAL.**—The Commission may expend Federal funds made available under this title on nonfederally owned property that is—

(A) identified in the management plan; or

(B) listed or eligible for listing on the National Register for Historic Places.

(2) **AGREEMENTS.**—Any payment of Federal funds made pursuant to this title shall be subject to an agreement that conversion, use, or disposal of a project so assisted for purposes contrary to the purposes of this title, as determined by the Secretary, shall result in a right of the United States to compensation of all funds made available to that project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

SEC. 1509. DUTIES OF OTHER FEDERAL AGENCIES.

Any Federal agency conducting or supporting activities directly affecting the Heritage Corridor shall—

(1) consult with the Secretary and the Commission with respect to such activities;

(2) cooperate with the Secretary and the Commission in carrying out their duties under this title and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

(3) to the maximum extent practicable, conduct or support such activities in a manner in which the Commission determines will not have an adverse effect on the Heritage Corridor.

SEC. 1510. COASTAL HERITAGE CENTERS.

In furtherance of the purposes of this title and using the authorities made available under this title, the Commission shall establish one or more Coastal Heritage Centers at

appropriate locations within the Heritage Corridor in accordance with the preferred alternative identified in the Record of Decision for the Low Country Gullah Culture Special Resource Study and Environmental Impact Study, December 2003.

SEC. 1511. PRIVATE PROPERTY PROTECTION.

(a) **ACCESS TO PRIVATE PROPERTY.**—Nothing in this title shall be construed to require any private property owner to permit public access (including Federal, State, or local government access) to such private property. Nothing in this title shall be construed to modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

(b) **LIABILITY.**—Designation of the Heritage Corridor shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE.**—Nothing in this title shall be construed to modify any authority of Federal, State, or local governments to regulate land use.

(d) **PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE CORRIDOR.**—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Corridor to participate in or be associated with the Heritage Corridor.

(e) **EFFECT OF ESTABLISHMENT.**—The boundaries designated for the Heritage Corridor represent the area within which Federal funds appropriated for the purpose of this title shall be expended. The establishment of the Heritage Corridor and its boundaries shall not be construed to provide any non-existing regulatory authority on land use within the Heritage Corridor or its viewshed by the Secretary or the management entity.

(f) **NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.**—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Corridor until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(g) **LANDOWNER WITHDRAWAL.**—Any owner of private property included within the boundary of the Heritage Corridor shall have their property immediately removed from within the boundary by submitting a written request to the management entity.

SEC. 1512. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated for the purposes of this title not more than \$1,000,000 for any fiscal year. Not more than a total of \$10,000,000 may be appropriated for the Heritage Corridor under this title.

(b) **COST SHARE.**—Federal funding provided under this title may not exceed 50 percent of the total cost of any activity for which assistance is provided under this title.

(c) **IN-KIND CONTRIBUTIONS.**—The Secretary may accept in-kind contributions as part of the non-Federal cost share of any activity for which assistance is provided under this title.

SEC. 1513. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this title shall terminate on the day occurring 15 years after the date of enactment of this Act.

TITLE XVI—WESTERN RESERVE HERITAGE AREA

SEC. 1601. SHORT TITLE.

This title may be cited as the ‘‘Western Reserve Heritage Areas Study Act’’.

SEC. 1602. NATIONAL PARK SERVICE STUDY REGARDING THE WESTERN RESERVE, OHIO.

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

(1) The area that encompasses the modern-day counties of Trumbull, Mahoning, Ash-tabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ot-tawa, and Ashland in Ohio with the rich his-tory in what was once the Western Reserve, has made a unique contribution to the cul-tural, political and industrial development of the United States.

(2) The Western Reserve is distinctive as the land settled by the people of Connecticut after the Revolutionary War. The Western Reserve holds a unique mark as the original wilderness land of the West that many set-tlers migrated to in order to begin life out-side of the original 13 colonies.

(3) The Western Reserve played a signifi-cant role in providing land to the people of Connecticut whose property and land was de-structed during the Revolution. These set-tlers were descendants of the brave immi-grants who came to the Americas in the 17th century.

(4) The Western Reserve offered a new des-tination for those who moved west in search of land and prosperity. The agricultural and industrial base that began in the Western Reserve still lives strong in these prosperous and historical counties.

(5) The heritage of the Western Reserve re-mains transfixed in the counties of Trum-bull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio. The people of these counties are proud of their heritage as shown through the unwav-ering attempts to preserve agricultural land and the industrial foundation that has been embedded in this region since the establish-ment of the Western Reserve. Throughout these counties, historical sites, and markers preserve the unique traditions and customs of its original heritage.

(6) The counties that encompass the West-ern Reserve continue to maintain a strong connection to its historic past as seen through its preservation of its local heritage, including historic homes, buildings, and cen-ters of public gatherings.

(7) There is a need for assistance for the preservation and promotion of the signifi-cance of the Western Reserve as the natural, historic and cultural heritage of the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa and Ashland in Ohio.

(8) The Department of the Interior is re-sponsible for protecting the Nation's cul-tural and historical resources. There are sig-nificant examples of such resources within these counties and what was once the West-ern Reserve to merit the involvement of the Federal Government in the development of programs and projects, in cooperation with the State of Ohio and other local govern-mental entities, to adequately conserve, pro-tect, and interpret this heritage for future generations, while providing opportunities for education and revitalization.

(b) **STUDY.**—

(1) **IN GENERAL.**—The Secretary shall, in consultation with the State of Ohio, the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland, and other appropriate organiza-tions, carry out a study regarding the suit-ability and feasibility of establishing the Western Reserve Heritage Area in these counties in Ohio.

(2) **CONTENTS.**—The study shall include analysis and documentation regarding whether the Study Area—

(A) has an assemblage of natural, historic, and cultural resources that together rep-resent distinctive aspects of American herit-age worthy of recognition, conservation, in-terpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous re-sources and active communities;

(B) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(C) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(D) provides outstanding recreational and educational opportunities;

(E) contains resources important to the identified theme or themes of the Study Area that retain a degree of integrity capa-ble of supporting interpretation;

(F) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the plan-ning, have developed a conceptual financial plan that outlines the roles for all partici-pants, including the Federal Government, and have demonstrated support for the con-cept of a national heritage area;

(G) has a potential management entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity;

(H) has a conceptual boundary map that is supported by the public; and

(I) has potential or actual impact on pri-vate property located within or abutting the Study Area.

(c) **BOUNDARIES OF THE STUDY AREA.**—The Study Area shall be comprised of the coun-ties of Trumbull, Mahoning, Ashtabula, Por-tage, Geagua, Lake, Cuyahoga, Summit, Me-dina, Huron, Lorain, Erie, Ottawa, and Ash-land in Ohio.

TITLE XVII—TRIBAL PARITY ACT

SEC. 1701. SHORT TITLE.

This title may be cited as the “Tribal Par-ity Act”.

SEC. 1702. FINDINGS.

Congress finds that—

(1) the Pick-Sloan Missouri River Basin Program (authorized by section 9 of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 891)), was approved to promote the general economic development of the United States;

(2) the Fort Randall and Big Bend dam and reservoir projects in South Dakota—

(A) are major components of the Pick-Sloan Missouri River Basin Program; and

(B) contribute to the national economy;

(3) the Fort Randall and Big Bend projects inundated the fertile bottom land of the Lower Brule and Crow Creek Sioux Tribes, which greatly damaged the economy and cul-tural resources of the Tribes;

(4) Congress has provided compensation to several Indian tribes, including the Lower Brule and Crow Creek Sioux Tribes, that bor-der the Missouri River and suffered injury as a result of 1 or more Pick-Sloan Projects;

(5) the compensation provided to those In-dian tribes has not been consistent;

(6) Missouri River Indian tribes that suf-fered injury as a result of 1 or more Pick-Sloan Projects should be adequately com-pensated for those injuries, and that com-pensation should be consistent among the Tribes; and

(7) the Lower Brule Sioux Tribe and the Crow Creek Sioux Tribe, based on method-ology determined appropriate by the General

Accounting Office, are entitled to receive ad-ditional compensation for injuries described in paragraph (6), so as to provide parity among compensation received by all Mis-souri River Indian tribes.

SEC. 1703. LOWER BRULE SIOUX TRIBE.

Section 4(b) of the Lower Brule Sioux Tribe Infrastructure Development Trust Fund Act (Public Law 105-132; 111 Stat. 2565) is amended by striking “\$39,300,000” and in-serting “\$186,822,140”.

SEC. 1704. CROW CREEK SIOUX TRIBE.

Section 4(b) of the Crow Creek Sioux Tribe Infrastructure Development Trust Fund Act of 1996 (Public Law 104-223; 110 Stat. 3027) is amended by striking “\$27,500,000” and insert-ing “\$105,917,853”.

TITLE XVIII—NORTHERN RIO GRANDE NATIONAL HERITAGE AREA

SEC. 1801. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) northern New Mexico encompasses a mosaic of cultures and history, including eight Pueblos and the descendants of Span-ish ancestors who settled in the area in 1598;

(2) the combination of cultures, languages, folk arts, customs, and architecture make northern New Mexico unique;

(3) the area includes spectacular natural, scenic, and recreational resources;

(4) there is broad support from local gov-ernments and interested individuals to es-tablish a National Heritage Area to coordi-nate and assist in the preservation and inter-pretation of these resources;

(5) in 1991, the National Park Service study Alternative Concepts for Commemorating Spanish Colonization identified several al-ternatives consistent with the establishment of a National Heritage Area, including con-ducting a comprehensive archaeological and historical research program, coordinating a comprehensive interpretation program, and interpreting a cultural heritage scene; and

(6) establishment of a National Heritage Area in northern New Mexico would assist local communities and residents in pre-serving these unique cultural, historical and natural resources.

SEC. 1802. DEFINITIONS.

As used in this title—

(1) the term “heritage area” means the Northern Rio Grande Heritage Area; and

(2) the term “Secretary” means the Sec-etary of the Interior.

SEC. 1803. NORTHERN RIO GRANDE NATIONAL HERITAGE AREA.

(a) **ESTABLISHMENT.**—There is hereby es-tablished the Northern Rio Grande National Heritage Area in the State of New Mexico.

(b) **BOUNDARIES.**—The heritage area shall include the counties of Santa Fe, Rio Arriba, and Taos.

(c) **MANAGEMENT ENTITY.**—

(1) The Northern Rio Grande National Her-itage Area, Inc., a non-profit corporation chartered in the State of New Mexico, shall serve as the management entity for the her-itage area.

(2) The Board of Directors for the manage-ment entity shall include representatives of the State of New Mexico, the counties of Santa Fe, Rio Arriba and Taos, tribes and pueblos within the heritage area, the cities of Santa Fe, Espanola and Taos, and mem-bers of the general public. The total number of Board members and the number of Direc-tors representing State, local and tribal gov-ernments and interested communities shall be established to ensure that all parties have appropriate representation on the Board.

SEC. 1804. AUTHORITY AND DUTIES OF THE MAN-AGEMENT ENTITY.

(a) **MANAGEMENT PLAN.**—

(1) Not later than 3 years after the date of enactment of this title, the management entity shall develop and forward to the Secretary a management plan for the heritage area.

(2) The management entity shall develop and implement the management plan in cooperation with affected communities, tribal and local governments and shall provide for public involvement in the development and implementation of the management plan.

(3) The management plan shall, at a minimum—

(A) provide recommendations for the conservation, funding, management, and development of the resources of the heritage area;

(B) identify sources of funding;

(C) include an inventory of the cultural, historical, archaeological, natural, and recreational resources of the heritage area;

(D) provide recommendations for educational and interpretive programs to inform the public about the resources of the heritage area; and

(E) include an analysis of ways in which local, State, Federal, and tribal programs may best be coordinated to promote the purposes of this title.

(4) If the management entity fails to submit a management plan to the Secretary as provided in paragraph (1), the heritage area shall no longer be eligible to receive Federal funding under this title until such time as a plan is submitted to the Secretary.

(5) The Secretary shall approve or disapprove the management plan within 90 days after the date of submission. If the Secretary disapproves the management plan, the Secretary shall advise the management entity in writing of the reasons therefore and shall make recommendations for revisions to the plan.

(6) The management entity shall periodically review the management plan and submit to the Secretary any recommendations for proposed revisions to the management plan. Any major revisions to the management plan must be approved by the Secretary.

(b) **AUTHORITY.**—The management entity may make grants and provide technical assistance to tribal and local governments, and other public and private entities to carry out the management plan.

(c) **DUTIES.**—The management entity shall—

(1) give priority in implementing actions set forth in the management plan;

(2) coordinate with tribal and local governments to better enable them to adopt land use policies consistent with the goals of the management plan;

(3) encourage by appropriate means economic viability in the heritage area consistent with the goals of the management plan; and

(4) assist local and tribal governments and non-profit organizations in—

(A) establishing and maintaining interpretive exhibits in the heritage area;

(B) developing recreational resources in the heritage area;

(C) increasing public awareness of, and appreciation for, the cultural, historical, archaeological and natural resources and sites in the heritage area;

(D) the restoration of historic structures related to the heritage area; and

(E) carrying out other actions that the management entity determines appropriate to fulfill the purposes of this title, consistent with the management plan.

(d) **PROHIBITION ON ACQUIRING REAL PROPERTY.**—The management entity may not use Federal funds received under this title to acquire real property or an interest in real property.

(e) **PUBLIC MEETINGS.**—The management entity shall hold public meetings at least annually regarding the implementation of the management plan.

(f) **ANNUAL REPORTS AND AUDITS.**—

(1) For any year in which the management entity receives Federal funds under this title, the management entity shall submit an annual report to the Secretary setting forth accomplishments, expenses and income, and each entity to which any grant was made by the management entity.

(2) The management entity shall make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds. The management entity shall also require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organization make available to the Secretary for audit all records concerning the expenditure of those funds.

SEC. 1805. DUTIES OF THE SECRETARY.

(a) **TECHNICAL AND FINANCIAL ASSISTANCE.**—The Secretary may, upon request of the management entity, provide technical and financial assistance to develop and implement the management plan.

(b) **PRIORITY.**—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(1) the conservation of the significant natural, cultural, historical, archaeological, scenic, and recreational resources of the heritage area; and

(2) the provision of educational, interpretive, and recreational opportunities consistent with the resources and associated values of the heritage area.

SEC. 1806. SAVINGS PROVISIONS.

(a) **NO EFFECT ON PRIVATE PROPERTY.**—Nothing in this title shall be construed—

(1) to modify, enlarge, or diminish any authority of Federal, State, or local governments to regulate any use of privately owned lands; or

(2) to grant the management entity any authority to regulate the use of privately owned lands.

(b) **TRIBAL LANDS.**—Nothing in this title shall restrict or limit a tribe from protecting cultural or religious sites on tribal lands.

(c) **AUTHORITY OF GOVERNMENTS.**—Nothing in this title shall—

(1) modify, enlarge, or diminish any authority of Federal, State, tribal, or local governments to manage or regulate any use of land as provided for by law or regulation; or

(2) authorize the management entity to assume any management authorities over such lands.

(d) **TRUST RESPONSIBILITIES.**—Nothing in this title shall diminish the Federal Government's trust responsibilities or government-to-government obligations to any federally recognized Indian tribe.

SEC. 1807. SUNSET.

The authority of the Secretary to provide assistance under this title terminates on the date that is 15 years after the date of enactment of this title.

SEC. 1808. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this title \$10,000,000, of which not more than \$1,000,000 may be authorized to be appropriated for any fiscal year.

(b) **COST-SHARING REQUIREMENT.**—The Federal share of the total cost of any activity assisted under this title shall be not more than 50 percent.

TITLE XIX—ATCHAFALAYA NATIONAL HERITAGE AREA

SEC. 1901. DEFINITIONS.

In this title:

(1) **HERITAGE AREA.**—The term “Heritage Area” means the Atchafalaya National Heritage Area established by section 1902(a).

(2) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means the local coordinating entity for the Heritage Area designated by section 1902(c).

(3) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the Heritage Area developed under section 1904.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(5) **STATE.**—The term “State” means the State of Louisiana.

SEC. 1902. ATCHAFALAYA NATIONAL HERITAGE AREA.

(a) **ESTABLISHMENT.**—There is established in the State the Atchafalaya National Heritage Area.

(b) **BOUNDARIES.**—The Heritage Area shall consist of the whole of the following parishes in the State: St. Mary, Iberia, St. Martin, St. Landry, Avoyelles, Pointe Coupee, Iberville, Assumption, Terrebonne, Lafayette, West Baton Rouge, Concordia, and East Baton Rouge.

(c) **LOCAL COORDINATING ENTITY.**—

(1) **IN GENERAL.**—The Atchafalaya Trace Commission shall be the local coordinating entity for the Heritage Area.

(2) **COMPOSITION.**—The local coordinating entity shall be composed of 13 members appointed by the governing authority of each parish within the Heritage Area.

SEC. 1903. AUTHORITIES AND DUTIES OF THE LOCAL COORDINATING ENTITY.

(a) **AUTHORITIES.**—For the purposes of developing and implementing the management plan and otherwise carrying out this title, the local coordinating entity may—

(1) make grants to, and enter into cooperative agreements with, the State, units of local government, and private organizations;

(2) hire and compensate staff; and

(3) enter into contracts for goods and services.

(b) **DUTIES.**—The local coordinating entity shall—

(1) submit to the Secretary for approval a management plan;

(2) implement the management plan, including providing assistance to units of government and others in—

(A) carrying out programs that recognize important resource values within the Heritage Area;

(B) encouraging sustainable economic development within the Heritage Area;

(C) establishing and maintaining interpretive sites within the Heritage Area; and

(D) increasing public awareness of, and appreciation for the natural, historic, and cultural resources of, the Heritage Area;

(3) adopt bylaws governing the conduct of the local coordinating entity; and

(4) for any year for which Federal funds are received under this title, submit to the Secretary a report that describes, for the year—

(A) the accomplishments of the local coordinating entity; and

(B) the expenses and income of the local coordinating entity.

(c) **ACQUISITION OF REAL PROPERTY.**—The local coordinating entity shall not use Federal funds received under this title to acquire real property or an interest in real property.

(d) **PUBLIC MEETINGS.**—The local coordinating entity shall conduct public meetings at least quarterly.

SEC. 1904. MANAGEMENT PLAN.

(a) **IN GENERAL.**—The local coordinating entity shall develop a management plan for the Heritage Area that incorporates an integrated and cooperative approach to protect, interpret, and enhance the natural, scenic,

cultural, historic, and recreational resources of the Heritage Area.

(b) CONSIDERATION OF OTHER PLANS AND ACTIONS.—In developing the management plan, the local coordinating entity shall—

(1) take into consideration State and local plans; and

(2) invite the participation of residents, public agencies, and private organizations in the Heritage Area.

(c) CONTENTS.—The management plan shall include—

(1) an inventory of the resources in the Heritage Area, including—

(A) a list of property in the Heritage Area that—

(i) relates to the purposes of the Heritage Area; and

(ii) should be preserved, restored, managed, or maintained because of the significance of the property; and

(B) an assessment of cultural landscapes within the Heritage Area;

(2) provisions for the protection, interpretation, and enjoyment of the resources of the Heritage Area consistent with this title;

(3) an interpretation plan for the Heritage Area; and

(4) a program for implementation of the management plan that includes—

(A) actions to be carried out by units of government, private organizations, and public-private partnerships to protect the resources of the Heritage Area; and

(B) the identification of existing and potential sources of funding for implementing the plan.

(d) SUBMISSION TO SECRETARY FOR APPROVAL.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this title, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in paragraph (1), the Secretary shall not provide any additional funding under this title until a management plan for the Heritage Area is submitted to the Secretary.

(e) APPROVAL.—

(1) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under subsection (d)(1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(2) ACTION FOLLOWING DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves a management plan under paragraph (1), the Secretary shall—

(i) advise the local coordinating entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) allow the local coordinating entity to submit to the Secretary revisions to the management plan.

(B) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on which a revision is submitted under subparagraph (A)(iii), the Secretary shall approve or disapprove the revision.

(f) REVISION.—

(1) IN GENERAL.—After approval by the Secretary of a management plan, the local coordinating entity shall periodically—

(A) review the management plan; and

(B) submit to the Secretary, for review and approval by the Secretary, the recommendations of the local coordinating entity for any revisions to the management plan that the local coordinating entity considers to be appropriate.

(2) EXPENDITURE OF FUNDS.—No funds made available under this title shall be used to implement any revision proposed by the local

coordinating entity under paragraph (1)(B) until the Secretary approves the revision.

SEC. 1905. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent to the management entity for such preservation, conservation, or promotion.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Area shall have that private property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 1906. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on that private property.

(c) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

SEC. 1907. EFFECT OF TITLE.

Nothing in this title or in establishment of the Heritage Area—

(1) grants any Federal agency regulatory authority over any interest in the Heritage Area, unless cooperatively agreed on by all involved parties;

(2) modifies, enlarges, or diminishes any authority of the Federal Government or a State or local government to regulate any use of land as provided for by law (including regulations) in existence on the date of enactment of this title;

(3) grants any power of zoning or land use to the local coordinating entity;

(4) imposes any environmental, occupational, safety, or other rule, standard, or permitting process that is different from those in effect on the date of enactment of this title that would be applicable had the Heritage Area not been established;

(5)(A) imposes any change in Federal environmental quality standards; or

(B) authorizes designation of any portion of the Heritage Area that is subject to part C of title I of the Clean Air Act (42 U.S.C. 7470 et seq.) as class 1 for the purposes of that part solely by reason of the establishment of the Heritage Area;

(6) authorizes any Federal or State agency to impose more restrictive water use designations, or water quality standards on uses of or discharges to, waters of the United States or waters of the State within or adjacent to the Heritage Area solely by reason of the establishment of the Heritage Area;

(7) abridges, restricts, or alters any applicable rule, standard, or review procedure for permitting of facilities within or adjacent to the Heritage Area; or

(8) affects the continuing use and operation, where located on the date of enactment of this title, of any public utility or common carrier.

SEC. 1908. REPORTS.

For any year in which Federal funds have been made available under this title, the local coordinating entity shall submit to the Secretary a report that describes—

(1) the accomplishments of the local coordinating entity; and

(2) the expenses and income of the local coordinating entity.

SEC. 1909. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this title \$10,000,000, of which not more than \$1,000,000 shall be made available for any fiscal year.

(b) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity assisted under this title shall be not more than 50 percent.

SEC. 1910. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance to the local coordinating entity under this title terminates on the date that is 15 years after the date of enactment of this title.

TITLE XX—CHAMPLAIN VALLEY NATIONAL HERITAGE PARTNERSHIP

SEC. 2001. SHORT TITLE.

This title may be cited as the “Champlain Valley National Heritage Partnership Act of 2003”.

SEC. 2002. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Champlain Valley and its extensive cultural and natural resources have played a significant role in the history of the United States and the individual States of Vermont and New York;

(2) archaeological evidence indicates that the Champlain Valley has been inhabited by humans since the last retreat of the glaciers, with the Native Americans living in the area at the time of European discovery being primarily of Iroquois and Algonquin descent;

(3) the linked waterways of the Champlain Valley, including the Richelieu River in Canada, played a unique and significant role in the establishment and development of the United States and Canada through several distinct eras, including—

(A) the era of European exploration, during which Samuel de Champlain and other explorers used the waterways as a means of access through the wilderness;

(B) the era of military campaigns, including highly significant military campaigns of the French and Indian War, the American Revolution, and the War of 1812; and

(C) the era of maritime commerce, during which canals, boats, schooners, and steamships formed the backbone of commercial transportation for the region;

(4) those unique and significant eras are best described by the theme “The Making of Nations and Corridors of Commerce”;

(5) the artifacts and structures associated with those eras are unusually well-preserved;

(6) the Champlain Valley is recognized as having one of the richest collections of historical resources in North America;

(7) the history and cultural heritage of the Champlain Valley are shared with Canada and the Province of Quebec;

(8) there are benefits in celebrating and promoting this mutual heritage;

(9) tourism is among the most important industries in the Champlain Valley, and heritage tourism in particular plays a significant role in the economy of the Champlain Valley;

(10) it is important to enhance heritage tourism in the Champlain Valley while ensuring that increased visitation will not impair the historical and cultural resources of the region;

(11) according to the 1999 report of the National Park Service entitled “Champlain

Valley Heritage Corridor Project”, “the Champlain Valley contains resources and represents a theme ‘The Making of Nations and Corridors of Commerce’, that is of outstanding importance in U.S. history”; and

(12) it is in the interest of the United States to preserve and interpret the historical and cultural resources of the Champlain Valley for the education and benefit of present and future generations.

(b) PURPOSES.—The purposes of this title are—

(1) to establish the Champlain Valley National Heritage Partnership in the States of Vermont and New York to recognize the importance of the historical, cultural, and recreational resources of the Champlain Valley region to the United States;

(2) to assist the State of Vermont and New York, including units of local government and nongovernmental organizations in the States, in preserving, protecting, and interpreting those resources for the benefit of the people of the United States;

(3) to use those resources and the theme “The Making of Nations and Corridors of Commerce” to—

(A) revitalize the economy of communities in the Champlain Valley; and

(B) generate and sustain increased levels of tourism in the Champlain Valley;

(4) to encourage—

(A) partnerships among State and local governments and nongovernmental organizations in the United States; and

(B) collaboration with Canada and the Province of Quebec to—

(i) interpret and promote the history of the waterways of the Champlain Valley region;

(ii) form stronger bonds between the United States and Canada; and

(iii) promote the international aspects of the Champlain Valley region; and

(5) to provide financial and technical assistance for the purposes described in paragraphs (1) through (4).

SEC. 2003. DEFINITIONS.

In this title:

(1) HERITAGE PARTNERSHIP.—The term “Heritage Partnership” means the Champlain Valley National Heritage Partnership established by section 2004(a).

(2) MANAGEMENT ENTITY.—The term “management entity” means the Lake Champlain Basin Program.

(3) MANAGEMENT PLAN.—The term “management plan” means the management plan developed under section 2004(b)(B)(i).

(4) REGION.—

(A) IN GENERAL.—The term “region” means any area or community in 1 of the States in which a physical, cultural, or historical resource that represents the theme is located.

(B) INCLUSIONS.—The term “region” includes

(i) the linked navigable waterways of—

(I) Lake Champlain;

(II) Lake George;

(III) the Champlain Canal; and

(IV) the portion of the Upper Hudson River extending south to Saratoga;

(ii) portions of Grand Isle, Franklin, Chittenden, Addison, Rutland, and Bennington Counties in the State of Vermont; and

(iii) portions of Clinton, Essex, Warren, Saratoga and Washington Counties in the State of New York.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(6) STATE.—the term “State” means—

(A) the State of Vermont; and

(B) the State of New York.

(7) THEME.—The term “theme” means the theme “The Making of Nations and Corridors of Commerce”, as the term is used in the 1999 report of the National Park Service entitled

“Champlain Valley Heritage Corridor Project”, that describes the periods of international conflict and maritime commerce during which the region played a unique and significant role in the development of the United States and Canada.

SEC. 2004. HERITAGE PARTNERSHIP.

(a) ESTABLISHMENT.—There is established in the regional the Champlain Valley National Heritage Partnership.

(b) MANAGEMENT ENTITY.—

(1) DUTIES.—

(A) IN GENERAL.—The management entity shall implement the title.

(B) MANAGEMENT PLAN.—

(i) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall develop a management plan for the Heritage Partnership.

(ii) EXISTING PLAN.—Pending the completion and approval of the management plan, the management entity may implement the provisions of this title based on its federally authorized plan “Opportunities for Action, an Evolving Plan For Lake Champlain”.

(iii) CONTENTS.—The management plan shall include—

(I) recommendations for funding, managing, and developing the Heritage Partnership;

(II) a description of activities to be carried out by public and private organizations to protect the resources of the Heritage Partnership;

(III) a list of specific, potential sources of funding for the protection, management, and development of the Heritage Partnership;

(IV) an assessment of the organizational capacity of the management entity to achieve the goals for implementation; and

(V) recommendations of ways in which to encourage collaboration with Canada and the Province of Quebec in implementing this title.

(iv) CONSIDERATIONS.—In developing the management plan under clause (i), the management entity shall take into consideration existing Federal, State, and local plans relating to the region.

(v) SUBMISSION TO SECRETARY FOR APPROVAL.—

(I) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall submit the management plan to the Secretary for approval.

(II) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in paragraph (I), the Secretary shall not provide any additional funding under this title until a management plan for the Heritage Partnership is submitted to the Secretary.

(vi) APPROVAL.—Not later than 90 days after receiving the management plan submitted under subparagraph (V)(I), the Secretary, in consultation with the States, shall approve or disapprove the management plan.

(vii) ACTION FOLLOWING DISAPPROVAL.—

(I) GENERAL.—If the Secretary disapproves a management plan under subparagraph (vi), the Secretary shall—

(aa) advise the management entity in writing of the reasons for the disapproval;

(bb) make recommendations for revisions to the management plan; and

(cc) allow the management entity to submit to the Secretary revisions to the management plan.

(II) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on which a revision is submitted under subparagraph (vii)(I)(cc), the Secretary shall approve or disapprove the revision.

(viii) AMENDMENT.—

(I) IN GENERAL.—After approval by the Secretary of the management plan, the management entity shall periodically—

(aa) review the management plan; and

(bb) submit to the Secretary, for review and approval by the Secretary, the recommendations of the management entity for any amendments to the management plan that the management entity considers to be appropriate.

(II) EXPENDITURE OF FUNDS.—No funds made available under this title shall be used to implement any amendment proposed by the management entity under subparagraph (viii)(1) until the Secretary approves the amendments.

(2) PARTNERSHIPS.—

(A) IN GENERAL.—In carrying out this title, the management entity may enter into partnerships with—

(i) the States, including units of local governments in the States;

(ii) nongovernmental organizations;

(iii) Indian Tribes; and

(iv) other persons in the Heritage Partnership.

(B) GRANTS.—Subject to the availability of funds, the management entity may provide grants to partners under subparagraph (A) to assist in implementing this title.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds made available under this title to acquire real property or any interest in real property.

(c) ASSISTANCE FROM SECRETARY.—To carry out the purposes of this title, the Secretary may provide technical and financial assistance to the management entity.

SEC. 2005. EFFECT.

Nothing in this title—

(1) grants powers of zoning or land use to the management entity;

(2) modifies, enlarges, or diminishes the authority of the Federal Government or a State or local government to manage or regulate any use of land under any law (including regulations); or

(3) obstructs or limits private business development activities or resource development activities.

SEC. 2006. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this title not more than a total of \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(b) NON-FEDERAL SHARE.—The non-Federal share of the cost of any activities carried out using Federal funds made available under subsection (a) not be less than 50 percent.

SEC. 2007. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this title terminates on the date that is 15 years after the date of enactment of this Act.

TITLE XXI—GREAT BASIN NATIONAL HERITAGE ROUTE

SEC. 2101. SHORT TITLE.

This title may be cited as the “Great Basin National Heritage Route Act”.

SEC. 2102. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the natural, cultural, and historic heritage of the North American Great Basin is nationally significant;

(2) communities along the Great Basin Heritage Route (including the towns of Delta, Utah, Ely, Nevada, and the surrounding communities) are located in a classic western landscape that contains long natural vistas, isolated high desert valleys, mountain ranges, ranches, mines, historic railroads, archaeological sites, and tribal communities;

(3) the Native American, pioneer, ranching, mining, timber, and railroad heritages associated with the Great Basin Heritage Route include the social history and living cultural traditions of a rich diversity of nationalities;

(4) the pioneer, Mormon, and other religious settlements, and ranching, timber, and mining activities of the region played and continue to play a significant role in the development of the United States, shaped by—

(A) the unique geography of the Great Basin;

(B) an influx of people of Greek, Chinese, Basque, Serb, Croat, Italian, and Hispanic descent; and

(C) a Native American presence (Western Shoshone, Northern and Southern Paiute, and Goshute) that continues in the Great Basin today;

(5) the Great Basin housed internment camps for Japanese-American citizens during World War II, 1 of which, Topaz, was located along the Heritage Route;

(6) the pioneer heritage of the Heritage Route includes the Pony Express route and stations, the Overland Stage, and many examples of 19th century exploration of the western United States;

(7) the Native American heritage of the Heritage Route dates back thousands of years and includes—

(A) archaeological sites;

(B) petroglyphs and pictographs;

(C) the westernmost village of the Fremont culture; and

(D) communities of Western Shoshone, Paiute, and Goshute tribes;

(8) the Heritage Route contains multiple biologically diverse ecological communities that are home to exceptional species such as—

(A) bristlecone pines, the oldest living trees in the world;

(B) wildlife adapted to harsh desert conditions;

(C) unique plant communities, lakes, and streams; and

(D) native Bonneville cutthroat trout;

(9) the air and water quality of the Heritage Route is among the best in the United States, and the clear air permits outstanding viewing of the night skies;

(10) the Heritage Route includes unique and outstanding geologic features such as numerous limestone caves, classic basin and range topography with playa lakes, alluvial fans, volcanics, cold and hot springs, and recognizable features of ancient Lake Bonneville;

(11) the Heritage Route includes an unusual variety of open space and recreational and educational opportunities because of the great quantity of ranching activity and public land (including city, county, and State parks, national forests, Bureau of Land Management land, and a national park);

(12) there are significant archaeological, historical, cultural, natural, scenic, and recreational resources in the Great Basin to merit the involvement of the Federal Government in the development, in cooperation with the Great Basin Heritage Route Partnership and other local and governmental entities, of programs and projects to—

(A) adequately conserve, protect, and interpret the heritage of the Great Basin for present and future generations; and

(B) provide opportunities in the Great Basin for education; and

(13) the Great Basin Heritage Route Partnership shall serve as the management entity for a Heritage Route established in the Great Basin.

(b) PURPOSES.—The purposes of this title are—

(1) to foster a close working relationship with all levels of government, the private sector, and the local communities within White Pine County, Nevada, Millard County, Utah, and the Duckwater Shoshone Reservation;

(2) to enable communities referred to in paragraph (1) to conserve their heritage

while continuing to develop economic opportunities; and

(3) to conserve, interpret, and develop the archaeological, historical, cultural, natural, scenic, and recreational resources related to the unique ranching, industrial, and cultural heritage of the Great Basin, in a manner that promotes multiple uses permitted as of the date of enactment of this Act, without managing or regulating land use.

SEC. 2103. DEFINITIONS.

In this title:

(1) GREAT BASIN.—The term “Great Basin” means the North American Great Basin.

(2) HERITAGE ROUTE.—The term “Heritage Route” means the Great Basin National Heritage Route established by section 2104(a).

(3) MANAGEMENT ENTITY.—The term “management entity” means the Great Basin Heritage Route Partnership established by section 2104(c).

(4) MANAGEMENT PLAN.—The term “management plan” means the plan developed by the management entity under section 2106(a).

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 2104. GREAT BASIN NATIONAL HERITAGE ROUTE.

(a) ESTABLISHMENT.—There is established the Great Basin National Heritage Route to provide the public with access to certain historical, cultural, natural, scenic, and recreational resources in White Pine County, Nevada, Millard County, Utah, and the Duckwater Shoshone Reservation in the State of Nevada, as designated by the management entity.

(b) BOUNDARIES.—The management entity shall determine the specific boundaries of the Heritage Route.

(c) MANAGEMENT ENTITY.—

(1) IN GENERAL.—The Great Basin Heritage Route Partnership shall serve as the management entity for the Heritage Route.

(2) BOARD OF DIRECTORS.—The Great Basin Heritage Route Partnership shall be governed by a board of directors that consists of—

(A) 4 members who are appointed by the Board of County Commissioners for Millard County, Utah;

(B) 4 members who are appointed by the Board of County Commissioners for White Pine County, Nevada; and

(C) a representative appointed by each Native American Tribe participating in the Heritage Route.

SEC. 2105. MEMORANDUM OF UNDERSTANDING.

(a) IN GENERAL.—In carrying out this title, the Secretary, in consultation with the Governors of the States of Nevada and Utah and the tribal government of each Indian tribe participating in the Heritage Route, shall enter into a memorandum of understanding with the management entity.

(b) INCLUSIONS.—The memorandum of understanding shall include information relating to the objectives and management of the Heritage Route, including—

(1) a description of the resources of the Heritage Route;

(2) a discussion of the goals and objectives of the Heritage Route, including—

(A) an explanation of the proposed approach to conservation, development, and interpretation; and

(B) a general outline of the anticipated protection and development measures;

(3) a description of the management entity;

(4) a list and statement of the financial commitment of the initial partners to be involved in developing and implementing the management plan; and

(5) a description of the role of the States of Nevada and Utah in the management of the Heritage Route.

(c) ADDITIONAL REQUIREMENTS.—In developing the terms of the memorandum of understanding, the Secretary and the management entity shall—

(1) provide opportunities for local participation; and

(2) include terms that ensure, to the maximum extent practicable, timely implementation of all aspects of the memorandum of understanding.

(d) AMENDMENTS.—

(1) IN GENERAL.—The Secretary shall review any amendments of the memorandum of understanding proposed by the management entity or the Governor of the State of Nevada or Utah.

(2) USE OF FUNDS.—Funds made available under this title shall not be expended to implement a change made by a proposed amendment described in paragraph (1) until the Secretary approves the amendment.

SEC. 2106. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall develop and submit to the Secretary for approval a management plan for the Heritage Route that—

(1) specifies—

(A) any resources designated by the management entity under section 2104(a); and

(B) the specific boundaries of the Heritage Route, as determined under section 2104(b); and

(2) presents clear and comprehensive recommendations for the conservation, funding, management, and development of the Heritage Route.

(b) CONSIDERATIONS.—In developing the management plan, the management entity shall—

(1) provide for the participation of local residents, public agencies, and private organizations located within the counties of Millard County, Utah, White Pine County, Nevada, and the Duckwater Shoshone Reservation in the protection and development of resources of the Heritage Route, taking into consideration State, tribal, county, and local land use plans in existence on the date of enactment of this Act;

(2) identify sources of funding;

(3) include—

(A) a program for implementation of the management plan by the management entity, including—

(i) plans for restoration, stabilization, rehabilitation, and construction of public or tribal property; and

(ii) specific commitments by the identified partners referred to in section 2105(b)(4) for the first 5 years of operation; and

(B) an interpretation plan for the Heritage Route; and

(4) develop a management plan that will not infringe on private property rights without the consent of the owner of the private property.

(c) FAILURE TO SUBMIT.—If the management entity fails to submit a management plan to the Secretary in accordance with subsection (a), the Heritage Route shall no longer qualify for Federal funding.

(d) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 90 days after receipt of a management plan under subsection (a), the Secretary, in consultation with the Governors of the States of Nevada and Utah, shall approve or disapprove the management plan.

(2) CRITERIA.—In determining whether to approve a management plan, the Secretary shall consider whether the management plan—

(A) has strong local support from a diversity of landowners, business interests, nonprofit organizations, and governments associated with the Heritage Route;

(B) is consistent with and complements continued economic activity along the Heritage Route;

(C) has a high potential for effective partnership mechanisms;

(D) avoids infringing on private property rights; and

(E) provides methods to take appropriate action to ensure that private property rights are observed.

(3) **ACTION FOLLOWING DISAPPROVAL.**—If the Secretary disapproves a management plan under paragraph (1), the Secretary shall—

(A) advise the management entity in writing of the reasons for the disapproval;

(B) make recommendations for revisions to the management plan; and

(C) not later than 90 days after the receipt of any proposed revision of the management plan from the management entity, approve or disapprove the proposed revision.

(e) **IMPLEMENTATION.**—On approval of the management plan as provided in subsection (d)(1), the management entity, in conjunction with the Secretary, shall take appropriate steps to implement the management plan.

(f) **AMENDMENTS.**—

(1) **IN GENERAL.**—The Secretary shall review each amendment to the management plan that the Secretary determines may make a substantial change to the management plan.

(2) **USE OF FUNDS.**—Funds made available under this title shall not be expended to implement an amendment described in paragraph (1) until the Secretary approves the amendment.

SEC. 2107. AUTHORITY AND DUTIES OF MANAGEMENT ENTITY.

(a) **AUTHORITIES.**—The management entity may, for purposes of preparing and implementing the management plan, use funds made available under this title to—

(1) make grants to, and enter into cooperative agreements with, a State (including a political subdivision), an Indian tribe, a private organization, or any person; and

(2) hire and compensate staff.

(b) **DUTIES.**—In addition to developing the management plan, the management entity shall—

(1) give priority to implementing the memorandum of understanding and the management plan, including taking steps to—

(A) assist units of government, regional planning organizations, and nonprofit organizations in—

(i) establishing and maintaining interpretive exhibits along the Heritage Route;

(ii) developing recreational resources along the Heritage Route;

(iii) increasing public awareness of and appreciation for the archaeological, historical, cultural, natural, scenic, and recreational resources and sites along the Heritage Route; and

(iv) if requested by the owner, restoring, stabilizing, or rehabilitating any private, public, or tribal historical building relating to the themes of the Heritage Route;

(B) encourage economic viability and diversity along the Heritage Route in accordance with the objectives of the management plan; and

(C) encourage the installation of clear, consistent, and environmentally appropriate signage identifying access points and sites of interest along the Heritage Route;

(2) consider the interests of diverse governmental, business, and nonprofit groups associated with the Heritage Route;

(3) conduct public meetings in the region of the Heritage Route at least semiannually re-

garding the implementation of the management plan;

(4) submit substantial amendments (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for approval by the Secretary; and

(5) for any year for which Federal funds are received under this title—

(A) submit to the Secretary a report that describes, for the year—

(i) the accomplishments of the management entity;

(ii) the expenses and income of the management entity; and

(iii) each entity to which any loan or grant was made;

(B) make available for audit all records pertaining to the expenditure of the funds and any matching funds; and

(C) require, for all agreements authorizing the expenditure of Federal funds by any entity, that the receiving entity make available for audit all records pertaining to the expenditure of the funds.

(c) **PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.**—The management entity shall not use Federal funds made available under this title to acquire real property or any interest in real property.

(d) **PROHIBITION ON THE REGULATION OF LAND USE.**—The management entity shall not regulate land use within the Heritage Route.

SEC. 2108. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) **TECHNICAL AND FINANCIAL ASSISTANCE.**—

(1) **IN GENERAL.**—The Secretary may, on request of the management entity, provide technical and financial assistance to develop and implement the management plan and memorandum of understanding.

(2) **PRIORITY FOR ASSISTANCE.**—In providing assistance under paragraph (1), the Secretary shall, on request of the management entity, give priority to actions that assist in—

(A) conserving the significant archaeological, historical, cultural, natural, scenic, and recreational resources of the Heritage Route; and

(B) providing education, interpretive, and recreational opportunities, and other uses consistent with those resources.

(b) **APPLICATION OF FEDERAL LAW.**—The establishment of the Heritage Route shall have no effect on the application of any Federal law to any property within the Heritage Route.

SEC. 2109. LAND USE REGULATION; APPLICABILITY OF FEDERAL LAW.

(a) **LAND USE REGULATION.**—Nothing in this title—

(1) modifies, enlarges, or diminishes any authority of the Federal, State, tribal, or local government to regulate by law (including by regulation) any use of land; or

(2) grants any power of zoning or land use to the management entity.

(b) **APPLICABILITY OF FEDERAL LAW.**—Nothing in this title—

(1) imposes on the Heritage Route, as a result of the designation of the Heritage Route, any regulation that is not applicable to the area within the Heritage Route as of the date of enactment of this Act; or

(2) authorizes any agency to promulgate a regulation that applies to the Heritage Route solely as a result of the designation of the Heritage Route under this title.

SEC. 2110. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated to carry out this title \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(b) **COST SHARING.**—

(1) **FEDERAL SHARE.**—The Federal share of the cost of any activity assisted under this title shall not exceed 50 percent.

(2) **FORM OF NON-FEDERAL SHARE.**—The non-Federal share may be in the form of in-kind contributions, donations, grants, and loans from individuals and State or local governments or agencies.

SEC. 2111. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this title terminates on the date that is 15 years after the date of enactment of this Act.

TITLE XXII—BLEEDING KANSAS AND ENDURING STRUGGLE FOR FREEDOM NATIONAL HERITAGE AREA

SEC. 2201. SHORT TITLE.

This title may be cited as the “Bleeding Kansas National Heritage Area Act”.

SEC. 2202. FINDINGS AND PURPOSE.

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

(1) The Bleeding Kansas National Heritage Area is a cohesive assemblage of natural, historic, cultural, and recreational resources that—

(A) together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use;

(B) are best managed through partnerships between private and public entities; and

(C) will build upon the Kansas rural development policy and the new homestead act to recognize inherent strengths of small towns and rural communities—close-knit communities, strong local business networks, and a tradition of entrepreneurial creativity.

(2) The Bleeding Kansas National Heritage Area reflects traditions, customs, beliefs, folk life, or some combination thereof, that are a valuable part of the heritage of the United States.

(3) The Bleeding Kansas National Heritage Area provides outstanding opportunities to conserve natural, cultural, or historic features, or some combination thereof.

(4) The Bleeding Kansas National Heritage Area provides outstanding recreational and interpretive opportunities.

(5) The Bleeding Kansas National Heritage Area has an identifiable theme, and resources important to the theme retain integrity capable of supporting interpretation.

(6) Residents, nonprofit organizations, other private entities, and units of local government throughout the Bleeding Kansas National Heritage Area demonstrate support for designation of the Bleeding Kansas National Heritage Area as a national heritage area and for management of the Bleeding Kansas National Heritage Area as appropriate for such designation.

(7) Capturing these interconnected stories through partnerships with National Park Service sites, Kansas State Historical Society sites, local organizations, and citizens will augment the story opportunities within the prospective boundary for the educational and recreational benefit of this and future generations of Americans.

(8) Communities throughout this region know the value of their Bleeding Kansas legacy, but require expansion of the existing cooperative framework to achieve key preservation, education, and other significant goals by working more closely together.

(9) The State of Kansas officially recognized the national significance of the Bleeding Kansas story when it designated the heritage area development as a significant strategic goal within the statewide economic development plan.

(10) Territorial Kansas Heritage Alliance is a nonprofit corporation created for the purposes of preserving, interpreting, developing, promoting and, making available to the public the story and resources related to the story of Bleeding Kansas and the Enduring Struggle for Freedom.

(11) Territorial Kansas Heritage Alliance has completed a study that—

(A) describes in detail the role, operation, financing, and functions of Territorial Kansas Heritage Alliance, the management entity; and

(B) provides adequate assurances that Territorial Kansas Heritage Alliance, the management entity, is likely to have the financial resources necessary to implement the management plan for the Heritage Area, including resources to meet matching requirements for grants.

(12) There are at least 7 National Historic Landmarks, 32 National Register properties, 3 Kansas Register properties, and 7 properties listed on the National Underground Railroad Network to Freedom that contribute to the Heritage Area as well as other significant properties that have not been designated at this time.

(13) There is an interest in interpreting all sides of the Bleeding Kansas story that requires further work with several counties in Missouri interested in joining the area.

(14) In 2004, the State of Kansas is commemorating the Sesquicentennial of the signing of the Kansas-Nebraska Act, opening the territory to settlement.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To designate a region in eastern Kansas and western Missouri containing nationally important natural, historic, and cultural resources and recreational and educational opportunities that are geographically assembled and thematically related as areas that provide unique frameworks for understanding the great and diverse character of the United States and the development of communities and their surroundings as the Bleeding Kansas National Heritage Area.

(2) To strengthen, complement, and support the Fort Scott, Brown v. Board of Education, Nicodemus and Tallgrass Prairie sites through the interpretation and conservation of the associated living landscapes outside of the boundaries of these units of the National Park System.

(3) To describe the extent of Federal responsibilities and duties in regard to the Heritage Area.

(4) To further collaboration and partnerships among Federal, State, and local governments, nonprofit organizations, and the private sector, or combinations thereof, to conserve and manage the resources and opportunities in the Heritage Area through grants, technical assistance, training and other means.

(5) To authorize Federal financial and technical assistance to management entity to assist in the conservation and interpretation of the Heritage Area.

(6) To empower communities and organizations in Kansas to preserve the special historic identity of Bleeding Kansas and with it the identity of the Nation.

(7) To provide for the management, preservation, protection, and interpretation of the natural, historical, and cultural resources within the region for the educational and inspirational benefit of current and future generations.

(8) To provide greater community capacity through inter-local cooperation.

(9) To provide a vehicle, particularly in the four counties with high out-migration of population, to recognize that self-reliance and resilience will be the keys to their economic future.

(10) To build upon the Kansas rural development policy, the Kansas agritourism initiative and the new homestead act to recognize inherent strengths of small towns and rural communities—close-knit communities, strong local business networks, and a tradition of entrepreneurial creativity.

(11) To educate and cultivate among its citizens, particularly its youth, the stories and cultural resources of the region's legacy that—

(A) reflect the popular phrase “Bleeding Kansas” describing the conflict over slavery that became nationally prominent in Kansas just before and during the American Civil War;

(B) reflect the commitment of American settlers who first fought and killed to uphold their different and irreconcilable principles of freedom and equality during the years of the Kansas Conflict;

(C) reflect the struggle for freedom, experienced during the “Bleeding Kansas” era, that continues to be a vital and pressing issue associated with the real problem of democratic nation building; and

(D) recreate the physical environment revealing its impact on agriculture, transportation, trade and business, and social and cultural patterns in urban and rural settings.

(12) To interpret the effect of the era's democratic ethos on the development of America's distinctive political culture.

SEC. 2203. DEFINITIONS.

For the purposes of this title:

(1) MANAGEMENT ENTITY.—The term “management entity” means Territorial Kansas Heritage Alliance, recognized by the Secretary, in consultation with the chief executive officer of the State of Kansas, that agrees to perform the duties of a local coordinating entity under this title.

(2) HERITAGE AREA.—The term “Heritage Area” means the Bleeding Kansas and the Enduring Struggle for Freedom National Heritage Area in eastern Kansas and western Missouri.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) UNIT OF LOCAL GOVERNMENT.—The term “unit of local government” means the government of a State, a political subdivision of a State, or an Indian tribe.

SEC. 2204. BLEEDING KANSAS AND THE ENDURING STRUGGLE FOR FREEDOM NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the State of Kansas the Bleeding Kansas and the Enduring Struggle for Freedom National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall include the following:

(1) An area located in eastern Kansas and western Missouri, consisting currently of Allen, Anderson, Bourbon, Cherokee, Clay, Coffey, Crawford, Douglas, Franklin, Geary, Johnson, Labette, Leavenworth, Linn, Miami, Neosho, Pottawatomie, Riley, Shawnee, Wabaunsee, Wilson, Woodson, Wyandotte Counties in Kansas and tentatively including additional counties in Kansas and western Missouri to be included in the development of the management plan.

(2) Contributing sites, buildings, and districts within the area will be recommended by the management plan.

(c) MAP.—Final boundary will be defined during the management plan development. A map of the Heritage Area shall be included in the management plan. The map shall be on file in the appropriate offices of the National Park Service, Department of the Interior.

(d) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be Territorial Kansas Heritage Alliance, a nonprofit organization established in the State of Kansas, recognized by the Secretary, in consultation with the chief executive officer of the State of Kansas, that agrees to perform the duties of a local coordinating entity under this title.

SEC. 2205. AUTHORITIES, DUTIES, AND PROHIBITIONS OF THE MANAGEMENT ENTITY.

(a) AUTHORITIES.—The management entity may, for purposes of preparing and implementing the management plan, use funds made available under this title to—

(1) prepare a management plan for the Heritage Area;

(2) prepare reports, studies, interpretive exhibits and programs, historic preservation projects, and other activities recommended in the management plan for the Heritage Area;

(3) pay for operational expenses of the management entity incurred within the first 10 fiscal years beginning after the date of the enactment of this Act designating the Heritage Area;

(4) make grants or loans to entities defined in the management plan;

(5) enter into cooperative agreements with the State of Kansas, its political subdivisions, nonprofit organizations, and other organizations;

(6) hire and compensate staff;

(7) obtain money from any source under any program or law to be used for a regrant program requiring the recipient of such money to make a contribution in order to receive it;

(8) contract for goods and services; and

(9) offer a competitive grants program to contributing partners requiring a dollar-for-dollar match of Federal funds.

(b) DUTIES OF THE MANAGEMENT ENTITY.—In addition to developing the management plan, the management entity shall—

(1) give priority to the implementation of actions, goals, strategies, and standards set forth in the management plan, including assisting units of government and other persons in—

(A) encouraging economic viability in the Heritage Area in accordance with the goals of the management plan;

(B) establishing interpretive exhibits in the Heritage Area;

(C) increasing public awareness of and appreciation for the cultural, historical, and natural resources of the Heritage Area;

(D) supporting the restoration of historic buildings that are—

(i) located in the Heritage Area; and

(ii) related to the themes of the Heritage Area;

(E) the conservation of contributing landscapes and natural resources; and

(F) the installation throughout the Heritage Area of signs identifying public access points and sites of interest;

(2) prepare and implement the management plan while considering the interests of diverse units of government, businesses, private property owners, and nonprofit groups within the Heritage Area;

(3) conduct public meetings in conjunction with training and skill building workshops regarding the development and implementation of the management plan; and

(4) for any fiscal year for which Federal funds are received under this title—

(A) submit to the Secretary a report that describes, for the year—

(i) accomplishments of the management entity;

(ii) expenses and income of the management entity;

(iii) each entity to which a grant was made; and

(iv) an accounting of matching funds obtained to meet grant guidelines;

(B) conduct an annual audit with a neutral auditing firm and make available for audit by Congress, the Secretary, and appropriate units of government, all records pertaining to the expenditure of the funds and any matching funds; and

(C) require, for all agreements authorizing expenditure of Federal funds by any entity, that the receiving entity make available for audit all records pertaining to the expenditure of their funds.

(c) **PROHIBITION OF ACQUISITION OF REAL PROPERTY.**—The management entity shall not use Federal funds received under this title to acquire real property or an interest in real property.

(d) **OTHER SOURCES.**—Nothing in this title precludes the management entity from using Federal funds from other sources for authorized purposes.

SEC. 2206. MANAGEMENT PLAN.

(a) **REQUIREMENTS.**—The management entity shall:

(1) **MANAGEMENT PLAN.**—Not later than 3 years after the date funds are made available for this purpose, prepare and submit a management plan reviewed by participating units of local government within the boundaries of the proposed Heritage Area.

(2) **COLLABORATION.**—Collaborate with and consider the interests of diverse units of government, businesses, tourism officials, private property owners, and nonprofit groups within the geographic area of the Heritage Area in developing and implementing such a management plan.

(3) **PUBLIC INVOLVEMENT.**—Ensure regular public involvement, including public meetings at least annually, regarding the implementation of the management plan.

(b) **CONTENTS OF MANAGEMENT PLAN.**—The management plan prepared for the Heritage Area shall—

(1) present a comprehensive program for the conservation, interpretation, funding, management, and development of the Heritage Area, in a manner consistent with the existing local, State, and Federal land use laws and compatible economic viability of the Heritage Area;

(2) establish criteria or standards to measure what is selected for conservation, interpretation, funding, management, and development;

(3) involve residents, public agencies, and private organizations working in the Heritage Area;

(4) specify and coordinate, as of the date of the management plan, existing and potential sources of technical and financial assistance under this and other Federal laws to protect, manage, and develop the Heritage Area; and

(5) include—

(A) actions to be undertaken by units of government and private organizations to protect, conserve, and interpret the resources of the Heritage Area;

(B) an inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that meets the establishing criteria (such as, but not exclusive to, visitor readiness) to merit preservation, restoration, management, development, or maintenance because of its natural, cultural, historical, or recreational significance;

(C) policies for resource management including the development of intergovernmental cooperative agreements, private sector agreements, or any combination thereof, to protect the historical, cultural, recreational, and natural resources of the Heritage Area in a manner consistent with supporting appropriate and compatible economic viability;

(D) a program for implementation of the management plan by the designated management entity, in cooperation with its partners and units of local government;

(E) evidence that relevant State, county, and local plans applicable to the Heritage Area have been taken into consideration;

(F) an analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this title; and

(G) a business plan that—

(i) describes in detail the role, operation, financing, and functions of the management entity for each activity included in the recommendations contained in the management plan; and

(ii) provides, to the satisfaction of the Secretary, adequate assurances that the management entity is likely to have the financial resources necessary to implement the management plan for the Heritage Area, including resources to meet matching requirements for grants awarded under this title.

(c) **PUBLIC NOTICE.**—The management entity shall place a notice of each of its public meetings in a newspaper of general circulation in the Heritage Area and shall make the minutes of the meeting available to the public.

(d) **DISQUALIFICATION FROM FUNDING.**—If a proposed management plan is not submitted to the Secretary within 4 years of the date of the enactment of this Act, the management entity shall be ineligible to receive additional funding under this title until the date on which the Secretary receives the proposed management plan.

(e) **APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.**—The Secretary shall approve or disapprove the proposed management plan submitted under this title not later than 90 days after receiving such proposed management plan.

(f) **ACTION FOLLOWING DISAPPROVAL.**—If the Secretary disapproves a proposed management plan, the Secretary shall advise the management entity in writing of the reasons for the disapproval and shall make recommendations for revisions to the proposed management plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.

(g) **APPROVAL OF AMENDMENTS.**—The Secretary shall review and approve substantial amendments to the management plan. Funds appropriated under this title may not be expended to implement any changes made by such amendment until the Secretary approves the amendment.

SEC. 2207. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.

(a) **TECHNICAL AND FINANCIAL ASSISTANCE.**—

(1) **IN GENERAL.**—On the request of the management entity, the Secretary may provide technical and financial assistance for the development and implementation of the management plan.

(2) **PRIORITY FOR ASSISTANCE.**—In providing assistance under paragraph (1), the Secretary shall give priority to actions that assist in—

(A) conserving the significant cultural, historic, and natural resources of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(3) **SPENDING FOR NON-FEDERAL PROPERTY.**—The management entity may expend Federal funds made available under this title on non-Federal property that—

(A) meets the criteria in the approved management plan; or

(B) is listed or eligible for listing on the National Register of Historic Places.

(4) **OTHER ASSISTANCE.**—The Secretary may enter into cooperative agreements with public and private organizations to carry out this subsection.

(b) **OTHER FEDERAL AGENCIES.**—Any Federal entity conducting or supporting an activity that directly affects the Heritage Area shall—

(1) consider the potential effect of the activity on the purposes of the Heritage Area and the management plan;

(2) consult with the management entity regarding the activity; and

(3) to the maximum extent practicable, conduct or support the activity to avoid adverse effects on the Heritage Area.

(c) **OTHER ASSISTANCE NOT AFFECTED.**—This title does not affect the authority of any Federal official to provide technical or financial assistance under any other law.

(d) **NOTIFICATION OF OTHER FEDERAL ACTIVITIES.**—The head of each Federal agency shall provide to the Secretary and the management entity, to the extent practicable, advance notice of all activities that may have an impact on the Heritage Area.

SEC. 2208. PRIVATE PROPERTY PROTECTION.

(a) **ACCESS TO PRIVATE PROPERTY.**—Nothing in this title shall be construed to require any private property owner to permit public access (including Federal, State, or local government access) to such private property. Nothing in this title shall be construed to modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

(b) **LIABILITY.**—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE.**—Nothing in this title shall be construed to modify any authority of Federal, State, or local governments to regulate land use.

(d) **PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREAS.**—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) **LAND USE REGULATION.**—

(1) **IN GENERAL.**—The management entity shall provide assistance and encouragement to State and local governments, private organizations, and persons to protect and promote the resources and values of the Heritage Area.

(2) **EFFECT.**—Nothing in this title—

(A) affects the authority of the State or local governments to regulate under law any use of land; or

(B) grants any power of zoning or land use to the management entity.

(f) **PRIVATE PROPERTY.**—

(1) **IN GENERAL.**—The management entity shall be an advocate for land management practices consistent with the purposes of the Heritage Area.

(2) **EFFECT.**—Nothing in this title—

(A) abridges the rights of any person with regard to private property;

(B) affects the authority of the State or local government regarding private property; or

(C) imposes any additional burden on any property owner.

SEC. 2209. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) **NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.**—No privately owned property shall be governed by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such inclusion to the management entity.

(b) **LANDOWNER WITHDRAW.**—Any owner of private property included within the boundary of the Heritage Area, and not notified under subsection (a), shall have their property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 2210. SAVINGS PROVISIONS.

(a) RULES, REGULATIONS, STANDARDS, AND PERMIT PROCESSES.—Nothing in this title shall be construed to impose any environmental, occupational, safety, or other rule, regulation, standard, or permit process in the Heritage Area that is different from those that would be applicable if the Heritage Area had not been established.

(b) WATER AND WATER RIGHTS.—Nothing in this title shall be construed to authorize or imply the reservation or appropriation of water or water rights.

(c) NO DIMINISHMENT OF STATE AUTHORITY.—Nothing in this title shall be construed to diminish the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area.

(d) EXISTING NATIONAL HERITAGE AREAS.—Nothing in this title shall affect any national heritage area so designated before the date of the enactment of this Act.

SEC. 2211. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this title \$10,000,000, of which not more than \$1,000,000 may be authorized to be appropriated for any fiscal year.

(b) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity assisted under this title shall be not more than 50 percent.

SEC. 2212. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this title terminates on the date that is 10 years after the date of the enactment of this Act.

TITLE XXIII—NATIONAL MORMON PIONEER HERITAGE AREA**SEC. 2301. SHORT TITLE.**

This title may be cited as the “National Mormon Pioneer Heritage Area Act”.

SEC. 2302. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the historical, cultural, and natural heritage legacies of Mormon colonization and settlement are nationally significant;

(2) in the area starting along the Highway 89 corridor at the Arizona border, passing through Kane, Garfield, Piute, Sevier, Wayne, and Sanpete Counties in the State of Utah, and terminating in Fairview, Utah, there are a variety of heritage resources that demonstrate—

(A) the colonization of the western United States; and

(B) the expansion of the United States as a major world power;

(3) the great relocation to the western United States was facilitated by—

(A) the 1,400 mile trek from Illinois to the Great Salt Lake by the Mormon pioneers; and

(B) the subsequent colonization effort in Nevada, Utah, the southeast corner of Idaho, the southwest corner of Wyoming, large areas of southeastern Oregon, much of southern California, and areas along the eastern border of California;

(4) the 250-mile Highway 89 corridor from Kanab to Fairview, Utah, contains some of the best features of the Mormon colonization experience in the United States;

(5) the landscape, architecture, traditions, beliefs, folk life, products, and events along Highway 89 convey the heritage of the pioneer settlement;

(6) the Boulder Loop, Capitol Reef National Park, Zion National Park, Bryce Canyon National Park, and the Highway 89 area convey the compelling story of how early settlers—

(A) interacted with Native Americans; and
(B) established towns and cities in a harsh, yet spectacular, natural environment;

(7) the colonization and settlement of the Mormon settlers opened up vast amounts of

natural resources, including coal, uranium, silver, gold, and copper;

(8) the Mormon colonization played a significant role in the history and progress of the development and settlement of the western United States; and

(9) the artisans, crafters, innkeepers, outfitters, historic landscape, customs, national parks, and architecture in the Heritage Area make the Heritage Area unique.

(b) PURPOSE.—The purpose of this title is to establish the Heritage Area to—

(1) foster a close working relationship with all levels of government, the private sector, residents, business interests, and local communities in the State;

(2) empower communities in the State to conserve, preserve, and enhance the heritage of the communities while strengthening future economic opportunities;

(3) conserve, interpret, and develop the historical, cultural, natural, and recreational resources within the Heritage Area; and

(4) expand, foster, and develop heritage businesses and products relating to the cultural heritage of the Heritage Area.

SEC. 2303. DEFINITIONS.

In this title:

(1) ALLIANCE.—The term “Alliance” means the Utah Heritage Highway 89 Alliance.

(2) BOARD.—The term “Board” means the Board of Directors of the Alliance.

(3) HERITAGE AREA.—The term “Heritage Area” means the National Mormon Pioneer Heritage Area established by section 2304(a).

(4) MANAGEMENT PLAN.—The term “management plan” means the plan developed by the Board under section 2306(a).

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(6) STATE.—The term “State” means the State of Utah.

SEC. 2304. NATIONAL MORMON PIONEER HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the National Mormon Pioneer Heritage Area.

(b) BOUNDARIES.—

(1) IN GENERAL.—The boundaries of the Heritage Area shall include areas in the State that are—

(A) related to the corridors—

(i) from the Arizona border northward through Kanab, Utah, and to the intersection of Highway 89 and Highway 12, including Highway 12 and Highway 24 as those highways loop off Highway 89 and rejoin Highway 89 at Sigurd;

(ii) from Highway 89 at the intersection of Highway 12 through Panguitch, Junction, Marysvale, and Sevier County to Sigurd;

(iii) continuing northward along Highway 89 through Axtell and Sterling, Sanpete County, to Fairview, Sanpete County, at the junction with Utah Highway 31; and

(iv) continuing northward along Highway 89 through Fairview and Thistle Junction, to the junction with Highway 6; and

(B) located in the following communities: Kanab, Mt. Carmel, Orderville, Glendale, Alton, Cannonville, Tropic, Henrieville, Escalante, Boulder, Teasdale, Fruita, Hanksville, Torrey, Bicknell, Loa, Hatch, Panguitch, Circleville, Antimony, Junction, Marysvale, Koosharem, Sevier, Joseph, Monroe, Elsinore, Richfield, Glenwood, Sigurd, Aurora, Salina, Mayfield, Sterling, Gunnison, Fayette, Manti, Ephraim, Spring City, Mt. Pleasant, Moroni, Fountain Green, and Fairview.

(2) MAP.—The Secretary shall prepare a map of the Heritage Area, which shall be on file and available for public inspection in the office of the Director of the National Park Service.

(3) NOTICE TO LOCAL GOVERNMENTS.—The Alliance shall provide to the government of each city, town, and county that has juris-

diction over property proposed to be included in the Heritage Area written notice of the proposed inclusion.

(c) ADMINISTRATION.—The Heritage Area shall be administered in accordance with this title.

SEC. 2305. DESIGNATION OF ALLIANCE AS MANAGEMENT ENTITY.

(a) IN GENERAL.—The Alliance shall be the management entity for the Heritage Area.

(b) FEDERAL FUNDING.—

(1) AUTHORIZATION TO RECEIVE FUNDS.—The Alliance may receive amounts made available to carry out this title.

(2) DISQUALIFICATION.—If a management plan is not submitted to the Secretary as required under section 2306 within the time period specified in that section, the Alliance may not receive Federal funding under this title until a management plan is submitted to the Secretary.

(c) USE OF FEDERAL FUNDS.—The Alliance may, for the purposes of developing and implementing the management plan, use Federal funds made available under this title—

(1) to make grants and loans to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(2) to enter into cooperative agreements with or provide technical assistance to the State, political subdivisions of the State, nonprofit organizations, and other organizations;

(3) to hire and compensate staff;

(4) to obtain funds from any source under any program or law requiring the recipient of funds to make a contribution in order to receive the funds; and

(5) to contract for goods and services.

(d) PROHIBITION OF ACQUISITION OF REAL PROPERTY.—The Alliance may not use Federal funds received under this title to acquire real property or any interest in real property.

SEC. 2306. MANAGEMENT OF THE HERITAGE AREA.

(a) HERITAGE AREA MANAGEMENT PLAN.—

(1) DEVELOPMENT AND SUBMISSION FOR REVIEW.—Not later than 3 years after the date of enactment of this Act, the Board, with public participation, shall develop and submit for review to the Secretary a management plan for the Heritage Area.

(2) CONTENTS.—The management plan shall—

(A) present comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area;

(B) take into consideration Federal, State, county, and local plans in effect on the date of enactment of this Act;

(C) involve residents, public agencies, and private organizations in the Heritage Area;

(D) include a description of actions that units of government and private organizations are recommended to take to protect the resources of the Heritage Area;

(E) specify existing and potential sources of Federal and non-Federal funding for the conservation, management, and development of the Heritage Area; and

(F) include—

(i) an inventory of resources in the Heritage Area that—

(I) includes a list of property in the Heritage Area that should be conserved, restored, managed, developed, or maintained because of the historical, cultural, or natural significance of the property as the property relates to the themes of the Heritage Area; and

(II) does not include any property that is privately owned unless the owner of the property consents in writing to the inclusion;

(ii) a recommendation of policies for resource management that consider the application of appropriate land and water management techniques, including policies for

the development of intergovernmental cooperative agreements to manage the historical, cultural, and natural resources and recreational opportunities of the Heritage Area in a manner that is consistent with the support of appropriate and compatible economic viability;

(iii) a program for implementation of the management plan, including plans for restoration and construction;

(iv) a description of any commitments that have been made by persons interested in management of the Heritage Area;

(v) an analysis of means by which Federal, State, and local programs may best be coordinated to promote the purposes of this title; and

(vi) an interpretive plan for the Heritage Area.

(3) APPROVAL OR DISAPPROVAL OF THE MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 180 days after submission of the management plan by the Board, the Secretary shall approve or disapprove the management plan.

(B) DISAPPROVAL AND REVISIONS.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary shall—

(I) advise the Board, in writing, of the reasons for the disapproval; and

(II) make recommendations for revision of the management plan.

(ii) APPROVAL OR DISAPPROVAL.—The Secretary shall approve or disapprove proposed revisions to the management plan not later than 60 days after receipt of the revisions from the Board.

(b) PRIORITIES.—The Alliance shall give priority to the implementation of actions, goals, and policies set forth in the management plan, including—

(1) assisting units of government, regional planning organizations, and nonprofit organizations in—

(A) conserving the historical, cultural, and natural resources of the Heritage Area;

(B) establishing and maintaining interpretive exhibits in the Heritage Area;

(C) developing recreational opportunities in the Heritage Area;

(D) increasing public awareness of and appreciation for the historical, cultural, and natural resources of the Heritage Area;

(E) restoring historic buildings that are—

(i) located within the boundaries of the Heritage Area; and

(ii) related to the theme of the Heritage Area; and

(F) ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area; and

(2) consistent with the goals of the management plan, encouraging economic viability in the affected communities by appropriate means, including encouraging and soliciting the development of heritage products.

(c) CONSIDERATION OF INTERESTS OF LOCAL GROUPS.—In developing and implementing the management plan, the Board shall consider the interests of diverse units of government, businesses, private property owners, and nonprofit organizations in the Heritage Area.

(d) PUBLIC MEETINGS.—The Board shall conduct public meetings at least annually regarding the implementation of the management plan.

(e) ANNUAL REPORTS.—For any fiscal year in which the Alliance receives Federal funds under this title or in which a loan made by the Alliance with Federal funds under section 2305(c)(1) is outstanding, the Alliance shall submit to the Secretary an annual report that describes—

(1) the accomplishments of the Alliance;

(2) the expenses and income of the Alliance; and

(3) the entities to which the Alliance made any loans or grants during the year for which the report is made.

(f) COOPERATION WITH AUDITS.—For any fiscal year in which the Alliance receives Federal funds under this title or in which a loan made by the Alliance with Federal funds under section 2305(c)(1) is outstanding, the Alliance shall—

(1) make available for audit by Congress, the Secretary, and appropriate units of government all records and other information relating to the expenditure of the Federal funds and any matching funds; and

(2) require, with respect to all agreements authorizing expenditure of the Federal funds by other organizations, that the receiving organizations make available for audit all records and other information relating to the expenditure of the Federal funds.

(g) DELEGATION.—

(1) IN GENERAL.—The Alliance may delegate the responsibilities and actions under this section for each area identified in section 2304(b)(1).

(2) REVIEW.—All delegated responsibilities and actions are subject to review and approval by the Alliance.

SEC. 2307. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL ASSISTANCE AND GRANTS.—

(1) IN GENERAL.—The Secretary may provide technical assistance and, subject to the availability of appropriations, grants to—

(A) units of government, nonprofit organizations, and other persons, at the request of the Alliance; and

(B) the Alliance, for use in developing and implementing the management plan.

(2) PROHIBITION OF CERTAIN REQUIREMENTS.—The Secretary may not, as a condition of the award of technical assistance or grants under this section, require any recipient of the technical assistance or a grant to enact or modify any land use restriction.

(3) DETERMINATIONS REGARDING ASSISTANCE.—The Secretary shall determine whether a unit of government, nonprofit organization, or other person shall be awarded technical assistance or grants and the amount of technical assistance—

(A) based on the extent to which the assistance—

(i) fulfills the objectives of the management plan; and

(ii) achieves the purposes of this title; and

(B) after giving special consideration to projects that provide a greater leverage of Federal funds.

(b) PROVISION OF INFORMATION.—In cooperation with other Federal agencies, the Secretary shall provide the public with information concerning the location and character of the Heritage Area.

(c) OTHER ASSISTANCE.—The Secretary may enter into cooperative agreements with public and private organizations for the purposes of implementing this section.

(d) DUTIES OF OTHER FEDERAL AGENCIES.—A Federal entity conducting any activity directly affecting the Heritage Area shall—

(1) consider the potential effect of the activity on the management plan; and

(2) consult with the Alliance with respect to the activity to minimize the adverse effects of the activity on the Heritage Area.

SEC. 2308. NO EFFECT ON LAND USE AUTHORITY AND PRIVATE PROPERTY.

(a) NO EFFECT ON LAND USE AUTHORITY.—Nothing in this title modifies, enlarges, or diminishes any authority of Federal, State, or local government to regulate any use of land under any other law (including regulations).

(b) NO ZONING OR LAND USE POWERS.—Nothing in this title grants powers of zoning or land use control to the Alliance.

(c) LOCAL AUTHORITY AND PRIVATE PROPERTY NOT AFFECTED.—Nothing in this title affects or authorizes the Alliance to interfere with—

(1) the right of any person with respect to private property; or

(2) any local zoning ordinance or land use plan of the State or a political subdivision of the State.

SEC. 2309. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this title \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(b) FEDERAL SHARE.—The Federal share of the cost of any activity carried out using funds made available under this title shall not exceed 50 percent.

SEC. 2310. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this title terminates on the date that is 15 years after the date of enactment of this Act.

TITLE XXIV—FRENCH COLONIAL HERITAGE NATIONAL HISTORIC SITE STUDY

SEC. 2401. SHORT TITLE.

This title may be cited as the “French Colonial Heritage National Historic Site Study Act of 2003”.

SEC. 2402. FINDINGS.

Congress finds that:

(1) The French Colonial Heritage Area has great historical significance as the home of two of the five poteaux-en-terre (post in the ground) vertical log French homes remaining in North America, dating from circa 1800, in addition to several other important historical artifacts.

(2) The area is located within the Ste. Genevieve National Historic District, and is adjacent to related historic properties including the third North American poteaux-en-terre home, the “Le Grand Champ” (common field used by French settlers), historic downtown Ste. Genevieve, and a pre-historic Native American village still evidenced by several ceremonial mounds.

(3) The Area contains some of the only existing examples of a French Colonial Period settlement, which was characterized by contact that emphasized integration with the local culture.

(4) Local state agencies and organizations have undertaken significant efforts to preserve the historic architecture of Ste. Genevieve and convert it to educational facilities devoted to the history of the early French experience in the New World.

(5) No current National Park System unit has comparable historic features providing the cultural backdrop required to adequately interpret the story of the early French in the New World.

SEC. 2403. DEFINITIONS.

In this title:

(1) AREA.—The term “Area” means the French Colonial Heritage Area, which includes the Bequette-Ribault, St. Gemme-Amoureux, and Wilhauk homes, and the related and supporting historical assets located in Ste. Genevieve County, Missouri.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 2404. STUDY.

(a) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this title, the Secretary shall, in consultation with the State of Missouri—

(1) complete a study on the suitability and feasibility of designating the Area as a unit of the National Park System; and

(2) submit to the Committee on Resources of the House of Representatives and the

Committee on Energy and Natural Resources of the Senate a report describing the findings of the study.

(b) **CONTENTS.**—The study under subsection (a) shall be conducted in accordance with Public Law 91-383 (16 U.S.C. 1a-1 et seq.).

SEC. 2405. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE XXV—SOUTHERN CAMPAIGN OF THE REVOLUTION HERITAGE AREA STUDY

SEC. 2501. SHORT TITLE.

This title may be cited as the “Southern Campaign of the Revolution Heritage Area Study Act”.

SEC. 2502. DEFINITIONS.

In this title:

(1) **HERITAGE AREA.**—The term “Heritage Area” means the Southern Campaign of the Revolution Heritage Area.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(3) **STATE.**—The term “State” means the State of South Carolina.

(4) **STUDY AREA.**—The term “study area” means the study area described in section 3(b).

SEC. 2503. SOUTHERN CAMPAIGN OF THE REVOLUTION HERITAGE AREA STUDY.

(a) **IN GENERAL.**—The Secretary, in consultation with State historic preservation officers, State historical societies, the South Carolina Department of Parks, Recreation, and Tourism, and other appropriate entities, shall conduct a study to assess the suitability and feasibility of designating the study area as the Southern Campaign of the Revolution Heritage Area.

(b) **DESCRIPTION OF STUDY AREA.**—The study area—

(1) shall include the counties of Anderson, Beaufort, Charleston, Cherokee, Chester, Chesterfield, Colleton, Darlington, Dorchester, Fairfield, Florence, Georgetown, Greenville, Greenwood, Kershaw, Lancaster, Laurens, Marlboro, Orangeburg, Pickens, Richland, Spartanburg, Sumter, Union, Williamsburg, and York in the State; and

(2) may include—

(A) National Park Service sites in the State, including—

(i) the Charles Pickney National Historic Site;

(ii) Cowpens National Battlefield;

(iii) Fort Moultrie National Monument;

(iv) Kings Mountain National Military Park;

(v) the National Park Service affiliate of the Historic Camden Revolutionary War Site; and

(vi) the Ninety Six National Historic Site;

(B) sites maintained by the State, including—

(i) Andrew Jackson State Park;

(ii) Colonial Dorchester State Historic Site;

(iii) Fort Watson;

(iv) Eutaw Springs Battle Site;

(v) Hampton Plantation State Historic Site;

(vi) Landsford Canal State Historic Site; and

(vii) Musgrove Mill State Park;

(C) other sites in the State that are open to the public, including—

(i) Goose Creek Church;

(ii) Historic Brattonville;

(iii) Hopsewee Plantation;

(iv) Middleton Place; and

(v) Walnut Grove Plantation;

(D) the cities of Beaufort, Camden, Cayce, Charleston, Cheraw, Georgetown, Kingstree, Orangeburg, and Winnsboro, in the State; and

(E) appropriate sites and locations in the State of North Carolina, as the Secretary determines to be appropriate.

(c) **REQUIREMENTS.**—The study shall include analysis, documentation, and determinations on whether the study area—

(1) has an assemblage of natural, historic, and cultural resources that—

(A) represent distinctive aspects of the heritage of the United States;

(B) are worthy of recognition, conservation, interpretation, and continuing use; and

(C) would be best managed—

(i) through partnerships between public and private entities; and

(ii) by linking diverse and sometimes non-contiguous resources and active communities;

(2) reflects traditions, customs, beliefs, and folklife that are a valuable part of the story of the United States;

(3) provides—

(A) outstanding opportunities to conserve natural, historical, cultural, or scenic features; and

(B) outstanding recreational and educational opportunities;

(4) contains resources that—

(A) are important to any identified themes of the study area; and

(B) would support interpretation;

(5) includes residents, business interests, nonprofit organizations, and State and local governments that—

(A) are involved in the planning of the Heritage Area;

(B) have developed a conceptual financial plan that outlines the roles of all participants in the Heritage Area, including the Federal Government; and

(C) have demonstrated support for the designation of the Heritage Area;

(6) has a potential management entity to work in partnership with the individuals and entities referred to in paragraph (5) while encouraging continued State and local economic activity; and

(7) has a conceptual boundary map that is supported by the public.

SEC. 2504. REPORT.

Not later than the 3rd fiscal year that begins after the date on which funds are first made available to carry out this title, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on—

(1) the findings of the Secretary; and

(2) any conclusions and recommendations of the Secretary.

**ORDERS FOR WEDNESDAY,
DECEMBER 8, 2004**

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, Wednesday, December 8. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the Senate then proceed to the conference report to accompany S. 2845, the intelligence reform bill, if received from the House.

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

PROGRAM

Mr. McCONNELL. Mr. President, tomorrow morning the Senate will begin

consideration of the intelligence reform conference report. We hope to lock in a time certain for a vote on the conference report tomorrow. We don't have it now, but we hope to lock in a time certain. All Senators should therefore expect a rollcall vote on adoption of the conference tomorrow afternoon.

For scheduling purposes, we would like to begin that vote at sometime around 2 or 2:30 in the afternoon. Because of the uncertainty of the schedule, however, we will be prepared to hold that vote open for an extended period to accommodate all Senators. That vote could extend until approximately 5 or 5:15 tomorrow afternoon to accommodate Senators coming in from various places around the country. Given the unique circumstance, we are willing to hold the vote open; however, Members should prepare to come to the Chamber as early as possible for the vote.

We will notify all of our colleagues, all of the Senators, when the time for the vote is locked in, but, again, it should cover a period of a number of different hours in order to accommodate people who, unfortunately, are coming in from all over the country to catch this vote on this important matter.

**ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW**

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:29 p.m., adjourned until Wednesday, December 8, 2004, at 9:30 a.m.

NOMINATIONS

Executive nomination received by the Senate December 7, 2004:

NATIONAL SECURITY EDUCATION BOARD

JAMES WILLIAM CARR, OF ARKANSAS, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS, VICE MANUEL TRINIDAD PACHECO, TERM EXPIRED.

GEORGE M. DENNISON, OF MONTANA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS, VICE BRUCE SUNDLUN, TERM EXPIRED.

ANDREW J. MCKENNA, JR., OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS, VICE ROBERT N. SHAMANSKY, TERM EXPIRED.

HARRY ROBINSON, JR., OF TEXAS, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2008. (REAPPOINTMENT)

**NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION**

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADES INDICATED IN THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

To be commander

JAMES D. RATHBUN

To be lieutenant (junior grade)

ANDREW P. SEAMAN

EXTENSIONS OF REMARKS

IN HONOR OF GEORGE STRYDIO

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor George Strydio for his support and remarkable work in helping others who are living with cancer. Mr. Strydio was honored at the Bayonne Community Mental Health Center's cocktail reception on October 27, 2004, in Bayonne, NJ.

At the age of 67, Mr. Strydio underwent a life-changing experience during a battle with non-Hodgkin's Lymphoma, a type of cancer. After surviving chemotherapy, several cases of pneumonia, and other health complications, including learning how to walk again, he decided to channel his energy into helping others with the disease. He devoted two years to visiting cancer patients before determining that he should establish his own support organization, which he named the Community Cancer Support Group.

The group is a valuable resource consisting of a team of people who reach out to offer support, encouragement, and hope to cancer patients. The Community Cancer Support Group holds monthly meetings and brings in guest speakers that address the educational, psychological, spiritual, and medical needs of its members.

Mr. Strydio grew up in Bayonne and was an outstanding high school football and baseball player. At one time a catching prospect for the Brooklyn Dodgers, Mr. Strydio shifted his focus in 1970 to teaching Okinawa-style martial arts called Isshin Ryu. After more than 30 years, he is still teaching at St. Peter's College in Jersey City.

Today, I ask my colleagues to join me in honoring Mr. Strydio, a champion in many respects, for his courageous battle with cancer and his establishment of the Community Cancer Support Group.

HONORING CONGRESSMAN AMO HOUGHTON AND CONGRESSMAN JACK QUINN

SPEECH OF

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Ms. SLAUGHTER. Mr. Speaker, I rise today to commend two colleagues who will not be here when the next congressional session begins—Congressman AMO HOUGHTON and Congressman JACK QUINN. It has been a true honor to work with them. They will be greatly missed.

While we did not share the same political party, that fact never prevented us from working together to improve Upstate New York. These two men had very different back-

grounds: JACK QUINN was a union steelworker and teacher before entering politics; AMO HOUGHTON was head of Corning Glass Works. Yet, they are good friends who have represented the working families in their districts well and with grace.

In 2002, when a State redistricting plan proposed to match these two men against each other, I think their statements at the time reflect their character and friendship:

"In my heart, I don't want to knock out Jack Quinn," HOUGHTON said. "He's an extraordinary guy."

"I hope it is not against my good friend, Amo Houghton," QUINN said. "If it is, I'll just invite him to dinner, maybe take our wives, and talk about what is best for the people of western New York."

Through their committee posts, both moderate Members fought for the interests of New York State.

As the former chairman of a Fortune 500 company, AMO HOUGHTON understood how the Federal Government could play a role in sustaining and creating local businesses. As a senior member on the House Ways and Means Committee, Representative HOUGHTON partnered with me to help create and maintain the wool duty relief program, which is credited with stemming the loss of manufacturing jobs in the suit industry. Duty relief on imported wool suiting fabrics has proven critical to the survival of Hickey-Freeman, a high-end suit manufacturer that has long operated in Rochester.

I was privileged to work closely with Representative QUINN after the redistricting process in 2002 when we came to share the city of Buffalo. JACK went out of his way to introduce me to the area and its people. He is truly the "Big Man from Buffalo." As one example of his effort to improve the local economy, we cohosted a widely attended forum with local manufacturers to discuss what action the Federal Government must take to ensure that western New York and the rest of the United States will remain competitive in the manufacturing sector.

I will miss the partnership I enjoyed with both men, and their decency and respect for this institution. I have heard it said that legislation is the art of compromise, and both of these men understood that principle. We need more people with the ability to reach across the aisle.

I know that this is not the last we will hear from either of them. Both of them still have much to contribute to public discourse and Upstate New York.

I wish both of them the best of luck and continued success in their future endeavors.

HONORING CONGRESSMAN AMO HOUGHTON AND CONGRESSMAN JACK QUINN

SPEECH OF

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. FOSSELLA. Mr. Speaker, I rise today to honor and pay tribute to my distinguished colleague from the State of New York, Congressman AMO HOUGHTON. He is retiring after 18 years of esteemed public service as the Congressional Representative of the citizens of the 29th District of New York. Prior to his service in the U.S. Congress, Representative HOUGHTON was an established and well respected businessman. A former CEO of a Fortune 500 company, Mr. HOUGHTON was able to bring those skills to Washington to the benefit of the legislative process. His ability to work with both sides of the aisle made him an effective and powerful legislator. Known as a moderate Republican and fiscal conservative, Congressman HOUGHTON actively worked with a coalition of moderate Republicans to pursue meaningful budget reforms. Additionally, history will record Mr. HOUGHTON as one of the early leaders driving reform of the Alternative Minimum Tax. On behalf of the residents of the State of New York, I would like to thank Representative HOUGHTON for his exceptional service in the U.S. Congress. It has been a pleasure to serve with him, and his presence among the New York delegation will be sorely missed. Mr. Speaker, I would like to take this opportunity to congratulate Mr. HOUGHTON on a job well done, and wish him the very best in the years ahead.

REMOVE WELDON REFUSAL
CLAUSE FROM OMNIBUS SPENDING BILL

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mrs. MALONEY. Mr. Speaker, last month, the Republican majority pushed through Congress a \$388 billion omnibus spending bill that very few people had a chance to read.

The Weldon provision was slipped into this enormous bill which severely alters the state of reproductive healthcare in this country. It gags America's doctor's and it jeopardize's women's health.

Without education and without knowledge and information, women are being forced to make life-changing decisions about their reproductive health.

This is not only wrong, it's un-American. The Weldon provision is nothing but another attack on a woman's right to choose in an effort to dismantle Roe v. Wade. After all, why is it necessary?

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Federal law already protects medical professionals who refuse to take abortion training.

Is this what American women can look forward to under the new Republican "mandate?"

The rolling back of their fundamental rights, an elimination of their healthcare options, and an undermining of their representation in Congress.

I, for one, certainly hope not, but this action does not look good and should put us all on alert.

I urge my colleagues to remove the Weldon provision from the FY05 Omnibus spending bill.

IN HONOR OF THE URBAN LEAGUE
OF UNION COUNTY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the Urban League of Union County for its exceptional service to the community. The Urban League celebrated its 60th anniversary at the 34th Annual Equal Opportunity Day Dinner on November 12, 2004, in Newark, New Jersey.

The Urban League was originally established to help African Americans secure economic independence and work for civil rights. Decades later, it has grown and expanded to assist the entire community with health needs, employment services, housing assistance, and educational opportunities.

The Urban League offers the residents of Union County a wide range of services to improve their quality of life. The Economic Development and Employment Department offers assistance with interview techniques, job referrals, career counseling, and job placement. In addition, it offers a Summer Youth Employment Program and a Work Opportunity Program for welfare recipients, as well as evening classes on computer literacy.

Working diligently to address important health issues, the Urban League has created the Adolescent Pregnancy Prevention and Assistance Program, which works to positively influence teenagers by educating and counseling them about relationships, sexual development, and other related issues.

The organization has also established a Housing Community Development Department, which provides counseling on a variety of housing issues including mortgages, consumer credit and budget management, weatherization, and rental assistance. Other services include grant programs, emergency homeless programs, and Federal Emergency Management Assistance.

Today, I ask my colleagues to join me in honoring the Urban League of Union County for six decades of outstanding service to the community. Its extensive services will continue to help improve the lives of countless individuals and families throughout Union County.

TRIBUTE TO McCULLOUGH WILLIAMS JR. OF YOUNGSTOWN, OH

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. RYAN of Ohio. Mr. Speaker, my remarks today are to pay tribute to the life of my friend, McCullough Williams Jr. of Youngstown, Ohio.

Mr. Williams has long been active in service to the community. He served as Third Ward Councilman, Housing Coordinator for the City of Youngstown, and President of the Youngstown City Board of Education. He was appointed by the Governor to the State of Ohio Board of Funeral Directors and Embalmers where he served as President. Mr. Williams was also a member of the National Board for Funeral Directors.

As well as being the founder of the Sterling-McCullough Williams Funeral Homes of Warren and Youngstown, and the former owner of numerous other businesses, Mr. Williams was a member of the Centenary United Methodist Church, where he served as trustee, the Roberts Deliberating Club, Youngstown State University Penguin Club, Charter Member of the Youngstown Mahoning County Convention and Visitors Bureau, Rising Sun Masonic Lodge No. 90 A&FM, Member of the National Parliamentary Association, and Life Member of the NAACP.

Mr. Williams has been awarded the Buckeye Elks Community Service Award, the U.S. Small Business Administration Ohio Minority Advocate of the Year, the Ohio Expo Businessman of the Year, the Youngstown-Warren Regional Chamber of Commerce Outstanding Leadership Award, the Martin Luther King Jr. Recognition Award, the YWCA Man of the Year Award, NAACP Ebony Man of the Year Award, the Curbstone Coaches Hall of Fame, the Ebony Life Hall of Fame, the YSU Alumni Relations Distinguished Citizen Award, and the Ohio Governor Bob Taft Award for 50 Plus Years of Marriage and Community Service.

Mr. Speaker, I had the honor of attending Mr. Williams' funeral service. It was obvious to everyone who heard his family speak that McCullough Williams was an extraordinary individual who's caring and commitment to the community guided his life of service. His family is a great testament to his life. They will keep his values and passion alive. In short, our community and our country are better off because Mr. Williams lived. My prayers are with Mr. Williams and his family, and we honor his life here today.

IN SUPPORT OF H.R. 4670

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. HOLT. Mr. Speaker, I rise today to introduce letters of endorsement for the Center for Scientific and Technical Assessment Act of 2005 (H.R. 4670). I have introduced the enabling bipartisan legislation with Mr. HOUGHTON, Mr. MORAN of Virginia, Mr. HONDA, Mr. GORDON, Mr. McDERMOTT, Mr. WAXMAN, Mr. OLIVER, Mr. GREENWOOD, Mr. CASTLE, Mr. VAN

HOLLEN, Mr. FROST, Mr. BERMAN, Mr. RUPPERSBERGER, and Mr. EHLERS.

The Center for Scientific and Technical Assessment would be a bicameral and bipartisan resource providing Congress with highly respected, impartial analysis and assessment of scientific and technical issues and would enable Congress better to oversee the Federal science and technology programs, which receives over \$130 billion, annually. Finally, the Center also would help the Congress to better understand complex technical issues by providing timely information to members of Congress and our Committees before we have to make difficult voting decisions and funding tradeoffs. There is growing support for H.R. 4670 among our Nation's best science and technology professionals. I submit the following letter of endorsement by several professional societies for H.R. 4670:

OCTOBER 7, 2004.

Hon. RUSH HOLT,
House of Representatives, Washington, DC.
Hon. AMO HOUGHTON,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVES HOLT AND HOUGHTON: The following engineering professional organizations are writing to express our support for your bipartisan bill, H.R. 4670, to establish a Center for Scientific and Technical Assessment (CSTA).

America's national security and economic well-being demand that the United States remain the world's leaders in advanced technology in the 21st century. However, technological development is advancing with unprecedented speed and complexity in a truly global environment and other countries, for the first time in U.S. history, are now threatening America's scientific and technological preeminence. Members of Congress, now more than ever, need to have access to objective, timely, and sound science, engineering and technology-related assessment pertinent to legislation and the complex policy issues before them.

The sheer volume and complexity of the technological data facing federal legislators necessitate some mechanism for balanced, non-partisan and technologically-informed analysis provided in a judicious manner. A Center for Scientific and Technical Assessment as envisioned in H.R. 4670 would satisfy these criteria by operating under the highly respected Government Accountability Office (GAO), being overseen by a bipartisan, bicameral Technical Assessment Board (TAB) consisting of Members of Congress and the Comptroller General of the GAO, to provide nonpartisan peer reviews of all CSTA reports.

We are encouraged that this bill takes into consideration the GAO's successful technical assessment pilot program as well as the GAO study "Technology Assessment: Providing Independent Assessments of Technologies," for guidance when crafting this legislation. We feel that H.R. 4670, if passed, would provide a valuable service to members of the House and Senate in making informed decisions on the complex technological issues of the times.

We look forward to working with you and your staff in advancing this important legislation.

Respectfully Submitted,
American Association of Engineering Societies (AAES).

American Society of Civil Engineers (ASCE).

American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE).

American Society of Mechanical Engineers (ASME).

Federation of Materials Societies (FMS).
The Institute of Electrical and Electronics Engineers—United States of America (IEEE—USA).

National Society of Professional Engineers (NSPE).

Optical Society of America.

ON THE OCCASION OF THE BIRTHDAY OF MRS. LENA ROBERT MURRELL-WHITE

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. BUTTERFIELD. Mr. Speaker, I rise today to salute the American mother in the embodiment of Mrs. Lena Roberta Murrell-White. She has raised nine children and has nurtured a throng of grandchildren and great grandchildren. Her labor helped to build ships during World War II, supported the effort during the Korean War, sent a son off to the Vietnam War and provided more sons and daughters that have helped to build the American economy. Through her strong faith in a loving God she has brought light to her community in Camden, New Jersey. Mrs. Murrell-White was born and raised in the great State of North Carolina. She spent her formative years in the town of Greenville in Pitt County, North Carolina. Upon graduation from high school she moved to Camden, New Jersey where she married and raised her family. Now, at the age of 84 this paragon of mothers has neither slackened her pace, eased her resolve nor retreated an inch. She remains faithful to the Lord, committed to her family and solidly supports her community. So today she is to be commended for her efforts and receive the heartfelt gratitude of the Congress of the United States of America.

IN HONOR OF NICK STARITA

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Nick Starita for his exceptional community service and passion for helping others. Mr. Starita was honored at the Bayonne Community Mental Health Center's cocktail reception on October 27, 2004, in Bayonne, New Jersey.

Mr. Starita has devoted more than 30 years of service to the United Cerebral Palsy (UCP) Association of Hudson County. During his extensive time at UCP, he has helped the organization expand and diversify its services. His contributions include helping UCP establish a second facility, securing greater accessibility to therapy services, and developing new programs to better serve Hudson County residents. The organization also offers an Adult Special Needs Program to help those who are developmentally disabled and require special medical assistance, and a day care program that works with both able-bodied and disabled children. The time and passion Mr. Starita has dedicated to UCP throughout the years has transformed the organization into an extensive network that includes three facilities and serv-

ices ranging from advocacy to accessible transportation. Mr. Starita has demonstrated his strong leadership skills as UCP's executive director for the past 16 years and previously, as a member of the Board of Directors for 13 years.

Always striving to help others, Mr. Starita has volunteered at the A. Harry Moore School and served on the boards of numerous community and civic organizations, including the State Interagency Coordinating Council, the Alliance for the Betterment of Citizens with Disabilities, the Center for Enabling Technology, and the Boy Scouts Council, to name a few.

Mr. Starita has received awards from numerous organizations for his work, including the United Way of Hudson County, the PTA, the New Jersey State Parent Advisory Council for the Handicapped, and the Latin American Kiwanis Club of West New York.

Today, I ask my colleagues to join me in honoring Nick Starita for his outstanding service and tireless efforts to help the United Cerebral Palsy Association successfully achieve its mission to serve the people of Hudson County.

HONORING WORK AND LIFE OF DR. MELVIN DYSTER

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Ms. SLAUGHTER. Mr. Speaker, I wish to honor the work and life of Dr. Melvin Dyster of Niagara Falls, New York, a family practitioner, who this past weekend was honored by the Niagara Falls Memorial Medical Center for 50 years of practicing medicine.

Dr. Dyster is 77 years old and still makes early morning rounds seven days a week at Niagara Falls Memorial Medical Center, sees patients at his office, and students at Niagara University in Lewiston, New York.

Dr. Dyster has had many accomplishments over the years. He started a Family Practice Residency Program in 1976 at the hospital to avert a shortage of primary care doctors. He became involved with a fledgling migrant worker clinic 25 years ago. He secured donated drugs for the clinic, and encouraged residents and medical students to become involved with the clinic, the County Health Department, and Memorial Medical Center, which now sends its mobile clinic to the farms in the area.

His accomplishments have led to many honors and awards. In 1995, Dr. Dyster was recognized as Doctor of the Year by the New York State Academy of Family Practice. He has received an honorary doctorate degree from Niagara University and the University of Buffalo Medical School Dean's Award for community involvement. He also received the Niagara University College of Arts and Sciences Dean's Award for his establishment of the Dr. Melvin B. Dyster Health Science Resource Center in 2003.

Dr. Dyster goes out of his way to provide services for those in need, working at the Hamilton Mizer Primary Care Center in Niagara Falls, which serves predominantly inner city residents.

Dr. Dyster is a consultant for the Niagara Falls City Task Force for Bioterrorism Pre-

paredness, a member of Niagara County's Health Emergency Alert Response Team and an advisor on Memorial's Disaster Planning Committee.

Dr. Dyster's efforts on behalf of the Niagara Falls community extend beyond the medical world; he was instrumental in saving the former Niagara Falls High School from demolition, which has become a well used arts and cultural center.

Dr. Dyster is a retired full colonel in the Army Reserve and was chief of staff at the 865th General Hospital at the Niagara Falls Air Base.

I am honored to have such a caring and compassionate man as Dr. Dyster live and work in my district.

HONORING CONGRESSMAN AMO HOUGHTON AND CONGRESSMAN JACK QUINN

SPEECH OF

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. FOSSELLA. Mr. Speaker, I rise today to honor and pay tribute to one of my distinguished colleagues from the State of New York, Congressman JACK QUINN. In his six terms as Representative of the 27th District of New York, Congressman QUINN brought a strong and well respected voice to the United States Congress. His good nature and approachability made him a pleasure to work with, for both sides of the aisle. As Chairman of the Committee on Transportation and Infrastructure Subcommittee on Railroads, Mr. QUINN fought to preserve Amtrak as part of our Nation's infrastructure and worked tirelessly towards ensuring the safety of our railroads. He has used his seat on the Committee on Veterans to bring about needed reforms for our veterans and to raise awareness and appreciation of our Nation's heroes and their sacrifices. His role as Chairman of the House Republican Working Group on Labor provided an important link to keep the lines of communication open between labor leaders and the Republican party. Beyond his legislative accomplishments, Congressman QUINN made service to his constituents the cornerstone of his office, and it is this service that will be his legacy. On behalf of the residents of New York, I would like to thank Mr. QUINN for his exceptional service to the United States Congress. His presence, both in the House and within the New York delegation will be greatly missed. Mr. Speaker, I ask that my colleagues join me in congratulating Mr. QUINN on 12 remarkable years of service, and in wishing him and his family all the best in the years to come.

HONORING THE RECIPIENTS OF THE 2004 EXCEPTIONAL MERIT IN MEDIA AWARDS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. MALONEY. Mr. Speaker, I rise today to congratulate the winners of the 18th Annual

Exceptional Merit in Media Awards (EMMAs) which were presented by the National Women's Political Caucus earlier this year. This prestigious honor is given for excellence in media coverage of women's issues.

The 2004 EMMA honorees include:

The Liz Claiborne Award for Outstanding Reporting on Violence Against Women: Marie Claire, Lesley Jane Seymour, Editor-in-Chief.

Magazine Story, Winner: "Code of Dishonor", Clara Bingham, Vanity Fair Magazine.

Television, Exceptional Feature Story: "He Said, She Said", Melissa Cornick, ABC News.

Magazine Story, Runner-up: "Your Body is a Battle Ground", Kimberly Sevcik, Self Magazine.

Television, Exceptional Documentary: "Our Lifetime Commitment: Stop Violence Against Women", Denise Young Farrell, Lifetime Television.

Magazine Story, Runner-up: "Are You Ready to Really Understand Abortion", Allison Brower, Glamour.

Radio Segment: "Shoshone Sisters Fight for Land", Susan Shepard, Living on Earth, NPR.

Television, Special Topics: "Final Justice with Erin Brockovich, #315", LMNO Productions, Larry Goldman, VP Corporate Communications.

Special, Print: "Violently III", Jennifer Wolff, Self Magazine.

Television, News Story: "Women and the Media", PBS to the Contrary Television, Cari Stein, VP Corporate Communications.

Newspaper, Exceptional Feature Story: "The Complete Anita Hill", Florence Graves, freelance writer, 1994 EMMAs winner, The Boston Globe.

I was thrilled to have been a part of this special event by paying tribute to journalists who write meaningful and groundbreaking articles about issues affecting women. I believe that they should be commended for their talents, and I look forward to reading more of their work in the future.

IN HONOR OF COOKIE DAUGHTREY

HON. ROBERT MENENDEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the late Mrs. Cookie Daughtrey for her dedicated work in serving the community and those in need. Ms. Daughtrey was honored at the Bayonne Community Mental Health Center's cocktail reception on October 27, 2004, in Bayonne, New Jersey.

Mrs. Daughtrey was known for her tireless efforts to help those less fortunate than herself. Even as a child, she reached out to others and would often invite underprivileged peers over for dinner. She greatly helped the citizens of Bayonne by matching people with service organizations that offered the food, shelter, healthcare, or substance abuse treatment they needed. In addition, she coordinated food drives in City Hall for the past five years.

With a passion for community involvement, Mrs. Daughtrey participated in numerous

groups, including the New Frontier Democrats, Ireland's 32, and the HIGHWAYS program. Additionally, she volunteered extensively at the Bayonne Democratic Organization and was on the Board of Directors for the Bayonne Community Day Nursery.

Born and raised in Bayonne, Mrs. Daughtrey worked as a welfare investigator for the city for 27 years, and was employed at Woolworth's department store.

Today, I ask my colleagues to join me in honoring the late Cookie Daughtrey for her deep commitment to serving others in her community. Her years of volunteerism helped countless individuals and she will be remembered fondly by all who knew her.

TRIBUTE TO WARREN G. HARDING HIGH SCHOOL MARCHING BAND

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. RYAN of Ohio. Mr. Speaker, my remarks today are to pay tribute to the Warren G. Harding High School "Raider" Marching Band from Warren, Ohio.

On November 25th, Thanksgiving Day, 2004, the "Raider" Marching Band represented Ohio's 17th District as it marched down Broadway in midtown Manhattan during the 78th Annual Macy's Thanksgiving Day Parade. The "Raider" Band was one out of 10 bands to be selected nationwide out of approximately 500 applicants annually. With 201 members strong, the band played "On Broadway" as it stopped in Herald Square to showcase its talent for the millions of onlookers and viewers at home. The event was aired live on NBC Thanksgiving Day.

Lynn G. Marlin is the Director of Bands at Warren G. Harding High School. A graduate from the Youngstown State University's Dana School of Music in Youngstown, Ohio, and Marygrove College in Detroit, she has been leading and instructing the band for 10 years and has been teaching for 30 years. Richard J. Rollo is the assistant Director of the Bands and also the head of the jazz department where he has been teaching for 22 years. He is an alumnus of Youngstown State University and Vandercook College of Music in Chicago. The percussion instructor is Mr. Kevin Kifer, majorette instructors are Nicole Horner and Amy Namola, and the "Raider" flag line instructors are Erika Campolito and Nikki Wynn.

In addition to outstanding musical accomplishment, the "Raider" Marching Band shows great strides toward high academic achievement. This year's winner of the Bob Hope/Macy's Foundation Band Scholarship is Aaron Baer, a senior at Warren G. Harding High School. Each band in the parade selected one student who best represented all of the great qualities of Bob Hope including leadership, musical talent, humor, and activeness in community service. Mr. Baer was selected by the "Raider" band and represented Warren G. Harding in the scholarship competition, winning a \$5,000 scholarship based on an essay he submitted. The Bob Hope/Macy's Founda-

tion also donated \$5,000 to the "Raider" Band.

Students who participated in the 78th Macy's Thanksgiving Day Parade:

Tanasha Alexander, Noora Alie, Alicia Allen, Ariel Austin, Aaron Baer, Doug Baker, Beth Balas, Loryn Baldwin, Desa Banish, Kristen Banks, Ashlee Barksdale, Sarah Beitzel, Terrance Belser, Tern Belser, Taryn Benson, Jessica Benson, Amy Binko, Leracia Blalock, Joanna Bland, Rheadus Bland, Carin Boros, Frank Bosak, Daniel Bozek, Shala Brantley, Jazzmon Britton, Tim Brogdon, Jessica Brown, LaSheana Brown, Ashley Browning, Jessica Browning, James Brutz, Jordan Butler, Brittany Caimona, Vicki Capranica, Monique Carducci, Christopher Cargill, Justin Cargill, Samuel Carr, Jamie Carter, Meghan Caswell, Brianna Catheline, Megan Chambers, Ryan Chambers, Stephen Chappell, Daniel Clever, Joey Cluckey, Bethany Clucky, Ashley Coleman, Kendra Coleman, Lamar Coleman, Angela Collazo, Amanda Comanescu, Chelsea Comanescu, Greg Dailey, Avery Danage, Zack Darno, James Davis, Matthew Davis, Dominique DeSanti, Savontae Diggs, Brittany Dowe, Stephen Drake, Dennis Drummond, Chris Dudley, Elissa Dukes, Matthew Dukes, Shani Dukes, Jessica Dunewood, Marcella Economos, Dillon Fishel, Megan Fishel, Gina Fisher, Meranda Gedded, Alycia Geddes, Gerry Gianoutos, Lindsey Glenn, Rickisha Goliday, Ciearra Grubbs, Autumn Hall, Chasity Hall, Patricia Hampton, Aron Hamrick, Courtney Harrel, Brian Harris, Krystyne Harris, Pasha Harris, Wil Harris, Mandy Hawkins, Camille Heller, Jordan Hice, Stephanie Horkey, Alicia Howard, Kaitlynn Hummel, Mark Hummel, Sara Hummel, Brittany Jackson, Jeremy Johnson, Tiara Jones, Alysha Joseph, Brittany Joseph, Tommy Kearns, Janelle Kellar, Brandon Kingery, Angela Knepper, Deanna Kuzenko, Justin Kuptz, Caritta Lewis, Amanda Lichty, Alexandria Limperos, Ebony Liptrot, Ricky Logan, Victoria Lopez, Ray Marchek, Thomas Mason, Jasmine Mauzy, Kellie McAllister, Tyeccchia McBride, Marc McCarty, Brittany McDaniel, Jessica McDougal, Robert Mclver, Meghan Mckenzie, Tabbitha Merten, Kiera Moore, Tonya Mocella, Sarah Moreton, Elizabeth Mosly, Donald Motley, Justin Mullet, Tabbitha Murphy, Vinitra Murray, Tzoulie Niforos, Nicole Oller, Ayla Oliver, Caullen Owens, Anna Patsy, Gino Pennachio, Kristie Perricellia, Justin Peters, Brittany Phillips, Josh Phillips, Christina Pingley, Tori Piper, Keisha Pugh, Robert Ragland, Adam Reed, Sarah Riffle, Cory Rihel, Andy Rodgers, Melissa Rodriguez, Tiyauna Rudd, Megan Rupert, Rashanna Russ, Samantha Schaab, Michelle Seawood, Melissa Seawood, Charles Seay, Sophia Sebben, Krysta Simpson, Kelly Smith, Kayla Sparks, Sara Stainislaw, Brittany Stargell, Rachel Starr, Angela Stawiski, Anne Stewart, Erin Straniak, Maureen Sweet, Caleb Tatebe, Kiwanna Taylor, Michael Thomas, Kaycee Thompson, Matt Thompson, Carrie Turner, Rochelle Vinson, Alexandria Walker, Greg Walker, Jacque Walker, Dan Westover, Cara White, Gary White, Carie Whoretton, Daivon Williams, David Wilson, Alyssa Wolcott, Peter Wyndam, Tiffany Wynn, Yang Xu, Collin Yarnel, Mark Yauger II, Annette York, Christopher Younger.

HONORING FRANK VON HIPPEL,
RECIPIENT OF THE GEORGE F.
KENNAN PEACE LEADERSHIP
AWARD

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. HOLT. Mr. Speaker, Frank von Hippel, a physicist and professor of public and international affairs at Princeton University, has had, and continues to have, a far-reaching influence on arms control and nuclear policy. He is without question one of the world's leading experts on nuclear arms control and non-proliferation.

Frank's many contributions include path breaking work on nuclear reactor safety, energy efficiency in automobiles, support of whistle-blowers, training of a large group of young policy scientists, and his current work on the safety of stored spent power-reactor fuel. He is the founder of the journal *Science and Global Security*, the leading peer-reviewed journal on technical issues of arms control and international security. He is a model to many people about how a scientist should contribute to the policy process.

On the occasion of the award of the George F. Kennan Peace Leadership Award, I would like to highlight Frank von Hippel's work with Soviet scientists that prepared the way for deep cuts in nuclear arsenals. This is only one aspect of Frank's many contributions.

During the 1980s Frank developed a working relationship with Soviet physicist Evgeny Velikhov. At the time, Velikhov was the deputy director of the I. V. Kurchatov Institute of Atomic Energy in Moscow, and he became the science advisor to Soviet President Mikhail Gorbachev. Through this relationship, Frank was able to launch a series of cooperative efforts between U.S. non-governmental organizations and the Soviet Academy of Sciences. These included the installation of devices to detect underground nuclear weapons tests, an arms control experiment to verify the presence of a nuclear weapon on Soviet warship, inspections of Soviet nuclear facilities, programs to safeguard and reduce Soviet stockpiles of nuclear weapons materials, programs to reduce the nuclear proliferation risk from former Soviet nuclear materials stockpiles and from former weapons scientists, and a joint U.S.-Soviet project to assess the potential for deep cuts in nuclear weapons arsenals. These activities provided a basis for U.S. and Soviet reductions in their nuclear arsenals.

Frank always knows his subject; his work is well reasoned and backed up with careful analysis. But his achievements show that he is much more than a technical expert. Frank is a great person to work with; everyone likes him. His generosity and, especially, his even temper, that have helped him forge international cooperation among scientists and governments. Frank is the first person I call when I have questions on nuclear weapons and arms control or any number of other subjects. He richly deserves this great honor.

IN HONOR OF CAPTAIN GILMAN G.
UDELL, JR. ON THE OCCASION
OF HIS RETIREMENT

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. KINGSTON. Mr. Speaker, I rise today to honor one of our Capitol Police Officers. On December 31, 2004, Captain Gilman G. Udell will retire after 33 years of serving the Congress as a member of the United States Capitol Police (USCP). Captain Udell spent the majority of his career, and finished as the commanding officer, of the USCP Hazardous Incident Response Division. Captain Udell was one of the six original members of the USCP bomb squad, first organized in the Spring of 1974. To exemplify Captain Udell's fine work in this area, one must review the threat environment over the last 30 years.

On March 1, 1971 a bomb exploded in a restroom on the first floor of the Senate wing of the Capitol, causing extensive damage. After that incident, the Department selected six officers to attend the basic bomb course at Redstone Arsenal in Huntsville, Alabama. When Gill Udell and the other original members returned to Washington after completing the training at Redstone Arsenal, their new unit became part of the Special Investigations Division.

Over the 30 years of its existence, the Bomb Squad has excelled at developing and adapting new tools and techniques for rendering safe procedures. Members of the unit work with other Federal agencies such as the FBI, ATF, DoD and DoE, as well as private contractors in the defense industry to stay current with new technology and to promote the development of new tools and techniques for the bomb technician community. Captain Udell has been instrumental in every measure of this development.

Although most of the calls received by the Bomb Squad each day turn out to be nothing harmful, there have been a number of incidents over the years in which the danger was real.

July 4, 1976: An individual was stopped who had been acting suspiciously, looking at the grates on the West Front. When searched, the suspect admitted having home-made explosive devices, 1" x 6" inch lengths of cardboard tubing with non-electric fuses. Each of these bombs packed the explosive power of about a quarter stick of dynamite. The devices were transported to Ft. Belvoir, where the ATF assisted in detonating them. The suspect had intended to light the devices and throw them into the crowd.

September 26, 1980: A Chevy pickup truck being used as an incendiary device tried to crash the South Wall of the Capitol building.

May 20, 1982: A hoax device consisting of red candles with a sparkly coating that looked like dynamite and a clock placed inside a shoe box inside a paper bag, was found in the office of the Clerk of the House.

October 18, 1983: At 1330 hours, a male foreign national entered House Gallery #10 with a device that consisted of two one-liter soft drink bottles filled with homemade black powder, a slide switch for control, flash bulb as an initiator, and a battery for a power source. The man stood up and, instead of

exiting, walked down to the front, meanwhile trying to flip the switch on his device. Fortunately, the black powder mixture was not mixed correctly, so the device did not go off. The suspect was apprehended as soon as he walked towards the rail, and was eventually deported back to Israel after this event.

November 7, 1983: At 2255 hours, a detonation occurred on the second floor of the U.S. Capitol, opposite the Republican Cloak room, causing extensive damage. The device was constructed of 4 to 5 pounds of dynamite, a battery, electric blasting cap and watch, all placed in a gym bag. Credit for the explosion was claimed by a group calling itself The Armed Resistance Unit. Seven militants belonging to the group were convicted of this bombing in 1990.

August 20, 1984: A Molotov Cocktail was thrown and ignited on the East Front, Center Steps portico, by the 2nd floor entrance. One bystander, a Priest, was injured. The device consisted of a beer bottle filled with gas and containing a wick, and was ignited with a lighter. The perpetrator was arrested.

March 15, 1986: A letter bomb addressed to a senator was intercepted by the U. S. Post Office. The device, consisting of a hollow antenna segment filled with match heads, battery, and wire heating element, had been made by a prisoner and sent from a prison in Kansas.

April 19, 1988: The FBI called the Hazardous Devices Section for assistance. While executing a search warrant, FBI agents discovered deteriorated nitroglycerine-based dynamite in a suspect's closet. The HDS responded, removed, transported and destroyed the dynamite.

June 21, 1988: A hoax device designed to resemble a hand grenade was sent to a Congressman's office but was intercepted by the House Post Office. The item was detonated during render safe procedures performed by the Hazardous Devices Section.

December 5, 1990: A subject attempted to enter the Dirksen Senate Office Building with a hoax device consisting of three signal flares, a clock, wires and a circuit board.

January 3, 1995: Just three weeks after the Bomb Squad acquired its new, state-of-the-art Andros robot, a suspected pipe bomb was found at 3rd and Independence Ave., SW., and the Metropolitan police contacted HDS for assistance. When remote procedures could not open the device, it was placed in the bomb sphere truck and transported to the Marine Corps explosives range at Quantico, Virginia, where it was counter-charged and blown open. The device turned out to be a sand fuse belonging to METRO.

The Capitol Police Bomb Squad is rated by the FBI Bomb Data Center and staff of the Hazardous Devices School at Redstone Arsenal as one of the top bomb squads in the Nation. The unit has achieved recognition throughout the bomb technician community through their assistance to other agencies and service in offices and positions in professional associations and organizations.

Captain Udell successfully led the Unit through many changes as the Department's mission evolved in recent years. The unit that started with a home-made bomb truck put together from donated and surplus parts is today equipped with state-of-the-art technology. Captain Udell was one of the first to recognize the need for specialized training in

Weapons of Mass Destruction and Hazardous Materials. Years before the Anthrax Letter was received in Senator DASCHLE's Office, all the HDS technicians were certified to handle nuclear, biological and chemical incidents.

Captain Udell was instrumental in the response to the Anthrax letter attack, which occurred just one month after September 11th, 2001. He led his hazmat trained bomb techs on emergency calls that appeared to never end. Prior to the Anthrax attack, there was typically one or two "suspicious powder" calls a month. That was soon to change. On October 15th, the Senator Daschle anthrax letter was opened in the Hart Senate office building. It was the 3rd, of a total of 56 "suspicious powder" response calls, for just that day. Captain Udell managed the teams' response, and being a certified bomb and hazmat technician himself, he jumped in and responded to calls with his team. The response and clean up of the anthrax incident encompassed nearly seven months until completion. Captain Udell worked tirelessly throughout the entire period, working long extended hours and rarely taking a day off. To Captain Udell, this was just doing his job; to his team, the Capitol Police, and the Congressional Community Captain Udell is a true leader and patriot in the protection of Congress.

After the Anthrax incident, Captain Udell played a critical part in the development and implementation of the police department's Hazardous Materials Response Team. He finished his career as the Commander of the newly formed Hazardous Incident Response Division of the Capitol Police. The new unit incorporated an "all hazards" response capability to deal with the new and emerging threats in the post 9/11 era.

Captain Udell started his relationship with the Congress as high school student in the Page Program. He has served the Capitol Police and the Congress in an exemplary manner throughout his career. He is a role model to those who follow in what it means to "protect the Congress"—the mission of the U.S. Capitol Police, which Captain Udell has never forgotten.

IN HONOR OF SUE SHAPIRO

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Sue Shapiro for her active role in community organizations and years of dedicated leadership. Mrs. Shapiro was honored at the Bayonne Jewish Community Center's 52nd annual Sustaining Dinner Gala on October 23, 2004, in Bayonne, New Jersey.

Sue Shapiro's commitment to serving her community has been demonstrated by her steadfast involvement in local organizations. In the past, she has served as a member and trustee of the Bayonne Board of Education and was the second woman to serve as president of the Temple Beth Am.

Her most extensive service has been with the Jewish Community Center. As chairperson of the Health and Physical Education Committee for 24 of her 29 years of participation, Mrs. Shapiro has overseen a successful athletic program for youth and adults of Bayonne.

She has also served as chair or co-chair of the Open Tennis Tournament, Winter Holiday Elementary School Basketball Tournament, Annual Golf Tournament, and Annual Sports Awards Program. In addition, she has successfully organized three reunions at the Jewish Community Center.

Throughout her years of involvement with these organizations, Mrs. Shapiro has continued to work as a dedicated employee for the Rexall Drug Company and Judge Harvey L. Birne.

Born and raised in Bayonne, Mrs. Shapiro was the wife of the late Harold Shapiro and is the proud mother of three sons and three grandchildren.

Today, I ask my colleagues to join me in honoring Sue Shapiro for her outstanding leadership and dedication to the community of Bayonne, New Jersey.

TRIBUTE TO MR. JOHN DiPOFI

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Ms. SLAUGHTER. Mr. Speaker, it is with great sadness that I rise today to pay tribute to Mr. John DiPofi of Niagara Falls, NY, who passed away this week at the age of 106. He was the oldest living Marine in the United States at the time of his death.

Mr. DiPofi joined the Marines on November 10, 1922, and served for 3 years in Haiti. He was an expert rifleman and was assigned to guard the country's agricultural assets.

Mr. DiPofi was born in Italy and came to America in 1913 at the age of 15. He lived and worked in Niagara Falls after his tour of duty.

It was an honor to have Mr. DiPofi living in the 28th Congressional District. I was privileged to meet him last year and congratulate him on his good health and service to our nation.

I offer my sincerest condolences to Mr. DiPofi's family. The nation has lost a good soldier, and Niagara Falls has lost a good friend. His extraordinary life will never be forgotten.

RECOGNIZING LANCE CORPORAL PHILLIP G. WEST, USMC, WHO WAS KILLED IN ACTION IN IRAQ NOVEMBER 19, 2004

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. THOMPSON of California. Mr. Speaker, it is with a heavy heart that I rise today to pay tribute to Lance Corporal Phillip G. West, USMC, who was killed in action in Iraq November 19, 2004. Corporal West, a 19-year-old resident of Napa County, CA, answered his country's call and paid the ultimate price.

Corporal West served as a rifleman with the 3rd Platoon, India Company, 3rd Battalion, 1st Marine Division. He was on patrol in Fallujah when he was fatally wounded by an explosive device.

Corporal West was born and raised in Napa County. He was a lifeguard at the American

Canyon Aquatics Center and taught many local youngsters to swim. He also played football for the Vintage High School Crushers in Napa.

Corporal West loved his country and he enlisted in the Marines immediately upon graduation from Vintage High in 2003. He was drawn to the Corps because, to him, it was "the best" and he wanted to be part of the best.

Corporal West was deployed to Iraq's Al Anbar Province in June. As a rifleman, he was often in combat situations, either on safety patrol or in directly confronting insurgents. He excelled at his job, was highly regarded by his unit and received a commendation from the Marine Corps for superior performance.

Corporal West died serving the country he loved, with comrades he loved and with the love of his family in his heart. Our nation is humbled and grateful for his sacrifice.

Mr. Speaker, it is appropriate at this time that we recognize Lance Corporal Phillip G. West, USMC, who gave his life in service to his country.

HONORING THE WOODCLIFF COMMUNITY REFORMED CHURCH

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the Woodcliff Community Reformed Church, which celebrated its 75th anniversary on November 18, 2004, in Jersey City, New Jersey.

Throughout the years, the Woodcliff Community Reformed Church has helped the residents of Jersey City by supporting local organizations, providing outreach programs, and aiding in the spiritual development of its congregation.

Its efforts to serve the community include establishing a program to feed the homeless and offering building space to local Alcoholics Anonymous groups. It has also been a major supporter of the local Boy Scout and Girl Scout troops in the area. The church's dedication to serving others has greatly contributed to the success and stability of the community, and its contributions to the surrounding areas are to be commended.

Today, I ask my colleagues to join me in honoring the Woodcliff Community Reformed Church for its 75 years of exemplary work within the community and its spiritual leadership in Jersey City, NJ.

COMMENDING HUMBERTO LOZANO LOPEZ

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to a unique American patriot and pioneer in the Tejano recording industry and the world of radio and broadcasting, my friend from our hometown of Robstown, TX, Humberto Lozano Lopez.

Humberto was just inducted into the Tejano Hall of Fame in Texas for his lifetime of excellence in broadcasting and for the extraordinary

addition he has made to the tapestry of our lives through broadcasting—both music and community interest programming—composing, promoting Hispanic talent, and finally obtaining and operating the Lopez Broadcast System that now consists of several South Texas radio stations.

His introduction to radio came in 1955, while he was still in high school, conducting the American GI Forum Weekly Program on KCCT in Corpus Christi, TX. After graduation he continued this work he loved, and it took him all over south Texas and northern Mexico. In the early 1960s, he moved the family to San Antonio, where he branched out to television, and worked in the first U.S. Spanish Radio station, KCOR, and the first U.S. Spanish Television station, (KWEX).

His voice won him voice-over roles in some classic American movies—for voices of Spencer Tracy, Sidney Poitier, Anthony Quinn, and many more—and he dubbed several Hollywood movies into Spanish for broadcast into Mexico and Latin America. For his work in this venue, Humberto picked up an award for “Best Performance in Dubbing.”

In the early 1970s, he returned to live in Robstown and work in Corpus Christi. He began as program director for KCCT, spicing up the classic station with a new motto, “Radio Jalapeno—Caliente.” While in Corpus Christi, he worked for a while in print journalism for the Corpus Christi Sun Newspaper, as sales manager and columnist.

In the early 1980s, he longed to put his management skills and talent to use in a larger sphere, and applied with the FCC to own his own station. He quickly began acquiring radio stations in South Texas under the Lopez Broadcast System, which currently includes: KTMV-TV, Corpus Christi; KTMV-TV, Victoria (UPN affiliate); KTMV-TV, San Antonio; KMIQ 104.9 FM, Robstown-Corpus Christi; KINE 1330 AM Robstown-Kingsville; KXTM 107.7 FM, Benavidez; KHMC 95.5 FM, Victoria; and KLMO 98.9 FM, San Antonio. He continues to explore expanding Lopez Broadcast System into other markets such as College Station, San Angelo, and Houston.

Humberto's most memorable experiences included interviewing the widow of Mexican legend, Pancho Villa; Texas' first Hispanic Congressman, Henry B. Gonzalez; and the members of Battalion 201, the World War II Mexican Battalion. Easily, his most rewarding experience is the continuing success of the Lopez Broadcast System, which serves our home community in South Texas. Humberto's philosophy is: “It's not about how much money someone may earn but the accomplishments and lives you touch—which leaves a legacy of hope.”

He is supported by the love of his life, his wife Minerva Rodriguez-Lopez; their children: Mario Humberto, Luis Homero, Larry, Manuel, Carlos, Humberto II, Ernesto, Mena Lamar, Melinda, Ray, Lisa, and Mary Helen; their 27 grandchildren—Mario Humberto II, Michael Anthony, Marissa, Celina, Carissa, Crista, Lizette, Lynsey, Ashley Nicole, Manuel Omar, Mireya, Alejandro, Gabriella, Laura Lynn, Carlos Eric, Crystal, Katherine, Ernesto Nicholas, Raul Jr., MiaMar Minerva, Isabella, Giselle Fey, Cristian Esai, Ray Jr., Amy Desiree, Nayeli, and Orlando DeLeon II; and their 2 great grandchildren, Mario Humberto III, and Michael Anthony.

I ask my colleagues to join me today in commending my dear friend, Humberto

Lozano Lopez, for the amazing achievement so far in his lifetime and for his recent induction into the Tejano Hall of Fame.

HONORING THE BALLOU SENIOR
HIGH SCHOOL MARCHING BAND

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Ms. NORTON. Mr. Speaker, I rise today to recognize and honor the District's own Ballou Senior High School Marching Band for its recent extraordinary achievement at the Home Depot National Battle of the Bands Competition. The band, numbering 86 members, placed second among eight bands in a competition which included 110 entrants in the initial field. Ballou deserves recognition from the House of Representatives not only because of this notable accomplishment. I ask the Congress to recognize the Ballou Marching Band also because these students, led by their able and devoted band director, Darrell Watson, overcame nearly impossible odds.

The high school is located in one of the city's most disadvantaged and besieged communities. The students have lived with unusual human tragedy, including the fatal shooting of two fellow students this year. Also in 2003, the school was closed for more than a month because of an accidental mercury spill. At the end of the school year, many of the problems of the school were blamed on allegations of poor leadership and the principal was dismissed.

This is not an atmosphere conducive to producing award winning bands. Yet, the Ballou Marching Band's band director and the new principal, Daniel Hudson, persevered. However, talent, intelligence, diligence and dedication could not cover the \$70,000 needed to travel to California to compete. The often struggling families of the students, and their inner-city community certainly did not have such funds. Still, the band and their school did not give up. They sought help from the business community, alumni and others. Many were moved by the determination of the students. Among the many contributors who made the trip possible were Federal Express—inspired by a Ballou alumna who was a vice president—Lockheed Martin, Embassy Suites Hotels, and William C. Smith and Company. The outpouring of love and support that the Ballou band received was inspired not only by the need, but by the students' own determination and efforts in doing car washes and selling dinners to earn funds for the trip.

The concrete show of confidence in these children enabled the band's participation and its prize-winning finish. In fact, the competition was razor close, and Ballou almost came away with the top prize. Its reward was a trip to Disneyland and the opportunity to play in the holiday parade. The larger and lasting reward is the sense of accomplishment the students received and the opportunity to broaden their horizons and expectations concerning where hard work and high aspirations can lead. On a visit to the school, I was moved to see the effect of the band's achievements on the entire student body, which gathered to celebrate the band with principal, teachers and staff all present. The band director, Darrell

Watson, spoke of the numerous compliments he received, including words of praise concerning the exemplary behavior of the members of the band. Principal Hudson is leading the students to transfer the band's achievement to academic achievement as well for the student body.

I am proud that the band represented the city so well and proud to represent the band, the school, and the community in the Congress of the United States. Last week I wrote to President Bush to ask that the Ballou Band march in the upcoming Inaugural Parade. Considering what the band has achieved and the obstacles the students have overcome, I believe that the band and the school deserve this national recognition. Mr. Speaker, the Ballou Senior High School Marching Band deserves the accolades the band is receiving since returning from California. I ask the House of Representatives to add its own congratulations as well.

HONORING MARCELLUS'S GIRLS
VARSITY SOCCER STATE CHAMPIONSHIP

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. WALSH. Mr. Speaker, I rise today to pay tribute to an extraordinary group of athletes, the Marcellus Girls Varsity Soccer team. Marcellus captured its second consecutive Section 3, Class B state title with a 6 to 0 win over Fredonia, ending their season with an overall record of 23–1–1.

The Marcellus Mustangs lived up to their season long No. 1 ranking with a decisive victory over Fredonia led by senior striker Jenna Farneti scoring three goals and two assists. Amy Ware and Hannah Vaughn struck the final blows to the nails in the coffin adding three more goals with Meghan Mannion and Alyssa MacLachlan contributing the assists.

While acknowledging these five, outstanding athletes for their efforts in the championship game is well deserved; any member of a team knows that victory isn't possible without the contributions of all team members and coaches.

Coach Laurie Updike, Jenna Farneti, Rachel Farneti, Stephanie Gosson, Kelly Hanlon, Sarah Holden, Jocie Jankowski, Alyssa MacLachlan, Meghan Mannion, Ashley Martin, Lauren Longo, Alyse O'Brien, Sarah Potter, Catherine Scott, Amanda Stessen, Hannah Vaughn, Katie Walter, Amy Ware, Jennifer Young, Katie Young, Katie Zimmerman, Emily Zimmerman, Emmy Potter, Meghan Kaminska are all equally valued components of the Marcellus perennial powerhouse.

A special recognition is also deserved to those whom support Marcellus's fine athletes, the parents, teachers, students and fans. You were all instrumental in the Mustang's success.

I commend the Marcellus Girls Varsity Soccer team for their dedication and congratulate them on a triumphant season. Your continued success reflects your tireless work ethic.

Congratulations to the Champs.

HONORING THE IRONBOUND
COMMUNITY CORPORATION

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the Ironbound Community Corporation, a multiservice organization that has made amazing contributions to the city and residents of Newark. The Ironbound Community Corporation celebrated its 35th anniversary on October 22, 2004, at the Mediterranean Manor in Newark, NJ.

Guided by a desire to ensure justice and equality for all people, the Ironbound Community Organization provides a variety of programs and outreach services and offers assistance in areas such as family literacy, multilingual adult education, family assistance and development, and senior citizen care. In addition, it develops programs for children, adolescents, environmental projects, and general neighborhood issues, with the goal of improving the lives of those living in and around the ethnically and culturally diverse Ironbound neighborhood. More than 700 people benefit daily from the services this wonderful organization provides.

Each year, the Community Corporation honors those who have contributed greatly to the organization's success. This year's honorees include Gabriella Morris, Joseph DiVincenzo, António Matinho, David and Florence Schnegelberger, Bernadine Fillmore, and Eva Harris.

Today, I ask my colleagues to join me in honoring the Ironbound Community Corporation for 35 years of dedicated and honorable service working to improve the lives of the people of Newark. Its broad range of programs and services has greatly impacted the community and will no doubt continue to benefit the lives of countless people in the years to come.

RELEASE NOBEL PEACE PRIZE
RECIPIENT AUNG SAN SUU KYI

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. PENCE. Mr. Speaker, I rise today to highlight recent and profoundly heartbreaking situations in the brutal authoritarian dictatorship of Burma. For nearly two decades, the ruling military regime has sought to crush any and all opposition to their complete domination of the country.

The military junta's actions have led to the unjust imprisonment of over 1,000 political opponents, including the world's only imprisoned Nobel Peace Prize recipient, Aung San Suu Kyi. While indications recently hinted at the release of most, if not all, of these political prisoners, once again the regime has proven that no trust can be lent to their promises. Just days after the promising release of a handful of democracy activists, the military junta informed Aung San Suu Kyi that her sentence would be extended one more year.

Mr. Speaker, even more appalling, recent reports indicate that five Burma Army battal-

ions are involved in slash and burn campaigns in ethnic minority controlled areas in eastern Burma. These actions follow an all-too-familiar pattern of tactics employed by the regime to stifle resistance by anti-regime, ethnic minorities. Military are actively burning villages and crucial rice supplies. Perhaps a greater outrage is the military then land mining the empty villages, and most times, the paths to and from that village so people are unable to return. There is no other intention in these actions than extermination.

As a strong advocate for children, I am saddened that the nearly 7,500 displaced villagers recently fleeing to the jungle include numerous children. The child mortality and malnutrition among these displaced people are staggering. Not only the children are suffering the effects of this displacement. With nowhere to go, many families are divided and many people die of preventable, treatable diseases.

Mr. Speaker, I add my voice to others in this great nation that continue to seek freedom and democracy for the people of Burma. I strongly object to the continued imprisonment of Nobel Peace Prize recipient Aung San Suu Kyi, and call for her immediate release. I also encourage the Administration to take whatever measures necessary to exert more pressure on the ruling military regime.

CONFERENCE REPORT ON H.R. 4818,
CONSOLIDATED APPROPRIATIONS ACT, 2005

SPEECH OF

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. WHITFIELD. Mr. Speaker, I rise in strong opposition to a provision inserted in the FY 2005 Omnibus Appropriations Act. Title 1 section 142 states "Any excess animal sold under this provision shall no longer be considered to be a wild-free roaming horse or burro for purposes of this Act." This section completely reverses the goal of the Wild Free-Roaming Horses and Burros Act of 1971, which was aimed at stopping wild horses and burros from being harvested for commercial poses without limitation.

The Bureau of Land Management, BLM, oversees approximately 261 million acres. More than 29 million acres of this land is used for wild horse and burro grazing. BLM's responsibilities with regard to caring for wild horses and burros were created by the Wild Free Roaming Horses and Burros Act in 1971. Although the act's primary concern is caring for wild horses and burros, it also permits BLM to lease this land for several purposes, such as grazing, mining, and parks. The act and subsequent regulations require BLM to manage wild horses and burros on public lands and protect them from unauthorized capture, branding, harassment, death, and ensure their humane care.

Current law prohibits the sale of wild horses and burros for processing into commercial products. Section 142 will undermine these efforts by allowing wild horses and burros that are at least 10 years old or have been put up for adoption three times to be auctioned. As a cosponsor of the American Horse Protection Act, along with 227 other Members, I am ap-

palled that wild horses and burros could possibly be captured for slaughter.

Horses that are sent to slaughter are often crammed into double decker trailers, where conditions are so bad that many horses arrive at the slaughtering facility injured. Moreover, since there are no export tariffs on horse meat, no profits from this industry remain in America. The profits go directly to Belgium and France, which is where the owners of the only slaughter houses in the United States live. More importantly, the provision is a devastating blow to the equine industry, because they have worked diligently to protect horses from slaughter.

Section 142 was inserted during conference negotiations, leaving many members unaware of the new provision and its impact. In addition, no stand-alone legislation has been introduced and, to my knowledge, the House Resources Committee had not seen this language. Because this provision was inserted behind closed doors, no congressional authorizing committee had an opportunity to comment on this provision and its impact. Additionally, no hearings have been held to get feedback from BLM on possible alternatives. In fact, since 1988, every Department of Interior Appropriations bill has included language that states, "Appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractor." Coincidentally, this language was left out this year. I believe that if this language was brought before the full House for a vote as stand-alone legislation it would fail, because clearly the majority of the House has gone on record opposing the slaughter of horses.

Mr. Speaker, it does not speak well of this institution when individual members of the House and Senate can change 16 years of policy by sneaking a provision into the Omnibus without disclosure, discussion, or public knowledge. Horses are part of our American heritage and hold a favored status. They are not food animals in this country and, unlike cows, pigs, and chickens, they should not be bred, raised, or gathered for slaughter.

THE CURSE HAS STRUCK OUT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. MARKEY. Mr. Speaker, in celebration of the victory of the Red Sox in the World Series, I have an offering for the House, with apologies to Ernest L. Thayer entitled, "The Curse Has Struck Out."

The outlook wasn't guaranteed for the Red Sox nine this year

Since 1918 our boys had left us crying in our beer.

And when they lost twice in New York, and then at home again

A pall-like silence fell over the loyal Red Sox fans.

A straggling few got up to go in deep despair. "Wait 'til next year," they said. Resignation filled the air.

The rest clung to that hope that springs eternal in the human breast.

"It ain't over 'til it's over" they muttered half in jest.

They thought, "If only our boys could put some bat on that ball,

We'd put Bambino's curse to rest once and for all."

But then Ortiz let fly a homer, to the wonderment of all.

And Johnny Damon, bases loaded, tore the cover off the ball.

And when the dust had lifted on that memorable night

We had come back from three games down, the Curse was in our sights.

Then from all of Red Sox Nation's throats there rose a wild call,

It echoed on the Common, it shook Faneuil Hall.

It pounded on the River Charles, and splashed upon the Bay.

The Yankees were all through, kaput, a World Series we would play.

And they rolled out to St. Louis, jewel of the Midwest.

The Cards had won their league with ease, but now they faced a test.

Were they ready for the Boston boys? The town was dressed in red.

The fans could not be nicer, the team was so well led.

But the Red Sox took the first three games, competing nobly one and all.

They overcame their errors, they answered every call.

And as Game Four proceeded, and a Series win now loomed,

All New England shivered with the thought we might still be doomed.

Henry shifted in his seat, Hope in Werner burned,

Epstein checked his numbers, Lucchino's stomach churned.

What deus ex machina would fall down from the sky?

What Bucky Dent-Bill Buckner ghost might steer things all awry?

Keith Foulke climbed up upon the mound, ball burning in his hand.

The Curse stepped up to face him, to make a final stand.

There was ease in the Curse's manner as he stepped into his place.

There was pride in Bambino's bearing, a smile on the Curse's face.

And when, responding to his fans, he lightly doffed his hat,

No stranger in the crowd could doubt 'twas the Curse at the bat.

A nation's eyes were on him as he rubbed his hands with dirt.

60,000 tongues applauded when he wiped them on his shirt.

Then, while Foulke rubbed the ball into his shifty hip,

Defiance flashed in the Curse's eye, a sneer curled on his lip.

And now the leather-covered sphere came hurtling through the air,

And the Curse stood a-watching it in haughty grandeur there.

Close by the portly batsman the ball unheeded sped—

"I just can't hit that," said the Curse.

"Strike one!" the umpire said.

From the canyons of Manhattan, there rose a muffled roar.

New York fans were screaming, "Would the Curse really be no more?"

"Kill him, kill the umpire," they shouted in Yankee land.

The Curse looked smug. In 86 years the Curse had never fanned.

With a smile of overconfidence, the Curse's visage shone.

He stilled the rising tumult, he bade the game go on.

He signaled the Red Sox closer, and once more the dun sphere flew,

But the Curse couldn't hit it, and the umpire said, "Strike two."

"It's over," thought the Cardinals fans, who are brought up so well.

But the Curse gave a scornful look and an eerie silence fell.

They saw his face frown stern and cold, they saw his muscles strain.

And they really thought the Curse wouldn't let that ball go by again.

The sneer has fled from the Curse's lip, the teeth are clenched in hate.

He pounds, with cruel violence, his bat upon the plate.

And now the pitcher holds the ball, and now he lets it go,

And now the air is shattered by the force of the Curse's blow.

Oh, all across this favored land the sun is shining bright.

The band is playing happily and our hearts are oh so light.

And Red Sox Nation smiles and laughs, and little children shout.

And there is pure joy in Beantown—

The Curse has struck out.

IN HONOR OF FRANK CARINE, JR.

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Frank Carine, Jr., for his outstanding public service and demonstrated commitment to community participation and leadership. He was named the 2004 Honoree of the Year by the Sicilian Citizens Club on October 23, 2004, in Bayonne, NJ.

Mr. Carine has dedicated more than 27 years of his life to law enforcement. His service includes time on the municipal, county, and federal law enforcement teams. For the past 18 years, he has worked with the U.S. Department of Justice and Drug Enforcement Agency and is currently a Supervisory Special Agent in the Newark, NJ, division.

Within the law enforcement community, Mr. Carine has established himself as an exceptional leader as a three-term president of the Federal Law Enforcement Officers Association, New Jersey Chapter 2. His leadership abilities are also clearly demonstrated through his positions as vice-president of the Nicholas Capodice Association, secretary for the Holy Family Father Club, executive board member of the Sicilian Citizens Club, and chairman and co-chairman of fundraisers for the Boy Scouts of America.

In addition to his years of public service, Mr. Carine has contributed his time and energy to helping others, including coaching Bayonne youth soccer teams. His extensive community involvement includes being a third degree member of the Knights of Columbus Council 371, as well as a member of the Italian American Police Society of New Jersey, the Federal Agents PBA local 121, and the Honor Legion of the Police Departments of New Jersey. In addition, he serves on the Annual Blue Mass Committee for the Archdiocese of Newark and the Hudson Liberty District Committee.

Mr. Carine was born and raised in Bayonne, New Jersey. He received his bachelor's degree in criminal justice from New Jersey City University (formerly Jersey City State College) and graduated from the New Jersey State Po-

lice Academy in Sea Girt, NJ, and the DEA/FBI Academy in Quantico, VA.

Today, I ask my colleagues to join me in honoring Frank Carine, Jr., for his years of dedicated service to law enforcement and his significant contributions to the community.

TRIBUTE TO TERRY MELCHER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. FARR. Mr. Speaker, I rise today to honor Terry Melcher, a prominent record producer and songwriter and a personal friend of mine, who recently passed away. I send the deepest sympathies to his wife, Terese, his son, Ryan, and his mother, Doris Day.

Anyone who knew Terry would claim that he was a talented man. He started his career in the music industry as a solo singer, but later he and future Beach Boy Bruce Johnston paired up and formed the group Bruce & Terry. They made several hits together and then went on to become part of the group, the Rip Chords. Together the Rip Chords recorded the 1964 hit, "Hey, Little Cobra".

Also, during this successful time, Terry's career included producing. He produced the top selling version of Bob Dylan's "Mr. Tambourine Man" and others, including the Byrds' "Turn, Turn, Turn" while with Columbia Records. He also worked his magic with the Mamas and the Papas, Wayne Newton, Paul Revere and the Raiders and Ray Cooder. In addition to his work Terry took time to be involved in the community; he was a board member of the Monterey Pop Foundation and a producer of the Monterey Pop Festival in 1967. This event rose to fame as stars such as Jimi Hendrix, The Who, Janis Joplin and Otis Redding emerged onto the national scene.

However, Terry was probably best known for his work with the Beach Boys, who once recorded an album at his studio in Carmel Valley. Terry co-wrote the song "Kokomo" and performed on their album "Pet Sounds". "Kokomo" was used in the movie "Cocktail", where it garnered a Golden Globe nomination in 1988 for best original song.

Terry continued his involvement with entertainment throughout his life and was the executive producer of his mother's shows: "The Doris Day Show", on CBS from 1968 to 1972 and then later, in the mid-80's, "Doris Day's Best Friends". He continued his involvement in the community and helped run his mother's charitable activities, including the Doris Day Animal Foundation. He was also a supporter of the Boy Scouts of America and the Monterey County Sheriff's Office.

Mr. Speaker, Terry Melcher was a man who shared his gift of music with others and valued the Central Coast community. I would again like to extend my deepest sympathies to Terry Melcher's family at their loss.

DISTRICT OF MARYLAND, HOME OF CHAMPIONS: KUDOS TO SUITLAND, POTOMAC, SHERWOOD, DEMATHA, SENECA VALLEY AND MAGRUDER HIGH SCHOOLS

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. WYNN. Mr. Speaker, I rise today to congratulate several of our great high school sports teams in the 4th Congressional District of Maryland for their outstanding seasons. Congratulations to Suitland and Potomac High Schools who both recently won state football championships.

Potomac High School located in Oxon Hill, Maryland rose to victory beating Hereford High School 19 to 12 to win the 2A title championship. Led by Coach Eric Knight, Potomac was finally able to achieve the title that had slipped through their fingers the previous season. In winning the state championship Potomac also became the first team in Maryland history to end the season with a 14-0 record.

Suitland High School located in Suitland, Maryland, led by Coach Nick Lynch and standout junior linebacker Navorro Bowman, beat Damascus High School 14 to 7 to win the 4A title championship. Although Bowman had been pinpointed as the obvious star of the team, the humble young player still managed to praise his fellow teammates including his aggressive offensive line, which did an excellent job to help seal the victory. Navorro Bowman who has already been offered a scholarship at the University of Maryland appears to be a young man on the move who has a bright and promising future ahead of him.

Congratulations are also in order for DeMatha High School in Hyattsville, Maryland, which ended the season as the number one boys soccer team in the region. Sherwood High School in Sandy Spring, Maryland should also be recognized for ending a great soccer season with their boys' team ranked number three and their girls' team number seven in the area.

In addition Seneca Valley High School in Germantown Maryland ranked number four in the top ten for volleyball, while Magruder High School in Rockville ranked number six.

I am extremely proud of the achievements of these young people from my Congressional District. I am sure that all the citizens of Maryland's 4th Congressional District share my enthusiastic admiration for their hard work, sportsmanship and teamwork. Athletics plays an important role in the development of our youth, and teaches valuable life lessons in cooperation, camaraderie, and valor. The famed football coach Vince Lombardi once said that individual commitment to a group effort—is what makes a team work, a company work, a society work, and a civilization work.

ON THIS DAY OF REMEMBRANCE: AMERICA'S VETERANS DESERVE BETTER

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. BURTON of Indiana. Mr. Speaker, on December 7, 1941, over 2,200 brave servicemen and women sacrificed their lives protecting the freedoms we have come to cherish. Now, sixty-three years after the devastating attack on Pearl Harbor, America has over 26 million veterans who have selflessly dedicated themselves in service to our great country and sacrificed to guarantee Americans the freedoms we enjoy today.

Unfortunately, rather than receiving the full respect they deserve, our nation's veterans are now faced with a recently released Department of Veterans Affairs (DVA) directive (VHA Directive 2004-045) that exposes them to tremendous risk. The directive grants optometrists—non-Medical Doctors (MDs)—in the VA system privileges to perform laser eye procedures under the supervision of an ophthalmologist—a fully trained and certified MD. While I fully understand that the Directive mandates the procedure will be supervised, I am also aware of the fact that supervising a procedure is not the same as actually performing the procedure. As a result, allowing an operation to be performed by a non-surgeon could potentially jeopardize patient safety, and ultimately the quality of care provided to our veterans.

As eye health deteriorates with age, more and more older Americans are faced with the need for eye surgery. And just when our aging veterans need this care the most, they are now faced with the prospect of having their surgery performed by someone who hasn't been through intensive surgical education or training. This new policy blatantly imposes a substandard level of health care on our veterans.

Currently, only one state—Oklahoma—permits optometrists (non-MDs) to perform laser eye surgery, while 35 other states have outright prohibited this type of procedure. In fact, 14 states, including Indiana, have debated and soundly rejected similar measures—seven states in this calendar year alone. But regardless of individual state restrictions, the DVA directive allows an eye care professional to practice anywhere in the VHA system, “up to the limits” of their license. As a result, optometrists with no formal surgical education or training will be able to go to Oklahoma, take a 16 hour course, pass the Oklahoma optometry certification exam, and then go anywhere in the country and practice laser eye surgery on any veteran in any VHA facility. Thus, in states that have prohibited this type of threat or rejected Oklahoma-like legislation, optometrists will be practicing surgery on veterans against the wishes of state lawmakers.

As a proud veteran of the U.S. Army, I find it shocking that this practice has been allowed to come this far. And I'm not alone in my belief that medical doctors who are specifically trained to reduce surgery-related risks should be the only ones legally permitted to carry out these delicate laser eye procedures. In fact, in a national poll of U.S. veterans, 95 percent said it was important for a licensed medical

doctor, specializing in eye care, to conduct eye surgery.

Any medical operation has the potential to cause adverse affects. In older populations—such as those served by VHA facilities—the rate of adverse events tends to increase for any surgical procedure. Therefore, it makes no sense that this very population—those most in need of a medical doctor's training and education to determine the safest surgery for their overall health—be needlessly exposed to the very real threat of having a non-MD operate on them. It should be our highest priority as American citizens to help ensure the safety of those who have so proudly and bravely defended our great country. All U.S. veterans deserve to have quality health care performed by medical doctors with the proper education and training.

IN HONOR OF YOLANDA FERNANDEZ-QUINCOCES

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Yolanda Fernandez-Quincoces for her remarkable accomplishments in dance and music and her exceptional artistic contributions to the community over the past few decades.

Ms. Fernandez-Quincoces's extensive career includes teaching, choreographing, and producing. In 1974, she founded Yolanda's Academy of Music and Dance, which has developed young talent in New Jersey for 30 years. In addition to managing the school, she has taught classes in the gifted and talented program in Union City and in the Woodrow Wilson School for the Integrated Arts. Under her dedicated instruction, more than 38 students have won recognition in statewide talent search competitions and many have continued their dance training at prestigious institutes such as the New York City Ballet's School of American Ballet, the Joffrey Ballet, and established universities.

Her professional credits include a position as a teaching liaison between the New York City Ballet and New York City Opera and the Woodrow Wilson School. Ms. Fernandez-Quincoces was also involved with hosting and producing a television arts program on Cablevision, and has made several guest appearances on other shows. In addition to her current projects, she is a member of the National Education Association, the Dance Educators of America, and the National Guild of Piano Teachers.

For her exceptional work, Ms. Fernandez-Quincoces has received numerous awards, including “Teacher of the Year” for Union City, Hudson County, and the State of New Jersey, and “Outstanding Choreographer” for three different productions from the Dance Educators of America in New York City. Most notably, she was also honored at the Statue of Liberty Centennial Celebration with other well-known artists, performers, and political figures.

Ms. Fernandez-Quincoces emigrated from Cuba to the United States when she was three years old. She began studying ballet at the age of five, training at the New Jersey Ballet, Oneida's Dance Studio, and the American Ballet Theatre. Ms. Fernandez-Quincoces also

received a bachelor's degree in music education from New York University and, in addition to her dance training, is also an established pianist.

Today, I ask my colleagues to join me in honoring Yolanda Fernandez-Quincoces for her years of outstanding teaching and choreographing. She has demonstrated remarkable passion for the arts and has influenced the lives of many with her instruction and creative works.

TRIBUTE TO SHEILA PETERSON

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Ms. ESHOO. Mr. Speaker, I rise to honor Sheila Peterson, who was recently honored with the highest award of Sacred Heart Schools, the St. Madeleine Sophie Medal by the Schools of the Sacred Heart in Atherton, California.

Sheila and her family have had a long connection to the Sacred Heart Schools. First, she had a great aunt who was part of the convent in St. Charles, Missouri. Next, her mother, Winifred Carreras Sullivan went to Jackson Street and Lone Mountain, where she made great lifelong friends. Winnie married Raymond Sullivan, later a distinguished Justice of the California Supreme Court, and Sheila, the eldest of their five children, "met" the Sacred Heart at Broadway in the 7th grade.

Ever since, Sheila has found a connection and a place with Sacred Heart. To quote Sheila, "Sacred Heart/Menlo/Atherton is our place: The first generation was my great aunt; the second was my mother; the third, my sisters and I; the fourth, the Peterson and Sullivan cousins. And at present, my son is on the English faculty and our cousin, Elizabeth is the new Alumni Director. I hope that someday, at some Sacred Heart School, they will find the same satisfaction that I received from helping here".

Over the years, Sheila's involvement with Sacred Heart has taken many forms. She has served as a Room Mother (sometimes for all three of her children), Parent Club Head, substitute teacher, soccer coach, and Auction worker in the Main Building Basement. She has had a hand in sports activities, field trips, drama, the Booster Club, the school's Annual Fund, two Capital Campaigns, and ultimately helped to plan the Centennial Celebration for Sacred Heart. Sheila has recently been working as the Events Coordinator, and as always, doing an extraordinary job.

In 1987, Sheila served on the Board of Trustees. With the support of her husband, Ron, and three children, Molly, Katie, and Michael, she guided the school through the Loma Prieta earthquake, subsequent discussions and contentions about repair or razing, tight finances, a small endowment, and the co-ed Prep in the early stages. All these weighty issues took time and great commitment. Sheila served with distinction and her prudent, wise leadership has benefited Sacred Heart Schools immensely.

Mr. Speaker, I ask my colleagues to join me in honoring this great and inspiring member of our community, Sheila Peterson, as she is honored with the St. Madeleine Sophie Medal.

TRIBUTE TO REPRESENTATIVES
AMORY HOUGHTON AND JACK
QUINN

HON. SHERWOOD BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. BOEHLERT. Mr. Speaker, as the 108th Congress comes to a close, I would like to honor two of New York's greatest legislators—Rep. AMORY HOUGHTON (NY-29) and Rep. JACK QUINN (NY-27), for their outstanding careers in Congress. Unfortunately, Mr. QUINN and Mr. HOUGHTON have decided to retire at the end of the 108th Congress. As Dean of the New York Republican Congressional Delegation, I would like to express my gratitude and appreciation for their dedication and commitment to their constituencies.

Mr. HOUGHTON, a nine-term Member of Congress and founder of the influential Republican Main Street Partnership, has a legacy of supporting moderate social programs, while encouraging fiscal responsibility and much needed tax relief for hard-working Americans. HOUGHTON is also the founder of the John Quincy Adams Society, an issues forum that brings together moderate officeholders with top business leaders, which has been instrumental in strengthening the moderate movement.

I have had the distinct pleasure of working alongside Mr. HOUGHTON for the past 18 years, and his vision for a less partisan and more effective Congress is truly inspiring. Mr. HOUGHTON worked diligently on more equitable tax and health politics, in his role on the Ways and Means Committee. His counsel and fair-minded manner were always so valuable to myself, and all Members of Congress.

As a senior member of the Transportation and Infrastructure Committee, I have had the distinct pleasure of working closely with Mr. QUINN. Mr. QUINN, a six-term Member of Congress and Chairman of the House Transportation and Infrastructure Committee Subcommittee on Railroads, has worked tirelessly on a variety of transportation issues, the largest of these being Amtrak and its preservation as part of our Nation's infrastructure.

Mr. QUINN also served as co-chair of the House Labor Working Group, advocating on behalf of organized labor with the Republican Leadership. Possibly the most important task to Mr. QUINN was ensuring a fair wage for all workers, as a leader and supporter of sensible labor policy. As a fellow New Yorker, I see the invaluable contribution of organized labor's representation of working men and women, and commend Mr. QUINN for his unwavering leadership on this issue.

As Members of Congress, we are judged on our records, and I can say with great enthusiasm that Mr. HOUGHTON and Mr. QUINN are men of honesty and integrity. Their work ethic and inspiring ideas, as well as their leadership, will be sorely missed. I am proud to not only call them colleagues, but also friends.

CONFERENCE REPORT ON H.R. 4818,
CONSOLIDATED APPROPRIATIONS
ACT, 2005

SPEECH OF

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. KENNEDY of Rhode Island. Mr. Speaker, I would like to bring my colleagues attention to a provision included in the Fiscal Year 2005 Appropriations Omnibus bill, H.R. 4818, titled, "Federal Energy Regulatory Commission Salaries and Expenses." The language included in this section declares that it is the intent of Congress for the Federal Energy Regulatory Commission (FERC) to have exclusive jurisdiction over the siting and approval of Liquefied Natural Gas (LNG) terminals. This language seems to target a pending lawsuit by the State of California challenging the placement of a LNG facility. Although the language is non-binding, I am concerned with the possible repercussions of this provision, as well as the method in which it was added to the bill.

My home state of Rhode Island is currently examining a proposal regarding a LNG terminal in Providence. Members of the Rhode Island Congressional delegation and state officials have been in active discussions with all federal and local agencies that would be affected by this terminal to ensure that the region is properly informed of the hazards of a potentially expanded or new LNG facility. Rhode Island's unique geography and narrow waterways would force the LNG tanker ships to travel through densely populated areas to reach the terminal. The citizens of Rhode Island and our Congressional delegation have justly requested that all safety concerns are addressed before the facility is considered due to the ships close proximity to residential and businesses areas. There is also an increased potential for environmental damage due to dredging, as well as concerns for how increased tanker traffic will affect the commercial fishing industry, which is already under tremendous stress. Further, the U.S. Coast Guard recently responded in a letter to my office that the security of the LNG ships would be a shared Federal, State, local, and industry responsibility.

I understand the FERC's assessment that the shipment of LNG is engaged in foreign commerce, however, this statement severely limits the process and dangers involved with shipping LNG. The delivery of LNG, especially in populated areas such as Rhode Island, greatly impacts the lives of those who live near the transport route. Also, the state and local law enforcement agencies that will be called upon to ensure the public's safety will continue to be stretched thin. Excluding the involvement of the state from the consideration of a LNG terminal is inconsistent with all the information my office has received from various inquiries that unequivocally proves that state and local agencies would be greatly impacted by the construction of a large facility. The federal government is also ignoring the critical expertise and knowledge that can be gained by including state and local experts in this process.

I am also extremely disappointed with the closed-door method that was used to add this

language to the omnibus. Supporting the FERC's exclusive jurisdiction over the siting and approval of LNG terminals is an extremely important decision that is worthy of a full debate in Congress. By including controversial language in an omnibus at the end of the 108th session of Congress, there is no opportunity to amend or strip the bill of this or other, harmful provisions. I hope that my colleagues will join me in more closely examining the full impact of this issue on every state in the next Congress. I look forward to an open debate that will include the input of those citizens and local officials who are most affected by the inclusion of this language in the omnibus. Thank you.

IN HONOR OF REVEREND TYRONE
CHESS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Reverend Tyrone Chess for his deep commitment to serving others. Reverend Chess was honored at the Holy Ghost Tabernacle's Tenth Annual Banquet Anniversary celebration on November 7, 2004, in Jersey City, New Jersey.

Throughout the years, Reverend Chess has provided a strong spiritual foundation for the members of his community. As pastor and founder of the Holy Ghost Tabernacle Ministries, he has spent years attending to the spiritual needs of his congregants. His tireless service and willingness to help people in need has helped to enrich the lives of so many.

For more than 21 years, he has been active in community and civic affairs, where he has held a variety of leadership positions. Reverend Chess served as the political and social chairperson of the Interdenominational Ministerial Alliance, and is currently the division director for the Hudson County Consumer Affairs and Constituent Services Divisions.

Reverend Chess was born in Jersey City, New Jersey. He attended Essex County College and the American Fellowship Seminary, and received his bachelor's degree in theology from the Adonai Temple Christian Center Bible Institute. He and his wife, Martha, are the proud parents of five children.

Today, I ask my colleagues to join me in honoring Reverend Tyrone Chess for his outstanding spiritual leadership and years of service to his congregation and community in Jersey City, New Jersey.

TAIWAN'S NATIONAL DAY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. TOWNS. Mr. Speaker, on behalf of my constituents, I wish to extend to Taiwan President Chen Shui-bian my congratulations on the occasion of the Republic of China's National Day which was celebrated on October 10th.

Under President Chen's leadership, Taiwan's economy continues to grow and people

continue to enjoy high standards of living. To bolster Taiwan's economy, President Chen has improved Taiwan's trade relations with the People's Republic of China. Moreover, President Chen continues to work for an early breakthrough in Taiwan's dialogue with the PRC.

In the meantime, Taiwan's relationship with the United States is becoming ever stronger. Bilateral trade between Taiwan and the United States topped \$65 billion last year and Taiwan is our eighth largest trading partner. Taiwan and the United States share many values in common such as attachment to freedom; democracy and human rights.

I would like to personally thank President Chen for his support of our war against global terrorism and developmental assistance to a number of African nations.

To President Chen I say "good luck and good fortune". I remain hopeful that our relations will continue to be strengthened in 2005. Certainly, the able leadership of Ambassador David Lee has helped to further our relations with the government and people of Taiwan.

CONFERENCE REPORT ON H.R. 4818,
CONSOLIDATED APPROPRIATIONS ACT, 2005

SPEECH OF

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Ms. MCCOLLUM. Mr. Speaker, I rise today in reluctant support of the FY 2005 Omnibus Appropriations Bill. I am disappointed that we are only now finishing the nine appropriations bills that should have been completed months ago. I am even more disappointed that this bill is inadequate in meeting the Nation's education, health care, and environment needs. It is outrageous that anti-environmental and anti-choice provisions have been slipped into this legislation without previous consideration by this House.

I will vote for this bill today because it is \$4 billion closer to meeting our Nation's investment responsibilities that would be in the case under a continuing resolution of last year's funding levels. While this bill includes \$14 billion more for our top domestic priorities, this increase pales in comparison to the \$280 billion in tax cuts for this year alone.

Congress must work to do a better job of balancing our priorities. I will continue to work to ensure that we make responsible investments for working families in the future.

BOB DIX, PUBLIC SERVANT

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. PUTNAM. Mr. Speaker, I rise today to pay tribute to a dedicated public servant who has served this institution with distinction.

During the 108th Congress, Bob Dix served as my staff director on the Government Reform Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census. In that capacity, Bob assembled

a remarkable team of experts that assisted the subcommittee in conducting oversight on a number of areas crucial to our domestic and national security.

Over a period of 17 months, the subcommittee held 39 substantive hearings, ranging from the implementation of the President's Management Agenda and E-Gov initiatives to the threats posed at our Nation's airlines and seaports. Bob was the lead staff member of my Corporate Information Security Working Group, which was a public/private partnership that was tasked with creating a uniform set of safe-practice information security standards for businesses, government and consumers. In the process, Bob has distinguished himself as a leading expert on the cutting edge technology issues of our times.

Bob Dix has accepted the position of Vice President of Government Affairs and Corporate Development for Citadel Security Software, Inc., and I would like to take this opportunity to thank him for his service to the subcommittee and his commitment to public service.

IN RECOGNITION OF THE 150TH ANNIVERSARY OF THE PUBLIC MUSEUM OF GRAND RAPIDS, MI

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. EHLERS. Mr. Speaker, I rise today to give recognition to the 150th anniversary of the founding of the Public Museum of Grand Rapids, Michigan, located in Michigan's Third Congressional District, which I represent.

The Public Museum of Grand Rapids is a collections-based educational organization that explores and celebrates the world and our place in it. It seeks to educate and delight the public, contribute to the well-being of its community, and enhance the quality of life in west Michigan.

Founded in 1854, the Public Museum has been owned and operated by the city of Grand Rapids since 1906, serving a broad regional audience of all ages. It is Michigan's oldest museum open to the public and the State's third largest museum, hosting visitors annually from every Michigan county, U.S. State and Canadian province and many foreign countries.

The Public Museum's beginnings date back to December 17, 1854, when a group of amateur historians, scientists, and collectors of antiquities gathered to form the Grand Rapids Lyceum of Natural History. By 1868, the Lyceum had allied itself with a group of interested high school students to form an actual museum with rooms open for "public inspection" in the city's Central High School. Increasingly, the museum shifted away from the display of natural curiosities and oddities, and acquired systematic collections that were useful tools in teaching about human culture and the natural world. A new name was adopted that emphasized the museum's expanded educational role as an operation of the Board of Education: The Kent Scientific Institute Museum. By 1917, the museum occupied two adjacent mansions in the downtown area, was a chartered department of municipal government, and had developed a huge lending program of instructional materials and mounted specimens and artifacts for use in schools.

In 1936, the institution was renamed the Public Museum to better reflect its citizen ownership and operation and multidisciplinary, program-focused character. It had a professional staff and had seen a great increase in historical collections and programs as well as permanent installations. In 1938, the museum's board matched a WPA grant with a bequest and built an innovative, modern building that looked and acted more like a department store than a traditional museum. Inspired by the writings of Newark Museum director John Cotton Dana, the museum was populist in philosophy and presentation, marketing itself in 1940 when it opened as being "as convenient as your corner store, and friendly as your neighbor." By 1964, an incredible growth in service-oriented programming had necessitated building additions and the construction of the Roger B. Chaffee Planetarium along with the acquisition of the 143-acre Blandford Nature Center. The Voigt House, an unusually well-preserved, late-19th century residence, was acquired in 1974 with all of its original furnishings and archives. It is a house museum that balances the didactic historical displays developed in the main museum, especially those focused on furniture design, manufacturing and marketing.

In the late 1970s, even as it became the first museum in the Nation to be accredited by the American Association of Museums, 1971, it was evident that expansion was necessary again in order to maintain standards and better serve a growing audience. In 1982, an extraordinary public planning process was begun that resulted in the creation of a master plan for the museum's growth on a new site in the heart of downtown Grand Rapids. This culminated on the museums 140th anniversary in 1994 with the debt free opening of its 155,000-square-foot VanAndel Museum Center. In total, \$42 million was amassed from more than 25,000 public and private donors for its completion, with major support coming from the VanAndel family.

Community-based exhibition development, object conservation and program development were planned, fabricated and implemented simultaneously with the structure, resulting in multiple exhibitions exploring regional urban, social and industrial history, ethnology, regional art, and environmental education. The museum boasts numerous unique features, including a fully operational 1928 amusement park carousel and completely restored 1928 Mighty Wurlitzer theater organ.

With growth came new opportunities. Professional staff was expanded. Citizens formed a private foundation in support of museum programs that now manages assets of more than \$6 million. The city of Grand Rapids renewed its commitment to operations, while facilitating and encouraging the museum to become entrepreneurial. In response, annual institutional attendance climbed to nearly double the city's population simultaneous with the Public Museum's third award of AAM accreditation (1996). The museum staff manages a collection that now includes nearly 1 million objects in more than 350,000 record groups.

A new temporary exhibition program was initiated, which reached new heights of success with the organization of a proprietary exhibition of The Dead Sea Scrolls, organized in collaboration with the Israel Antiquities Authority. Between mid-February and June 1, 2003, the exhibition hosted a record 235,541 visitors,

having an economic impact on the region of \$9 million. It was the second-most-attended temporary antiquities exhibition worldwide in 2003.

As 2004 draws to a close, the museum is again poised to expand both with new programs and exhibitions as well as a new 140,500-square-foot, state-of-the-art Community Archives & Research Center providing excellent preservation of the permanent collection and expanded public access. The center houses not only museum collections, but also the archives of the city of Grand Rapids and the county of Kent, which collaborate in its planning and operation.

Mr. Speaker, I hope you will join me in congratulating the Public Museum of Grand Rapids on the occasion of its 150th anniversary. Its long history of service to the west Michigan community is laudable indeed and we look forward to its continued work in the future.

THE RECOGNITION OF MR. ROBERT BAUMANN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. PALLONE. Mr. Speaker, it is with great pleasure that I rise today in recognition of the endless accomplishments of Fire Fighter Robert Baumann who has served the Middletown Township Fire Department for 47 years. Fire Fighter Robert Baumann joined our community in 1957 as a member of the Belford Engine Fire Co. #1 and has continued to volunteer his time, intelligence, and experience to the public ever since. I am honored to acknowledge someone of Mr. Baumann's courage and strength.

During his tenure in our community, Mr. Baumann has been reliable and energetic in all his services. Mr. Baumann is a man who realizes the value of life and would give up his own to save another. Fire Fighter Robert Baumann is a true hero.

The Middletown Community is grateful to have had a man of such character with us for all these years. At the age of 75 Mr. Baumann continues to volunteer his time to the Fire Police Unit by responding to calls from all hours of the night and day, on holidays and weekends. Mr. Baumann has always been there with the unit at fires, assisting the police department when power lines are down, or during any other type of emergency.

Mr. Speaker, I feel privileged to recognize a man of Fire Fighter Robert Baumann's experience who has served our community with such dedication. Once again, I ask that you join me in congratulating Fire Fighter Robert Baumann on a life of public service, and wish him the best of luck in his future endeavors.

A TRIBUTE TO RAMONA WILLIAMS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Ramona Williams for her dedication to strengthening early education for our children

and volunteer efforts to strengthen our community.

Ramona is a life-long resident of the Bedford Stuyvesant community of Brooklyn and does not plan to move. She attended Public School 297, which her two younger children attend now. She graduated from J.H.S 126 and Eli Whitney High School. She has three beautiful children: Jessica, 14, Vanessa, 9, and Jerome, 5, each of whom have a dream of greatness.

Following her high school graduation, Ramona began work as a substitute teacher at Round Table Child Care Center, eventually becoming a head teacher. She enjoys creating curriculum and cultural activities for her students and assisting parents in helping their children. After 16 years of empowering her students, her personal horizon expanded and she accepted a position as Parent Coordinator for Mark Hopkins Intermediate School 33. Ramona works closely with the principal, P.T.A. and as a liaison between the community and school.

As a single parent raising three children and working full time, Ramona finds it important to further her education and has enrolled at the College of New Rochelle pursuing a Bachelors of Social Work. She is a member of the Greater Free Gift Baptist Church Inc., where the pastor is the Rev. William Raymond Whitaker, Jr., Th.M, whom she thanks for his spiritual leadership and wisdom.

Ramona's concern for her church and community has led her to focus on fundraising and organizing outreach events for teenagers, which included finding them summer employment. She also sings in the Tabernacle Choir. Forever thankful in all areas of her life, personal and community, she is grateful for those who inspire her as she strives to make this a better place for others. Her unconditional love and thanks goes to her parents and siblings, and the sparkles in her eyes—Jessica, Vanessa, and Jerome ("Jay").

Mr. Speaker, Ramona Williams has been a leader in our community through her consistent efforts to improve the quality of education for all of our children. As such, she is more than worthy of receiving our recognition today, and I urge my colleagues to join me in honoring this truly remarkable person.

HONORING BARBARA COHEN

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. GERLACH. Mr. Speaker, I rise today in recognition of Barbara Cohen on the occasion of her retirement from the Phoenixville Chamber of Commerce where she has served as the Executive Director since 1992.

Barbara Cohen has led an extraordinary and exciting life. Born in Philadelphia, she has always displayed energy and determination in all aspects of her life. Her childhood consisted of piano lessons, Hebrew School, Girl Scouts, National Honor Society, and international travel. Barbara was her class valedictorian at Northeast High School in 1959 and, from there, she went on to Temple University where she earned a BS in education and a minor in political science. After graduation, Barbara began teaching 4th grade while attending University of Pennsylvania's Graduate School of International Relations.

Barbara was married in 1964 and, shortly after her wedding, Barbara and her husband served their country by moving to Germany for three years where she taught military servicemen and women general education courses they needed to finish their high school educations.

In 1983, ten years after Barbara and her family moved back to Pennsylvania and settled in Valley Forge, Barbara went back to school and earned her Masters degree in interior design from Drexel University. During this time, she was also a full-time mother, driving her children to and from soccer practices, dancing lessons, Hebrew School and many other activities.

In addition to her busy schedule and many accomplishments, Barbara has been actively involved in her community since returning to the States in the 1970's. Barbara serves as a volunteer guide for the Friends of Independence National Historic Park, and as a volunteer guide for the Foundation for Architecture that gives walking tours of historic sites in Philadelphia. Barbara has also served as a board member for the Chester County Tourist Bureau and for the Schuylkill River Greenway Association. Barbara spearheaded an EPA brownfields initiative grant for Phoenixville Borough as Director of the Phoenixville Area Economic Development Corporation and Executive Director of the Chamber of Commerce. And she has provided unparalleled leadership and direction for a wide variety of public improvement and revitalization efforts in Phoenixville. Due to Barbara's tireless efforts, almost 4 million dollars has been raised in the revitalization effort and the Borough now stands on the threshold of a magnificent resurgence.

Mr. Speaker, I ask that my colleagues join me today in honoring this extraordinary woman for the years of good work she has done at home and abroad and for the many distinguished and remarkable contributions she has made to this community and the people whose lives she has graciously touched.

TRIBUTE TO EPWORTH MANOR

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. SHUSTER. Mr. Speaker, I rise today to recognize Epworth Manor for its service to the community, and to congratulate all those involved with the facility on its celebration of 85 years in operation.

Throughout this nation's history, taking care of the elderly has never been more critical to our progress than it is now. With so many citizens reaching the age of retirement while having the ability to live longer due to advances in medical science, the services that care centers provide have become vital to a community's subsistence. The legacy of consistent service that the Manor as built throughout the last 85 years has helped to earn people's trust, making them more willing to seek medical help when in need. Facilities like Epworth Manor allow a region to thrive because of the assurance that quality health care is available, and its impact has been invaluable.

Established in 1919 when the Central Pennsylvania Conference of the Methodist Church

purchased the S.S. Blair Mansion, the facility, formerly known as the Methodist Home for the Aged, initially housed fourteen residents. After numerous expansions, extensive remodeling, and investment in new technology, Epworth Manor has expanded into a 144-bed comprehensive health care facility.

Epworth Manor has demonstrated an unyielding enthusiasm and care for the public which it serves, and its employees have worked diligently throughout its tenure, instilling a sense of pride and comfort into the area's citizens. The center has not only enriched the lives of its residents, but of those in the surrounding communities who have undoubtedly benefitted from the outstanding service that they have repeatedly provided.

For its incomparable generosity, service to the community, and unabated commitment to excellence, Epworth Manor deserves the highest recognition. The center continues to grow and maintain a high level of quality, providing an example that all businesses should follow. I congratulate Epworth Manor on its 85th anniversary and eagerly await its future progress.

ALL LEGISLATION SHOULD BE
AVAILABLE ON INTERNET 24
HOURS BEFORE A VOTE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mrs. MALONEY. Mr. Speaker, last month Congress passed the FY2005 Omnibus Appropriations Bill. The version that passed the House included a provision that would allow Appropriations Chairmen access to IRS tax returns. Once this provision was noticed, the Senate passed a resolution to strip it and the House was forced to go back into a pro forma session to adopt the Senate language. Two years ago, outrage followed the passage of an omnibus bill that included indemnification language for vaccine makers against autism lawsuits.

Earlier this year, I introduced H.R. 4971, the Restoring Democracy to the United States Congress Act. This legislation sought to enact a series of reforms that I believe would have prevented this from happening. If the bill was law, among other things, it would have required the legislation to be online in a searchable form for a minimum of 24 hours before we voted on it.

As an opportunity for Members to clearly state that the current manner in which we often consider legislation is not good for the institution, I am introducing legislation that would require all legislation be available to the public on the Internet and in a searchable form for a minimum of 24 hours before a vote could be considered.

INCREASING THE PUBLIC DEBT
LIMIT

SPEECH OF

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2004

Ms. MCCOLLUM. Mr. Speaker, I rise today in strong opposition to S. 2986, legislation to

raise the debt limit by a total of \$800 billion, to \$8.18 trillion. This marks the third time in three years that Congress has been forced to vote to raise the debt limit and burden our children and grandchildren for decades to come, raising the debt limit by a total of \$2.2 trillion since 2001.

It is completely irresponsible to be voting to raise the debt limit today without taking additional measures to put our fiscal policy back on track and institute the common sense pay-as-you-go rules which were in effect from 1990 through 2002 requiring that both tax cuts and spending increases be paid for.

Five tax cuts in four years, soaring defense spending on the war in Iraq, in addition to our stifled economy have turned the record surpluses inherited by President Bush into a record deficit of \$413 billion in the past fiscal year.

Unfortunately, we are not considering a reform of our current fiscal policies today, allowing our national debt to continue to rise. As a result, the amount of interest on the national debt—the “debt tax”—that each American family will have to pay will climb to \$9,400 by 2014. America's growing debt will ensure that our taxes will go toward paying interest on our debt instead of keeping our nation safe and strong, strengthening Social Security, or improving education for our children.

I will not vote to raise the debt limit by \$800 billion today, and will only support an increase of the debt limit along with the reinstated common sense fiscal policy reforms.

RECOGNIZING THE DEDICATION OF
THE SOLANO COUNTY GOVERNMENT
CENTER COMPLEX

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mrs. TAUSCHER. Mr. Speaker, I rise to recognize the December 16, 2004 dedication of the Government Center Complex in Fairfield, California, the county seat of Solano County.

The new Government Center Complex is the most ambitious capital improvement project in the history of the county and I laud the project's energy efficiency measures.

The Government Center Complex contains a six-story County Administration Center that achieves the lowest energy cost per square foot for any government facility in the State of California.

The Government Center Complex also contains a five-level parking structure with over 1,000 parking stalls, 20 electric vehicle slots, and a rooftop photovoltaic solar array that generates 119 kilowatts of clean, emissions free power.

Again, I commend county staff and the county's private partners on the timely and fiscally responsible completion of what is truly a landmark building for the citizens of Solano County.

CONFERENCE REPORT ON H.R. 4818,
CONSOLIDATED APPROPRIATIONS
ACT, 2005

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Saturday, November 20, 2004

Mr. HOLT. Mr. Speaker, I rise in reluctant support of the conference report on H.R. 4818, the FY 2005 Omnibus Appropriations bill. Though there are many important and laudable provisions contained in this spending bill, I am troubled by other specific provisions and by the process that this bill has followed.

I am pleased that the bill provides an increase in funding for national security and counterintelligence operations at the Federal Bureau of Investigation. Unfortunately, this Congress has failed in its effort to pass comprehensive intelligence reform legislation, which would ensure that this money is being spent appropriately and that the efforts of our agencies are coordinated.

I am pleased to see that this conference report provides \$1.3 billion for Education Impact Aid, \$24 million more than last year. This program provides funding for military impacted schools such as those in the towns of Eatontown and Tinton Falls. I am also pleased that the bill includes \$250 million for the community college initiative, which will fund workforce development partnerships between community colleges and employers.

Despite these provisions, we have more work to do to fully fund what should be a top priority for this Congress—education. One day after we passed the reauthorization of the Individuals with Disabilities Education Act, IDEA, we underfunded aid to schools by \$1.7 billion. Considering the rising cost of higher education, I am disappointed that the bill does not increase the maximum Pell Grant Award. We cannot keep the maximum Pell grant award at \$4,050 and expect families to be able to afford college.

I am deeply troubled that this bill includes such a restrictive limitation on funding for a woman's constitutionally protected right of choice. Specifically, this bill prohibits use of funds to pay for health benefits coverage that includes coverage of abortion. It also protects health care providers who refuse to provide this needed service. Such measures are designed to limit women's rights, and have no business in this bill.

I am disappointed that the Community Oriented Policing Service, COPS, program has been cut by \$142 million. Many of the towns in my district have received funding for police officers through this program, which has made our communities safer. It simply makes no sense to be taking cops off the street at a time when they are more needed than ever.

I am also troubled that this spending bill cuts the budget for the National Science Foundation, NSF, by \$62 million from last year's inadequate appropriation. The work of the NSF provides the basic scientific underpinnings for the most advanced technological research and development in the world. We cannot hope to remain the world's most scientifically advanced nation if we continue to shortchange our researchers.

I am disturbed by the economic situation in which we find ourselves. Congress was forced

to increase its debt limit by \$800 billion—and that is on top of debt increases of \$450 billion in 2002 and another \$984 billion in 2003. The increase in the debt ceiling in just the past 3 years is almost 2.5 times the entire Federal debt accumulated between 1776 and 1980.

We are in this situation because of the choices of the President and the Republican majority. They chose to prioritize tax cuts for the wealthy, rather than adequately maintaining balanced budgets and protecting the Social Security and Medicare Trust Funds. They chose to engage in a costly, dangerous, and unnecessary war in Iraq, which has sapped our ability to combat al Qaeda and fund important domestic priorities. They chose to bundle funds for 13 Government departments rather than engaging in a robust debate justifying the policies and priorities that we are asking the American people to pay for.

Perhaps most disturbing about this appropriations bill is the process that it has followed. The infamous provision allowing unprecedented authority for Members of Congress and staff to access the private tax returns of individuals and businesses demonstrates that our budget process is broken. This provision was slipped into a 3,000 page bill which Members had no time to read before voting. The process has become corrupted by the Republican majority, which has evidently decided that enacting pet projects and controversial items that cannot pass on their own merit, are more important than debate, compromise, and good governance.

Mr. Speaker, I support this bill because it will allow the important work of the Federal Government to continue. However, I hope that next year's appropriations process reflects a greater commitment to funding important priorities and following a fair and thorough legislative process.

CONGRATULATING DOBBS FERRY
HIGH SCHOOL

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mrs. LOWEY. Mr. Speaker, I rise today to recognize Dobbs Ferry High School for winning the 2004 New York State Class C Football Championship.

Through hard work, commitment and by always keeping their eye on the ball, this team completed a perfect 13–0 season en route to the title.

This championship continues the rich tradition that Dobbs Ferry High School has established on and off the football field. By winning this title, Dobbs Ferry has now won the state title two of the last three years. Dobbs Ferry is only the fifth school ever to win a state title in multiple football classes.

By applying the principles of fair play, good sportsmanship and constructive competition to sports and all other walks of life, the school has become a shining example for others to follow.

Mr. Speaker, I ask my colleagues to join me in honoring Dobbs Ferry High School on their accomplishment, and I wish them the best of luck in defending their title next season.

A TRIBUTE TO PHYLLIS SHERARD

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Phyllis Sherard for her dedication to educating our youth and strengthening our community.

One of the best kept secrets about Phyllis is that she was actually born in Norfolk, Virginia, arriving in New York via North Carolina at the age of four. In spite of this, she boastfully claims to be an authentic product of Brooklyn, having resided in this wonderful borough of New York all of her life.

As the eldest of six siblings, her parents instilled values and traits in her that have become her trademarks. Many people describe her as a born leader who is capable, responsible, compassionate, dependable, and motivational. No matter how high or wide the obstacles, Phyllis' attitude is always, "We can handle it!"

In 1985, Phyllis joined the NYC Board of Education. She always wanted to teach but was encouraged to pursue commercial studies while in high school. However, through her experiences, she realized how important it is to get involved in the education of our children. Following the path that she now says was her destiny, she joined the staff of Project 17—the Drug Prevention Education Program in Community School District 17. Initially, she had second thoughts about the position because she had to take a cut in pay. That was 20 years ago and needless to say, it has been the most fulfilling work of her life. The position opened doors for Phyllis to work with thousands of children, directing, intervening, and changing paths for so many children and their parents. Because of her ability and commitment, she was selected to serve as the Special Assistant to the Superintendent for Parent Involvement.

Phyllis is most proud of implementing The First Clergy Conference, a series of Saturday African American Studies for parents, The Cultural Awareness Summer Program for children, the Christmas Toy Drive, Family Literacy Program, Computer Literacy for Parents, youth conferences, and a general equivalency program for young mothers, as well as working with parents to coordinate the first math, science, & technology parent conference. She currently directs drug prevention education programs for Region Six, which is comprised of 109 schools. This has been the most challenging experience for her. She has also implemented an evening counseling program for at-risk students and their families.

Phyllis is a graduate of Long Island University, where she earned a B.A. in Political Science and a Masters degree in Supervision and Administration. She is the proud mother of Darryn and Jade-Lynn and the proud grandmother of grandson, Darryn Scott.

Mr. Speaker, Phyllis Sherard has been instrumental in strengthening the educational experience for children in our community. As such, she is more than worthy of receiving our recognition today, and I urge my colleagues to join me in honoring this truly remarkable person.

TOBACCO QUOTAS AND BUYOUTS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. GRAVES. Mr. Speaker, recently, after years of debate over the government run tobacco program, this body ended a system that limited per-acre tobacco sales to protect prices for growers and others holding quotas. As a compromise, we agreed to a buyout that provides tobacco quota holders \$7 per pound on their allotment paid out in equal installments over 10 years. These installments are paid out of a Tobacco Trust Fund to quota holders and eligible producers; however, the Tobacco Trust Fund is also designated to pay for program losses incurred by USDA.

We must not let bureaucratic red tape short-change the promise we have made to these quota holders and eligible producers. We have an obligation to ensure that they receive what they have bargained for. There are many questions that need to be resolved. We need to clarify and ensure that USDA will follow the intent of Congress. The agriculture committees in the House and Senate should hold hearings to resolve the following issues before we move forward. Issues that should be addressed include: Whether the buyouts are assignable to other parties; are there restrictions on quota holders selling their shares in the private market if they need their payments now and cannot wait 10 years; and what safeguards are in place to assure that these allotments are paid out over the next 10 years?

The projected estimates for this program are \$10.1 billion over 10 years, with the program fully offset by funds from the Tobacco Trust Fund. We have made a promise to these holders and producers, and we must not let misguided direction reduce that promise.

RECOGNIZING BRONSON ARROYO
OF BROOKSVILLE, FL**HON. GINNY BROWN-WAITE**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Ms. GINNY-BROWN WAITE of Florida. Mr. Speaker, I rise today to recognize and praise Bronson Arroyo: the fine athlete, hometown hero, and member of the major league baseball world champion Boston Red Sox. I am proud that the hometown he represents is Brooksville, FL, in my 5th congressional district.

Bronson Anthony Arroyo was born in Key West, FL on February 24, 1977. Bronson is a 1995 graduate of Hernando High School in Brooksville, FL, where he excelled in baseball and basketball. He and his wife Aimee still enjoy the comfort of Central West Florida by making it their off-season home.

In 2003, Mr. Arroyo entered the Boston Red Sox organization. In their farm system he pitched a minor league perfect game, won the Red Sox Minor League Player of the Year Award. In 2004, as part of the Red Sox regular pitching rotation, Bronson won a World Series ring.

Mr. Arroyo is often recognized for his athletic accomplishments, and I would also like to

recognize him as a role model for our community. Mr. Arroyo runs a pitching clinic for the United Way, serves food for the Red Sox Foundation, and speaks with school children as part of his community outreach.

Mr. Speaker, it is my privilege to represent Bronson Arroyo, and I am proud to praise him on the floor of this house.

HONORING DOWNINGTOWN WEST
GIRLS SOCCER**HON. JIM GERLACH**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. GERLACH. Mr. Speaker, I rise today to honor the Downingtown West High School Girls Soccer team for their 2-0 win over the Moon Township team for the 2004 Girls Soccer PIAA Class AAA Championship.

Downingtown Girls Soccer last won the PIAA Class AAA Championship back in November of 2001 after a 7-0 victory and the team was determined to repeat that victory this year.

The Downingtown West Whippets were led by the senior co-captains, Adrienne Weisser and Jill Conaboy. The two co-captains worked against adversity with the challenge of re-vamping their team after the Downingtown High School split into two separate schools: Downingtown East and West in 2003. In the post-season of 2003, the Whippets were determined to work on their game and improve after a late season slump that year and they continued to improve with each game they played.

The Whippets traveled to Hershey, Pennsylvania to play in the finals against Moon Township. In the final game, the Whippets proved to be a strong team with superior skills and easily won their next PIAA Class AAA Championship by shutting out Moon Township 2-0.

Mr. Speaker, I ask that my colleagues join me today in honoring the players, coaches, and support staff of Downingtown West High School Whippets for their drive, determination, and commitment to excellence that led them to an outstanding season and the Class AAA championship. The team is comprised of: Kelsea Fortino, Amanda Marino, Jess Dean, Megan Miller, Captain Jill Conaboy, Lauren Sutcliffe, Katie Shannon, Jessica Stevens, Becky Edwards, Sarah Phillips, Katelyn Capps, Captain Adrienne Weisser, Colleen Flanagan, Ali McNeil, Bethany Warren, Christine McLaughlin, Caitlyn Coleman, Christine Thurwanger, Anne Collinson, Ashley Harrington, Kelly Peterson, Emily Fenimore, Sarah Halprin, Amber Reardon, Amber Werner, Coach Rob Smith, Varsity Assistants Mary Schanne and Kelly Cross, JV Head Coach Mike Huffman, Athletic Trainer Joe Iezzi and Assistant Athletic Trainer Jessica Korn.

ON THE RETIREMENT OF THE
NASA B-52B LAUNCH AIRCRAFT**HON. WILLIAM M. THOMAS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. THOMAS. Mr. Speaker, I rise today to honor the retirement of the B-52B launch air-

craft, tail number 008, the oldest NASA aircraft and B-52 on flying status. This aircraft is flown by the National Aeronautics and Space Administration's (NASA) Dryden Flight Research Center at Edwards Air Force Base, California, which is in my district. I am especially proud of those who have worked over the years with the B-52B, making history and providing vital research data for our nation's aerospace programs.

The B-52B is an important piece of our nation's aerospace history, and I am pleased to note that it will remain on display on Edwards Air Force Base for future generations to visit. Visitors will be able to trace the aircraft's history through mission markings along the side of the aircraft that document every research flight it made.

Beginning on June 11, 1955, this aircraft worked on some of the most significant projects in our nation's aerospace history, including the X-15 hypersonic plane, which contributed to the developments of the Mercury, Gemini, Apollo and space shuttle programs. Between 1959 and 1968, the B-52B was the launch aircraft for many of the missions of the X-15, or wingless lifting body aircraft, that contributed to the space shuttle's development. Additionally, through this program, these missions explored areas of high aerodynamic heating rates, stability and control, human physiological phenomena, and other problems commonly experienced with hypersonic flights.

Several remotely piloted aircraft used the B-52B for launching in the 1970s and 1980s. During this time, NASA studied spin-stall, high angle of attack, and maneuvering characteristics. In addition, this was the launch aircraft to develop and test the parachute recovery system for the space shuttle's solid rocket boosters. The aircraft was also used in several tests for the shuttle's drag chute deployment system, which was later installed on the shuttle orbiters.

Most recently, the B-52B was the launch aircraft for the X-43A hypersonic research program. In March of this year, the X-43A flew freely at a speed of Mach 7, carried by the same pylon that carried the X-15. The final flight of the X-43A on November 16 flew a record-breaking speed of approximately Mach 10, almost 10 times the speed of sound, at an altitude of approximately 110,000 feet. The X-43A missions provided research in the area of ultra high-speed flights, such as increasing the affordability, safety and flexibility of such flights.

I commend the many men and women who have worked on the B-52B 008 and its research missions, and I thank them for pushing the envelope in aerospace research.

A TRIBUTE TO HILMA SHANNON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Hilma Shannon, who through hard work and determination has realized her dream to teach in the United States, serving a vital role in the education of our diverse community.

Hilma was born in the Republic of Panama in the City of Colon to Enos Williams and Lillian Francis. Her education in Panama consisted of training in elementary education in

both high school and college. She taught school in Panama for 7 years. In 1971, Hilma married and, now, has one daughter, Gavianna. In 1974, she immigrated to the United States and settled in Brooklyn. Her first job was at the Ace of Suede Leather Cleaners where she worked for 10 years.

Hilma's command of the English language needed a lot of work and with the assistance of her daughter, she read and studied constantly to improve her grammar, diction, and general ability to communicate in English. In 1984, she applied for a job with the New York Board of Education to fulfill her dream of teaching again. She was assigned to work as an educational assistant in 1985 at Walt Whitman I.S. 246. Her work included visits to the homes of students who were chronic absentees to encourage their consistent attendance. She took advantage of the Board of Education's Career Ladder program to become a teacher, graduating in 1989 from the College of New Rochelle with a Bachelor of Arts degree majoring in Education and Psychology. In addition, she completed a Masters in Guidance and Counseling and an Advanced Certificate in Guidance and Counseling. Upon completing both degrees she received the prestigious Lester Crow Award and was offered an adjunct position in the Guidance Graduate program.

In 1992, Hilma was assigned to Abraham Lincoln High School as a Bilingual Spanish Guidance Counselor and is there today. She has worked with students from various cultural and linguistic backgrounds. She coordinates "La Herencia Hispana (Lincoln's 1st Spanish Club), the Young Scholars program, The Choice Program, the Liberty Partnerships program with Kingsborough Community College just to name a few. At Lincoln High School, she has also taught Art Appreciation in the after-school program in addition to serving as a full-time Guidance counselor. She participates in Lincoln's Key Club-European Exchange program traveling with the club members to Italy, Austria, Czech Republic, and recently to Denmark.

Lastly, Hilma is a Jehovah Witness and dedicates time to helping others understand the Bible. She is the proud grandmother of grandson Kumar, and the mother-in-law of Jerome.

Mr. Speaker, Hilma Shannon serves as an inspiration to us all through her accomplishments and commitment to educating our children. As such, she is more than worthy of receiving our recognition today, and I urge my colleagues to join me in honoring this truly remarkable person.

CONFERENCE REPORT ON H.R. 1350,
INDIVIDUALS WITH DISABILITIES
EDUCATION IMPROVEMENT ACT
OF 2004

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Ms. McCOLLUM. Mr. Speaker, I rise in support of H.R. 1350, the Conference Report to reauthorize the Individuals with Disabilities Education Improvement Act (IDEA).

I commend the House and Senate conferees for putting the best interests of the stu-

dents first in this reauthorization and reaching a compromise between parents, teachers, school administrators, and school districts. This legislation has my support because it responds to the needs of special education teachers and the children they serve.

My vote in favor of H.R. 1350 when it passed the House originally was because of the work our committee did on provisions improving early identification and the goal for full funding. Yet I did have strong reservations about the sections pertaining to discipline and the definition of highly qualified teachers. At the time, I was assured that my concerns and those of my colleagues would be addressed in the Conference Committee. The conferees were able to craft a compromise that will receive broad bipartisan support today in the House.

When a child is identified as having a disability at an early age, their parents and teachers are better able to address their needs and ensure they are integrated into the regular educational setting and curriculum. I have worked hard to secure funding for newborn hearing screening programs, which save schools millions of dollars in special education costs by ensuring early detection and intervention of infants with hearing loss. Further efforts to increase early identification, as H.R. 1350 will accomplish, will save our schools millions more in special education costs.

I believe strongly that Congress must provide the funding promised nearly 30 years ago, and I have introduced legislation that would accomplish this goal. While this bill today does not require mandatory full funding, it is a step in the right direction in fulfilling the commitment we made our states and local school districts to provide 40 percent of the cost of IDEA. We owe it to our students, their families, and our communities, and I will continue to work with my colleagues on both sides of the aisle to make this promise a reality.

Because of the efforts of my colleagues, as well as families, teachers, and school administrators across the country, we are, today, able to put the needs of students and families first. I urge my colleagues to support this important piece of bipartisan legislation that will move us forward in our goal to provide an equal, quality education for all students.

TRIBUTE TO MRS. MARIE PRINGLE

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. BROWN of South Carolina. Mr. Speaker, I rise today to pay tribute to Mrs. Marie Pringle who is retiring as a senior budget analyst for the General Administration and Coordination Service in the Office of the Deputy Assistant Secretary for Budget at the Department of Veterans Affairs (VA). She began her career with VA in July 1983. Mrs. Pringle has served her entire VA career in the Department's Office of Budget. During her tenure, VA's budget has grown from \$25 billion to \$73 billion with over 222,000 employees.

Mrs. Pringle's career spans more than 30 years of federal service. She began her federal service in 1972 at the Department of the Army, Office of the Assistant Secretary for In-

telligence, Directorate of Foreign Intelligence, Scientific and Technical Branch, as a clerk typist GS-4. Next she served with the Department of the Army's Office of the Surgeon General, U.S. Army Medical Department Personnel Support Agency. In 1978, she accepted a position in the Department of Energy, Energy Information Administration, as a budget analyst. In 1981, she accepted a position at Steuart Petroleum Company in Washington, DC. After 2 years as a motor fuels inventory accountant, Mrs. Pringle returned to public service with the Department of Veterans Affairs.

Mrs. Pringle has received numerous awards in recognition of her exceptional performance throughout her federal service career. She is a graduate of the Department's prestigious Leadership VA program, Class of 1992. She also was a member of the American Association of Budget and Program Analysts (AABPA).

Mrs. Pringle received a Bachelor of Science degree in Marketing from George Mason University. She is a native of Washington, DC, and currently resides in West River, Maryland, with her husband Darian. The Pringles have been sponsor parents for midshipmen of the United States Naval Academy and enjoy sailing and cruising on their trawler, the *Galileo*.

Mr. Speaker, as a member of the Budget Committee, as well as Chairman of the Subcommittee on Benefits of the Veterans' Affairs Committee, I can appreciate how challenging it can be to deal with the federal budget. When the committees review VA's five-volume budget submission each February, we see the industrious work of Mrs. Pringle and her associates on behalf of the Secretary. I commend Mrs. Pringle for her more than 30 years of dedicated public service to our nation and to those who have worn the military uniform.

CONGRESSIONAL TRIBUTE TO
JOHN T. LEWINSKI

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to an outstanding local official in Michigan's First Congressional District. John T. Lewinski will be leaving the Gogebic County Board of Commissioners in January after 18 years of service. His years of work on behalf of his community represent the very best of Northern Michigan.

Mr. Lewinski's dedication to service should not surprise us though. As a member of the Greatest Generation, he joined the Navy during World War II, and served in the Pacific as a Navy Seabee in Guam. Like so many of his generation, John Lewinski returned home and worked to improve the country he risked his life to protect.

From 1966 to 1983, Mr. Lewinski was a forester's aide with the Gogebic County Forestry Department, working to preserve the Upper Peninsula's treasured forests. In January 1987, he joined the Gogebic County Board of Commissioners for the first time.

Since then, John Lewinski has served as chairman of the Gogebic County Board of Commissioners, chairman of the Airport Board, chairman of the Gogebic County Transit Board, chairman of the Community Mental

Health Board, chairman of Western U.P. Substance Abuse, a board member of the Community Action Agency, and in 2002, as the chairman of the Upper Peninsula Association of County Commissioners.

Mr. Speaker, John T. Lewinski has had an extraordinary career of service to his community and to our Nation, and I am sure that he will continue his work even after he steps down as a county commissioner. I know that his wife of more than 50 years, Patricia, his three children and five grandchildren are very proud of him, and they should be.

John Lewinski's commitment to his family and his community serves as an example to all of us. I ask the U.S. House of Representatives to join me in honoring him, and thanking him for his service.

HONORING THE BROOKHAVEN
HIGH SCHOOL STATE CHAMPIONSHIP
FOOTBALL TEAM

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. TIBERI. Mr. Speaker, it is with great pride that I rise to recognize the Brookhaven High School football team, the Ohio Division II state champions. The Bearcats' victory over Avon Lake in the championship game capped a season marked by one success after another.

Led by Coach Tom Blake, Brookhaven simply overpowered its opponents on its way to a perfect 15-0 season. Over the course of the year, the Bearcats outscored their opponents by an incredible 579-98 margin, and their record included four shutout victories. Their 42-21 win in the state championship game ended Avon Lake's 29-game win streak.

As important as anything else, Brookhaven becomes the first Columbus City League football team to win a state title in the 34 years since Ohio instituted a playoff system. It is something that all City League coaches, players and fans can take pride in.

As a Columbus public schools graduate, I offer my congratulations to Coach Blake, Principal Robert Murphy, the Bearcat football team, students and supporters. All have earned the right to be called state champions.

A TRIBUTE TO ROBERT SANTIAGO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Robert Santiago for his dedication to strengthening our neighborhoods and improving the lives of our citizens through his work in various community based organizations.

Robert was born in Brooklyn to Norberto and Heriberta Santiago first generation immigrant parents who migrated from Puerto Rico during the mid 1940's. He attended P.S. 285 and 67, Sands JHS 265 and graduated from Eastern District High School. He graduated with honors from Queens College where he majored in Political Science with a minor in Spanish. After a year at the University of Illi-

nois, College of Law, he returned to New York to complete his studies not realizing the journey would take an additional 10 years. He eventually graduated from Rutgers University School of Law in 1986. In between, Robert became an Army officer, did his masters work at Long Island University in economics and found time to raise a family of three sons.

Briefly practicing law in Fort Greene, he discovered that his true calling was elsewhere. His employment varied from working in several different New York City agencies to owner and operator of several business ventures.

Through the auspices of Colony South Brooklyn Houses, Robert as director of educational programs was able to increase the amount of funding for their educational and day care programs. Educational programs he helped begin for at-risk and homeless youngsters residing in East New York and Brownsville communities remain successful and continue to operate today. He has also served as a consultant on various projects related to community school building and educational development in post-secondary education.

Presently, Robert serves as the executive director of Highland Park Community Development Corporation, a community based organization with a mandate to develop programs and projects that will help improve the quality of life in the northern Brooklyn communities in the areas of education, housing, safety, and economic development.

Mr. Speaker, the record is clear that Robert Santiago has been a leader in our community through his consistent efforts to improve the quality of life of those in need. As such, he is more than worthy of receiving our recognition today, and I urge my colleagues to join me in honoring this truly remarkable person.

KURT BUSCH—2004 NASCAR
NEXTEL CUP CHAMPION

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Ms. BERKLEY. Mr. Speaker, today I join millions of NASCAR fans in honoring the extraordinary achievement of an outstanding son of Nevada, Kurt Busch—the 2004 NASCAR NEXTEL Cup Champion.

Born in Las Vegas, and a graduate of Durango High School, Kurt developed his racing skills at age 14, driving Dwarf Cars to victory at a speedway in nearby Pahrump, Nevada, earning the title of Rookie of the Year in the State Championships. Still a teenager, Kurt won honors as Rookie of the Year for his exciting exploits racing in the Legend Cars Nationals, and shortly thereafter was awarded the same title for his tremendous performance in the Late Model Stock Southwest Series. By 1998, Kurt became the youngest NASCAR Touring Champion with a record-setting victory in the Featherlite Southwest Series.

My favorite raceway, and one of the world's greatest speed venues—the Las Vegas Motor Speedway, is Kurt's home track, where he accelerated his drive to the pinnacle of NASCAR in just four racing seasons. His exciting racing style and "go for it" attitude truly reflect the spirit of Las Vegas, from where he hails. In 2001, as part of the legendary Roush racing team, Kurt was recognized as NASCAR's

Rookie of the Year, setting the stage for a fabulous string of victories and top-10 finishes in 2002 and 2003.

This year, Kurt and the Roush team more than lived up to Nevada's State Motto: Battle Born. With Kurt at the wheel, the team overcame a staggering gauntlet of bad breaks during their dramatic run for the NEXTEL Cup, including a blown motor, blown tires, wheels falling off, spin-outs, and crashes. Despite tire and wheel problems in the final race, which would have sidelined lesser teams, Kurt, beating the odds in true Las Vegas fashion, piloted Number 97 to a thrilling finish for the Roush crew, winning the NEXTEL Cup.

At just 26 years of age, Southern Nevada's own Kurt Busch has reached the top of America's most-watched sport. It is a pleasure to recognize in the CONGRESSIONAL RECORD the great performance of a great competitor from Las Vegas, Nevada, the 2004 NEXTEL Cup Champion, Kurt Busch.

REMEMBERING PEARL HARBOR

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. BACA. Mr. Speaker, I rise today to pay tribute to the American patriots who lost their lives on the fateful day of December 7, 1941.

In the greatest defining moment of the world's most defining war in our history, over 2,400 Americans were killed and more than 1,100 were wounded at Pearl Harbor, including hundreds of innocent civilians.

As costly as it was in the lives of our men and women in uniform, in military assets, and in esteem and pride, Pearl Harbor was a watershed moment for America.

December 7, 1941 marked the turning point for our Nation and determined the future of our foreign policy. America changed from a Nation turned inward to a strong and unified superpower, steadfast in our commitment to champion and defend the ideals of freedom and democracy.

Pearl Harbor caused our Nation to wholeheartedly commit to winning World War II, changing the course of our Nation's history and the world's future.

The catastrophic loss of American soldiers led to our country becoming the America we live in today. At home and abroad, we fight for the ideals of social and political equality. This policy was founded in the aftermath of Pearl Harbor and continues to be our Nation's moral compass.

This day should not be remembered with hatred or bitterness. It should be a day to honor the bravery of our men and women and remembered as the day our Nation was united and our sacrifices consecrated.

We learned in World War II that no single nation holds a monopoly on wisdom, morality or right to power, but that we must fight for the weak and promote democracy. These are the difficult lessons learned in 1941 and enshrined in Pearl Harbor.

HONORING ANTIETAM BOYS
SOCCER

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. GERLACH. Mr. Speaker, I rise today to honor the Antietam High School Boys Soccer team for winning the Pennsylvania State PIAA Class A Boys Soccer Championship.

The Antietam Mounts played a vigorous game against the Trinity Christian Falcons. The game was extremely competitive with both teams fighting to win. But in the end, the Mounts pulled out a 4–2 win. This win marked their first state title.

During the championship game, the Mounts were without one of their key players, Christopher Dock. Dock, a junior midfielder and a starter for the entire season, injured his left knee during Tuesday's semifinal win. The Mounts were able to overcome the loss of a key player and still turn in a win.

Today, the Mounts are looking ahead to next season and possibly another state championship. However, the team will lose seven seniors, including one of the team's highest scorers, Eric Kleiman, who scored 87 points and several game winning points.

Mr. Speaker, I ask that my colleagues join me today in recognizing the players, coaches, and support staff of the Antietam High School Boys Soccer team for their drive, determination, and commitment to excellence that led them to their first Pennsylvania state title. The team is comprised of: Matt Nuding, Ryan Hummel, Tony Furillo, Jared Melot, Vince Baro, Corey Hertzog, Austin Lee, Austin Keller, Seth Cerra, Kyle Cerra, Shawn Troxel, Mitch Weglos, Adam Cubbler, Maarten Koostra, Eric Kleiman, Steve Le, Madison Reece, Dan Pardo, Chris Laverty, Tom Talarico, Matt Stauffer, Pete Smith, Adam Kozlowski, Drew Gilbert, Eric Shank, Tyler Galczynski, Ian Burke, Joseph Stoltz, Scott Kiedeisch, Chris Reed, Coach Milt Scholl, Coach Charlie Weaver, Coach Ralph Hertzog, and Managers Abbey Weaver, Jordan Cunningham, and Dayna Goheen.

THE NEED FOR POSTAL REFORM

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to call my colleagues' attention to an urgent issue that we must address in the opening months of the next Congress.

Early next spring, the Postal Service will file for a rate increase, to be implemented in 2006. Unless Congress acts, that rate increase will be one of the largest in history—at least 15 percent, or 6 cents on a First Class stamp. That will cripple an industry already in trouble, and reverberate through our entire economy.

It would be irresponsible and reckless for us to sit back and do nothing.

The Postal Service is the center of a \$900 billion industry, employing 9 million Americans in such diverse fields as manufacturing, advertising, publishing, and finance. This industry

comprises 8.5 percent of the Gross Domestic Product.

The cost of doing nothing will be steep, for the Postal Service, for the 9 million Americans whose jobs rely on the mail, and for every American who sends a birthday card, pays a bill, or orders something from a catalog or online.

Reforming the Postal Service is a crucial responsibility. The Postal Service operates under a rigid, 30-year-old legal structure that does not take into account the technological advances of the past decades. It is saddled with nearly \$70 billion in retiree health costs, worker's comp claims and pension payments. Each year, the labor and infrastructure costs facing the Postal Service rise, while the volume of mail continues to fall. This is a "death spiral" that can only be reversed by Congressional action.

Let me make clear what will happen if we fail to act.

A failure to act is the equivalent of a backdoor tax on every sector of the American economy.

A small business that now spends \$5,000 a year on postage would be hit with a nearly \$1,000 rate increase. And an industry like financial services would get slammed with an increase of over \$600 million in postage costs annually.

Even though we're trying to postpone Internet taxation, a failure to act would raise the cost of online purchases, because consumers will pay more for shipping and handling.

Overall, the American public and American businesses will waste over \$20 billion in unnecessary payments to the Postal Service over the next decade.

This does not have to happen. We have the framework for responsible, comprehensive Postal Reform in the form of legislation that has been approved unanimously by my committee, the Government Reform Committee, and by the Senate Governmental Affairs Committee.

This legislation will force the Postal Service to act more like a business, while also resolving two issues related to the Postal Civil Service Retirement System Funding Reform Act of 2003. This act placed an unusual burden on the Postal Service, making it the only major agency in the government responsible for funding the military portion of its employee retiree benefits. The Act also required the Postal Service to place into escrow any money saved through the legislation—and I believe we should free this money, to allow the Service to make some cost-reducing and productivity-enhancing capital improvements.

I have worked with the Government Reform Committee's ranking minority member, HENRY WAXMAN, as well as Representatives JOHN MCHUGH and DANNY DAVIS to craft legislation that will allow the Postal Service and the industry that relies on it to survive well into this century.

I urge my colleagues to come back next year ready to pass meaningful Postal Reform. There are critics who will say the bill costs too much. I say the cost of not acting is what we really cannot afford.

CONGRATULATING BONNIE JONES
ON HER RETIREMENT

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. MILLER of Florida. Mr. Speaker, I rise today to congratulate Bonnie Jones on her retirement as the Escambia County Supervisor of Elections.

A fixture in Escambia County politics, Bonnie Jones was appointed Escambia County Supervisor of Elections by Governor Lawton Chiles on August 1, 1994 to fill the vacancy of Mr. Joe Oldmixon. Mrs. Jones was officially elected on November 8, 1994 and was re-elected without opposition in 1996 and 2000.

Born and raised in Pensacola, Florida, Bonnie gained employment with the Elections office at the young age of eighteen. Her love of democracy and Northwest Florida lead the way to her involvement with other community organizations, such as the Rotary Club of Pensacola, the Board of Directors and Secretary for the Ronald McDonald House, the Woodham High School Advisory Board, and the Pensacola Pen Wheels. Currently she is a member of the Florida State Association of Supervisors of Elections, the Elections Center Professional Education Program, the Pensacola North Rotary, the Chamber of Commerce, and the Woman's Board of the Baptist Health Care Foundation.

With a partisan atmosphere surrounding the 2000 elections, Bonnie was a fair and steadfast public servant in Escambia County. She was diligent in ensuring every vote was counted, including the large number of military absentee ballots arriving from overseas. Her foresight and wise choice to use the optical scan prior to the 2000 Elections prevented problems in the county with dimpled and hanging chads, which other Floridians experienced.

Today, I salute a woman who has dedicated her life to ensuring liberty and defending the principles of this country. Her exemplary service has guaranteed that the United States will continue to prosper as the world's greatest democracy.

Mr. Speaker, on behalf of the United States Congress, I would like to congratulate Bonnie Jones on her retirement and wish her many more years of success and happiness.

A TRIBUTE TO JOELLE BAILEY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Joelle Bailey for her accomplishments in the field of business and efforts to improve the manners of all people in our community.

Joelle has over 20 years experience in catering, event planning and the restaurant business. Little did she know that a position at Essence Magazine would serve as the impetus for her to enter the food and hospitality industry. At a very young age, Joelle's mom Marie felt very strongly about manners and etiquette and instilled those values in Joelle and her sister Yves. Joelle has taken these values and

turned them into a lifetime mission not only for herself but to assist and instruct others in these areas.

Joelle has learned through some of the best working positions at the Vista Hilton, Marriot and Plaza Hotels and LSG Sky Chefs. She received her formal training at the French Culinary Institute and Sky Chefs. By 1994, she opened Classic Catering which is a full service event planning and catering business that caught the attention of the New York Times, Daily News, NY Post, 98.7 KISS FM and WOR 710. In June 2004, Joelle was featured in the Daily News' "Spotlight On Great People" by Clem Richardson. Publicity aside, Joelle is pleased that her clients and guests approve of her fabulous catering and cooking skills. Currently, Joelle writes several columns, sharing her knowledge on entertaining, etiquette and menu and recipe suggestions. Some of Joelle's most memorable clients have included: The New York Urban League, Diana Ross, Mt. Sinai Hospital, Russell Simmons, Suzanne Taylor, The United Way, Bill Cosby, Children's Television Network, Jackie Robinson Foundation, New York Bar Association, New York University, Columbia University and many more.

Joelle shares her love for young people by teaching courses in the art of etiquette, table manners, sophistication, food, nutrition and basic "101" cooking skills. She teaches these classes for the community in different schools and also in her home. Each event is sponsored with her own personal finances. Adults are welcome as well. Additionally, her very own etiquette/cookbook will be launched next year and a food show is in the works.

On her son Issiah's 3rd birthday March 27, 2004 Joelle launched a not-for-profit foundation called Issiah W. Simms Foundation to help children improve their etiquette and manners. Eight years ago, Joelle realized that she was not satisfied with the etiquette and manners of today's children, teens and even adults. For her, there was a major state of emergency existing in society that needed to be addressed. This concern led her to form the Issiah W. Simms Foundation.

Joelle is fortunate to have wonderful and insightful parents Hubert and Marie Valbrun, mentors (stepmother, Rosette Wayne), teachers and friends who are supportive of her work. She has a degree in Liberal Arts from Pace University and an MBA from Liberty University. She dreams of opening a finishing school that would be free to her Brooklyn community.

Mr. Speaker, Joelle Bailey has been a leader in our community through her entrepreneurial accomplishments and efforts to create a more civil society. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

HONORING 35 YEARS OF
COMMUNITY SERVICE

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Martin Luther King Observance Committee of Morristown, NJ, in my con-

gressional district, which this year is celebrating its 35th Anniversary.

The committee, a local public service group, has solicited the involvement of the total Morris County community, and especially its young people, in its annual services commemorating the birth of Martin Luther King, Jr., since 1970. This celebration of faith, endurance, and commitment is a tribute to the rich legacy of the life and works of Dr. King.

The Observance for 2005 marks the 20th year that Dr. King's birthday will be commemorated as a national holiday. As an expression of local unity and in recognition of this important event, the Martin Luther King Observance Committee is inviting the Morris Clergy Council to cooperate with the committee in jointly sponsoring the commemorative services on Monday, January 17, 2005.

The Martin Luther King Observance Committee will use for a theme "The Dream of Peace is Dedicated Wholly to Truth." Each of us still makes a difference. Each of us needs to trust, to hope, to care, and to have the courage to make our democracy work for all of us. Yes, today we face great uncertainty and trepidation. Nevertheless, we will pull together as a community and nation during time of crisis. We are Americans indeed.

From those individuals who spearheaded the initial celebration, the late Rachel Viola Jones and Dr. Felicia B. Jamison, the planning efforts has broadened to include members of the Morris Area Clergy Council, with representatives from all major faith traditions. In addition to the two founders, other volunteers who assisted in the early years included Emma L. Martin, George Dorsey, William "Jack Harris, Reginald and Emanueline Smith, Flora Webb, Norman Jean Matthews, Woody Huff, Elizabeth Lubar, Cecelia Dowdy, Rabbi Z. David Levy, and the Rev. Charles Marks.

The core planning committee is continuing to carry on tradition of excellence for this great program and has grown to include dedicated volunteers. Some of those individuals include Charles Jamison, Jr., James Mack, Janet Bonar, Patricia Johnson, Esq., Barbara Klingsporn, Mae Williams, Ronnie Rogers, Elie Sims, Nadine Alston, Rabbi Donald Rossoff, James Vance, Horace Melton, Marian Sykes Johnson, Gerald Martin, Dorothy C. Parker, Agnes Boyd, Rev. Paul Ratzlaff, and the Rev. Jerry M. Carter, Jr. Pastor of the Calvary Baptist Church, Minister Dr. David Hollowell, Dr. Judy L. Banks.

Mr. Speaker, I am quite certain that the Martin Luther King Observance Committee will continue in the years ahead to promote the cause of equality and educate our community in helping to promote opportunities for our young people to pursue productive, fulfilling lives. I ask you and my colleagues to join me in congratulating the Martin Luther King Observance Committee of Morristown as they celebrate 35 dedicated years of serving our community, and especially Chairwoman, Dr. Felicia Jamison.

RECOGNIZING THE LINK BETWEEN
CARDIOVASCULAR RISK AND
KIDNEY DISEASE

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. KIRK. Mr. Speaker, I call attention to the link between cardiovascular risk and kidney disease. On December 6, 2004, the Congressional Kidney Caucus, in cooperation with the National Kidney Foundation, sponsored a luncheon in which Dr. George Bakris, MD, from Rush University Medical Center in Chicago, spoke on this troubling trend. I submit Dr. Bakris' remarks for the RECORD:

CARDIOVASCULAR RISK AND KIDNEY DISEASE

Kidney disease is a silent killer, in that, there are no signs or symptoms until you lose >70% of your kidney function. A 50% loss of kidney function increases your risk of a cardiovascular event (heart attack, stroke, sudden death, heart failure) to more than double that of the general population. The risk of dying from a cardiovascular event, if you've lost 50% or more of your kidney function, is similar to that of having had a heart attack. Aggressive measures to achieve guideline goals (JNC7, ADA, NCEP) for blood sugar (HbA1c less than 7%), blood pressure (less than 130/80mmHg) and cholesterol levels (less than 200mg/dl) reduce both cardiovascular risk and risk of kidney disease progression. According to the most recent NHANES 1999-2000 data only 7.3% of Americans with diabetes, the most common cause of kidney disease achieve all three of these goals.

The crisis of chronic kidney disease is that it is "under-diagnosed, under-treated," and the relationship of chronic kidney disease to cardiovascular disease, "under-recognized." It is now estimated that 1 in every 9 adults—approximately 20 million Americans—has chronic kidney disease and most don't know it. The morbidity (hospitalizations, disability) associated with cardiovascular events in people with kidney disease is significantly higher than people without kidney disease. This translates into very high expenditures on the part of Medicare as well as lost wages and a reduced work force due to this disease. At the current rate of increase in kidney disease, we can expect a doubling of the number of people with kidney failure by 2010 at a projected cost of 28.3 billion dollars annually. Therefore, reducing risk of cardiovascular disease and development of kidney disease requires a preventive strategy.

SIKH-OWNED GAS STATION
BURNED DOWN

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. BURTON of Indiana. Mr. Speaker, in the early hours of Thanksgiving morning, two Sikh brothers, Sarabjit and Sukhjinder Singh, arrived for work at the gas station they owned, only to find it burned to the ground with racist graffiti scrawled all around the burning rubble.

I am glad to say that this sad incident was immediately reported to the local Chesterfield County police, to the FBI, and to the Civil Rights division of the U.S. Department of Justice, and all are now diligently working to

make sure that whoever perpetrated this heinous crime is brought to justice.

It seems obvious from the graffiti left at the scene that whoever committed this crime intended to target Muslims—not Sikhs—proving that this unknown arsonist was not just a bigot, but an ignorant bigot. If they had been Muslims, this would still be a senseless and horrific crime, and one to be condemned in the strongest possible terms, because to attack innocent practitioners of any religion for the acts of a handful of misguided fanatics is inexcusable.

But these men were Sikhs. Sikhs are not Muslims; they are not Hindus. Sikhism is a noble independent religion that traces its roots back hundreds of years. It is not part of any other religion. Furthermore, Sikhs believe in one God and in equality for all—an ideal that forms one of the very pillars of our own society.

Swift prosecution and severe punishment of the perpetrators of this crime is the best way to combat this type of bigotry. I am sure every Member of this House joins me in urging the police, FBI, and Justice Department to promptly and thoroughly investigate this matter and bring the perpetrator or perpetrators of this crime to justice. I am sure all of my colleagues will also join me in extending our best wishes and prayers to Sarabjit Singh, Sukhjinder Singh, and their families during this traumatic time.

Mr. Speaker, I hope that one day—a day in the not too distant future—we will live in an America where this type of crime, born out of ignorance and fear, is forever a thing of the past.

INTELLIGENCE OVERSIGHT RESPONSIBILITIES

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. HYDE. Mr. Speaker, now that Congress is close to passing landmark legislation that will help our intelligence community, it is time to take a closer look at streamlining congressional intelligence oversight responsibilities. I believe the time for change is now and I am pleased to share with my colleagues a recent editorial in the News-Leader, Florida's oldest weekly newspaper, which explores some of the options once again available to us:

[From the News-Leader, Dec. 3, 2004]

JOINT INTELLIGENCE COMMITTEE OVERDUE

The collapse of Congressional efforts to reform the intelligence community dominated the news just before Thanksgiving. The proposed legislation embodied many of the major recommendations of the 9/11 Commission for fixing the executive branch's intelligence problems. Largely overlooked in this reform debate is Congress' failure, so far, to do enough to address its own problems. Yet the 9/11 panel noted that "of all of our recommendations, strengthening Congressional oversight may be the most difficult and important." The commission also pointed out that, "Congressional oversight for intelligence and counterterrorism is now dysfunctional."

The main reason this critically important congressional responsibility is malfunctioning is because it is spread amongst too many committees. That is why the 9/11 Com-

mission urged Congress to replace the current fragmented oversight arrangement with either a House-Senate joint committee or single panels in each congressional body with exclusive oversight and legislative power.

Consolidation along these lines would drastically reduce the time high level intelligence community officials spend on Capitol Hill repeating over and over again the same briefings and testimonies to the various committees now exercising jurisdiction over intelligence activities. Redundant congressional demands are becoming so time-consuming that it is increasingly difficult for these senior officials to discharge their primary duties of attending to the many security issues confronting this nation.

The need to reform Congress' oversight of the intelligence community has been recognized by some members of Congress for years. Henry Hyde, currently chairman of the International Relations Committee in the House of Representatives, proposed legislation to create a Joint Intelligence Committee in 1984. He spelled out what he had in mind in numerous forums, including op ed pieces that appeared in major newspapers. Nearly 17 years ago, Hyde's idea was the top recommendation of the Republican members of the Iran/Contra Committee. Among those endorsing the Hyde initiative were Dick Cheney, Mike De Wine and Orrin Hatch, who served with Hyde on the Iran-Contra Joint Committee. All of these political figures remain major players in Washington.

The reluctance of Congress to get its own house in order is politically understandable. A Joint Intelligence Committee would require a number of committees and their powerful chairmen to sacrifice their jurisdictions over intelligence matters. But given what is at stake, it is time to subordinate such parochial concerns to the national interest.

To really, be effective, a Joint Intelligence Committee must have both oversight and legislative authority. Otherwise, those committees with an interest in intelligence issues will try to recapture their lost purviews. Historically, those committees have been Armed Services, Judiciary, Appropriations and Foreign/International Relations. To mollify these traditional balliwicks, membership on the joint committee should include representatives from each of these committees. The panel must be small to ensure secrecy and promote individual responsibility and accountability. To encourage bipartisanship, neither political party should have more than a one-vote edge. The committee staff should be composed of apolitical professionals.

In summary, the time has come to think outside of the box and adopt radical congressional reforms to meet national security challenges in the post 9/11 world. The 9/11 Commission put it best when it warned that "the other reforms we have suggested—for a national counter-terrorism center and national intelligence director—will not work if congressional oversight does not change too. Unity of effort in executive management can be lost if it is fractured by congressional oversight."

A TRIBUTE TO KEYONA DAVIS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of Keyona Davis for her academic and extra-

curricular accomplishments as well as her commitment to the church and civic organizations.

Keyona was born and raised in the borough of Brooklyn. She is the second daughter of Brenda and John Davis. Currently, she is a senior at the Brooklyn High School of the Arts, where she maintains a 3.0 grade point average and has been continuously on the Honor Roll. She is now enrolled in a Sociology course at New York City Technical College. Keyona is featured in "Who's Who Among American High School Students."

Keyona has been involved in many extra curricular activities that have helped shaped her to become the young woman she is today. For 2 years, she participated in a teen dance company that performed in competitions including the Eastern Dance Association, International Dance Challenge, and ESPN's own dance competition. She is a member of the Berean Baptist Church's Ministry of Sacred Dance where dance is used to present God's message. Keyona is a Girl Scout of the Greater New York area where she has acquired skills to assist in planning various scout activities and setting an example for young girls and her peers. Keyona gives back to her community by donating clothing and volunteering at her church's annual Thanksgiving feed the homeless program.

As an independent young woman, Keyona has had many jobs since the age of 14. She was a camp counselor at the Professional Center for the Arts Dance Camp, clerical assistant at the Office of Children and Family Services, and at the New York State Child Support Office in 2002. She is currently a Senior Operations Specialist at Chase Bank. These employment experiences have helped Keyona grow mentally and gain an understanding of being a positive part of the workforce.

After graduation this June, Keyona plans to be a pre-law student at a 4-year university. A long-term goal has always been to become a prosecutor and a part-time dance teacher. Iyanla Vanzant once said, "Faith and fearlessness fuel your dreams!" Keyona tries to live by this motto with her strong focus and dedication to things she loves.

Mr. Speaker, Keyona Davis, through her accomplishments and maturity, serves as an outstanding role model for all of our young people in the community. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable young lady.

RETIREMENT OF RITA THOMPSON

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. HUNTER. Mr. Speaker, I rise today to recognize and honor Rita Thompson upon her retirement from the House Armed Services Committee after 30 years of loyal and dedicated service to the United States Congress.

Rita grew up in southwestern Virginia and before coming to work for Congress, she worked for the Department of the Army in the Pentagon for 5½ years.

Rita began her career on Capitol Hill in January 1974 with the House Armed Services

Committee. During her years on the committee she has worked on the Personnel Subcommittee, and directly with the General Counsel and the Staff Director. For the past 20 years she has held the position of Professional Staff Member and served as the committee's senior administrator, managing a multi million-dollar annual budget, and organizing Congressional travel, among many other duties. As a result of her position and responsibilities, Rita has regularly interacted not only with Members of Congress, but also with Senators, foreign dignitaries, and high ranking military officials.

Rita's committee service has spanned six presidents, seven committee chairmen, and seven staff directors. I speak for myself, past chairmen and ranking minority members, and any and everyone who has had the privilege of working with Rita, in thanking her for her tireless work and dedication to the House Armed Services Committee.

Rita's charm has always been a trademark of her personality. In a place where many people come and go, Rita has been a symbol of commitment and dedication from which many of us could learn. I congratulate her on her retirement and thank her for over three decades of honorable service to this Congress and her country. On behalf of the House Armed Services Committee and the United States Congress, I wish you the best of luck as you begin this new chapter of your life.

TRIBUTE TO WILLIAM NEIDIG

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Ms. ESHOO. Mr. Speaker, I rise to honor William Neidig, who was recently honored with the prestigious St. Madeleine Sophie Medal by the Schools of the Sacred Heart in Atherton, California.

Bill grew up on the east coast and graduated from Princeton University with an engineering degree before coming West to attend the Business School at Stanford University. After graduation, Bill and his wife Christy settled in Palo Alto because of the city's outstanding public school system, and Bill began in the real estate business.

Fate intervened and the Neidig's enrolled their daughter Stephanie in the kindergarten at St. Joseph's. Bill says that growing up he had never really known a nun. But after meeting the Religious of the Sacred Heart he came to appreciate the well educated women who have devoted themselves to educating his children, and he was sold on the school and wanted to help out.

Bill joined the Building and Grounds Committee in 1990 and joined the board of trustees in 1991, where he has continued to serve ever since, except for a mandatory one year sabbatical. In this capacity, Bill worked diligently to maintain and upgrade the facilities and grounds at Sacred Heart. He has been involved in upgrading St. Joseph's classrooms, offices, and science lab. He developed Spieker Pavilion, the Main Building, the Aquatics Center, the West Wing and the library, the football field, the track and tennis facilities, and most recently the Performing Arts Center. At no other time in the history of Sa-

cred Heart Schools Atherton has so much been accomplished in such a short time period.

Bill has also served on the Finance Committee, where his familiar cry, "Less is more, but will it do everything you need?" has been a guiding principle in the financial decisions of the school.

Bill knows how to ask the right questions and get the right answers. Whenever something needs to be done, he can be counted on to make sure it gets done. He has been extraordinarily giving of his time and talent, and his support for Sacred Heart Schools is an inspiration to all.

Mr. Speaker, I ask my colleagues to join me in honoring this great and inspiring man, William Neidig, as he is honored with the St. Madeleine Sophie Medal.

RECOGNIZING CHRISTOPHER EARLEY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Christopher Earley, 2004 graduate of Chillicothe High School.

This year Christopher completed a distinguished career as a wrestler at Chillicothe High School, under the tutelage of coaches Dave Kinnen and Ken Stull. Christopher was named to the All District Wrestling Team in 2003, and a State Wrestling Qualifier in 2003 and 2004. During his senior season Christopher enjoyed a great deal of success, as he won the Coach's Award, was named to the Midland Empire All-Conference, and won the District Wrestling Championship. Christopher was also a four-year letterman in wrestling. His academic achievements are equally impressive, as he was the recipient of four consecutive academic letters at Chillicothe High School as well.

Mr. Speaker, I proudly ask you to join me in congratulating Christopher Earley and wishing him continued success. Christopher is a great role model for student-athletes in our state, and I am proud to serve him in the United States Congress.

IN HONOR AND REMEMBRANCE OF PETER V. KILBANE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Peter V. Kilbane—United States Veteran of WWII, thirty-six year member of the Cleveland Police Department; and most significantly, devoted family man; and friend and mentor to many.

Mr. Kilbane's life centered around his unwavering commitment to his family, to community, and to our nation. He embraced his Irish heritage, and embraced the values, traditions and ethics taught to him by his parents, Mihal Moor and Honora Joyce. Together, Peter and his beloved wife of sixty-two years, Margaret Mary, offered these vital life lessons to their

children: Karen, Grace Ann, Peter G., Peggy, and Mary. He will also be remembered as a loving father figure to Mary Lou Wallish, and to the memory of Harry Spencer.

Mr. Kilbane served our country with honor and courage. His decorated service during WWII reflected his heroic actions in France, Belgium, Holland and Germany, including the Battle of the Bulge. From the front lines fighting for liberty during the war, to the front lines fighting crime along the streets of Cleveland, Mr. Kilbane exhibited the same unyielding dedication and concern for others. He worked in every district within the Cleveland Police Department, and held the position of Lieutenant of Special Operations, Detective Bureau, when he retired in 1987. Beyond his professional commitments, Mr. Kilbane consistently reached out into our community. He held board positions and was an active member of many civic organizations, including St. Malachi Parish, the Holy Name Society, the Fraternal Order of Police, the Emerald Society, and the Retired Irish Police Society. In 2000, the Retired Irish Police Society named him the Retired Irish Police Officer of the Year.

Mr. Speaker and Colleagues, please join me in honor, gratitude and remembrance of Mr. Peter V. Kilbane—a man of heart, courage and integrity, who lived life with a joyous focus on family, friends and helping others. I extend my deepest condolences to his beloved wife, Margaret Mary, to his children, grandchildren, great-children and to his extended family members and many friends. His kindness, heart and courageous service has served to uplift our Cleveland community, and his shining legacy, spirit and memory will live on forever within the minds and hearts of all whom knew and loved him well.

IN HONOR OF ADM SAMUEL LEE GRAVELY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. RANGEL. Mr. Speaker, I rise to honor the life of an extraordinary American, ADM Samuel Lee Gravelly, Jr.

Admiral Gravelly passed away recently, but he leaves behind a legacy of stunning accomplishment, which undoubtedly renders him as one of the most significant figures in American military history.

Admiral Gravelly was born in Richmond, Virginia on June 4, 1922. After attending Virginia Union University for 2 years, he enlisted in the Navy Reserve in 1942 and was trained as a fireman apprentice.

In 1943, he participated in a Navy program known as V-12, which was designed to select and train highly qualified men for commissioning as officers in the Navy. As part of his V-12 training, he attended the University of California in Los Angeles and the Midshipmen School at Columbia University in New York City.

On December 14, 1944 Admiral Gravelly successfully completed midshipman training, becoming the first African American commissioned as an officer from the Navy Reserve Officers' Training Course, ROTC.

As a newly commissioned ensign, his first duty assignment was at a naval training station in Illinois, where he was assistant battalion commander for new recruits. Following

that assignment, he began his seagoing career as a sailor aboard the PC 1264, one of only two World War II ships with a predominantly African-American crew.

In April 1946 he left active duty, but remained in the Naval Reserve. He returned to his hometown of Richmond, Virginia, and completed his bachelor's degree in history. Soon after obtaining his degree he was recalled to active duty during the Korean war. His service during that time earned him a Legion of Merit Award, Bronze Star, and the Meritorious Service Medal.

In the 1960's, Admiral Gravely became the first African-American to command a navy warship when he was appointed executive officer, and later, acting commanding officer of the destroyer *Theodore E. Chandler*. That momentous milestone was just one of many in Admiral Gravely's career.

Some historic firsts that he has achieved include: the first African-American to command an American warship under combat conditions since the Civil War, USS *Taussig*; the first African-American to command a major naval warship, USS *Jouett*; the first African-American admiral; the first African-American to rise to the rank of vice admiral; and the first African-American to command a U.S. fleet, commander, Third Fleet.

Admiral Gravely belongs to a group of African-American military heroes whose belief in self and country gave them strength to overcome incredible obstacles and reach unprecedented heights. In so doing they have given hope and pride to the generations that have proceeded them.

Known as a quiet and unassuming man, his life exemplified the words of the politician Adlai Stevenson, who once said "Patriotism is not short, frenzied outbursts of emotion, but the tranquil and steady dedication of a lifetime." If this is the measure of a patriot, then Admiral Gravely was one of our greatest.

I find it appropriate to end with Admiral Gravely's own words: "Perseverance is the ability to steadfastly proceed to your goal despite all obstacles. It is the ability to overcome." The spirit of Admiral Gravely will always be with us, just as his words will forever ring true.

HONORING DR. TAMMIE LEE
DEMLER

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. REYNOLDS. Mr. Speaker, it is with great pleasure that I rise to pay tribute to Dr. Tammie Lee Demler of Wheatfield, NY, for recently being honored as both a New York State Senate "Woman of Distinction" and the "2004 Pharmacist of the Year."

Since receiving a Doctor of Pharmacy degree from the University at Buffalo School of Pharmacy, Dr. Demler has received a number of accolades. She became the President of the Pharmacists' Association of Western New York (PAWNY), and this year was named "2004 Pharmacist of the Year" by the association. Dr. Demler currently serves as the Director of the University's Psychiatric Pharmacy Post Doctoral Residency Program where she mentors graduate students. She has made nu-

merous contributions to both the association and the pharmacology profession.

Dr. Demler received another prestigious award from the New York State Senate this past June, being named a "Woman of Distinction." The award was created to honor women throughout New York that have played an important role in "adding strength, understanding, and inspiration to the diversity and quality of life" in the state; I can think of no one more deserving of this award than Dr. Demler.

Dr. Demler spends much of her free time working for the betterment of the community, such as helping organize the "Taste of Buffalo," a very important annual event. Dr. Demler has made a considerable and lasting contribution to both her profession and our community, and for that she deserves our deepest gratitude.

Mr. Speaker, I ask that this Congress join me in congratulating Dr. Tammie Lee Demler for being named as both a "Woman of Distinction" and the "2004 Pharmacist of the Year."

IN HONOR AND IN MEMORY OF
LCPL BRAD FAIRCLOTH OF MOBILE, AL

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. BONNER. Mr. Speaker, I rise today to honor the life of a young man from the First Congressional District of Alabama who recently made the ultimate sacrifice in the defense of freedom abroad.

Lance Corporal Brad Faircloth, a native of Mobile, Alabama, was assigned to the 1st Battalion, 8th Marines, based at Camp Lejeune, North Carolina. In July of this year, Brad's unit was deployed to Iraq in support of ongoing military operations in that country. It was there that, on November 25, 2004, he was killed while he and other members of his unit conducted house-to-house searches in Fallujah, Iraq, looking for members of that country's insurgent movement.

Brad set a standard of excellence and displayed the qualities of discipline, devotion, and dedication to country that are hallmarks of men and women throughout the long and distinguished history of the American military. Following his 2002 graduation from Murphy High School in Mobile, Alabama, and after one year as a student at Delta State University in Mississippi, Brad chose to join the Marine Corps. In recent days, many members of his family said he did so in large part in response to the terrorist attacks of September 11, 2001, because he felt he should do his part in the fight to protect his country. Brad was an extremely conscientious and dedicated marine, and he was honored recently with the presentation to his family of three Purple Hearts and the Distinguished Service Medal.

Mr. Speaker, I feel certain his many friends in Mobile County and his comrades in the United States Marine Corps, while mourning the loss of this fine young man, are also taking this opportunity to remember his many accomplishments during his brief 20 years, and to recall the fine gift they each received simply from knowing him and having him as an integral part of their lives.

I urge my colleagues to take a moment and pay tribute to Lance Corporal Brad Faircloth and his selfless devotion to not only our country and the freedoms we enjoy, but to a people who are but now in the infancy of a new life—a new freedom—in their own land.

We should also remember his mother, Kathleen Faircloth-Smith; his stepfather, Paul Smith; his grandparents, Dewey and Helen Faircloth; his uncle, Tim Faircloth; and his other family members and many friends. Our prayer is that God will give them all the strength and courage that only He can provide to sustain them during the difficult days ahead.

It was Joseph Campbell who said, "A hero is someone who has given his or her life to something bigger than oneself." Make no mistake, young Brad Faircloth was not only a dedicated marine who made the ultimate sacrifice serving in the uniform of his country, but he was also a true American hero.

TRIBUTE TO LA HABRA HIGH SCHOOL AS THEY CELEBRATE THEIR GOLDEN ANNIVERSARY

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. GARY G. MILLER of California. Mr. Speaker, I rise to pay tribute to La Habra High School in La Habra, California as they celebrate their Golden Anniversary.

For the past 50 years, La Habra High School has been more than just an institution for learning; it has become the pride and joy of a community. The teachers and administration work together to inspire students to become life long learners. The school boasts alumni that are not only productive members of society, but have paved a path for future generations to follow. Most importantly, the students of La Habra High School understand the importance of learning and the value of a proper education. Over the years the school has earned many distinctions including the coveted Blue Ribbon Award by the U.S. Department of Education.

Mr. Speaker, La Habra High School has proven to be a first rate educational institution that fosters a positive learning environment for the future of our children. I ask my fellow colleagues in Congress to join me in congratulating the teachers, administrators, alumni, students and parents as they celebrate the school's 50th Anniversary.

IN HONOR OF HENRY MELLO

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. FARR. Mr. Speaker, Congresswoman ANNA ESHOO, Congresswoman LOIS CAPPAS, Congresswoman BARBARA LEE, Congressman GEORGE MILLER, Congressman MICHAEL HONDA, Congressman JOE BACA, Congressman MIKE THOMPSON, Congressman TOM LANTOS, Congressman PETE STARK, Congressman BOB FILNER, Congresswoman ZOE LOFGREN, Congresswoman DIANE WATSON, Congresswoman LUCILLE ROYBAL-ALLARD, Congressman HOWARD BERMAN and Congresswoman

MAXINE WATERS join me as I rise in honor of a good friend and outstanding public servant, former California State Senator Henry Mello. Henry passed away on September 4, 2004, but will always be remembered for his dedication to the communities of the Central Coast. He will be greatly missed by his family and friends, but his legacy will live on in many ways.

The son of Portuguese immigrants, Henry was born in 1924 in the rural community of Watsonville, where his mother's family had been farming apples since 1874. He had an eye for business and left Hartnell College after one year to work with his family on the apple farms. At the age of 29, Henry founded John C. Mello and Sons Cold Storage and ran it for 20 years before selling it to Del Mar Food Products in 1973. By this time Henry had found his true calling: public service.

In 1966 Henry officially began his political career with his election to the Santa Cruz County Board of Supervisors. He was not afraid of politically charged issues, and in 1972 composed a motion disapproving the United States' involvement in the Vietnam War. Because of his dedication to his constituents and his commitment to the Monterey Bay area, he was elected to the California State Assembly, serving from 1976 to 1980. Henry was then elected to the State Senate, rising quickly to prominent positions, including the majority whip from 1981 to 1992 and the majority leader from 1992 until he left the legislature in 1996.

While in the legislature, Senator Mello was an ardent supporter of many vital segments of our population, especially senior citizens. Senator Mello authored legislation to enact the first programs focusing on Alzheimer's-Respite Care, Adult Day Health Care and the Multipurpose Senior Services Programs. He founded the Senior Legislature and passed legislation to combat elder abuse. In the 20 years that Senator Mello served in the legislature, he authored more than 120 bills on aging and long-term care that have become the law of the land in California.

However, Henry's service and advocacy extended far beyond just one subject. He was also a strong supporter of our ocean's health, authoring legislation to protect fisheries, working to keep off-shore oil away from California's coastline, and petitioning for the Monterey Bay National Marine Sanctuary. He has created many lasting legacies on the Central Coast, including Wilder Ranch and Grey Whale State Parks, which are enjoyed by thousands of people each year. He also supported the creation of the Center for Agroecology and Sustainable Food Systems at the University of California, Santa Cruz, which has made tremendous strides in organic and sustainable farming practices worldwide.

When Fort Ord was slated to be closed by the U.S. Army, Senator Mello introduced legislation to create the Fort Ord Reuse Authority to help the state and the region handle the largest base closure in U.S. history. He was also proactive in transferring this area into civilian use, and helped create the California State University, Monterey Bay on the former base. He was a co-author of the Mello-Roos Act of 1982, which provided funding for education and other public projects through tax-exempt bonds. Following the Loma Prieta earthquake, Henry secured a temporary sales tax increase to help the devastated commu-

nities of the Central Coast, a measure which proved to be invaluable to the local governments in their efforts to rebuild. In his hometown, he is perhaps best known to the general public for helping to raise funds to rebuild the performing arts center in Watsonville after it was destroyed in the earthquake. It was opened in 1994 as the Henry J. Mello Center for the Performing Arts, which was particularly fitting because Senator Mello was known for contributing his musical talents on the piano for many state and local functions.

Mr. Speaker, Henry Mello was the consummate public servant and master of the art of compromise. His legacy to the State of California is felt through the landmark legislation that he passed as well as through those whose lives he touched personally. Many of us in the California Congressional Delegation worked closely with Henry throughout our public service careers, and we all wish to extend our deepest sympathies to his wife, Helen, and his sons Stephen, John, Michael and Timothy.

RECOGNIZING KYLE MARCOLLA

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Kyle Marcolla, 2004 graduate of Chillicothe High School. Kyle accepted a golf scholarship at the University of Missouri—Columbia where he is currently a member of the Men's Golf Team.

Kyle is an outstanding golfer, and I know the University of Missouri is excited about his commitment to the fine golf program in Columbia. I also suspect that Chillicothe High School's Golf Coach John Musser wishes that Kyle could remain on his team for many more years, as he has proven time and again that he belongs to an elite class of high school golfers. Kyle was named a Midland Empire All Conference golfer in 2001, 2002, 2003, and 2004; his entire career at Chillicothe High School. He was a 3A State Qualifier in 2001, District Champion in 2002 and 2004, and 3A All State Top 15 in 2002, 2003, and 2004. In 2003, Kyle won a grueling competition to become Missouri State Champion. The St. Joseph News-Press named him Golfer of the Year in 2003 and 2004. In addition to these accolades, Kyle is the holder of several state golfing records.

Mr. Speaker, I proudly ask you to join me in congratulating Kyle Marcolla and wishing him continued success. Kyle is a great role model for aspiring golfers in our state, and I am proud to serve him in the United States Congress.

IN HONOR AND REMEMBRANCE OF JUDGE ANNE KILBANE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Judge Anne Kilbane of the 8th Ohio District Court of Ap-

peals—fearless sponsor of justice, inspiring role model, and friend and mentor to many. Her untimely passing marks a great loss for her family, friends and colleagues, and for the people of our Cleveland community whom she served with the highest level of commitment, integrity and honor.

Judge Kilbane's unwavering reliability and strong work ethic were gifts from her parents, the late Thomas B. Kilbane and Nora Kilbane, who emigrated from Ireland to Cleveland. She worked at the Cleveland Health Department, then began her studies at the Cleveland-Marshall College of Law, where she graduated in 1976.

Elected to the bench in 1988, Judge Kilbane's unequalled work ethic and uncompromising professional integrity quickly garnered the respect of most, and ruffled the feathers of some. Armed with a sharp legal mind and even sharper focus on the public she served, Judge Kilbane shattered the status quo by fighting for transparency in and out of the courtroom.

Mr. Speaker and colleagues, please join me in honor and remembrance of Judge Anne Kilbane. The courage, vision and integrity that defined her life will be greatly missed along the halls and in the courtrooms of the 8th District Court of Appeals—and will be greatly missed within the hearts of her many friends, including my own. I extend my deepest condolences to her friends and family members, especially her brothers and sisters: Patrick, Mary, Judith, Kathleen and the memory of Thomas, Bryan and Bridget.

Judge Anne Kilbane's life was lived with joy, energy and in unwavering service to others. Her eternal faith in humanity and in the power of justice will continue to serve as an unyielding example and unending force of truth within our legal system, and within the minds and hearts of all who knew and loved her well. Her journey as a first-generation American from the old neighborhoods of Cleveland, to the 8th Ohio District Court of Appeals, reflects all that she was, and all that she gave to us—the possibility to achieve one's dreams; working in service to others; the courage to stand up for what is right; and the integrity to never back down. And Judge Anne Kilbane will forever inspire us all.

STATE OF THE AFRICAN AMERICAN MALE AND OVERREPRESENTATION IN AMERICA'S PRISON SYSTEMS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. RANGEL. Mr. Speaker, today I, like many members of the Congressional Black Caucus, am moved to speak about the state of the African American male and their alarming overrepresentation in the American penal system.

Sweeping changes in crime control and the drastic modifications of sentencing policies have led to a staggering increase in prison populations. Ironically, although the country is experiencing a decrease in crime rates, the inmate population is increasing. According to the Justice Department's Bureau of Justice Statistics, the increase in inmate population is

largely due to "truth-in-sentencing" laws that limit early releases, mandatory drug sentences, get tough anti-crime policies enacted in the 1980s and 1990s, and "three strikes and you're out" laws for repeat offenders. Over 2,000,000 prisoners are now held in Federal and State prisons and local jails. Nearly 925,000 Americans are convicted of felony offenses in American courts each year and some 600,000 are incarcerated as a result.

As the national inmate population has increased, the impact on minority communities has been devastating. Two-thirds of the prison population are now racial and ethnic minorities, and for African American males in their twenties, one in every eight is in prison or jail on any given day. Even more upsetting is that African American males born today have a one in three chance of going to prison during their lifetime, compared to a one in seventeen chance for white males. At year-end 2003, African American inmates represented an estimated 44 percent of all inmates with sentences of more than one year.

Despite the notion that the Scales of Justice is blind, it is no secret that racial bias plays a deplorable role in the disproportionate conviction and sentencing of African American men compared to their racial counterparts (who are charged with the same or a similar offense). In addition to racial bias, the high rate of minority involvement in the system reflects a complex set of social, economic, and community problems often tied to poverty, lack of access to education, and unemployment.

While some would assert that "if one does the crime, then he must do the time," it is imperative to remember that once these individuals have done their time and "repaid their debt to society," they should not be thrown back into the fray without the proper tools they need to overcome the factors that initially led to their involvement in the criminal justice system. The transition from prison life is inherently difficult, especially for individuals who have served a lengthy sentence and received little preparation for life in a law-abiding society. In addition to being stigmatized with a conviction, former offenders face challenges finding employment, housing, health care, and public assistance. Often they are also alienated from their families and communities. All of these negative outcomes contribute to increased recidivism, public health risks, homelessness, unemployment, and disenfranchisement.

Perhaps the most significant costs of prisoner re-entry are the impact on children, the weakened ties among family members, and destabilized communities. The long-term generational effects of a social structure in which imprisonment is the norm and law abiding role models are absent are difficult to measure but undoubtedly exist.

African American males are a critical component of African American families and communities. I, like my CBC colleagues, remain poised to take action to reverse the negative trends surrounding African American males and their incarceration and to reinforce this group's positive characteristics.

It is for this reason that Congress members JOHN CONYERS, Jr., BOBBY SCOTT, and I introduced H.R. 5075, which identifies programs and policies that would encourage the successful reentry of incarcerated persons into the community after their release. For similar

reasons, I have continually pushed for the reauthorization of the Community Safety through Recidivism Prevention Act (The Second Chance Act of 2004).

Consequently, I co-sponsored Congressman ROB PORTMAN's bill, H.R. 4676, to reauthorize the grant program of the Department of Justice for reentry of offenders into the community and to establish a task force on Federal programs and activities relating to the reentry of offenders.

While members of the CBC and other conscientious national and state legislators have worked to reform the prison system and provide programs and policies that eliminate many of the barriers that ex-offenders face upon reentry, there is still much work to do. We will continue to fight for the passage of federal legislation to provide former offenders eligibility for public housing assistance, funding for students loans and grants, and assistance in retaining or re-establishing voting rights. We will also continue to push for legislation that would provide tax incentives to businesses that hire former felons, helping them to become self-sufficient upon reentry.

I sincerely believe that we can assist these men, our brothers, to reach their potential when they return to society. I know that this requires the creation of a support system that begins during their incarceration and continues after their release. I believe that we must not give up on these men, but provide them with the resources they need—during and after their incarceration—to contribute to their families and society in a meaningful way.

HONORING CONGRESSMAN AMO HOUGHTON

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. REYNOLDS. Mr. Speaker, it is with great pleasure that I rise to recognize Congressman AMO HOUGHTON of Corning, New York, as he retires from the U.S. House of Representatives after 18 years of exemplary public service.

Throughout his time in the U.S. House of Representatives, AMO HOUGHTON was one of those individuals who showed us what a noble calling public service can be. AMO has been a bright, compassionate and valued leader, and he retires as one of the most respected members of Congress, on either side of the aisle. And despite his great responsibilities, AMO always remained deeply rooted in his community, and in our Western New York values.

Throughout his entire career, he remained a fiscal conservative committed to responsible government spending. As the sixth ranking Republican on the House Ways and Means Committee, AMO has played an important role in ensuring that our Nation's tax policy was shaped with the best interests of New Yorkers in mind. His service on the International Relations Committee and as vice-chairman of the Subcommittee on Africa allowed him to use his deep understanding of international affairs to manage important foreign relations matters. AMO also earned a reputation for terrific constituent service; it is easy to see why, for he truly cares about the well-being of each and every one of his constituents.

I salute AMO HOUGHTON for all that he has done for Western New York and New York state in his time here in Congress. Our community owes him a tremendous debt of gratitude. I will certainly miss his friendship, his intelligence, and his warm personality; but I wish him all the best in all his future endeavors.

Mr. Speaker, I ask that this Congress join me in thanking Congressman AMO HOUGHTON of Corning, New York, for his years of service to Western New York, New York state, and our Nation, as a member of the U.S. House of Representatives.

HONORING MOBILE, ALABAMA'S BAKER HIGH SCHOOL MARCHING BAND FOR ITS PARTICIPATION IN THE 2004 MACY'S THANKSGIVING DAY PARADE

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. BONNER. Mr. Speaker, I rise today to honor the members of the Baker High School Marching Band for their participation in the 2004 Macy's Thanksgiving Day Parade in New York City.

Baker High School, located in Mobile, Alabama, is without question very proud of the efforts of its band. For several months, the 220 members of this group, both musicians and flag corps participants, worked tirelessly in preparation for a performance which took place in front of thousands of men, women, and children lining the streets of Manhattan, and for an audience of millions watching the parade on television here in the United States and around the world.

The members of the band spent the past two years holding multiple fundraisers to raise the money necessary to make this trip to New York. These efforts, which included gift wrapping, selling coupon books to friends and neighbors in the Mobile area, and bagging groceries at local supermarkets, were extremely successful and provided the band with the means to travel to this event. Even the recent devastation caused by Hurricane Ivan could not dampen either the enthusiasm or determination of these fine young men and women to participate in this Thanksgiving Day tradition.

The one hour, 45-block walk down Broadway from Central Park to 34th Street in lower Manhattan gave the band and flag corps ample opportunity to demonstrate its abilities, and they did not disappoint. The total of 96 songs performed by the band were enthusiastically received by the thousands along the parade route, and their talents were showcased even further when NBC gave the band the chance to perform for its nationwide television audience on that morning's broadcast of the "Today Show."

Mr. Speaker, the residents of Mobile, Alabama, are extremely proud of all of the young men and women who participated in this event. I ask my colleagues to join with me and with the families of all of these students in praising them and their band director, Tripp Morris, for a fine showing for south Alabama and a fine performance for the entire country.

A TRIBUTE AND CONGRATULATIONS TO MR. ALI RAZI

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. GARY G. MILLER of California. Mr. Speaker, I rise to pay tribute and congratulate Mr. Ali Razi on his accomplishments during the past year as President of the Building Industry Association of California, Baldy View Chapter. As President and Member of the Board of Directors, Mr. Razi has toiled to meet the growing demand for quality, affordable housing for San Bernardino County residents.

A graduate of King's College, London University, Mr. Razi earned a degree in Civil Engineering, and later obtained a Master's Degree in Business Administration. Following graduation, Mr. Razi went on to lecture at Tehran Polytechnic University, and in 2002 received an Honorary Doctorate in Humane Letters from California State University, San Bernardino. In addition to serving as a cardinal investor in higher education, Mr. Razi has distinguished himself as an eminent force in housing development and construction.

Prior to 1984, Mr. Razi served as Principal and CEO of Ira Engineering and Construction Company, heading the construction of large international projects. In 1984, Mr. Razi co-founded the Stratham Group, a major owner and developer of Southern California real estate. Since then, the firm has acquired and developed more than 10,000 apartment units, single family homes and parcels of land. Mr. Razi received personal recognition as Builder of the Year for 2000 by the BIA, Baldy View Chapter. In 2003, his company was acknowledged as building company of the year.

Throughout his career, Mr. Razi has held a series of prestigious titles. He has demonstrated diligence to education and dedication to successful land development. I am proud to recognize Mr. Razi's achievements and honor him for his steadfast efforts this year as President of the BIA of California, Baldy View Chapter and grant him my best wishes in his future development endeavors.

IN HONOR OF THE HONORABLE
BRUCE MCPHERSON

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. FARR. Mr. Speaker, I rise today to honor a dedicated and passionate public servant, my friend, the Honorable Bruce McPherson. Senator McPherson recently left office after eight years representing California's fifteenth district in the California State Senate. He has served the residents of the Monterey Bay Area as a state senator since 1996, and had previously served two terms as a member of the State Assembly for the 27th district. Though term limits have ended his career as a State Senator, Bruce leaves behind a lasting legacy of service and bipartisanship that I wish to honor here today.

Senator McPherson spent twenty-six years in the newspaper business with the Santa Cruz Sentinel, always staying active in the

community that he loved. However, it was after I stepped down from my seat in the Assembly to run for Leon Panetta's seat in Congress that Bruce heard the call of elected office. After a successful campaign, he became the first Republican to represent Santa Cruz in the legislature since 1976, and since then has continued to win every local election in which he has run.

While in the legislature, Bruce has focused on several key issues, chief among them was education. In fact, while still a private citizen, he took the lead to enhance local education programs, such as creating a literacy program for the county while he was president of the local Rotary Club. This commitment continued as he worked to pass two state school bond measures, and worked annually to lower class sizes and keep them low. His position as Vice-Chair of the Senate Education Committee was a platform for him to work cooperatively within his chamber, as well as with the Assembly and Governor's office on difficult budget decisions.

As one of the Monterey Bay Area's legislators, Senator McPherson also put environmental issues in the forefront of his agenda. He supported the statewide ban on oil drilling off our coasts; helped with the purchase of over 7,000 acres in north Santa Cruz County for preservation; and authored legislation to protect water quality in our oceans.

Looking to take his message statewide, Bruce ran for Lieutenant Governor in 2002, a role he took on with a personal passion after the tragic loss of his son, Hunter. After this unimaginable loss for Bruce and his wife, Mary, they continued their positive and issues-oriented campaign in their son's name.

Mr. Speaker, Bruce McPherson leaves the California Senate having accomplished many goals for his constituency and for the state. As he looks forward to spending time with his family, I wish to honor his work and dedicated public service, and to wish him happiness and success for the future.

TRIBUTE TO MR. EDWARD O.
WAYSON, JR.

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. RUPPERSBERGER. Mr. Speaker, I rise today to pay tribute to my friend, a true American patriot, Mr. Edward O. Wayson, Jr.

Ed Wayson passed away on December 4, 2004 and his funeral was held today in his beloved city of Annapolis, Maryland. For all who attended today's service, it was clear that Ed was a man of incredible character and integrity. He was a man who touched so many lives personally and professionally through his humor and sheer joy of life. He believed in making the most of every moment he had and I speak for many when I say his moments were far too few in number.

Ed Wayson was a dear friend of mine and I would like to also pay tribute to his family. He is survived by his brother Boone, his wife of eight years Jeannine, his mother Ruth Ann, his first wife Beth along with their daughters Sarah and Anne, and his stepdaughter Kacey. Ed Wayson was a very successful man on many levels, but he was most proud of his

family. It was impossible to have a conversation with Ed without him mentioning Sarah or Anne. I would like to extend my sincerest thoughts and prayers from my family to his.

Ed Wayson was an active citizen who embraced the American democratic experience fully. Through political campaigns, local charities, lobbying, foundation work, and serving on boards including the Anne Arundel County Bar Association and the Annapolis—Anne Arundel Chamber of Commerce—Ed did not just talk about making a difference, he worked to make the world better for all of us.

During the funeral service today, it was said that this quote from Abraham Lincoln best describes Ed Wayson, and I would have to agree. "Character is like a tree and reputation like its shadow. The shadow is what we think of it; the tree is the real thing." Ed Wayson was the real thing and the world is a better place for him.

GAS STATION BURNED OUTSIDE
RICHMOND; CRIME MUST BE
PROMPTLY AND FULLY PROSECUTED

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. TOWNS. Mr. Speaker, I was disturbed to learn that on November 25, a gasoline station outside Richmond, Virginia was burned. It was owned by two Sikh brothers. From the graffiti that appeared on the charred remains, it appears that due to their turbans, the person who committed this horrible crime thought they were Muslims affiliated with Osama bin Laden.

It is important to note that whoever the victims of this brutal crime were, it is a terrible act that must be fully and quickly prosecuted. Blaming all Muslims for the terrorist acts of a few is unfair, bigoted, and intolerant. But it is interesting that the victims of this crime were not even members of the targeted group.

Sikhism is a distinct religion from any other, including Hinduism and Islam. It is monotheistic and believes in the equality of all, including equality for women. Our Sikh friends have made many contributions to this country as lawyers, doctors, engineers, farmers, computer specialists, and in many other fields. One Sikh, Dalip Singh Saund, was even a Member of this House from California, serving from 1959 to 1963. He was the first South Asian to be elected to Congress.

The President of the Council of Khalistan, Dr. Gurmit Singh Aulakh, has written to the Chief of Police in Chesterfield County asking for a swift investigation of this incident. He received a prompt response from the police chief stating that the incident is being fully investigated and those responsible will be caught and prosecuted.

It is unfortunate that incidents like this still occur in America. Three years after September 11, people are still attacking anyone they perceive as foreign. This must be stopped. This kind of hate crime does not advance America or its ideals; it only harms our national unity at a time when we are most in need of it.

Mr. Speaker, I would like to place Dr. Aulakh's letter into the RECORD.

COUNCIL OF KHALISTAN,

Washington, DC, November 29, 2004.

Col. CARL R. BAKER,
Chief of Police, Chesterfield County Police Department, Chesterfield, VA.

DEAR CHIEF BAKER: As you know, on November 24, a gas station owned by Sarabjit Singh and Sukhjinder Singh, two Sikhs, was set on fire. Graffiti, including "Go back to Bin Laden," "F*** Arab gas," and "Never Again Indian Monkey N****," was sprayed on a dumpster behind the charred station.

This is clearly a hate crime and it is unacceptable. I urge you to prosecute this crime to the fullest possible extent. Do not let the people who perpetrated this crime think they can get away with it.

This would be an unacceptable crime if the owners of the stations were Muslims, as the perpetrators apparently thought they were, or members of any other group. But they are not. They are Sikhs. Sikhism is an independent, monotheistic, revealed religion that believes in the equality of all people, including gender equality. It is not part of either Islam or Hinduism. The perpetrator of this crime didn't even hit the target he intended to hit!

Sikhs are religiously, culturally, and linguistically distinct from any other people in the world. The Sikh Nation has declared its independence from India and is currently under Indian occupation. Sikhs are working to free our homeland, Khalistan.

The incident at the gas station is a setback for the American ideal of freedom for all people and those responsible must be fully and swiftly punished to protect these Sikh businessmen and protect the system of freedom under law.

I urge you to take all appropriate action to bring the criminals to justice.

Sincerely,

DR. GURMIT SINGH AULAKH,
President.

RECOGNIZING DONALD SHERMAN
FOR ACHIEVING THE RANK OF
EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Donald Sherman of Independence, Missouri, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 82, and in earning the most prestigious award of Eagle Scout.

Donald has been very active with his troop, participating in many scout activities. Over the many years Donald has been involved with scouting, he has not only earned numerous merit badges, but the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Donald Sherman for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN HONOR OF THE 125TH ANNIVERSARY
OF ST. COLMAN PARISH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the leaders and members of St. Colman Parish, of Cleveland, Ohio, as they celebrate 125 years of faith, guidance and support, embracing generations of citizens throughout our westside Cleveland community.

In 1880, St. Colman Parish was formed to serve the spiritual and cultural needs of the Irish-American residents of this neighborhood. Since that time, St. Colman's has evolved into a parish community that reflects the racial and cultural diversity of the community it serves, wholly embracing and celebrating the brilliantly diverse mosaic that is the rich fabric of the people of this parish.

St. Colman's historical and bright legacy of social justice, community outreach, cultural preservation, educational programs and spiritual guidance, continues to emanate along these streets, offering tangible services and assistance to citizens of all ages. Restoring broken homes and broken hearts is the continuing legacy of St. Colman's Parish.

Mr. Speaker and colleagues, please join me in honor and recognition of every leader and member of St. Colman Parish, as they celebrate 125 years of cultivating faith, hope and heritage for generations of families within our Cleveland community. We also rise in honor and memory of the struggle, sacrifice and triumph of the founding members of this parish, who journeyed to America with little more than faith, hope and the grit to survive. Love and faith still radiates from St. Colman Parish, encircling this neighborhood with light, strength and hope rising on the dawn of a brand new day.

OSSIE DAVIS AND RUBY DEE:
AMERICAN ARTISTS AND ACTIVISTS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. RANGEL. Mr. Speaker, I rise to commend the life and work of Ossie Davis and Ruby Dee, two prolific artists whose achievements have immeasurably impacted the livelihood of African American artists and the African American community as a whole. Together, they helped to knock down the exclusionary barriers placed upon minority artists, effectually ushering in a new age of American art and culture in which the contributions of African American artists have been, for the first time in our history, recognized and appreciated. The pair were recently honored at the annual John F. Kennedy Center for the Performing Arts, in celebration of their life's work.

Appearing in more than 20 films, the talented Ruby Dee has enthralled audiences in notable stage appearances such as her role in *A Raisin in the Sun* and *The Balcony*. The recipient of countless cultural awards, Ms. Dee continues to push the boundaries of the pre-

conceived notions of women in film and theater. She has written plays, musicals and several books of poetry, eventually turning her stories into the 1998 critically acclaimed one-woman show, *One Good Nerve*. Truly a trailblazer in her own right, Ruby Dee has played a vital role in the progression of the arts in our country.

An actor, playwright, producer, screenwriter and director, the impressive career of Ossie Davis spans more than half a century. Having written and directed such memorable films and plays as 1970's *Cotton Comes to Harlem* and 1961's contentious exploration of segregation, *Purlie Victorious*, the works of Mr. Davis are long-lasting in depth and scope. A gifted actor, Ossie Davis has shown his versatile talents in a bevy of roles and memorable performances.

In a time of limited opportunities for African-American actors, both Ms. Dee and Mr. Davis sprung from the Harlem cultural scene before meeting on Broadway and forging their legendary partnership, later on pledging their lives to one another as husband and wife. Together, Ossie Davis and Ruby Dee have appeared in more than 50 films, featured in several Spike Lee efforts, including *Jungle Fever*, *Get on the Bus*, *School Daze* and the classic *Do the Right Thing*. Also appearing in *Malcolm X*, Mr. Davis plays himself, reprising his passionate eulogy at the funeral of the slain civil rights leader.

Ossie Davis and Ruby Dee have presided as vanguards of political activism. They have been tireless proponents of the civil rights movement in America as well as staunch opponents of the McCarthyism witch-hunts; the duo has unquestioningly worn the mantle of public defenders for the past several decades. They helped organize and then graced the dais of the first fundraising dinner held by the Congressional Black Caucus and gave us, in Ossie's speech, the direction we have since sought to follow. Ossie told us that "It's not the man, it's the plan," and that admonition has sustained us and created an institution that has grown and prospered through many changes in leadership over the years.

I am personally indebted to Ossie and Ruby for their many contributions to my own Harlem community, including Ossie's service as chairman emeritus of the Board of the Apollo Theater Foundation. Without their efforts, there is no question that our Nation would be less committed to the great moral challenges of our lifetime. The African-American community, as well as the country as a whole, owes them both a debt of gratitude.

HONORING CONGRESSMAN JACK
QUINN

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. REYNOLDS. Mr. Speaker, it is with great pleasure that I rise to recognize Congressman JACK QUINN of Hamburg, New York, as he retires from the U.S. House of Representatives after 12 years of exemplary public service.

Throughout his time in the U.S. House of Representatives, JACK represented both his constituents and the institution with grace and integrity. He loved his country, his community

and his family, never straying from the strong values he was raised on.

Throughout his entire career, JACK always acted with the best interests of New Yorkers in mind. As the chairman of the House Republican Working Group on Labor, JACK was the "go-to guy" in our conference on a wide variety of labor-related issues. His positions on both the Transportation and Infrastructure Committee and the Veterans' Affairs Committee allowed JACK to do important work on behalf of our Nation's veteran community and passenger rail systems, employees and customers, issues that were of great importance to him.

While he distinguished himself as a Member of Congress and earned the respect of colleagues on both sides of the aisle, JACK was also notable for his esteemed academic career, his knowledge on a wide variety of issues, and his deep commitment to serving his constituents.

I salute JACK for all that he has done for western New York and New York State in his time in Congress. He has been a close personal friend of mine, and I am proud to have worked closely with him here in the House and back at home in western New York.

Mr. Speaker, I ask that this Congress join me in thanking Congressman JACK QUINN of Hamburg, New York, for his years of service to western New York, New York State, and our Nation, as a member of the U.S. House of Representatives.

IN HONOR OF THE MARTIN LUTHER KING HIGH SCHOOL SOCCER TEAM

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. NADLER. Mr. Speaker, I rise today to honor the Martin Luther King High School Soccer Team, which has achieved a New York City Public School Athletic League record 5th consecutive title this year. Part of the oldest High School sports league in the nation, the MLK soccer team has battled many of the top teams in the City and has continually prevailed.

Having been nationally ranked the last 6 years and boasting an overall record over the last 9 years of 221 wins, 14 losses, and three ties, a 93 percent winning percentage, the MLK soccer team has once again reclaimed a championship they have held for 8 of the last 9 years. This is the all-time record for number of championships held by any New York City public school. The team is coached by Martin Jacobson, who has been with the team during the entirety of this its impressive run. In addition to being recognized and written about in a number of local newspapers, the team's accomplishments have also been acknowledged by the Students Sports Soccer website, which ranked them 25th out of soccer teams in the country this year. Many players have not only been driven to succeed on the soccer field, but have gone on to renowned colleges around the country.

I am pleased to congratulate the Martin Luther King High School's Soccer Team. The team's Awards dinner, being held at the School on December 16th, will rightfully honor

a group of talented people who I am proud to represent in the 8th Congressional District of New York. I wish them all a joyous celebratory dinner and many more successful seasons.

TRIBUTE TO MARGARITA HUNT-TEJADA

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to a woman who has dedicated her life to serving the people of her community. Mrs. Margarita Hunt-Tejada, District Manager for Community Board #4 in the Bronx, NY will be retiring after 40 years of service.

In her role as District Manager for Community Board #4, Mrs. Hunt-Tejada oversees the delivery of city services to over 140,000 people. She assists in the development of long range strategies as well as plans for their implementation. Under her strong leadership many of the programs and projects advocated by the board are coming to fruition, such as the Bronx Community Court House, the High School for Law, Government and Justice and the East 153rd Street Bridge. In addition, Mrs. Hunt-Tejada can take great pride in the fact that she has helped to get the Bronx Terminal Market Project underway. This project will provide for a large scale shopping mall, a hotel and a much sought after conference center. More importantly, it will create hundreds of new jobs for Bronx community residents.

Prior to her role as District Manager for Bronx Community Board #4, Mrs. Hunt-Tejada served the people of the Bronx in various other leadership positions, including Director of Community Affairs at the Bethel Christian Church, Assistant Office Manager at M. Singer and Sons, located at the Bronx Terminal Market, and Associate District Manager for Bronx Community Board #4.

Believing that there can be no greater vocation than caring for and serving the needs of others, Mrs. Hunt-Tejada has worked tirelessly to help improve the lives of people throughout the Bronx. As a result of her unyielding dedication and hard work over the past four decades, hundreds of thousands of people in her community have been able to enjoy a higher standard of living.

Mr. Speaker, for her many years of outstanding service, I ask that my colleagues join me in paying tribute to this remarkable woman.

RECOGNIZING JUSTIN REYNOLDS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Justin Reynolds of Independence, Missouri, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 82, and in earning the most prestigious award of Eagle Scout.

Justin has been very active with his troop, participating in many scout activities. Over the many years Justin has been involved with scouting, he has not only earned numerous merit badges, but the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Justin Reynolds for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN HONOR AND RECOGNITION OF DR. HENRY T. KING, JR., CANADA'S FIRST HONORARY CONSUL IN CLEVELAND AND NORTHEAST OHIO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in tribute to Dr. Henry T. King, Jr., as Canada's First Honorary Consul in Cleveland and Northeast OH, and of the opening of a Canadian consulate office in Cleveland.

Dr. King has been a long-time friend of Canada. As U.S. Director of the Canada-U.S. Law Institute, he has hosted the Institute's annual law conference at Case Western Reserve University School of Law for the last 19 years. Dr. King is a member of the American Bar Association and former chairman of its Section on International Law and Practice. He is currently U.S. Chairman of the Joint ABA/CBA/Barr Mexican Working Group on the Settlement of International Disputes.

Dr. King is a founder and co-chairman of the Greater Cleveland International Lawyers Group. He is also a member and former chairman of the Northern Ohio District Export Council. In addition, he is a member of the Corporate Counsel Committee of the American Arbitration Association and is an advisory board member of the Institute for International and Comparative Law of the Center for American and International Law, formerly the Southwestern Legal Foundation.

Dr. King's strong interest in international law and justice goes back to his days as a young lawyer shortly after the Second World War when he joined with U.S. Supreme Court Justice Robert Jackson as a prosecutor at Nuremberg. This experience had a strong effect on his views of international law and relations, as is evident from his writings on global justice, international human rights, national and international security, sovereignty, and international courts.

Henry King is a graduate of Yale Law School and has an honorary degree of Doctor of Civil Laws from the University of Western Ontario. He was awarded lifetime membership in the Canadian Bar Association. He is a Professor of Law at Case Western Reserve University School of Law and Of Counsel to the law firm of Squire, Sanders & Dempsey in Cleveland.

Mr. Speaker, I am truly pleased that the people of Canada, in their wisdom, turned to Dr. Henry T. King, Jr., to be the Honorary Consul for Cleveland and Northeast Ohio. Canadians as well as the people of Greater Cleveland will be well represented in this most important international relationship.

BAT FOR THE CURE

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. WEINER. Mr. Speaker, each year, about 33,000 Americans die from prostate cancer and 256,000 are diagnosed for the first time. Aside from lung cancer, the disease kills more men than any other form of cancer.

On November 8, 1999, Ed Rendell, one of the country's foremost baseball authorities, was diagnosed with prostate cancer. Early detection and the care of doctors like Nicholas Romas at St. Luke's-Roosevelt Hospital Center in New York City saved Ed's life.

In late 2002, Ed founded Bat for the Cure, a non-profit charity dedicated to the eradication of prostate cancer. With its prominent Board of Directors, including Bob Costas, Mario Cuomo, Len Elmore, Kathy Giusti and John Hennessy III, the charity has raised hundreds of thousands of dollars to fight the disease.

The organization has also enlisted well-known sports stars who are joining in the fight, such as Dustin Baker, Frank Robinson, Tom McCraw, Bob Watson, Don Baylor, Dave Winfield, and Rafael Palmeiro. Many of these celebrities have personal experiences with the tragedy of cancer.

Fortunately, prostate cancer is one of the slowest growing cancers, so proper detection and treatment can save lives. With Bat for the Cure's support, St. Luke's-Roosevelt, the hospital that saved Ed Rendell's life, is now helping many other cancer patients become survivors.

Mr. Speaker, I urge my colleagues to make prostate cancer research and early detection a national health care priority. Congress should act without delay to double prostate cancer research funding at the National Institute of Health, fully fund the National Cancer Institute, and save prostate cancer research at the Veterans' Administration.

STATE OF THE AFRICAN
AMERICAN MALE**HON. BARBARA LEE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Ms. LEE. Mr. Speaker, I rise to discuss the State of the African American Male conference, a national initiative of the Congressional Black Caucus and the Congressional Black Caucus Foundation to focus our Nation's attention on solutions to the escalating crisis in the Black community.

This past Friday, December 3, I hosted this national initiative in Oakland. Included were a visit to a prison college program, free health screenings at the conference and concurrent solutions-focused workshops. It was attended by nearly 400 people, more than 60 of whom were formerly incarcerated individuals.

The focus of the Oakland conference was on solutions for formerly incarcerated individuals and the challenges that prevent them from smoothly re-entering our communities. The Oakland Police Department reports that some 80 percent of the 114 homicides com-

mitted in Oakland in 2003 involved people on parole or probation. For that reason, I felt compelled to focus the conference in my district on the steps that we as a community and as Members of Congress can take to begin to reverse this alarming trend.

The Oakland Conference was an important opportunity for us to examine closely what were the factors associated with the failure of our corrections system. I wanted to look at the needs and solutions for successful re-entry to our communities.

On the morning before the afternoon conference, I invited my distinguished colleague from the Judiciary Committee, SHEILA JACKSON-LEE, and members of the clergy to join me for a visit to San Quentin College. Offering an Associate of Arts degree, the college program at San Quentin prison is the only on-site, degree-granting college program in the entire California corrections system. It is one of only a few in the United States. It is an extension site of Patten University in Oakland, California. The curriculum at San Quentin includes courses such as American Government, literature, ethics and communication.

Without the warden and without other prison officials present, we spent nearly an hour listening carefully to five prisoners who are serving sentences of various lengths. These gentlemen described the rewards of getting a college education while serving their sentences. Even a prisoner serving a life sentence described the positive influence it has had on his life and that he encourages other prisoners to get an education. Another prisoner told us how his bond with his school-age daughter was strengthened by their sharing each other's homework. He talked of the pride he felt at being able to help her with her math for the first time. Yet, these prisoners reported that it is often difficult to maintain the motivation to make major life changes when it takes nearly two weeks for them to receive their mail from loved ones, and costs them \$15 for a ten-minute telephone call.

When family and community ties are so essential to a successful transition, then why do we permit such barriers to be erected between prisoners and the people who care most about them?

The difficulties these prisoners face during the re-entry process are further exacerbated by the fact that since 1994, Pell grants have been denied to individuals who are incarcerated. Why do we permit such barriers to remain when it is clear that education and job training are essential to a successful transition to our communities?

These funding cuts are part of a broader trend that began in 1977, when the California Department of Corrections eliminated rehabilitation from its mission and since then its mission has been solely to punish. When I was in the California Assembly, my colleagues and I attempted to correct this, but were prevented by a prevailing, but ill-informed "tough on crime" ideology. It is outrageous and immoral and in my district in the City of Oakland, we saw the consequences in 2003 in the 114 homicides.

Cost benefit analyses demonstrating the value of college over prisons are well known and well documented. When it is clear that college is better than prison, why do we continue to incarcerate more black males than we educate?

At the Oakland conference, education was just one area of the re-entry process that we

examined. In addition, health screenings were provided in the areas of HIV, prostate cancer, hypertension, diabetes and cholesterol, and all tests were free and open to the public. Provided by National Black Nurses Association, Kaiser Permanente, the Ethnic Health Institute and California Prevention and Education Project this component of the program addressed basic health concerns of Black men.

Congressman DANNY DAVIS, who began the State of the African American Male initiative, joined Congresswoman JACKSON-LEE and me for the Conference. Solutions Conferences have been held around the United States in order to create a clearinghouse of best practices. In the Oakland Conference in my district, Topics for the concurrent Solutions Workshops included: Re-Entry Programs; Record Expungement; Sentencing Alternatives; Employment and Training; Health; Housing; Education; and Funding Sources. When the workshop moderators reported out their solutions, it was abundantly clear that the expertise and assistance and innovative programs exist.

Mr. Speaker, I was proud to announce at the Oakland Conference that one Congressional Black Caucus Foundation Scholarship per year in my district will be designated for a formerly incarcerated person. I was also proud to announce that a second event will be held on Saturday, January 22, 2005 where I will bring together 60 attorneys from the Charles Houston Bar Association and the San Francisco Bar Association to provide record expungement assistance to formerly incarcerated individuals. This will be an opportunity for several hundred people to get a clean slate.

What is needed, Mr. Speaker is for such programs to become a national priority.

Rather than setting up people in the correction system for failure by offering them little means of turning their lives around, we must restore Pell grants to incarcerated individuals. One of the programs in Oakland—Project Choice—provides support services to prisoners before they get out and stays with them. But Project Choice only has funding to support 40 of the 3,000 people paroled each year to Oakland.

Without programs like San Quentin College, Project Choice and others, without the support of their families and communities, these prisoners will return to the life that led them to prison in the first place. As a nation, we must provide alternatives. This is not only a matter of public safety, but is truly our moral responsibility. It is our obligation as members of the human race.

HONORING HERITAGE ELEMEN-
TARY SCHOOL STUDENTS,
THOMPSON'S STATION, TEN-
NESSEE**HON. MARSHA BLACKBURN**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mrs. BLACKBURN. Mr. Speaker, Tennessee is known as the "Volunteer State" because we have a proud tradition of giving back to our community and our country. Today the students at Heritage Elementary School in Thompson's Station, Tennessee are reaffirming our state's reputation for volunteerism by working to support America's military families.

Our men and women in uniform have sacrificed for our security, and their families bear a burden each and every day. The students at Heritage Elementary have made it their mission to give all they can to Operation Stork Support, a program that presents gift baskets to expectant mothers in the Fort Campbell community. These moms-to-be are separated from their loved ones by war, but we can help lessen their burden and show them how much we care. The Heritage Elementary students have raised \$740 in pennies—that's 74,000 pennies—for Operation Stork Support. I thank them for their contribution, their concern, and not least, their love for our military families.

UNDERSTANDING ISLAM AND DEFENDING FREEDOM—LIFT THE DE FACTO GAG ORDER ON NOBEL PEACE PRIZE LAUREATE SHIRIN EBADI

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. HOLT. Mr. Speaker, it was religious freedom that brought the Pilgrims to America's shores. In our beloved Constitution and Bill of Rights, we affirm our steadfast commitment to freedom of expression and freedom of the press as pillars of our democracy. Consequently, it pains and embarrasses me, as an American that the executive branch of our government continues to betray our democratic values and preclude Ms. Shirin Ebadi, the 2003 Nobel Peace Prize Laureate, and other distinguished Muslims from publishing their views for all Americans to read.

Ms. Shirin Ebadi is the first Iranian and the first Muslim woman to receive the Nobel Peace Prize. She is a distinguished lawyer, scholar, and teacher. President Bush has praised her tireless work as a champion of democracy and human rights. She represents Reformed Islam, and argues for an interpretation of Islamic law which promotes international respect for universal human rights. She is devoted to religious freedom, even to the extent of risking her own life, for example, to defend the rights of other faiths inside Iran. In short, she personifies precisely the type of Islamic voice of faith and scholarship with whom our nation should be in dialogue.

Why then is our government, through self-defeating U.S. Treasury Department Regulations, imposing a gag order on Ms. Ebadi? Why are Americans who attempt to help Ms. Ebadi publish her writings now being threatened with severe fines and lengthy prison sentences?

The current over-reaching Treasury Department regulations are demonstrably short-sighted, counterproductive, and unrepresentative of American ideals. That is why I have written to President Bush urging him to reverse to reverse this policy and demonstrate anew America's commitment to freedom of speech, freedom of the press, and the free flow of ideas. I ask unanimous consent that my self-explanatory letter be reprinted in its entirety at the conclusion of my statement. The intent of the regulations, I presume, is to prevent giving beneficial trade revenue to governments that support terrorism, but preventing the publication of ideas is a clumsy, foolish way to try to protect Americans.

Ms. Ebadi's views are the antithesis of those of Osama bin Laden. She is in the same tradition as Solzhenitzen, Sakharov, Sharansky, Walesa, and Havel—all of whom risked their lives to condemn Soviet repression, thus helping give hope to their oppressed countrymen and women and end the Cold War. America should extend Ms. Ebadi and others like her the same support. That would be in keeping with the democratic values and ideals of the American people that have been championed by Democratic and Republican Presidents alike since from the founding of our republic until recent years.

Instead, unbeknownst to many Americans, the Bush Administration continues to enforce unreasonable regulations that silence Ms. Ebadi's voice in America just as effectively as if the Iranian mullahs imprisoned and silenced her, as they have on numerous occasions in the past.

CONGRESS OF THE UNITED STATES,

November 24, 2004.

Hon. GEORGE W. BUSH,

President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: I am writing to urge you to take immediate corrective action to defend America's commitment to freedom of speech, freedom of the press, and the free flow of ideas. Specifically, I ask you to overturn existing trade-related regulations of the U.S. Treasury Department and substitute new regulations that will allow Ms. Shirin Ebadi from Iran to be heard and published as widely as possible in the U.S. and abroad. More generally, the regulations should be changed to allow public speech and communications around the world.

Ms. Ebadi, a distinguished Muslim jurist, lawyer, scholar, and teacher, was awarded the Nobel Peace Prize in 2003. You have praised her tireless work as a champion of democracy and human rights. She represents Reformed Islam, and argues for an interpretation of Islamic law which promotes international respect for universal human rights. She is devoted to religious freedom, even to the extent of risking her own life, for example, to defend the rights of the Ba'hai community in Iran. In short, she personifies precisely the type of Islamic voice of faith and scholarship with whom our nation should be in dialogue.

Yet, Ms. Ebadi is now prohibited by U.S. Treasury Department regulations from writing and working with American editors to publish her memoirs in the U.S. These regulations are counterproductive for multiple reasons:

They silence Islamic proponents of freedom, democratic reform, tolerance, and universal human rights.

They prohibit Americans from contracting or collaborating with Ms. Ebadi and authors from other restricted countries to create or revise new books for Americans to read, or pay them in advance.

They prohibit American editors, publishers, and agents from working professionally on new or existing books with Ms. Ebadi and other distinguished authors in restricted countries.

Under threat of severe fines and lengthy prison sentences, they prohibit American publishers, editors, and agents from marketing or promoting Ms. Ebadi's writing and those of other pro-democracy authors from restricted countries in the Islamic world and elsewhere.

The practical consequence of these regulations is that American publishers simply cannot do business with Ms. Ebadi and other authors like her and cannot publish their books. Furthermore, Americans who want to

receive more information and learn more about society and culture in Iran, Sudan, and Cuba are limited now to reading what has already been written in such restricted countries. These regulations of the U.S. Government silence Ms. Ebadi's voice in America just as effectively as if the Iranian mullahs imprisoned and silenced her, as they have on numerous occasions in the past.

This policy and the underlying Treasury Department regulations are demonstrably shortsighted, counterproductive, and unrepresentative of American ideals. They urgently need to be replaced by less restrictive and proscriptive regulations that are reflective of American values and democratic traditions and that are consistent with the spirit and letter of the laws enacted by Congress in 1988 and further clarified in 1992 to ensure the free flow of information and ideas in international trade. The revised regulations clearly should enable Americans to contract, pay in advance, and work freely with Ms. Ebadi on revisions of her existing work and the creation of additional writings and to market and promote her writings without constraints.

Mr. President, you have the authority and power to rectify this betrayal of America's commitment to freedom of speech, press and religion. It is also noteworthy that the bipartisan 9/11 Commission has warned that if the U.S. does not act aggressively to define itself in the Islamic world (including the encouragement of more open societies), the Islamic extremists will gladly do the job for us. Accordingly, the 9/11 Commissioners recommend, in relation to the war on terrorism, that the U.S. Government use non-military means in addition to force to define anew what we stand for, and to lead by example in promoting freedom, democracy, and respect for universal human rights.

I can think of no clearer or easier example for America to set than for you to take whatever action is necessary, as a matter of urgency, to enable Ms. Ebadi to publish her writings in America.

Sincerely yours,

RUSH HOLT,
Member of Congress.

DIRECTING CLERK OF THE HOUSE TO MAKE TECHNICAL CORRECTIONS IN ENROLLMENT OF H.R. 4818

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Ms. SCHAKOWSKY. Mr. Speaker, yesterday's vote on H. Con. Res. 528 is about much more than just eliminating a provision that Republicans sneaked into the Omnibus Appropriations bill. While that provision would have eroded existing privacy protections of American taxpayers, today's vote also highlights the growing abuse of legislative power and abuse of the public trust by the Republican leadership. It is also about priorities and meeting our nation's needs.

I opposed the massive spending bill when it was considered on the House floor on November 20, 2004, because I was certain that, without carefully examining it, I might be voting for inappropriate, irresponsible, or even embarrassing provisions. Sure enough, that is the case. The provision the Republicans inserted into the spending bill which would allow Members and staff on Congressional committees to

"sneak and peak" at taxpayers' confidential tax filings, and, which H. Con. Res. 528 corrects, is just one example of the controversial changes and omissions included in the 3,000-page Omnibus package.

The Omnibus Appropriations bill includes another serious threat to taxpayers' privacy, one that we are not fixing today. Behind closed doors, the Republicans stripped from the massive bill a House-passed amendment which would have prohibited the Internal Revenue Service from using private bounty-hunters to collect back taxes. That provision, which enjoyed strong-bipartisan support, would have prevented 2.6 million tax returns a year from being turned over to private debt collectors with personal financial stakes—receiving 25 cents on every dollar in making people "pay up." This policy all but openly condones strong-arm collection tactics. Additionally, while IRS employees must respect taxpayer privacy or be liable, the bounty hunters will have no such restrictions. They are free to do as they please, and we have no reason to believe that they will not abuse the power the Republicans want to give them in order to increase their profits at the expense of taxpayer privacy.

Furthermore, 6 million employees are in danger of seeing the 40-hour work week eroded because of another glaring omission from the Omnibus Appropriations bill. In a blow to America's workers, the Omnibus fails to include the Obey-Miller amendment to the Labor-HHS Appropriations bill that passed the House. That bipartisan provision, which also passed the Senate, would have ensured that the Administration's new overtime rules do not harm Americans who depend on overtime to make ends meet, instead keeping in place a vital protection and keeping them from having to work longer hours for less pay.

There are also provisions included in—or excluded from—the bill that would undermine a woman's right to choose, undercut environmental protections, and put workers' retirement security in jeopardy if their employers chose to convert from defined benefit to cash-balance plans. But, unfortunately, it is not only the policy riders and omissions that are harmful to millions within our country. The funding levels of too many vital programs are shameful and jeopardize our citizens and our future.

For instance, the Community Oriented Policing Services (COPS) Program, which has helped put thousands of police officers on our streets, is cut by roughly 20-percent. The Small Business Administration's budget is reduced by 18-percent. There is no funding for the 7(a) loan program, which is the SBA's flagship program for helping small businesses get access to capital. Although we are bringing home new veterans every day, the funding level for veterans' health care is at least \$1.3 billion less than what the bipartisan Veterans' Affairs Committee says is needed just to maintain the current level of services. The President's own No Child Left Behind Act is underfunded by \$9.6 billion. Many key housing programs are slashed. Housing for the elderly was cut by \$27 million, and housing for people with disabilities was cut by \$9 million. Assistance for the homeless also saw a \$9 million cut. Community Development Block Grants are funded at \$212 million less than current levels. Contrary to Congress's call in 2002 to double the National Science Foundation's budget over the next five years, the omnibus

cuts NSF's funding by \$61 million below Fiscal Year 2004's level. While those cuts may seem small, they could truly decimate those programs, many which were already severely underfunded. At the same time that millionaires are not being asked to give up one penny of their tax cuts, investments that will make our country stronger are being cut.

Despite its containing controversial changes to the law and gross underfunding of essential government services, facts only known to a handful of powerful Republicans, my colleagues and I were given only a few hours to read the bill which funds 13 government departments, dozens of domestic agencies, and is one of the largest government funding bills to come before Congress. Not even the most accomplished speed-reader could have gotten through the bill in time, which is exactly what its authors were counting on when they rammed the bill through in one day. Such treatment of a bill of such importance is a discredit to the institution of Congress and a serious disservice to our country. One resolution fixing one issue cannot make up for the abuse of power and the abuse of the American taxpayer, employee, student, senior, and family that H.R. 4818 embodies.

DIRECTING CLERK OF THE HOUSE
TO MAKE TECHNICAL CORRECTIONS
IN ENROLLMENT OF H.R.
4818

SPEECH OF

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 6, 2004

Mr. SCOTT of Virginia. Mr. Speaker, I support this provision to fix the misguided insertion in the Omnibus Appropriations bill allowing Congressional staff to view individual tax returns. However, I protest the process through which that insertion, and others, were inserted into a 3,000-plus page spending bill without the knowledge of most members and without an opportunity to correct all of them.

One such additional insertion is a provision which effectively eliminates one of our most effective tools to fight crime—the Federal Prison Industries program. Study after study—some of them covering as much as 16 years of follow-up data—have shown that inmates who participate in the Federal Prison Industries program are more likely to be employed and less likely to commit crimes than those who do not take part. And corrections officials tell us that Federal Prison Industries are critical to their maintaining safety and security in the prisons by giving inmates something productive to do with their time. Crime victims and the inmates' dependents benefit, as well. Last year alone, inmate workers paid more than \$3 million from their wages in the form of restitution to victims and support payments to dependents.

Inserting provisions in a 3,000-plus page bill with no opportunity to know about them or review them prior to voting on them, not only violates House rules against legislating on an appropriations measure, but violates principles of transparency and regular order in legislating, as well.

PERSONAL EXPLANATION

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. DeLAURO. Mr. Speaker, on rollcall no. 543, Technical corrections in the enrollment of the Bill H.R. 4818, I was absent due to a medical family emergency. Had I been present, I would have voted "aye."

HONORING D.C. UNITED AS THE
MAJOR LEAGUE SOCCER CHAMPIONS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Ms. NORTON. Mr. Speaker, I rise to congratulate D.C. United on winning the Major League Soccer Championship Cup on November 14, 2004. D.C. United beat the Kansas City Wizards 3–2 to win its fourth MLS championship in the league's nine-year existence. Alecko Eskandarian scored United's first two goals, leading D.C. to the MLS title. D.C. United has been the District's most successful sports franchise in recent history and has been called the most successful club in MLS history. The team is a metaphor for the extraordinary progress our city itself has made—balanced budgets and surpluses, retaining and attracting homeowners, and a renaissance in economic development throughout the District of Columbia.

The mighty Black and Red recently celebrated their triumph with a victory rally at RFK Stadium, giving more than 1,000 fans an opportunity to get up close and personal with players, pose for pictures and get autographs. During the rally, Mayor Anthony Williams hailed the "dedication, teamwork and vision" of the champs, declaring November 17 "D.C. United Day" in the nation's capital. Team captain Ryan Nelsen thanked "the 12th man", the great fans of D.C. United.

In a season dominated by news about the signing of our big catch, 15 year old soccer phenom Freddy Adu, first-year coach Peter Nowak moved the focus off the media hype and with his team-oriented philosophy steered United to capture its first Cup since 1999. Nowak said, "They have real attitude and a winning mentality, they're always going to come first and they're always going to be the winners. They shared my vision and they got the cup at the end."

Giving Adu his "props," however, Freddy became the youngest player ever to win a championship in a major U.S. professional team sport. The unassuming teenager, though, preferred to focus on the team's accomplishments rather than his own.

D.C. United also won championships in 1996 and 1997. Unfortunately, after its 1999 MLS Cup, the team missed the playoffs in 2000, 2001 and 2002. But the road back to the top of the league became painted with hard work, patience and a determined eye toward winning the Cup back.

The team is currently conducting its annual United Holiday Toy Drive benefiting Children's National Medical Center. They invite the public

to bring donated toys to RFK Stadium and receive a free set of signed player cards. The toy drive is just one of the United's four community outreach programs. Kicks for Kids provides 10,000 disadvantaged youth with free game tickets, meal vouchers and promotional items; United donates much-needed items such as youth soccer equipment and school supplies to area non-profit organizations; and team coaches and players run six free children's soccer clinics each year.

Mr. Speaker, I ask Congress to recognize D.C. United for its spirit and excellence on and off the field, as the nation's capital celebrates the Major League Soccer Champions.

COMMEMORATING THE CONSULATE GENERAL OF JAPAN AT KANSAS CITY

HON. KAREN MCCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to recognize and commemorate the services of the Consulate General of Japan at Kansas City to the six-state region of Iowa, Kansas, Missouri, Nebraska, North Dakota, and South Dakota and to note, with sadness, the closing of the Consulate as of December 31, 2004.

Since the Japanese Pavilion at the 1904 St. Louis World's Fair first intrigued and delighted tens of thousands of visitors, the links between Japan and the heart of the American Midwest have grown in strength and diversity. As investment, trade and educational exchanges have increased over the last 50 years, so too have the number and scope of contacts and contracts between these six states and Japan.

The Japanese government has been proud to host Governors from the six-state region as honored guests, along with United States Senators and Representatives, business leaders and leading scholars. In return, Ambassadors, Diet members, and even the Emperor and Empress of Japan have visited the heart of America. But there is much more to the relationship than VIP visits and official statements. The Consulate General of Japan at Kansas City has served the six-state region for 25 years in promoting economic development, fostering cultural exchange and understanding, and in providing consular services to the Japanese citizens and U.S. citizens in this region.

More than one hundred Japanese companies have operations within the region and the Consulate has been a significant factor in facilitating and encouraging such investments to the economic benefit of the region through increased employment and economic activity. These companies employ over six thousand Americans. Exports out of the region to Japan exceed \$900 million per year.

The Consulate has actively promoted and sponsored cultural fairs and activities throughout the region to foster better cultural understanding and exchange. Examples of cultural activities are the Annual St. Louis Japanese Festival and the Greater Kansas City Japan Festival. The Consulate has assisted almost three hundred regional educators to experience Japan first hand through the Fulbright Memorial Teachers Program. Over eight hun-

dred Americans have participated in the Japan Exchange and Teaching Program. Nearly 100 university and graduate students have participated in scholarship programs provided by the Ministry of Education of Japan. Currently, almost 2,000 Japanese university students are enrolled in public and private universities throughout the 6-state region. In addition, the Consulate has coordinated cultural gifts in the form of gardens, gateways, and statuary to numerous local communities. The Consulate has supported and promoted 28 different sister cities and sister state relationships.

The Consulate has provided consular services to the 4,500 Japanese nationals living in the six-state region and, over the years, the Consulate has issued more than 30,000 visas to American citizens wishing to work, study, or live in Japan.

Over the last 25 years, the Consulate has been active in working to resolve trade issues specific to the region and, as an example, the current Consul General, Takao Shibata, has been actively involved in efforts to resolve beef trade limitations imposed out of concern for BSE exposure.

Since arriving in Kansas City in July 2002, Consul General Takao Shibata and his lovely wife Mieko Shibata have become a valuable part of our community. They will be missed by me and the citizens of Missouri's Fifth Congressional District.

The people of Kansas City and the six-state region regret the closing of the Consulate, but we look forward to a continuation of our close relationship with Japan, and the provision of consular services by the Consulate General of Japan at Chicago.

STAKES IN THE UKRAINIAN ELECTION

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. LEACH. Mr. Speaker, history unfolds at an unpredictable pace. While we've been preoccupied with "Iraq and our own elections at home, dramatic events have shaken Ukraine for the past fortnight. They must not be overlooked or their implications misunderstood.

Once again in the former Soviet empire, we are witnessing the courage of the human soul and the lengths to which oppressed people will go to seize freedom.

In Ukraine, a country besieged in the last century by two of mankind's greatest 'isms' of hate—fascism and communism—a populace has risen against another kind of 'ism'—corruptionism. We are now witness to the power of the individual standing up against forces of injustice and oppression. We are also witness to the continuing saga of a people aspiring to shape its own destiny, clear of the shadows cast for centuries by powerful neighbors.

At issue is the question of freedom and its transforming effects. Democracy implies more than elections. It implies integrity of process, and when that integrity is lacking, the charade of stolen elections can be more debilitating than unabashed authoritarian rule.

There are geostrategic as well as philosophical dimensions to the Ukraine situation that need to be understood in the broad context of the region and its history.

Geopolitically, Ukraine is a large expanse about the size of Texas, with a population of nearly 48 million people, stretching from the wheat fields along a line between Warsaw and Moscow to the palm trees of Yalta, on the Black Sea. The Ukraine was the breadbasket of the old Soviet Union; today, it is an economic and political hinge between the European Union and NATO on the one hand, and the Russian Federation and the Asian landmass, on the other. The western, Ukrainian-speaking half of the country looks to Warsaw and Berlin, Paris and Washington; eastern Ukraine, with its Russian-speaking population, looks more to Moscow. Language creates cultural divisions, but the forces of political cohesion are strong. Both population groups are committed to independence and undiluted Ukrainian sovereignty.

So, in addition to democracy, at issue is Russian imperialism. Instability in Ukraine can only strengthen the hand of an increasingly authoritarian Kremlin. By contrast, a genuinely free election in Ukraine would not only enhance national solidarity but encourage democratic forces in the rest of the former Soviet Union, not least within Russia itself.

Those committed to democracy anywhere in the world should not hesitate to identify with aspirations of the Ukrainian people. Ukraine may be on the distant side of Europe from the United States, but our countries are bound by a common heritage and an inalienable urge for freedom. As Taras Shevchenko, the 19th century Ukrainian poet, wrote: "It makes no difference to me / If I shall live or not in Ukraine / Or whether any one shall think / Of me mid' foreign snow and rain / It makes no difference to me . . . It makes great difference to me / That evil folk and wicked men / Attack our Ukraine, once so free / And rob and plunder at will / That makes great difference to me."

So far courageous Ukrainians have succeeded in halting a fraudulent election. Sensing political winds blowing from a new direction, the once docile supreme court has, startlingly, done an honest job, erasing an injustice and calling for a new election. But the outcome is still in doubt. There is plenty of opportunity before the court-ordered runoff for status quo authorities to attempt, once more, to subvert the democratic process. There can be little doubt they will try to do so. For the KGB alumni who dominate the Kremlin, Ukrainian democracy is more than an embarrassment. It is a threat to their power and wealth and, for some, to their dream of restoring the Russian empire.

No one wishes to poison relations with Russia, but free elections are not an issue on which the United States should or, indeed, can compromise without sullying its principles. Nor need we respect the threat of those who are so fearful of losing power that they hint of promoting a division of Ukraine into western and eastern parts. Separatism mis-serves the Ukrainian people. It is a trend that Russia, grappling with Chechnya and other non-Russian regions, can only endorse at great risk.

Differing with Russia may be politically awkward, but once the flame of freedom is ignited, the U.S. and other western democracies have no ethical choice except to stand up in support of the people of Ukraine. The march to freedom in Poland, Czechoslovakia and other former communist-bloc countries has shown that the risk of an outbreak of destabilizing violence is far greater in situations where the

popular will is suppressed than in those where it is allowed to find full expression.

The Ukrainian election set for December 26 is one of the seminal events of this new century. As members of the American people's House, we are obligated to express our support for the aspirations of Ukrainians.

REFLECTION OF EIGHT YEARS
SERVICE

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. LAMPSON. Mr. Speaker, after serving in the People's House for the past eight years, and having the honor of being the voice of Southeast Texas in Congress, I now finally have time to reflect on the accomplishments I've been able to achieve. These are goals that came both from my personal service, and from the work I've been able to do to make the communities within Texas's 9th Congressional District a better place to live.

None of the things I have done would have been accomplished without a true team effort. The local communities, through their leaders, were able to build a communications network that allowed my work here to reflect the needs and interests of the people within the 9th Congressional District. It's been an honor to do that and we did so successfully.

Some of those successes include my work on transportation issues. As southeast Texas's only Member of the House Transportation Committee, I'm especially proud of being able to help bring hundreds of millions of dollars to the region to create jobs and improve the area infrastructure. This includes the work I did to prevent coastal erosion, where I was able to help initiate studies by the U.S. Army Corps of Engineers to determine what's causing erosion along upper Texas coast, and how we can slow or stop the loss of protected wetlands, and the potential adverse impact on sports and commercial fishing activities, which impacts the livelihood of many southeast Texans.

We were also able to do a great deal of work to improve highways, airports and airways, waterways, and railways, all of which are important and have provided a better quality of life and economic development opportunities for my constituents. The salt water barrier on the Neches River, which allows for the deepening and widening of Sabine Neches Ship Channel, will further strengthen our waterways while also protecting the Big Thicket National Forest. These activities will also further improve and strengthen the area's petrochemical industry, an important part of both the southeast Texas and national economies, and an industry that provides thousands of good, solid jobs for hard-working Texas families.

I am also proud of my work on the House Science Committee, and to serve as the ranking Member of the Subcommittee on Space and Aeronautics. My primary work was to promote development of space, and I also introduced the Space Exploration Act in the beginning of my third term. The goals of this initiative were picked up by the President and set before this Nation as a national initiative, which gives me great deal of pride. NASA

needs a larger, important vision to work on, and my proposals always had this concern in mind. We need to continue seeing a growth in civilian space exploration and research. Such activity has the exciting potential of increasing our advances in medicine, technology, education, and the overall positive growth of our great nation. We must always emphasize research and development of science and mathematics, and I can think of no better way to achieve this than through our future in space.

Child safety legislation has also been a top priority from my first days in Congress. My biggest success was the creation of the Congressional Caucus on Missing and Exploited Children, which I founded following the tragic death of a young girl, Laura Kate Smither, in the Friendswood part of the 9th Congressional District. We passed legislation that created the Cybercrime Center, passed many bills like the Amber Alert program, and introduced the Bring Our Children Home Act in the 106th and 107th Congresses, and this year that bill received a hearing by the Chairman and Ranking Member of the House International Relations Committee. I'm very proud of our efforts to reach out to countries around the world for children of parents of dual nationalities. I wrote and delivered a resolution regarding the development of a best practices guide on the Hague Convention on the Civil Aspects of International Child Abduction, which was a further step in encouraging compliance with international treaties and allies. One of the most important accomplishments of the Caucus is raising awareness with law enforcement and communities nationwide on the issues of child safety and Internet safety. I hope to see this good work continue in future Congresses, as the bipartisan cooperation and spirit with the Caucus always led me to believe that Members of both parties can find common ground on many problems facing our country. With last year's creation of the Senate caucus on child safety, I know this issue will continue to receive that important attention even after my last day here.

I also want to thank my hard-working staff both in Texas and Washington, who fought hard and effectively served the people of southeast Texas. These talented and diligent individuals supported me on every level, and made it possible for me to have one of the most effective constituent services operations of any Member's office. My staff assisted numerous constituents with getting issues resolved with Social Security and disability, Veterans Affairs benefits, and immigration cases. It truly is wonderful to support retired Americans, new Americans, and Americans who have proudly served in the armed forces to protect our freedoms. I am so proud of all that my staff has done for the people of southeast Texas, and know that they will all go on to wonderful and bright professional futures.

I also want to thank my family for their support and, of course and most importantly, their willingness to let me take the time to fight for our communities. I appreciate their love and support of my efforts so much, for without them none of what I did in Congress would have been possible. We come from a family of teachers, with my wife teaching special education at Vincent Middle School in Beaumont. Both my daughters are trained teachers as well; Hillary, who's currently not teaching because of her family and children, and Stephanie who's a 6th grade math teacher also in

Beaumont. Our family understands what education means to all of us and our opportunities, and as a family we have made a commitment to help other families have easier access to educational opportunities.

In closing, let me say that this is not an ending to my public service. I've spent the last 34 years of my life doing things to make my communities better—my goal now is to help all citizens of our country, particularly those who I represent in southeast Texas, to focus on issues that impact us daily, and to see what all of us can do to make our communities better places to live. So as I say my final words on the House floor, let me echo the words of one of our country's greatest leaders, Attorney General Robert Kennedy, who said, "It is from numberless diverse acts of courage and belief that human history is shaped. Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and . . . those ripples build a current which can sweep down the mightiest walls of oppression and resistance." Thank you, and God bless.

TRIBUTE TO REPRESENTATIVE
CALVIN DOOLEY

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. CROWLEY. Mr. Speaker, I rise to pay homage and respect to my retiring colleague Congressman CAL DOOLEY of California. So much can be said of CAL, but he is a true leader in the Democratic Party.

It was CAL who was at the forefront of the New Democratic Movement in our country. He saw the opportunity to say that the issues of business and the values of the Democratic Party are not in direct conflict. While he may not be the household name of a Bill Clinton—it is the ideas and organization of CAL DOOLEY that helped this country create a President Bill Clinton, a new 21st Century Economy and usher in a return of a Democratic Party disciplined to bring about economic benefits and quality for life changes for people while recognizing that Government is not always the solution.

He was a true pioneer in creating the New Democrats in Congress and making them the powerhouse they are today—a respected organization of people who think outside of the box for real solutions to real problems to help real Americans. CAL was a leader in making our party more globally focused, encouraging free trade and recognizing the benefits to all parties of open economic borders. Whereas isolationism was in the past the default policy of Democrats, he worked to pry us onto a new path—a path of economic globalism. The result—the USA is an even stronger economic powerhouse than in the past.

While the people of his district have been recognizing him and thanking him for his leadership on their issues for 7 straight terms now we in Washington are now realizing our loss to this Chamber and to the thinking of our Party. We thank you and we appreciate you and less, we are still listening to you.

TRIBUTE TO THE CITY OF NILES,
MICHIGAN

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. UPTON. Mr. Speaker, I rise today to honor and congratulate the City of Niles, Michigan for the dedication of its downtown "streetscape" project. Over the past two years countless individuals tirelessly worked to bring this project to this remarkable pinnacle. With the addition of new streetlights, new planters, new patterned filled sidewalks, new drinking fountains, new benches, and new trash receptacles, the folks of Niles now have a tremendous downtown to be proud of. I had the great privilege of recently visiting the new streetscape and it is terrific.

The finishing of the "streetscape" couldn't have come at a more appropriate or meaningful time as families and friends come together to celebrate the holidays. Volunteers have diligently worked stringing garlands along fences, threading strands of lights into the trees, and placing ribbons and wreaths on the new historic streetlights, all in an effort to make the downtown ready for its holiday celebration.

Southwest Michigan and especially the folks of Niles truly have a magnificent historic downtown to cherish for years to come. On behalf of the Sixth District of Michigan I would like to especially pay tribute and give thanks to everyone who volunteered and worked on preserving and beautifying this great city.

HONORING CIVIL AIR PATROL
CADET 1LT BRIAN M. MOONEY

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. BISHOP of New York. Mr. Speaker, I rise today in honor of the life and contributions of Civil Air Patrol Cadet 1LT Brian M. Mooney. The Civil Air Patrol, an Auxiliary of the United States Air Force, is dedicated to educating the American public on air related topics and providing emergency services and disaster relief efforts.

During First Lieutenant Mooney's extensive tenure as a Suffolk County Cadet, he exemplified what it means to be a dedicated and passionate member of the Civil Air Patrol. After originally joining the Air Patrol as a member of the COL F.S. Gabreski Squadron in 1998, Cadet Mooney worked hard to help that squadron earn a Unit Citation for 1999. In 2001, First Lieutenant Mooney became Commander of Suffolk County Cadet Squadron 5, where he served diligently until his 21st birthday.

Sadly, First Lieutenant Mooney passed away prematurely on October 16, 2004. First Lieutenant Mooney was truly an individual respected by his community and he will continue to be remembered as someone who always had a kind word for friends and strangers alike. Mr. Mooney's loving family, surrogate mother and all of his friends and compatriots in the Air Patrol will miss his dedication to life and to his duties as a Squadron Commander.

In a fitting and lasting tribute to the many contributions First Lieutenant Mooney made to

the Air Patrol organization, I was pleased to learn about a recent decision to rename Squadron 5 after Brian M. Mooney. This will undoubtedly serve as a reminder to young cadets that their unit respects the outstanding works of former Squadron members.

In December of 2000, First Lieutenant Mooney received one of the Air Patrol's highest honors by earning the illustrious General Billy Mitchell Award. Named for BG Billy Mitchell, this commendation represents a significant achievement requiring a strong work ethic and an exhaustive knowledge of aerospace issues.

First Lieutenant Mooney's experience in the Civil Air Patrol could serve as a guide for all young cadets. Early in his tenure, Mooney was elected Vice-Chairperson for the Long Island Group Cadet Advisory Council and following his work there, was elected Chairperson for the LI Group and was named as a Member of the New York Wing Cadet Advisory Council.

First Lieutenant Mooney's work as Commander shows the overwhelming pride that he had in his unit and in his fellow cadets. One year after becoming Commander, Mooney was named Long Island Group's Cadet of Distinction 2002, and during the course of only two years of his service in the Air Patrol, Mooney was responsible for increasing recruitment for his squadron from five to forty-plus cadets.

I can think of few individuals more suitable for recognition by this body. First Lieutenant Mooney's work with the Civil Air Patrol influenced numerous cadets on Long Island and the members of the Squadron now bearing his name will sorely miss him. First Lieutenant Mooney shows that selfless dedication to a cause and dogged pursuit of one's goals reflect positively on the community as a whole.

First Lieutenant Mooney's brief life was filled with extensive contributions to family and fellow cadets alike, and I appreciate the opportunity to commemorate his work in the Civil Air Patrol. I would also urge that the current cadets in the Brian M. Mooney Civil Air Patrol Squadron memorialize First Lieutenant Mooney's achievements by continuing his good works.

A TRIBUTE TO KATHY
TAVOULARIS ON HER RETIRE-
MENT

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. COX. Mr. Speaker, I rise today to pay tribute to a great Californian. Kathy Tavoularis is retiring from her position as the Executive Director of the Republican Party of Orange County, where she has directed the day-to-day operations of the county Republican Central Committee for over a decade.

Kathy began her involvement with the county party as a college intern in 1991, and was hired in 1993 as Office Director.

Kathy represents so much of the diversity that makes Orange County such a lively and interesting place. She was born in Montreal, Quebec in 1970 to George and Maria, who had emigrated to Canada 10 years earlier from Greece. She grew up outside of Chicago,

Illinois and became a life-long fan of the Chicago Cubs and the Chicago Bears. Kathy is fluent in Greek and conversational in Quebecois French from her days in Canada. She has also traveled extensively in Europe.

She graduated from California State University, Long Beach, earning a B.A. in Political Science, with an emphasis in Politics and Policy Formation. Kathy worked three jobs at once to pay her way through college and received her degree after only 3 years.

Kathy has been a dedicated member of the Orange County Republican Women Federated, the Orange County Young Republicans, an appointed Member of the California Republican Party, and has worked at the 1996, 2000 and 2004 Republican National Conventions.

Kathy regularly attends St. John the Baptist Greek Orthodox Church in Anaheim, where she is active in Bible Study and Early Church History Classes.

On behalf of my colleagues, let me join the many friends, co-workers and admirers in wishing Kathy Tavoularis nothing but the best in her future endeavors. She leaves behind an enormously positive legacy for the residents of Orange County, local community leaders, and in helping to make Orange County "the most Republican county" in America.

INTERNET TAX
NONDISCRIMINATION

SPEECH OF

HON. CHRIS CANNON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. CANNON. Mr. Speaker, first, I would like to commend the House and Senate for passing the 3 year extension on the moratorium for Internet taxes and the President for signing the bill last Friday. I am pleased that we were able to extend the moratorium, I agree with the gentleman from Wisconsin, the Chairman of the Judiciary Committee, that the moratorium should be made permanent. I look forward to working with him and others next year to achieve this very important goal.

Second, for clarification purposes on the grandfather of states that tax Internet access, I wish to offer an explanation distinguishing the difference between the pre-October 1998 and pre-November 2003 dates as found in Section 1104.

While both sections use the term "Internet access," Section 1104(a), the provision for pre-October 1998 taxes, applies only to the states that were lawfully taxing Internet access before the original enactment of the Internet Tax Freedom Act in 1998. The definition of "Internet access" that applies to the Section 1104(a) grandfather clause is the definition as set forth in the 1998 Internet Tax Freedom Act, as the amended definition does not take effect until November 1, 2003. Those states that were grandfathered under the Internet Tax Freedom Act from 1998 to 2003 will continue to be grandfathered under Section 1104(a).

Section 1104(b), the provision for pre-November 2003 taxes, applies only to those states that were taxing telecommunication services purchased, used, or sold by an Internet access provider to provide Internet access,

such as Digital Subscriber Line (DSL) access technology, if they were doing it lawfully prior to November 1, 2003. The amended definition of "Internet access" in the Internet Tax Freedom Act is effective November 1, 2003 and applies to section 1104(b). Section 1104(b) expires November 1, 2005 in order to eliminate any "tax on Internet access" (as defined in Section 1104(10)) regarding telecommunications services purchased, used or sold by an Internet access provider for the purpose of providing Internet access.

Finally, in making the Internet Tax Freedom Act technology neutral, this law now protects consumers from taxes on all Internet access technologies, including dial-up, DSL, cable modem, satellite and wireless. A consumer may even purchase Internet access from two Internet access providers without the threat of taxes. He may use one service to browse the Internet and the other service primarily for e-mail and content services. Both Internet access services are protected from state and local taxation under this law. This law is a significant accomplishment on behalf of all American consumers and maximizes consumer choice and access.

RECOGNIZING THE SERVICE OF
RICHARD E. MEADE

HON. JIM NUSSLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2004

Mr. NUSSLE. Mr. Speaker, the circle and legacy of service to the United States continues every year without end here in Congress.

Members of Congress and our professional staff arrive and depart, and because that departure may seem to go without notice, those who depart may wonder whether their service has in fact made a difference, and in some manner secured the blessings of liberty for ourselves and our posterity.

I cannot bear witness to all that I have encountered in this circle of service, but, I will try for the departure of one very special friend.

Richard E. Meade has served me, the Congress, and the United States of America professionally, effectively, and unselfishly for over fifteen years.

He has served me as my Chief of Staff for both my Iowa Congressional office and the House Budget Committee.

During his tenure, his professional approach was one identified with integrity of purpose,

quality of work product, and sincerity and honesty to every person he encountered, from the Speaker of the House to a citizen from Iowa.

One of the many beauties of America is that our freedom is more precious and important than any one person, and yet, without that "mere person" who is willing to serve freedom, respect freedom, and defend freedom, freedom could not exist.

Richard E. Meade is such a person who during his life has been willing to serve, respect and defend American freedom, and in doing so, has helped secure the blessings of liberty for all of us, and for his lovely wife Elizabeth and their precious daughter Constance.

Soon, memories of that service, like the memories of the service of so many others, may fade, and good people will step forward and continue in the legacy of quality service to the freedom we have all come to expect and too often take for granted. The circle of service continues.

My humble words of appreciation cannot, and will not, equal the quality and quantity of service you provided me and our country, but Rich, I offer them with my ultimate respect and sincere gratitude for your many years of dedication to me and our liberty. Mr. Speaker, I simply say, Rich Meade, thank you for my freedom!

Daily Digest

HIGHLIGHTS

The House agreed to the conference report to accompany S. 2845, National Intelligence Reform Act of 2004.

The House agreed to H. Con. Res. 531, providing for the sine die adjournment of the second session of the One Hundred Eighth Congress.

The House agreed to the conference report to accompany H.R. 4548, Intelligence Authorization Act for FY 2005.

Senate

Chamber Action

Routine Proceedings, pages S11857–11936

Measures Introduced: Four bills and three resolutions were introduced, as follows: S. 3029–3032, S. Res. 483–484, and S. Con. Res. 152. **Page S11897**

Measures Reported:

Special Report entitled “Activities of the Committee on Governmental Affairs for the One Hundred Seventh Congress”. (S. Rept. No. 108–421)

Report to accompany S. 1380, to distribute universal service support equitably throughout rural America. (S. Rept. No. 108–422)

Report to accompany S. 1963, to amend the Communications Act of 1934 to protect the privacy right of subscribers to wireless communication services. (S. Rept. No. 108–423)

Report to accompany S. 2145, to regulate the unauthorized installation of computer software, to require clear disclosure to computer users of certain computer software features that may pose a threat to user privacy. (S. Rept. No. 108–424)

Report to accompany S. 2281, to provide a clear and unambiguous structure for the jurisdictional and regulatory treatment for the offering or provision of voice-over-Internet-protocol applications. (S. Rept. No. 108–425)

Report to accompany S. 2505, to implement the recommendations of the Federal Communications Commission report to the Congress regarding low power FM service. (S. Rept. No. 108–426)

Report to accompany S. 2644, to amend the Communications Act of 1934 with respect to the carriage of direct broadcast satellite television signals by sat-

ellite carriers to consumers in rural areas. (S. Rept. No. 108–427)

Report to accompany S. 2820, to ensure the availability of certain spectrum for public safety entities by amending the Communications Act of 1934 to establish January 1, 2009, as the date by which the transition to digital television shall be completed, and for other purposes. (S. Rept. No. 108–428)

Page S11897

Measures Passed:

Peleliu Battlefield: Senate passed H.J. Res. 102, recognizing the 60th anniversary of the Battle of Peleliu and the end of Imperial Japanese control of Palau during World War II and urging the Secretary of the Interior to work to protect the historic sites of the Peleliu Battlefield National Historic Landmark and to establish commemorative programs honoring the Americans who fought there, clearing the measure for the President. **Page S11860**

Tibetan Political Prisoners: Senate agreed to S. Res. 483, expressing the sense of the Senate regarding the detention of Tibetan political prisoners by the Government of the People’s Republic of China. **Pages S11860–61**

American History and Civics Grants: Senate passed H.R. 5360, to authorize grants to establish academies for teachers and students of American history and civics, clearing the measure for the President. **Page S11861**

Benjamin Franklin Commemorative Coin: Senate passed H.R. 3204, to require the Secretary of the Treasury to mint coins in commemoration of the tercentenary of the birth of Benjamin Franklin, clearing the measure for the President. **Page S11863**

Robert Ray Howe: Senate agreed to S. Res. 484, to honor and thank Robert Ray Howe. **Page S11863**

YMCA Retirement Fund: Senate passed H.R. 5365, to treat certain arrangements maintained by the YMCA Retirement Fund as church plans for the purposes of certain provisions of the Internal Revenue Code of 1986, clearing the measure for the President. **Pages S11863–64**

Iranian Baha'i Community: Committee on Foreign Relations was discharged from further consideration of S. Con. Res. 78, condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is, and the resolution was then agreed to, after agreeing to the following amendments proposed thereto: **Pages S11873–74**

Thomas (for Lieberman) Amendment No. 4082, to reflect current events. **Page S11873**

Thomas (for Lieberman) Amendment No. 4083, to reflect current events. **Page S11873**

Thrift Savings Fund: Senate passed H.R. 4324, to amend Chapter 84 of title 5, United States Code, to provide for Federal employees to make elections to make, modify, and terminate contributions to the Thrift Savings Fund at any time, clearing the measure for the President. **Page S11874**

Marketing Assistance Loans: Senate passed H.R. 4620, to confirm the authority of the Secretary of Agriculture to collect approved State commodity assessments on behalf of the State from the proceeds of marketing assistance loans, clearing the measure for the President. **Page S11876**

Earl B. Gilliam/Imperial Avenue Post Office Building: Senate passed H.R. 5364, to designate the facility of the United States Postal Service located at 5505 Stevens Way in San Diego, California, as the "Earl B. Gilliam/Imperial Avenue Post Office Building", clearing the measure for the President. **Page S11877**

Bill Monroe Post Office: Senate passed H.R. 4968, to designate the facility of the United States Postal Service located at 25 McHenry Street in Rosine, Kentucky, as the "Bill Monroe Post Office", clearing the measure for the President. **Page S11877**

Lieutenant General James V. Edmundson Post Office Building: Senate passed H.R. 4847, to designate the facility of the United States Postal Service located at 560 Bay Isles Road in Longboat Key, Florida, as the "Lieutenant General James V. Edmundson Post Office Building", clearing the measure for the President. **Page S11877**

Irma Rangel Post Office Building: Senate passed H.R. 4829, to designate the facility of the United States Postal Service located at 103 East Kleberg in

Kingsville, Texas, as the "Irma Rangel Post Office Building", clearing the measure for the President. **Page S11877**

Adam G. Kinser Post Office Building: Senate passed H.R. 4807, to designate the facility of the United States Postal Service located at 140 Sacramento Street in Rio Vista, California, as the "Adam G. Kinser Post Office Building", clearing the measure for the President. **Page S11877**

Jack Fields Post Office Building: Senate passed H.R. 4232, to redesignate the facility of the United States Postal Service located at 4025 Feather Lakes Way in Kingwood, Texas, as the "Congressman Jack Fields Post Office", clearing the measure for the President. **Page S11877**

Henry Johnson Annex Post Office Building: Senate passed H.R. 480, to redesignate the facility of the United States Postal Service located at 747 Broadway in Albany, New York, as the "United States Postal Service Henry Johnson Annex", clearing the measure for the President. **Page S11877**

Donald G. Brotzman Post Office Building: Senate passed H.R. 5370, to designate the facility of the United States Postal Service located at 4985 Moorhead Avenue in Boulder, Colorado, as the "Donald G. Brotzman Post Office Building", clearing the measure for the President. **Page S11877**

Hipolito F. Garcia Federal Building and United States Courthouse: Committee on Environment and Public Works was discharged from further consideration of H.R. 3884, to designate the Federal building and United States courthouse located at 615 East Houston Street in San Antonio, Texas, as the "Hipolito F. Garcia Federal Building and United States Courthouse", and the bill was then passed, clearing the measure for the President. **Page S11877**

James V. Hansen Federal Building: Committee on Environment and Public Works was discharged from further consideration of H.R. 3147, to designate the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the "James V. Hansen Federal Building", and the bill was then passed, clearing the measure for the President. **Page S11877**

Tomochichi United States Courthouse: Committee on Environment and Public Works was discharged from further consideration of H.R. 2523, to designate the United States courthouse located at 125 Bull Street in Savannah, Georgia, as the "Tomochichi United States Courthouse", and the bill was then passed, clearing the measure for the President. **Page S11877**

Joe Skeen Federal Building: Senate passed H.R. 3734, to designate the Federal building located at

Fifth and Richardson Avenues in Roswell, New Mexico, as the “Joe Skeen Federal Building”, clearing the measure for the President. **Page S11878**

F.H. Newell Building: Senate passed H.R. 3124, to designate the facility of the United States Geological Survey and the United States Bureau of Reclamation located at 230 Collins Road, Boise, Idaho, as the “F.H. Newell Building”, clearing the measure for the President. **Page S11878**

Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment: Senate passed H.R. 620, to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing educational services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area, after agreeing to the committee amendment in the nature of a substitute, and after agreeing to the following amendments proposed thereto:

Alexander (for Domenici) Amendment No. 4084, in the nature of a substitute. **Page S11879**

Alexander (for Domenici) Amendment No. 4085, relative to authorization and appropriations extensions.

Oxford Research Station: Senate passed H.R. 2119, to provide for the conveyance of Federal lands, improvements, equipment, and resource materials at the Oxford Research Station in Granville County, North Carolina, to the State of North Carolina, clearing the measure for the President. **Page S11879**

Specialty Crops Competitiveness Act: Senate passed H.R. 3242, to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops, clearing the measure for the President. **Page S11879**

National Intelligence Reform Act: A unanimous-consent agreement was reached providing for the consideration of the conference report to accompany S. 2845, to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, at 9:30 a.m., on Wednesday, December 8, 2004, if received from the House. **Page S11936**

Sudan Crisis Assistance: Senate concurred in the amendment of the House to S. 2781, to express the sense of Congress regarding the conflict in Darfur, Sudan, to provide assistance for the crisis in Darfur and for comprehensive peace in Sudan, clearing the measure for the President. **Pages S11861–63**

Video Voyeurism Prevention Act: Senate concurred in the amendment of the House to S. 1301, to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, clearing the measure for the President. **Pages S11876–77**

Edward H. McDaniel American Legion Post No. 22 Land Conveyance Act: Senate concurred in the amendments of the House to S. 1521, to direct the Secretary of the Interior to convey certain land to the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada, for the construction of a post building and memorial park for use by the American Legion, other veterans’ groups, and the local community, with amendments. **Pages S11879–82**

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaty:

1995 Revision of Radio Regulations (Treaty Doc. No. 108–28).

The treaty was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed. **Page S11882**

Nominations Received: Senate received the following nominations:

James William Carr, of Arkansas, to be a Member of the National Security Education Board for a term of four years.

George M. Dennison, of Montana, to be a Member of the National Security Education Board for a term of four years.

Andrew J. McKenna, Jr., of Illinois, to be a Member of the National Security Education Board for a term of four years.

Harry Robinson, Jr., of Texas, to be a Member of the National Museum Services Board for a term expiring December 6, 2008. (Reappointment)

A routine list in the National Oceanic and Atmospheric Administration. **Page S11936**

Messages From the House: **Pages S11895–96**

Enrolled Bills Presented: **Page S11896**

Executive Communications: **Pages S11896–97**

Additional Cosponsors: **Pages S11897–98**

Statements on Introduced Bills/Resolutions: **Pages S11898–S11906**

Additional Statements: **Pages S11893–95**

Amendments Submitted: **Pages S11906–36**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 7:29 p.m., until 9:30 a.m. on Wednesday, December 8, 2004. (For Senate’s program, see

the remarks of the Acting Majority Leader in today's Record on page S11936.)

Committee Meetings

(Committees not listed did not meet)

U.S. AIR FORCE ACADEMY ALLEGATIONS

Committee on Armed Services: Committee met in closed session to receive a briefing regarding the Depart-

ment of Defense Inspector General Report on allegations of sexual misconduct at the United States Air Force Academy from Joseph E. Schmitz, Inspector General, and Jerry Hansen, Deputy Inspector General, both of the Department of Defense.

House of Representatives

Chamber Action

Measures Introduced: 2 public bills, H.R. 5430–5431; and 8 resolutions, H. Con. Res. 531–532, and H. Res. 870–875 were introduced.

Page H11057

Additional Cosponsors:

Page H11057

Reports Filed: Reports were filed today as follows:

Conference report on S. 2845, to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government (H. Rept. 108–796);

H. Res. 870, waiving points of order against the conference report to accompany S. 2845, to reform the intelligence community and the intelligence-related activities of the United States Government (H. Rept. 108–797); and

Conference report on 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 (H. Rept. 108–798). **Page H11057**

Speaker: Read a letter from the Speaker wherein he appointed Representative Ose to act as Speaker Pro Tempore for today. **Page H10927**

Chaplain: The prayer was offered today by Rev. Stanley G. Peterson, Senior Pastor, Monmouth Christian Church in Monmouth, Oregon. **Page H10928**

Recess: The House recessed at 9:07 a.m. and reconvened at 10 a.m. **Page H10928**

Private Calendar: On the call of the Private Calendar, the House passed over without prejudice H.R. 710, for the relief of Mrs. Florence Narusewicz of Erie, Pennsylvania. **Page H10929**

Recess: The House recessed at 10:15 a.m. and reconvened at 1:25 p.m. **Page H10930**

Intelligence Authorization Act for FY 2005: The House disagreed to the Senate amendment to 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 agreed to a conference. **Page H10930**

Appointed as conferees: from the Permanent Select Committee on Intelligence, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Representatives Hoekstra, Boehlert, Gibbons, LaHood, Cunningham, Burr, Everett, Gallegly, Collins, Jo Ann Davis (VA), Thornberry, Harman, Hastings (FL), Reyes, Boswell, Peterson (MN), Cramer, Eshoo, Holt, and Ruppertsberger. **Page H10930**

From the Committee on Armed Services for consideration of defense tactical intelligence and related activities: Representatives Hunter, Weldon (PA), and Skelton. **Page H10930**

Later the House agreed to the conference report to accompany H.R. 4548 by voice vote.

Recess: The House recessed at 1:27 and reconvened at 2:58 p.m. **Page H10930**

National Intelligence Reform Act of 2004: The House agreed to the conference report to accompany S. 2845, to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, by a recorded vote of 336 ayes to 75 noes, Roll No. 544. **Pages H10930–10994, H11028–29**

Rejected the Hoyer motion to recommit the conference report to the committee of conference by voice vote. **Page H11028**

H. Res. 868, the resolution waiving a requirement of clause 6(a) of rule XIII with respect to the same

day consideration of certain resolutions reported by the Rules Committee, was agreed to by voice vote.

Pages H10993–94

H. Res. 870, the rule providing for consideration of the conference report, was agreed to by voice vote.

Pages H10994–H11003

Recess: The House recessed at 3:09 p.m. and reconvened at 4:33 p.m.

Page H10994

Printing of the Rules and Manual of the House for the 109th Congress: The House agreed to H. Res. 871, providing for the printing of a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Ninth Congress.

Page H11029

Committee to Notify the President: The House agreed to H. Res. 872, providing for a committee of two Members to be appointed by the House to join a similar committee appointed by the Senate, to wait upon the President to inform him that the two Houses have completed their business of the session and are ready to adjourn, unless the President has some other communication to make to them. Subsequently the Speaker appointed Majority Leader DeLay and Minority Leader Pelosi to the committee.

Page H11029

Extension of Remarks: Agreed that the Chairman and ranking minority Member of each standing committee and each subcommittee be permitted to extend their remarks in the Record, up to and including the Record's last publication, and to include a summary of the work of that committee or subcommittee.

Page H11029

Also agreed that Members may have until publication of the last edition of the Congressional Record authorized for the Second Session of the One Hundred Eighth Congress by the Joint Committee on Printing to revise and extend their remarks and to include brief, related extraneous material on any matter occurring before the adjournment of the Second Session Sine Die.

Page H11029

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Gilchrest or, if he is not available to perform this duty, Representative Tom Davis of Virginia to act as Speaker pro tempore to sign enrolled bills and joint resolutions through the remainder of the second session of the One Hundred Eighth Congress.

Page H11029

Adjournment Resolution: The House agreed to H. Con. Res. 531, providing for the sine die adjournment of the One Hundred Eighth Congress, Second Session.

Pages H11029–30

Adjournment Sine Die Pending Receipt of Senate Message: Agreed that when the House adjourn

today, it adjourn to meet at 2 p.m. on Friday, December 10, 2004, unless it sooner has received a message from the Senate transmitting its concurrence in H. Con. Res. 531, in which case the House shall stand adjourned sine die pursuant to that concurrent resolution.

Page H11030

American Bald Eagle Recovery and National Emblem Commemorative Coin Act: The House agreed to 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.

Page H11039

Agreed to the LaTourette amendment in the nature of a substitute.

Pages H11040–41

Authorizing technical corrections to the Coast Guard and Maritime Transportation Act of 2004: The House agreed to H.R. 5426, to make technical corrections relating to the Coast Guard and Maritime Transportation Act of 2004.

Pages H11041–42

Commending the Aero Squad After School Program at Tomorrow's Aeronautical Museum in Compton, California: The House agreed to H. Con. Res. 532, commending the Aero Squad After School Program at Tomorrow's Aeronautical Museum in Compton, California, as well as other youth aviation programs that expose young minorities to the field of civil aviation.

Pages H11042–43

Senate Message: Message received from the Senate today appears on pages H11048–49.

Senate Referrals: S. Con. Res. 78 was held at the desk.

Page H11049

Quorum Calls—Votes: One recorded vote developed during the proceedings of today and appears on pages H11028–29. There were no quorum calls.

Adjournment: The House met at 9 a.m. and at 8:38 p.m. pursuant to the previous order of the House of today, the House stands adjourned until 2 p.m. on Friday, December 10, 2004, unless it sooner has received a message from the Senate transmitting its concurrence in H. Con. Res. 531, in which case the House shall stand adjourned for the second session of the One Hundred Eighth Congress sine die pursuant to that concurrent resolution.

Committee Meetings

“MEDICAID PRESCRIPTION DRUG REIMBURSEMENT: WHY THE GOVERNMENT PAYS TOO MUCH”

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled “Medicaid Prescription Drug Reimbursement: Why the Government Pays too Much.” Testimony was heard from the following officials of the Centers for Medicare and Medicaid Services, Department of Health and Human Services: Dennis Smith, Director, Center for Medicaid and State Operations; and George Reeb, Assistant Inspector, Audits; the following officials of the State of Texas: David J. Balland, Associate Commissioner, Medicaid and CHIP, Health and Human Services Commission; and Patrick O’Connell, Assistant Attorney General, Civil Medicaid Fraud Section, Office of the Attorney General; Paul Reinhart, Medicaid Director, State of Michigan; and public witnesses.

UKRAINE’S ELECTION: NEXT STEPS

Committee on International Relations: Held a hearing on Ukraine’s Election: Next Steps. Testimony was heard from Senator Lugar; Representative Kaptur; and John F. Tefft, Deputy Assistant Secretary, Bureau of European and Eurasian Affairs, Department of State.

CONFERENCE REPORT—NATIONAL INTELLIGENCE REFORM ACT OF 2004

Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report to accompany S. 2845, National Intelligence Reform Act of 2004, and against its consideration. The rule provides that the conference report shall be considered as read. Testimony was heard from Chairman Hoekstra and Representative Harmon.

Joint Meetings

INTELLIGENCE AUTHORIZATION ACT

Conferees agreed to file a conference report on the differences between the Senate and House passed versions of 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.

NEW PRIVATE LAWS

(For last listing of Private Laws, see DAILY DIGEST, p. D1072)

S. 2042, for the relief of Rocco A. Trecosta of Fort Lauderdale, Florida. Signed on December 3, 2004. (Private Law 108–5).

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D1116)

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. Signed on December 3, 2004. (Public Law 108–429)

H.R. 1630, to revise the boundary of the Petrified Forest National Park in the State of Arizona. Signed on December 3, 2004. (Public Law 108–430)

H.R. 2912, to reaffirm the inherent sovereign rights of the Osage Tribe to determine its membership and form of government. Signed on December 3, 2004. (Public Law 108–431)

H.J. Res. 110, recognizing the 60th anniversary of the Battle of the Bulge during World War II. Signed on December 3, 2004. (Public Law 108–432)

H.J. Res. 111, appointing the day for convening of the first session of the One Hundred Ninth Congress. Signed on December 3, 2004. (Public Law 108–433)

H.J. Res. 115, making further continuing appropriations for the fiscal year 2005. Signed on December 3, 2004. (Public Law 108–434)

S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act. Signed on December 3, 2004. (Public Law 108–435)

S. 434, to authorize the Secretary of Agriculture to sell or exchange all or part of certain parcels of National Forest System land in the State of Idaho and use the proceeds derived from the sale or exchange for National Forest System. Signed on December 3, 2004. (Public Law 108–436)

S. 1146, to implement the recommendations of the Garrison Unit Joint Tribal Advisory Committee by providing authorization for the construction of a rural health care facility on the Fort Berthold Indian Reservation, North Dakota. Signed on December 3, 2004. (Public Law 108–437)

S. 1241, to establish the Kate Mullany National Historic Site in the State of New York. Signed on December 3, 2004. (Public Law 108–438)

S. 1727, to authorize additional appropriations for the Reclamation Safety of Dams Act of 1978. Signed on December 3, 2004. (Public Law 108–439)

S. 2214, to designate the facility of the United States Postal Service located at 3150 Great Northern Avenue in Missoula, Montana, as the “Mike Mansfield Post Office”. Signed on December 3, 2004. (Public Law 108–440)

S. 2302, to improve access to physicians in medically underserved areas. Signed on December 3, 2004. (Public Law 108–441)

S. 2640, to designate the facility of the United States Postal Service located at 1050 North Hills Boulevard in Reno, Nevada, as the “Guardians of Freedom Memorial Post Office Building” and to authorize the installation of a plaque at such site. Signed on December 3, 2004. (Public Law 108–442)

S. 2693, to designate the facility of the United States Postal Service located at 1475 Western Avenue, Suite 45, in Albany, New York, as the “Lieutenant John F. Finn Post Office”. Signed on December 3, 2004. (Public Law 108–443)

S. 2965, to amend the Livestock Mandatory Price Reporting Act of 1999 to modify the termination date for mandatory price reporting. Signed on December 3, 2004. (Public Law 108–444)

S. 2484, to amend title 38, United States Code, to simplify and improve pay provisions for physicians and dentists and to authorize alternate work schedules and executive pay for nurses. Signed on December 3, 2004. (Public Law 108–445).

**COMMITTEE MEETINGS FOR WEDNESDAY,
DECEMBER 8, 2004**

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No committee meetings are scheduled.

Next Meeting of the SENATE

9:30 a.m., Wednesday, December 8

Next Meeting of the HOUSE OF REPRESENTATIVES

12 noon, Tuesday, January 4, 2005

Senate Chamber

Program for Wednesday: Senate will be in a period of morning business. Also, Senate will begin consideration of the National Intelligence Reform Conference Report, if received from the House.

House Chamber

Program for January 4, 2005: Convening of the 109th Congress.

Extensions of remarks, as inserted in this issue

HOUSE

Baca, Joe, Calif., E2184
 Berkley, Shelley, Nev., E2184
 Bishop, Timothy H., Jr., N.Y., E2200
 Blackburn, Marsha, Tenn., E2195
 Boehlert, Sherwood, N.Y., E2177
 Bonner, Jo, Ala., E2189, E2191
 Brown, Henry E., Jr., S.C., E2183
 Brown-Waite, Ginny, Fla., E2182
 Burton, Dan, Ind., E2176, E2186
 Butterfield, G.K., N.C., E2169
 Cannon, Chris, Utah, E2200
 Cox, Christopher, Calif., E2200
 Crowley, Joseph, N.Y., E2199
 Davis, Tom, Va., E2185
 DeLauro, Rosa L., Conn., E2197
 Ehlers, Vernon J., Mich., E2178
 Eshoo, Anna G., Calif., E2177, E2188
 Farr, Sam, Calif., E2175, E2189, E2192
 Fossella, Vito, N.Y., E2167, E2169
 Frelinghuysen, Rodney P., N.J., E2186
 Gerlach, Jim, Pa., E2179, E2182, E2185
 Graves, Sam, Mo., E2182, E2188, E2190, E2193, E2194

Holt, Rush D., N.J., E2168, E2171, E2181, E2196
 Hunter, Duncan, Calif., E2187
 Hyde, Henry J., Ill., E2187
 Kennedy, Patrick J., R.I., E2177
 Kingston, Jack, Ga., E2171
 Kirk, Mark Steven, Ill., E2186
 Kucinich, Dennis J., Ohio, E2188, E2190, E2193, E2194
 Lampson, Nick, Tex., E2199
 Leach, James A., Iowa, E2198
 Lee, Barbara, Calif., E2195
 Lowey, Nita M., N.Y., E2181
 McCarthy, Karen, Mo., E2198
 McCollum, Betty, Minn., E2178, E2180, E2183
 Maloney, Carolyn B., N.Y., E2167, E2169, E2180
 Markey, Edward J., Mass., E2174
 Menendez, Robert, N.J., E2167, E2168, E2169, E2170, E2172, E2173, E2174, E2175, E2176, E2178
 Miller, Gary G., Calif., E2189, E2192
 Miller, Jeff, Fla., E2185
 Nadler, Jerrold, N.Y., E2194
 Norton, Eleanor Holmes, D.C., E2173, E2197
 Nussle, Jim, Iowa, E2201
 Ortiz, Solomon P., Tex., E2172
 Pallone, Frank, Jr., N.J., E2179

Pence, Mike, Ind., E2174
 Putnam, Adam H., Fla., E2178
 Rangel, Charles B., N.Y., E2188, E2190, E2193
 Reynolds, Thomas M., N.Y., E2189, E2191, E2193
 Ruppersberger, C.A. Dutch, Md., E2192
 Ryan, Tim, Ohio, E2168, E2170
 Schakowsky, Janice D., Ill., E2196
 Scott, Robert C., Va., E2197
 Serrano, José E., N.Y., E2194
 Shuster, Bill, Pa., E2180
 Slaughter, Louise McIntosh, N.Y., E2167, E2169, E2172
 Stupak, Bart, Mich., E2183
 Tauscher, Ellen O., Calif., E2180
 Thomas, William M., Calif., E2182
 Thompson, Mike, Calif., E2172
 Tiberi, Patrick J., Ohio, E2184
 Towns, Edolphus, N.Y., E2178, E2179, E2181, E2182, E2184, E2185, E2187, E2192
 Upton, Fred, Mich., E2200
 Walsh, James T., N.Y., E2173
 Weiner, Anthony D., N.Y., E2195
 Whitfield, Ed, Ky., E2174
 Wynn, Albert Russell, Md., E2176



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