

H.R. 1331: Mrs. WILSON of New Mexico.
 H.R. 1418: Mr. CARSON of Oklahoma.
 H.R. 1452: Mr. FARR of California.
 H.R. 1490: Mr. GRAHAM.
 H.R. 1723: Mr. MOORE.
 H.R. 1724: Mr. OLVER.
 H.R. 1918: Ms. LEE, Mr. HONDA, Mr. DAVIS of Illinois, Ms. SCHAKOWSKY, Mr. PASTOR, and Ms. VELAZQUEZ.
 H.R. 1982: Mr. HASTINGS of Washington and Mr. KENNEDY of Minnesota.
 H.R. 2074: Mr. KLECZKA.
 H.R. 2125: Mr. FERGUSON, Mr. RAMSTAD, and Mr. GREENWOOD.
 H.R. 2173: Mr. LARSEN of Washington.
 H.R. 2290: Mr. HALL of Ohio and Mrs. JONES of Ohio.
 H.R. 2373: Mr. MOORE.
 H.R. 2483: Mr. OBERSTAR.
 H.R. 2638: Mr. WILSON of South Carolina, Mr. STUPAK, Mr. BAIRD, and Mr. TAUZIN.
 H.R. 2908: Mr. GEPHARDT.
 H.R. 3062: Mr. BALLENGER.
 H.R. 3105: Mr. WHITFIELD.
 H.R. 3132: Mr. LaFALCE, Mr. LEWIS of Georgia, Ms. MILLENDER-MCDONALD, and Mr. BENTSEN.
 H.R. 3238: Mr. KILDEE.
 H.R. 3273: Mr. SCHROCK.
 H.R. 3320: Mr. NUSSLE.
 H.R. 3443: Mr. BILIRAKIS.
 H.R. 3450: Ms. ROS-LEHTINEN, Mrs. WILSON of New Mexico, Mr. FROST, Mr. WALDEN of Oregon, and Mr. BLUMENAUER.
 H.R. 3498: Ms. ROS-LEHTINEN.
 H.R. 3612: Mr. YOUNG of Alaska.
 H.R. 3617: Mr. TAYLOR of Mississippi.
 H.R. 3659: Mr. ROTHMAN, Mr. CLAY, Mr. WILSON of South Carolina, Mr. WEXLER, Mr. ENGLISH, Mr. DEFazio, Mr. SOUDER, and Mr. LEWIS of Georgia.
 H.R. 3673: Mr. JOHN.
 H.R. 3884: Mr. LARSEN of Washington, Mr. LANTOS, and Mr. BORSKI.
 H.R. 3887: Ms. SOLIS and Ms. WATERS.
 H.R. 3899: Mr. CLYBURN.
 H.R. 3956: Ms. BALDWIN.
 H.R. 3989: Mr. SHERMAN.
 H.R. 4010: Mr. HAYWORTH.
 H.R. 4017: Mr. GORDON, Mr. ABERCROMBIE, and Mr. HOLDEN.
 H.R. 4058: Mr. GUTIERREZ.
 H.R. 4060: Mr. ACEVEDO-VILÁ, Mr. BROWN of Ohio, and Mr. KILDEE.
 H.R. 4113: Ms. ROYBAL-ALLARD, Ms. HARMAN, Mr. KIND, Ms. BALDWIN, Mr. BACA, and Mr. CROWLEY.
 H.R. 4114: Mr. WAXMAN.
 H.R. 4152: Mr. HAYWORTH.
 H.R. 4446: Mr. YOUNG of Alaska.
 H.R. 4483: Mrs. BONO, Mr. UPTON, Mr. WELDON of Pennsylvania, Mr. BERRY, Mr. STRICKLAND, and Mr. ROSS.
 H.R. 4524: Mr. GUTIERREZ and Mrs. MALONEY of New York.
 H.R. 4554: Mr. FROST and Mr. ENGLISH.
 H.R. 4555: Mr. PITTS, Mr. KOLBE, and Mr. PUTNAM.
 H.R. 4575: Mr. FATTAH and Mr. ROTHMAN.
 H.R. 4600: Mr. LEWIS of California, Mr. WOLF, Mrs. BONO, Mr. MICA, and Mr. PORTMAN.
 H.R. 4604: Mr. LATHAM and Mr. GOODE.
 H.R. 4693: Mr. ROTHMAN, Mr. ADERHOLT, Mrs. TAUSCHER, Mr. HAYWORTH, and Mr. SHADEGG.
 H.R. 4704: Mr. SMITH of Washington.
 H.R. 4706: Mr. NUSSLE.
 H.R. 4720: Mr. ROSS.
 H.R. 4729: Mr. FROST, Mr. CUMMINGS, and Mr. FRANK.
 H.R. 4738: Mr. GORDON and Mrs. THURMAN.
 H.R. 4753: Mr. GORDON.
 H.R. 4754: Mr. WATT of North Carolina and Mr. SPRATT.
 H.R. 4760: Mr. ROTHMAN.
 H.R. 4777: Mr. PAYNE and Mr. LYNCH.
 H.R. 4785: Mr. MASCARA.

H.R. 4840: Mr. SESSIONS.
 H.R. 4852: Mrs. THURMAN.
 H.R. 4857: Mrs. DAVIS of California.
 H.R. 4967: Mr. MANZULLO.
 H.R. 5060: Mrs. THURMAN, Mr. UNDERWOOD, Ms. HART, Mr. JEFF MILLER of Florida, Ms. MCKINNEY, Ms. SCHAKOWSKY, and Mr. RODRIGUEZ.
 H.R. 5064: Mr. PHELPS, Mr. GEKAS, Mr. MCHUGH, and Mr. PLATTS.
 H.R. 5088: Mr. FRANK, Mr. BROWN of Ohio, Mr. BALDACCIO, Ms. NORTON, and Ms. MCKINNEY.
 H.R. 5090: Mrs. JO ANN DAVIS of Virginia.
 H.R. 5092: Mr. ROTHMAN.
 H.R. 5107: Mrs. CHRISTENSEN, Mr. LANGEVIN, Ms. ROS-LEHTINEN, and Mr. JEFFERSON.
 H.R. 5110: Mr. HONDA, Ms. WATSON, Mr. CLYBURN, Mr. HILLIARD, Ms. MCKINNEY, Ms. MILLENDER-MCDONALD, Ms. SCHAKOWSKY, Mr. PAYNE, Mr. TOWNS, Mr. RUSH, Mr. EVANS, Mr. KUCINICH, Ms. KAPTUR, Mr. OLVER, Ms. SOLIS, Mr. BISHOP, Mr. SERRANO, Ms. WATERS, and Mrs. JONES of Ohio.
 H.R. 5157: Mr. BURR of North Carolina, Mr. BLUNT, and Mr. MEEHAN.
 H. Con. Res. 20: Mr. DINGELL, Ms. WOOLSEY, Mr. UNDERWOOD, and Mr. DOYLE.
 H. Con. Res. 70: Mr. BACA.
 H. Con. Res. 188: Ms. VELAZQUEZ.
 H. Con. Res. 269: Mrs. MYRICK.
 H. Con. Res. 327: Mr. BURTON of Indiana, Mr. CHAMBLISS, Mr. ENGLISH, Mr. CLEMENT, Mr. BERMAN, Mr. CRAMER, Mr. SESSIONS, Mr. JOHNSON of Illinois, Mr. CHABOT, Mr. CROWLEY, and Ms. SCHAKOWSKY.
 H. Con. Res. 341: Ms. MILLENDER-MCDONALD.
 H. Con. Res. 351: Mr. SABO and Mr. LEACH.
 H. Con. Res. 380: Mr. BACA.
 H. Con. Res. 432: Mr. HOFFEL, Ms. BERKLEY, Mr. GREEN of Wisconsin, Mr. SKELTON, Mr. DEUTSCH, and Mr. ROEMER.
 H. Con. Res. 437: Mr. CHAMBLISS, Mr. SESSIONS, Mr. ORTIZ, and Mr. BARRETT.
 H. Con. Res. 438: Mr. DAVIS of Illinois, Mr. CAPUANO, Mr. BROWN of Ohio, Mr. FATTAH, and Mr. THOMPSON of Mississippi.
 H. Con. Res. 442: Mr. HOLDEN, Mr. PASCRELL, Mr. LAMPSON, Mr. CLEMENT, Mr. MASCARA, Mr. MENENDEZ, Mr. LIPINSKI, Mr. SANDLIN, Ms. BROWN of Florida, Mr. RAHALL, Mr. HONDA, Mr. CUMMINGS, Mr. COSTELLO, Mr. BERRY, and Mr. KENNEDY of Minnesota.
 H. Res. 295: Mr. TOWNS, Mr. RUSH, Mr. ROSS, and Mr. CAMP.
 H. Res. 398: Mr. HYDE, Ms. ROS-LEHTINEN, Mr. ISAKSON, Mr. WILSON of South Carolina, Mr. INSLEE, and Mr. WEXLER.
 H. Res. 454: Mr. ENGLISH, Mr. MCDERMOTT, and Mr. VISCLOSKEY.
 H. Res. 484: Mr. CRAMER and Mr. CARSON of Oklahoma.
 H. Res. 487: Mr. McNULTY and Mr. GIBBONS.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4628

OFFERED BY: Mr. CHAMBLISS

AMENDMENT No. 3: At the end (page 30, after line 7), add the following new title:

TITLE VI—INFORMATION SHARING

SEC. 601. SHORT TITLE.

This title may be cited as the "Homeland Security Information Sharing Act".

SEC. 602. FINDINGS AND SENSE OF CONGRESS.

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

(1) The Federal Government is required by the Constitution to provide for the common defense, which includes terrorist attack.

(2) The Federal Government relies on State and local personnel to protect against terrorist attack.

(3) The Federal Government collects, creates, manages, and protects classified and sensitive but unclassified information to enhance homeland security.

(4) Some homeland security information is needed by the State and local personnel to prevent and prepare for terrorist attack.

(5) The needs of State and local personnel to have access to relevant homeland security information to combat terrorism must be reconciled with the need to preserve the protected status of such information and to protect the sources and methods used to acquire such information.

(6) Granting security clearances to certain State and local personnel is one way to facilitate the sharing of information regarding specific terrorist threats among Federal, State, and local levels of government.

(7) Methods exist to declassify, redact, or otherwise adapt classified information so it may be shared with State and local personnel without the need for granting additional security clearances.

(8) State and local personnel have capabilities and opportunities to gather information on suspicious activities and terrorist threats not possessed by Federal agencies.

(9) The Federal Government and State and local governments and agencies in other jurisdictions may benefit from such information.

(10) Federal, State, and local governments and intelligence, law enforcement, and other emergency preparation and response agencies must act in partnership to maximize the benefits of information gathering and analysis to prevent and respond to terrorist attacks.

(11) Information systems, including the National Law Enforcement Telecommunications System and the Terrorist Threat Warning System, have been established for rapid sharing of classified and sensitive but unclassified information among Federal, State, and local entities.

(12) Increased efforts to share homeland security information should avoid duplicating existing information systems.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Federal, State, and local entities should share homeland security information to the maximum extent practicable, with special emphasis on hard-to-reach urban and rural communities.

SEC. 603. FACILITATING HOMELAND SECURITY INFORMATION SHARING PROCEDURES.

(a) PROCEDURES FOR DETERMINING EXTENT OF SHARING OF HOMELAND SECURITY INFORMATION.—

(1) The President shall prescribe and implement procedures under which relevant Federal agencies determine—

(A) whether, how, and to what extent homeland security information may be shared with appropriate State and local personnel, and with which such personnel it may be shared;

(B) how to identify and safeguard homeland security information that is sensitive but unclassified; and

(C) to the extent such information is in classified form, whether, how, and to what extent to remove classified information, as appropriate, and with which such personnel it may be shared after such information is removed.

(2) The President shall ensure that such procedures apply to all agencies of the Federal Government.

(3) Such procedures shall not change the substantive requirements for the classification and safeguarding of classified information.

(4) Such procedures shall not change the requirements and authorities to protect sources and methods.

(b) PROCEDURES FOR SHARING OF HOMELAND SECURITY INFORMATION.—

(1) Under procedures prescribed by the President, all appropriate agencies, including the intelligence community, shall, through information sharing systems, share homeland security information with appropriate State and local personnel to the extent such information may be shared, as determined in accordance with subsection (a), together with assessments of the credibility of such information.

(2) Each information sharing system through which information is shared under paragraph (1) shall—

(A) have the capability to transmit unclassified or classified information, though the procedures and recipients for each capability may differ;

(B) have the capability to restrict delivery of information to specified subgroups by geographic location, type of organization, position of a recipient within an organization, or a recipient's need to know such information;

(C) be configured to allow the efficient and effective sharing of information; and

(D) be accessible to appropriate State and local personnel.

(3) The procedures prescribed under paragraph (1) shall establish conditions on the use of information shared under paragraph (1)—

(A) to limit the redissemination of such information to ensure that such information is not used for an unauthorized purpose;

(B) to ensure the security and confidentiality of such information;

(C) to protect the constitutional and statutory rights of any individuals who are subjects of such information; and

(D) to provide data integrity through the timely removal and destruction of obsolete or erroneous names and information.

(4) The procedures prescribed under paragraph (1) shall ensure, to the greatest extent practicable, that the information sharing system through which information is shared under such paragraph include existing information sharing systems, including, but not limited to, the National Law Enforcement Telecommunications System, the Regional Information Sharing System, and the Terrorist Threat Warning System of the Federal Bureau of Investigation.

(5) Each appropriate Federal agency, as determined by the President, shall have access to each information sharing system through which information is shared under paragraph (1), and shall therefore have access to all information, as appropriate, shared under such paragraph.

(6) The procedures prescribed under paragraph (1) shall ensure that appropriate State and local personnel are authorized to use such information sharing systems—

(A) to access information shared with such personnel; and

(B) to share, with others who have access to such information sharing systems, the homeland security information of their own jurisdictions, which shall be marked appropriately as pertaining to potential terrorist activity.

(7) Under procedures prescribed jointly by the Director of Central Intelligence and the Attorney General, each appropriate Federal agency, as determined by the President, shall review and assess the information shared under paragraph (6) and integrate such information with existing intelligence.

(c) SHARING OF CLASSIFIED INFORMATION AND SENSITIVE BUT UNCLASSIFIED INFORMATION WITH STATE AND LOCAL PERSONNEL.—

(1) The President shall prescribe procedures under which Federal agencies may, to

the extent the President considers necessary, share with appropriate State and local personnel homeland security information that remains classified or otherwise protected after the determinations prescribed under the procedures set forth in subsection (a).

(2) It is the sense of Congress that such procedures may include one or more of the following means:

(A) Carrying out security clearance investigations with respect to appropriate State and local personnel.

(B) With respect to information that is sensitive but unclassified, entering into non-disclosure agreements with appropriate State and local personnel.

(C) Increased use of information-sharing partnerships that include appropriate State and local personnel, such as the Joint Terrorism Task Forces of the Federal Bureau of Investigation, the Anti-Terrorism Task Forces of the Department of Justice, and regional Terrorism Early Warning Groups.

(d) RESPONSIBLE OFFICIALS.—For each affected Federal agency, the head of such agency shall designate an official to administer this Act with respect to such agency.

(e) FEDERAL CONTROL OF INFORMATION.—Under procedures prescribed under this section, information obtained by a State or local government from a Federal agency under this section shall remain under the control of the Federal agency, and a State or local law authorizing or requiring such a government to disclose information shall not apply to such information.

(f) DEFINITIONS.—As used in this section:

(1) The term “homeland security information” means any information (other than information that includes individually identifiable information collected solely for statistical purposes) possessed by a Federal, State, or local agency that—

(A) relates to the threat of terrorist activity;

(B) relates to the ability to prevent, interdict, or disrupt terrorist activity;

(C) would improve the identification or investigation of a suspected terrorist or terrorist organization; or

(D) would improve the response to a terrorist act.

(2) The term “intelligence community” has the meaning given such term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(3) The term “State and local personnel” means any of the following persons involved in prevention, preparation, or response for terrorist attack:

(A) State Governors, mayors, and other locally elected officials.

(B) State and local law enforcement personnel and firefighters.

(C) Public health and medical professionals.

(D) Regional, State, and local emergency management agency personnel, including State adjutant generals.

(E) Other appropriate emergency response agency personnel.

(F) Employees of private-sector entities that affect critical infrastructure, cyber, economic, or public health security, as designated by the Federal government in procedures developed pursuant to this section.

(4) The term “State” includes the District of Columbia and any commonwealth, territory, or possession of the United States.

SEC. 604. REPORT.

(a) REPORT REQUIRED.—Not later than 12 months after the date of the enactment of this Act, the President shall submit to the congressional committees specified in subsection (b) a report on the implementation of section 603. The report shall include any recommendations for additional measures or

appropriation requests, beyond the requirements of section 603, to increase the effectiveness of sharing of information between and among Federal, State, and local entities.

(b) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees referred to in subsection (a) are the following committees:

(1) The Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.

(2) The Select Committee on Intelligence and the Committee on the Judiciary of the Senate.

SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out section 603.

SEC. 606. AUTHORITY TO SHARE GRAND JURY INFORMATION.

Rule 6(e) of the Federal Rules of Criminal Procedure is amended—

(1) in paragraph (2), by inserting “, or of guidelines jointly issued by the Attorney General and Director of Central Intelligence pursuant to Rule 6,” after “Rule 6”; and

(2) in paragraph (3)—

(A) in subparagraph (A)(ii), by inserting “or of a foreign government” after “(including personnel of a state or subdivision of a state”;

(B) in subparagraph (C)(i)—

(i) in subclause (I), by inserting before the semicolon the following: “or, upon a request by an attorney for the government, when sought by a foreign court or prosecutor for use in an official criminal investigation”;

(ii) in subclause (IV)—

(I) by inserting “or foreign” after “may disclose a violation of State”;

(II) by inserting “or of a foreign government” after “to an appropriate official of a State or subdivision of a State”; and

(III) by striking “or” at the end;

(iii) by striking the period at the end of subclause (V) and inserting “; or”; and

(iv) by adding at the end the following:

“(VI) when matters involve a threat of actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power, domestic or international sabotage, domestic or international terrorism, or clandestine intelligence gathering activities by an intelligence service or network of a foreign power or by an agent of a foreign power, within the United States or elsewhere, to any appropriate federal, state, local, or foreign government official for the purpose of preventing or responding to such a threat.”; and

(C) in subparagraph (C)(iii)—

(i) by striking “Federal”;

(ii) by inserting “or clause (i)(VI)” after “clause (i)(V)”; and

(iii) by adding at the end the following: “Any state, local, or foreign official who receives information pursuant to clause (i)(VI) shall use that information only consistent with such guidelines as the Attorney General and Director of Central Intelligence shall jointly issue.”.

SEC. 607. AUTHORITY TO SHARE ELECTRONIC, WIRE, AND ORAL INTERCEPTION INFORMATION.

Section 2517 of title 18, United States Code, is amended by adding at the end the following:

“(7) Any investigative or law enforcement officer, or other Federal official in carrying out official duties, who by any means authorized by this chapter, has obtained knowledge of the contents of any wire, oral, or electronic communication, or evidence derived therefrom, may disclose such contents or derivative evidence to a foreign investigative or law enforcement officer to the extent that such disclosure is appropriate to the

proper performance of the official duties of the officer making or receiving the disclosure, and foreign investigative or law enforcement officers may use or disclose such contents or derivative evidence to the extent such use or disclosure is appropriate to the proper performance of their official duties.

“(8) Any investigative or law enforcement officer, or other Federal official in carrying out official duties, who by any means authorized by this chapter, has obtained knowledge of the contents of any wire, oral, or electronic communication, or evidence derived therefrom, may disclose such contents or derivative evidence to any appropriate Federal, State, local, or foreign government official to the extent that such contents or derivative evidence reveals a threat of actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power, domestic or international sabotage, domestic or international terrorism, or clandestine intelligence gathering activities by an intelligence service or network of a foreign power or by an agent of a foreign power, within the United States or elsewhere, for the purpose of preventing or responding to such a threat. Any official who receives information pursuant to this provision may use that information only as necessary in the conduct of that person's official duties subject to any limitations on the unauthorized disclosure of such information, and any State, local, or foreign official who receives information pursuant to this provision may use that information only consistent with such guidelines as the Attorney General and Director of Central Intelligence shall jointly issue.”

SEC. 608. FOREIGN INTELLIGENCE INFORMATION.

(a) DISSEMINATION AUTHORIZED.—Section 203(d)(1) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001 (Public Law 107-56; 50 U.S.C. 403-5d) is amended by adding at the end the following: “Consistent with the responsibility of the Director of Central Intelligence to protect intelligence sources and methods, and the responsibility of the Attorney General to protect sensitive law enforcement information, it shall be lawful for information revealing a threat of actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power, domestic or international sabotage, domestic or international terrorism, or clandestine intelligence gathering activities by an intelligence service or network of a foreign power or by an agent of a foreign power, within the United States or elsewhere, obtained as part of a criminal investigation to be disclosed to any appropriate Federal, State, local, or foreign government official for the purpose of preventing or responding to such a threat. Any official who receives information pursuant to this provision may use that information only as necessary in the conduct of that person's official duties subject to any limitations on the unauthorized disclosure of such information, and any State, local, or foreign official who receives information pursuant to this provision may use that information only consistent with such guidelines as the Attorney General and Director of Central Intelligence shall jointly issue.”

(b) CONFORMING AMENDMENTS.—Section 203(c) of that Act is amended—

(1) by striking “section 2517(6)” and inserting “paragraphs (6) and (8) of section 2517 of title 18, United States Code,”; and

(2) by inserting “and (VI)” after “Rule 6(e)(3)(C)(i)(V)”.

SEC. 609. INFORMATION ACQUIRED FROM AN ELECTRONIC SURVEILLANCE.

Section 106(k)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.

1806) is amended by inserting after “law enforcement officers” the following: “or law enforcement personnel of a State or political subdivision of a State (including the chief executive officer of that State or political subdivision who has the authority to appoint or direct the chief law enforcement officer of that State or political subdivision)”.

SEC. 610. INFORMATION ACQUIRED FROM A PHYSICAL SEARCH.

Section 305(k)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1825) is amended by inserting after “law enforcement officers” the following: “or law enforcement personnel of a State or political subdivision of a State (including the chief executive officer of that State or political subdivision who has the authority to appoint or direct the chief law enforcement officer of that State or political subdivision)”.

H.R. 4628

OFFERED BY: MR. ENGEL

AMENDMENT NO. 4: At the end of title III (page 21, after line 11), insert the following new section:

SEC. 311. LIMITATIONS ON ASSISTANCE TO THE PALESTINIAN SECURITY SERVICES.

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

“LIMITATIONS ON ASSISTANCE TO THE PALESTINIAN SECURITY SERVICES

“SEC. 118. (a) PROHIBITION ON LETHAL ASSISTANCE.—Notwithstanding any other provision of law, no assistance in the form of lethal military equipment may be provided, either directly or indirectly, by any element of the intelligence community to the security services of the Palestinian Authority, or to any officials, employees or members thereof.

“(b) REQUIREMENTS FOR OTHER FORMS OF ASSISTANCE.—With respect to forms of assistance other than the provision of lethal military equipment, provided by any element of the intelligence community to the security services of the Palestinian Authority, or to any officials, employees or members thereof, such assistance may only be provided if the assistance is designed to—

“(1) reduce the number of security services of the Palestinian Authority to no more than two; and

“(2) reform such security services so that its officials, employees, and members—

“(A) respect the rule of law and human rights;

“(B) no longer fall under the command of, or report to, Yasir Arafat; and

“(C) are not compromised by, and will not support, terrorism.

“(c) QUARTERLY REPORTS ON ASSISTANCE PROVIDED SINCE 1993.—(1) Not later than 3 months after the date of the enactment of this section, the Director of Central Intelligence shall submit to the appropriate committees of Congress a report that describes all forms of assistance that have been provided to the security services of the Palestinian Authority since the date on which the Declaration of Principles was signed, including the dates on which such assistance was provided and whether any member of the security services of the Palestinian Authority who received any such assistance has committed an act of terrorism.

“(2) After the submittal of the report under paragraph (1), the Director of Central Intelligence shall submit to the appropriate committees of Congress quarterly reports on the forms of assistance under paragraph (1) provided during the preceding calendar quarter and progress toward—

“(A) reducing the number of security services of the Palestinian Authority to no more than two;

“(B) ensuring that officials, employees, and members of such security services are not compromised by, and will not support, terrorism;

“(C) reforming the security services of the Palestinian Authority so that they respect the rule of law and human rights; and

“(D) ensuring that the security services of the Palestinian Authority are no longer under the control of Yasir Arafat.

“(3) Reports shall be submitted in unclassified form, but may include a classified annex.

“(d) DEFINITIONS.—In this section—

“(1) the term ‘lethal military equipment’ has the meaning given the term for purposes of the Foreign Assistance Act of 1961; and

“(2) the term ‘appropriate committees of Congress’ means the Permanent Select Committee on Intelligence and the Committee on International Relations of the House of Representatives and the Select Committee on Intelligence and the Committee on Foreign Relations of the Senate.”

(b) CLERICAL AMENDMENT.—The table of contents for the National Security Act of 1947 is amended by inserting after the item relating to section 117 the following new item:

“Sec. 118. Limitations on assistance to the security services of the Palestinian Authority.”

H.R. 4628

OFFERED BY: MR. GOSS

AMENDMENT NO. 5: At the end of title I (page 9, after line 4), insert the following new section:

SEC. 106. LIMITATION ON USE ON CERTAIN APPROPRIATIONS FOR INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES.

(a) IN GENERAL.—Subject to subsection (b), the amounts requested for the Defense Emergency Response Fund that are designated for the incremental costs of intelligence and intelligence-related activities for the war on terrorism may only be obligated or expended for the intelligence and intelligence-related activities specified in the letter dated July 19, 2002 of the Deputy Director for Central Intelligence to the Permanent Select Committee on Intelligence of the House of Representatives.

(b) LIMITATIONS.—The amounts referred to in subsection (a)—

(1) may only be obligated or expended for activities directly related to identifying, responding to, or protecting against acts or threatened acts of terrorism;

(2) may not be obligated or expended to correct programmatic or fiscal deficiencies in major acquisition programs which have not achieved initial operational capabilities within two years of the date of the enactment of this Act; and

(3) may not be obligated or expended until the end of the 10-day period that begins on the date notice is provided to the Select Committee on Intelligence and the Committee on Appropriations of the Senate and the Permanent Select Committee on Intelligence and the Committee on Appropriations of the House of Representatives.

H.R. 4628

OFFERED BY: MR. HASTINGS OF FLORIDA

AMENDMENT NO. 6: At the end of the title III (page 21, after line 11), insert the following new section:

SEC. 311. SENSE OF CONGRESS ON DIVERSITY IN THE WORKFORCE OF INTELLIGENCE COMMUNITY AGENCIES.

(a) FINDINGS.—Congress finds the following:

(1) The United States is engaged in a war against terrorism that requires the active participation of the intelligence community.

(2) Certain intelligence agencies, among them the Federal Bureau of Investigation and the Central Intelligence Agency, have announced that they will be hiring several hundred new agents to help conduct the war on terrorism.

(3) Former Directors of the Federal Bureau of Investigation, the Central Intelligence Agency, the National Security Agency, and the Defense Intelligence Agency have stated that a more diverse intelligence community would be better equipped to gather and analyze information on diverse communities.

(4) The Central Intelligence Agency and the National Security Agency were authorized to establish an undergraduate training program for the purpose of recruiting and training minority operatives in 1987.

(5) The Defense Intelligence Agency was authorized to establish an undergraduate training program for the purpose of recruiting and training minority operatives in 1988.

(6) The National Imagery and Mapping Agency was authorized to establish an undergraduate training program for the purpose of recruiting and training minority operatives in 2000.

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

(1) the Director of the Federal Bureau of Investigation (with respect to the intelligence and intelligence-related activities of the Bureau), the Director of Central Intelligence, the Director of the National Security Agency, and the Director of the Defense Intelligence Agency should make the creation of a more diverse workforce a priority in hiring decisions; and

(2) the Director of Central Intelligence, the Director of National Security Agency, the Director of Defense Intelligence Agency, and the Director of National Imagery and Mapping Agency should increase their minority recruitment efforts through the undergraduate training program provided for under law.

H.R. 4628

OFFERED BY: MR. HASTINGS OF FLORIDA

AMENDMENT No. 7: At the end of title III (page 21, after line 11), insert the following new section:

SEC. 311. ANNUAL REPORT ON HIRING AND RETENTION OF MINORITY EMPLOYEES IN THE INTELLIGENCE COMMUNITY.

Section 114 of the National Security Act of 1947 (50 U.S.C. 404i) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

“(C) ANNUAL REPORT ON HIRING AND RETENTION OF MINORITY EMPLOYEES.—(1) The Director of Central Intelligence shall, on an annual basis, submit to Congress a report on the employment of covered persons within each element of the intelligence community for the preceding fiscal year.

“(2) Each such report shall include disaggregated data by category of covered person from each element of the intelligence community on the following:

“(A) Of all individuals employed in the element during the fiscal year involved, the aggregate percentage of such individuals who are covered persons.

“(B) Of all individuals employed in the element during the fiscal year involved at the levels referred to in clauses (i) and (ii), the percentage of covered persons employed at such levels:

“(i) Positions at levels 1 through 15 of the General Schedule.

“(ii) Positions at levels above GS-15.

“(C) Of individuals hired by the head of the element involved during the fiscal year involved, the percentage of such individuals who are covered persons.

“(3) Each such report shall be submitted in unclassified form, but may contain a classified annex.

“(4) Nothing in this subsection shall be construed as providing for the substitution of any similar report required under another provision of law.

“(5) In this subsection, the term ‘covered persons’ means—

“(A) racial and ethnic minorities,

“(B) women, and

“(C) individuals with disabilities.”.

H.R. 4628

OFFERED BY: MS. PELOSI

AMENDMENT No. 8: Amend section 501 to read as follows:

SEC. 501. USE OF FUNDS FOR COUNTER-DRUG AND COUNTERTERRORISM ACTIVITIES FOR COLOMBIA.

(a) AUTHORITY.—Funds designated for intelligence or intelligence-related purposes for assistance to the Government of Colombia for counter-drug activities for fiscal years 2002 and 2003, and any unobligated funds available to any element of the intelligence community for such activities for a prior fiscal year, shall be available to support a unified campaign 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 to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations.

(b) REQUIREMENT FOR CERTIFICATION.—(1) The authorities provided in subsection (a) shall not be exercised until the Secretary of Defense certifies to the Congress that the provisions of paragraph (2) have been complied with.

(2) In order to ensure effectiveness of United States support for such a unified campaign, prior to the exercise of the authority contained in subsection (a), the Secretary of State shall report to the appropriate committees of Congress that the newly elected President of Colombia has—

(A) committed, in writing, to establish comprehensive policies to combat illicit drug cultivation, manufacturing, and trafficking (particularly with respect to providing economic opportunities that offer viable alternatives to illicit crops) and to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations;

(B) committed, in writing, to implement significant budgetary and personnel reforms of the Colombian Armed Forces; and

(C) committed, in writing, to support substantial additional Colombian financial and other resources to implement such policies and reforms, particularly to meet the country's previous commitments under “Plan Colombia”.

In this paragraph, the term “appropriate committees of Congress” means the Permanent Select Committee on Intelligence and the Committee on Appropriations of the House of Representatives and the Select Committee on Intelligence and the Committee on Appropriations of the Senate.

(c) TERMINATION OF AUTHORITY.—The authority provided in subsection (a) shall cease to be effective if the Secretary of Defense has credible evidence that the Colombian Armed Forces are not conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations.

(d) APPLICATION OF CERTAIN PROVISIONS OF LAW.—Sections 556, 567, and 568 of Public Law 107-115, section 8093 of the Department

of Defense Appropriations Act, 2002, and the numerical limitations on the number of United States military personnel and United States individual civilian contractors in section 3204(b)(1) of Public Law 106-246 shall be applicable to funds made available pursuant to the authority contained in subsection (a).

(e) LIMITATION ON PARTICIPATION OF UNITED STATES PERSONNEL.—No United States Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available under this section, except for the purpose of acting in self defense or rescuing any United States citizen to include United States Armed Forces personnel, United States civilian employees, and civilian contractors employed by the United States.

H.R. 4628

OFFERED BY: MR. ROEMER

AMENDMENT No. 9: At the end (page 30, after line 7), add the following new title:

TITLE VI—NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES.

SEC. 601. ESTABLISHMENT OF COMMISSION.

There is established the National Commission on Terrorist Attacks Upon the United States (in this title referred to as the “Commission”).

SEC. 602. COMPOSITION OF THE COMMISSION.

(a) MEMBERS.—Subject to the requirements of subsection (b), the Commission shall be composed of 10 members, of whom—

(1) 3 members shall be appointed by the majority leader of the Senate;

(2) 3 members shall be appointed by the Speaker of the House of Representatives;

(3) 2 members shall be appointed by the minority leader of the Senate; and

(4) 2 members shall be appointed by the minority leader of the House of Representatives.

(b) QUALIFICATIONS.—

(1) POLITICAL PARTY AFFILIATION.—Not more than 5 members of the Commission shall be from the same political party.

(2) NONGOVERNMENTAL APPOINTEES.—No member of the Commission shall be an officer or employee of the Federal Government or any State or local government.

(3) OTHER QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in such professions as governmental service and intelligence gathering.

(c) CHAIRPERSON; VICE CHAIRPERSON.—

(1) IN GENERAL.—Subject to the requirement of paragraph (2), the Chairperson and Vice Chairperson of the Commission shall be elected by the members.

(2) POLITICAL PARTY AFFILIATION.—The Chairperson and Vice Chairperson shall not be from the same political party.

(d) INITIAL MEETING.—If 60 days after the date of enactment of this Act, 6 or more members of the Commission have been appointed, those members who have been appointed may meet and, if necessary, select a temporary Chairperson and Vice Chairperson, who may begin the operations of the Commission, including the hiring of staff.

(e) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the Chairperson or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 603. FUNCTIONS OF THE COMMISSION.

(a) IN GENERAL.—The functions of the Commission are to—

(1) review the implementation by the intelligence community of the findings, conclusions, and recommendations of—

(A) the Joint Inquiry of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives regarding the terrorist attacks against the United States which occurred on September 11, 2001;

(B) other reports and investigations of the House Permanent Select Committee on Intelligence of the House of Representatives and the Senate Select Committee on Intelligence of the Senate; and

(C) other such executive branch, congressional, or independent commission investigations of such the terrorist attacks or the intelligence community;

(2) make recommendations on additional actions for implementation of the findings, recommendations and conclusions referred to in paragraph (1);

(3) review resource allocation and other prioritizations of the intelligence community for counterterrorism and make recommendations for such changes in those allocations and prioritization to ensure that counterterrorism receives sufficient attention and support from the intelligence community;

(4) review and recommend changes to the organization of the intelligence community, in particular the division of agencies under the jurisdiction of the Secretary of Defense and the Director of Central Intelligence, the dual responsibilities of the Director of Central Intelligence as head of the intelligence community and as head of the Central Intelligence Agency, and the separation of agencies with responsibility for intelligence collection, analysis, and dissemination; and

(5) determine what technologies, procedures, and capabilities are needed for the intelligence community to effectively support and conduct future counterterrorism missions, and recommend how these capabilities should be developed, acquired, or both from entities outside the intelligence community, including from private entities.

(b) DEFINITION OF INTELLIGENCE COMMUNITY.—In this section, the term “intelligence community” means—

(1) the Office of the Director of Central Intelligence, which shall include the Office of the Deputy Director of Central Intelligence and the National Intelligence Council;

(2) the Central Intelligence Agency;

(3) the National Security Agency;

(4) the Defense Intelligence Agency;

(5) the National Imagery and Mapping Agency

(6) the National Reconnaissance Office;

(7) other offices within the Department of Defense for the collection of specialized national intelligence through reconnaissance programs;

(8) the intelligence elements of the Army, the Navy, the Air Force, the Marine Corps, the Federal Bureau of Investigation, the Department of the Treasury, the Department of Energy, and the Coast Guard;

(9) the Bureau of Intelligence and Research of the Department of State; and

(10) such other elements of any other department or agency as are designated by the President, or designated jointly by the Director of Central Intelligence and the head of the department or agency concerned, as an element of the intelligence community under section 3(4)(J) of the National Security Act of 1947 (50 U.S.C. 401a(4)(J)).

SEC. 604. POWERS OF THE COMMISSION.

(a) HEARINGS AND EVIDENCE.—The Commission may, for purposes of carrying out this title—

(1) hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths; and

(2) require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of books, records, correspondence, memoranda, papers, and documents.

(b) SUBPOENAS.—

(1) SERVICE.—Subpoenas issued under subsection (a)(2) may be served by any person designated by the Commission.

(2) ENFORCEMENT.—

(A) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subsection (a)(2), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(B) ADDITIONAL ENFORCEMENT.—Sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194) shall apply in the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section.

(c) CLOSED MEETINGS.—Notwithstanding any other provision of law which would require meetings of the Commission to be open to the public, any portion of a meeting of the Commission may be closed to the public if the President determines that such portion is likely to disclose matters that could endanger national security.

(d) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this title.

(e) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any department, agency, or instrumentality of the United States any information related to any inquiry of the Commission conducted under this title. Each such department, agency, or instrumentality shall, to the extent authorized by law, furnish such information directly to the Commission upon request.

(f) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States are authorized to provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(g) GIFTS.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, accept, use, and dispose of gifts or donations of services or property.

(h) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(i) POWERS OF SUBCOMMITTEES, MEMBERS, AND AGENTS.—Any subcommittee, member, or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

SEC. 605. STAFF OF THE COMMISSION.

(a) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Chairperson and the Vice Chairperson, acting jointly.

(b) STAFF.—The Chairperson, in consultation with the Vice Chairperson, may appoint

additional personnel as may be necessary to enable the Commission to carry out its functions.

(c) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid 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. Any individual appointed under subsection (a) or (b) shall be treated as an employee for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(d) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(e) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 606. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of the Commission may be compensated at not to exceed 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 Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 607. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate executive departments and agencies shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances in a manner consistent with existing procedures and requirements, except that no person shall be provided with access to classified information under this section who would not otherwise qualify for such security clearance.

SEC. 608. REPORTS OF THE COMMISSION; TERMINATION.

(a) INITIAL REPORT.—Not later than 1 year after the date of the first meeting of the Commission, the Commission shall submit to the President and Congress an initial report containing—

(1) such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members; and

(2) such findings, conclusions, and recommendations regarding the scope of jurisdiction of, and the allocation of jurisdiction among, the committees of Congress with oversight responsibilities related to the scope of the investigation of the Commission as have been agreed to by a majority of Commission members.

(b) FINAL REPORT.—Not later than 6 months after the submission of the initial report of the Commission, the Commission

shall submit to the President and Congress a final report containing such updated findings, conclusions, and recommendations described in paragraphs (1) and (2) of subsection (a) as have been agreed to by a majority of Commission members.

(c) **NONINTERFERENCE WITH CONGRESSIONAL JOINT INQUIRY.**—Notwithstanding subsection (a), the Commission shall not submit any report of the Commission until a reasonable period after the conclusion of the Joint Inquiry of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives regarding the terrorist attacks against the United States which occurred on September 11, 2001.

(d) **TERMINATION.**—

(1) **IN GENERAL.**—The Commission, and all the authorities of this title, shall terminate 60 days after the date on which the final report is submitted under subsection (b).

(2) **ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.**—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the second report.

SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission to carry out this title \$3,000,000, to remain available until expended.

H.R. 5005

OFFERED BY: MR. BEREUTER

AMENDMENT NO. 1: At the end of section 201, insert the following:

(9) Participate and otherwise coordinate with the intelligence community in the tasking or establishment of priorities for the collection of foreign intelligence important for homeland security by those elements of the intelligence community authorized to undertake such collection.

Amend section 212(a)(2) to read as follows:

(2) **REQUESTS FOR THE COLLECTION AND COORDINATION OF INFORMATION.**—

(A) Requesting the collection of foreign intelligence by elements of the intelligence community authorized to undertake such collection, Federal law enforcement agencies, and other executive agencies.

(B) Coordinating with elements of the intelligence community and with Federal, State, and local law enforcement agencies, and the private sector as appropriate.

H.R. 5005

OFFERED BY: MR. ENGEL

AMENDMENT NO. 2: At the end of the bill, insert the following new title:

TITLE XI—CHEMICAL WEAPON PRECURSOR LICENSING

SEC. 1101. DEFINITIONS.

For purposes of this title:

(1) The term “chemical weapon precursor” means a Schedule 1 chemical agent or a Schedule 2 chemical agent, as such terms are defined in section 3 of the Chemical Weapons Convention Implementation Act of 1998 (22 U.S.C. 6701).

(2) The term “licensee” means a person holding a license under this title.

(3) The term “qualified person” means a person found by the Secretary to meet such qualifications as the Secretary may, by rule, prescribe to protect the public health and safety from the misuse of chemical weapon precursors. No person who has been convicted of a criminal offense under this title or under any similar or related provision of Federal or State law shall be a qualified person for purposes of this title.

SEC. 1102. LICENSE REQUIRED.

After December 31, 2002, no person may purchase, sell, or distribute in interstate commerce any chemical weapon precursor unless such person is licensed under section 1103.

SEC. 1103. ISSUANCE OF LICENSES.

(a) **APPLICATION.**—Any qualified person may submit to the Secretary an application for a license to purchase, sell, or distribute in interstate commerce a chemical weapon precursor.

(b) **ISSUANCE.**—Upon receiving an application containing such information as the Secretary may require, the Secretary is authorized to issue a license to such person to purchase, sell, or distribute in interstate commerce a chemical weapon precursor if the Secretary finds that such person is a qualified person and if such person agrees to comply with this title and the regulations under this title.

(c) **TERM; REVOCATION.**—A license under this section shall remain in effect for such term as the Secretary may prescribe, except that the Secretary may at any time revoke such license if the Secretary determines that the licensee has failed or refused to comply with this title or any regulation under this title.

SEC. 1104. REQUIREMENTS FOR MAINTENANCE OF LICENSE.

Each licensee shall comply with each of the following requirements and such other requirements as the Secretary may establish by rule to carry out the purposes of this title:

(1) The licensee shall report any suspicious purchases or sales of chemical weapon precursors.

(2) The licensee shall maintain and make available to the Secretary and to Federal, State, and local law enforcement authorities records of the purchase, sale, or distribution of chemical weapon precursors. Such records shall be in such form and shall contain such information as the Secretary shall, by rule, prescribe.

SEC. 1105. PENALTIES FOR VIOLATION.

Any person who violates any provision of this title or any regulation under this title shall be subject to a civil penalty of not more than \$10,000 for a first offense and not more than \$20,000 for a second or subsequent offense. If such violation was intentional, such person shall be subject to a criminal penalty of up to 10 years in prison in addition to such civil penalties.

H.R. 5005

OFFERED BY: MR. PAUL

AMENDMENT NO. 3: In section 763—

(1) strike subsection (b) (relating to transfer of appropriations);

(2) in the section heading, strike “; transfer of appropriations” (and conform the table of contents accordingly);

(3) strike the subsection designation and caption for subsection (a) (and redesignate the paragraphs and subparagraphs as subsections and paragraphs, respectively); and

(4) strike “paragraph (1)(A)” and “paragraph (1)(B)” and insert “subsection (a)(1)” and “subsection (a)(2)”, respectively.

In section 811(e), strike the last sentence (referring to section 763(b)).

H.R. 5120

OFFERED BY: MR. BARR

AMENDMENT NO. 23: Insert at the end before the short title the following:

SEC. . None of the funds made available in this Act under the heading “Special Forfeiture Fund (Including transfer of funds)” to support a national media campaign shall be used to pay any amount pursuant to contract number N00600-02-C0123.

H.R. 5120

OFFERED BY: MR. GEORGE MILLER OF
California

AMENDMENT NO. 24: At the end of the bill (before the short title), insert the following:

SEC. . None of the funds made available in this Act may be used to enter into or carry out with an entity any Federal contract subject to the provisions of the Federal Acquisition Regulation unless such entity has a satisfactory record of integrity and business ethics.

H.R. 5120

OFFERED BY: MR. GEORGE MILLER OF
CALIFORNIA

AMENDMENT NO. 25: At the end of the bill (before the short title), insert the following:

SEC. . None of the funds made available in this Act may be used to enter into or carry out with an entity any Federal contract subject to the provisions of the Federal Acquisition Regulation unless the contracting officer for the contract determines that such entity has a satisfactory record of integrity and business ethics.

H.R. 5120

OFFERED BY: MR. SANDERS

AMENDMENT NO. 26: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds appropriated by this Act may be used by the Internal Revenue Service for any activity that is in contravention of section 411(b)(1)(H)(i) or section 411(d)(6) of the Internal Revenue Code of 1986, section 204(b)(1)(G) or 204(b)(1)(H)(i) of the Employee Retirement Income Security Act of 1974, or section 4(i)(1)(A) of the Age Discrimination in Employment Act.

H.R. 5120

OFFERED BY: MR. SANDERS

AMENDMENT NO. 27: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds appropriated by this Act may be used by the Internal Revenue Service—

(1) for any activity that is in contravention of section 411(b)(1)(H)(i) or section 411(d)(6) of the Internal Revenue Code of 1986, section 204(b)(1)(G) or 204(b)(1)(H)(i) of the Employee Retirement Income Security Act of 1974, or section 4(i)(1)(A) of the Age Discrimination in Employment Act,

(2) for the issuance of favorable tax-qualified determination letters to employers who convert to a cash balance pension plan, or

(3) to enforce the preamble to Treasury Decision 8360, issued under section 401(a)(4) of the Internal Revenue Code of 1986 on September 19, 1991, which reads as follows: “The fact that interest adjustments through normal retirement age are accrued in the year of the related hypothetical allocation will not cause a cash balance plan to fail to satisfy the requirements of section 411(b)(1)(H), relating to age-based reductions in the rate at which benefits accrue under a plan.”

H.R. 5120

OFFERED BY: MR. SANDERS

AMENDMENT NO. 28: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds appropriated by this Act may be used by the Internal Revenue Service for the issuance of favorable tax-qualified determination letters to employers who convert to a cash balance pension plan.