

the Secretary of the Treasury, in consultation with the National Intelligence Director, shall submit to Congress a report on the allocation of resources within the Office of Foreign Assets Control.

(c) CONTENT OF ANNUAL REPORT.—An annual report required by subsection (b) shall include—

(1) a description of—

(A) the allocation of resources within the Office of Foreign Assets Control to enforce the economic and trade sanctions of the United States against terrorist organizations and targeted foreign countries during the fiscal year prior to the fiscal year in which such report is submitted; and

(B) the criteria on which such allocation is based;

(2) a description of any proposed modifications to such allocation; and

(3) an explanation for any such allocation that is not based on prioritization of threats determined using appropriate criteria, including the likelihood that—

(A) a terrorist organization or targeted foreign country—

(i) will sponsor or plan a direct attack against the United States or the interests of the United States; or

(ii) is participating in or maintaining a nuclear, biological, or chemical weapons development program; or

(B) a targeted foreign country—

(i) is financing, or allowing the financing, of a terrorist organization within such country; or

(ii) is providing safe haven to a terrorist organization within such country.

(d) EFFECTIVE DATE.—Notwithstanding section 341 or any other provision of this Act, this section shall take effect on the date of the enactment of this Act.

Ms. COLLINS. 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.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 3903

Ms. COLLINS. Mr. President, I ask unanimous consent to set the pending amendment aside and call up the Stevens amendment No. 3903.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for Mr. STEVENS, Mr. INOUE, Mr. WARNER, and Mr. KYL, proposes an amendment numbered 3903.

The amendment is as follows:

(Purpose: To strike section 201, relating to public disclosure of intelligence funding)

On page 115, strike line 15 and all that follows through page 115, line 25.

Ms. COLLINS. 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. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. I ask unanimous consent to proceed in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

### HONORING OUR ARMED FORCES

#### PRIVATE-FIRST CLASS NICHOLAUS ZIMMER

Mr. DEWINE. Mr. President, I come to the Senate floor today to pay tribute to a young Ohioan who gave his life in the line of duty fighting for freedom. Today I stand here to remember a soldier of inspiring independence and determination, a young man whose life was cut far too short when the tank he was in was hit by a rocket-propelled grenade in Kufa, Iraq. He was 20 years old.

Army PFC Nicholaus Zimmer was the only child of Lisa and Harold "Gino" Zimmer of Powell, OH. The two were proud, yet of course, worried when their son decided to enlist in the Army at the age of 17. Despite their natural parental concerns, they knew he would go his own way and do things in his own way. Because, you see, Nicholaus Zimmer was special. He was voted most unique in the Westland High School class of 2002. He defied stereotypes. He was unconventional. He had an exceptional spirit. Nicholaus was lovingly described as a bookish, pink-haired, 1970s-clothes-wearing, skateboarding kid who loved to question authority. I should note, though, that the pink hair description was constantly changing, as Nicholaus altered his hair color to blue and even shaved it once into a Mohawk haircut. Though most would consider pink hair as strictly a defining characteristic, it was not so for Nicholaus. As with other aspects of his life, Nicholaus could not be easily pigeonholed—not really—especially as a punk rock youth. No, he loved to read Shakespeare and would quote it while talking to teachers. Nicholaus was considering becoming an English teacher. Well, that or maybe an Apache helicopter pilot. Nicholaus was ambitious and set his goals high. He enlisted in the Army so he could earn money to go to college and see the world. He was assigned to the 2nd Battalion, 37th Armored Regiment, 1st Armored Division out of Friedberg, Germany. His job was driving M1A1 tanks—another irony in his life given the fact that Nicholaus didn't have a driver's license. Nevertheless, he drove that tank with great skill and expertise.

At age 19, Nicholaus was sent to Iraq. Nicholaus would send his parents souvenirs from Iraq, including shrapnel and money with Saddam Hussein's face on it. They in turn would send him his favorite books and baby wipes to take the sand off of his body.

Nicholaus was proud to serve. He was also anxious to come home, come home to show his parents the man he had become in the time that he was away.

As his mom said;

His year was up on Mother's Day. You could tell he was ready to come home. But he had a job to do.

Nicholaus was a good soldier. Here is how his company commander CPT John Moore described him:

Nick was a superb soldier and had a priceless sense of humor in a place where that came at a premium. He always had a great way of identifying with other soldiers and making the best of some pretty rough situations. As a soldier he was decorated twice for bravery in battle, and he never forgot his duty to his fellow troops. After our company lost our first man, Sergeant Mike Mitchell, Nick was best able to verbalize our sense of loss and what that grief meant to us, despite his junior rank, experience and young age. I will never forget his ability to joke and see the brighter side of any situation and his ability to identify with everybody regardless of rank. Nick's loss hit the 3rd Platoon and all of Crusader Company very hard and resonates through my company still.

I would like to share with you now an e-mail message posted on a soldier memorial Web site following Nicholaus's death. It is from the sister of that same Sergeant Mitchell. The sister writes:

To the family and friends of Nick—my name is Christine, and I am the sister of Michael Mitchell, who served with Nick. My brother was taken from us on April 4, 2004. My heart goes out to you because we definitely can understand your pain. . . . I want to thank you all since I will not be able to tell Nick myself. I guess Nick was helping the soldiers with the death of my brother. I read a letter that Captain Moore wrote where he said, "Nobody will ever forget that Nick Zimmer was probably one of the most verbally expressive soldiers in this command and that he more than anyone else in the company helped us to identify the effects of Mike Mitchell's death so we could soldier through it and understand it." So Nick, thank you. You and my brother are together now. Please take care of each other.

I have no doubt that they are taking care of each other. Soldiers take care of each other in life and in death. When Nicholaus passed away, family, friends, and members of the Powell community came out to show their support for the Zimmer family. American flags lined the yards down the street, and neighbors stood along the road to pay their respects as the funeral procession passed, a procession that included Nicholaus's father and dozens of motorcycles adorned with flags.

Though it is never easy to say goodbye, the funeral of Nicholaus Zimmer was what he would have wanted. A two-star general sat next to a skateboarder with multiple piercings. Looking through the crowd, one could see tattooed bikers, men in business suits, and teenagers with a variety of unconventional hair colors. Yes, I think he would have liked it.

Indeed, Nicholaus Zimmer was a unique young man, a unique young man with the ability to bring people together of all walks of life. This was apparent at the funeral. It was apparent to anyone who knew him.

As his father said:

Look at Nicholaus as an example . . . He always lived the way he wanted to—and he died that way, too.

Mr. President, I never had the chance to meet Nicholaus Zimmer, but I wish I could have. I did have the privilege of

meeting Nicholaus's family during the calling hours for their son. I thank them for sharing their memories with me. They told me that Nicholaus was not the only member of their family to serve overseas. Nicholaus had an uncle who served in Vietnam and a grandfather who saw action in Korea. The Zimmer family is proud of their son's service. Our Nation, too, is proud of his service.

Mr. President, I will conclude with a message from the extended family of Army Specialist A.J. Vandayburg, an Ohio soldier from Mansfield, who was also killed in Iraq in April. They wrote the following to the Zimmer family:

Thank you, Nicholaus, for protecting us all. Sometimes we forget what our Armed Forces are doing for us. Freedom, unfortunately, comes with that unforgivable, unfathomable price. You will not be forgotten for your sacrifice. To your family, we say thank you, too, for your sacrifice. There are no words to replace a child, a brother, an uncle—a loved one. When you are able, seek out those who have given their all. We know from experience the price you have paid, and we mourn with you. God bless you all.

Mr. President, I think that letter expresses our sentiments, as well, to the family.

MARINE LANCE CORPORAL WILL STEVENS

Mr. BUNNING. Mr. President, I today honor LCpl Will Stevens of Russell, KY, for his service to his country in the United States Marine Corps. While LCpl Stevens is recovering from a combat injury to his foot in a hospital bed in San Diego, I point out the importance of his service to our country.

Will's service to his country in Iraq ensures a safer future for America and a more stable world in general. Will's family, his loved ones and his countrymen are the people who benefit from the work he did in Iraq. We are all indebted to him for our way of life, our freedoms and for an example of what it means to be a good American.

In the words of Will's grandfather, "He is my hero . . . I am really proud of him and am relieved he is going to be alright." And so am I. I thank Will and all his fellow service members for their work. May God bless them.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 3930 AND 3931, EN BLOC

Mr. FRIST. Mr. President, on behalf of Senator McCONNELL I now ask unanimous consent that the pending amendments be set aside, and I call up amendments Nos. 3930 and No. 3931, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST], for Mr. McCONNELL, for himself, and Mr. CORNYN, proposes an amendment numbered 3930.

The Senator from Tennessee [Mr. FRIST], for Mr. McCONNELL, for himself, Mr.

SANTORUM, and Mr. CORNYN, proposes an amendment numbered 3931.

Mr. FRIST. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 3930

(Purpose: To clarify that a volunteer for a federally-created citizen volunteer program and for the program's State and local affiliates is protected by the Volunteer Protection Act)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ FIRST RESPONDER CITIZEN VOLUNTEER PROTECTION ACT.**

(a) **SHORT TITLE.**—This section may be cited as the "First Responder Citizen Volunteer Protection Act".

(b) **IMPORTANCE OF VOLUNTEERS.**—Section 2(a) of the Volunteer Protection Act of 1997 (42 U.S.C. 14501(a)) is amended—

(1) in paragraph (6), by striking "and" after the semicolon;

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following:

"(7) since the attacks of September 11, 2001, the Federal Government has encouraged Americans to serve their country as citizen volunteers for programs such as the Volunteers in Police Service (VIPS), Medical Reserve Corps (MRC), Community Emergency Response Team (CERT), Neighborhood Watch, and Fire Corps, which help increase our homeland security preparedness and response, and which provide assistance to our fire, police, health, and medical personnel, and fellow citizens in the event of a natural or manmade disaster, terrorist attack, or act of war; and"

(c) **CITIZEN VOLUNTEER PROGRAM.**—Section 6 of the Volunteer Protection Act of 1997 (42 U.S.C. 14505) is amended by adding at the end the following:

"(7) **GOVERNMENTAL ENTITY.**—The term 'governmental entity' means for purposes of this Act—

"(A) Federal or State Government, including any political subdivision or agency thereof; and

"(B) a federally-established or funded citizen volunteer program, including those coordinated by the USA Freedom Corps established by Executive order 13254 (February 1, 2002), and the program's components and State and local affiliates.

AMENDMENT NO. 3931

(Purpose: To remove civil liability barriers that discourage the donation of equipment to volunteer fire companies)

At the appropriate place, insert the following:

**TITLE \_\_\_\_ VOLUNTEER FIREFIGHTER ASSISTANCE**

**SEC. \_\_\_\_ 01. SHORT TITLE.**

This title may be cited as the "Good Samaritan Volunteer Firefighter Assistance Act of 2004".

**SEC. \_\_\_\_ 02. REMOVAL OF CIVIL LIABILITY BARRIERS THAT DISCOURAGE THE DONATION OF FIRE EQUIPMENT TO VOLUNTEER FIRE COMPANIES.**

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

(b) **EXCEPTIONS.**—Subsection (a) shall not apply to a person if—

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

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

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

(d) **DEFINITIONS.**—In this section:

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

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

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

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

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

**SEC. 3. STATE-BY-STATE REVIEW OF DONATION OF FIREFIGHTER EQUIPMENT.**

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

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than 6 months after the date of enactment of this Act, the Attorney General of the United States shall publish and submit to Congress a report on the results of the review conducted under subsection (a).

(2) **CONTENTS.**—The report published and submitted under paragraph (1) shall include, for each State—

(A) the most effective way to fund firefighter companies;

(B) whether first responder funding is sufficient to respond to the Nation's needs; and

(C) the best method to ensure that the equipment donated to volunteer firefighter companies is in usable condition.

Mr. FRIST. I ask unanimous consent that the amendments be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. I ask unanimous consent that notwithstanding the filing requirement, it be in order for the managers to propose cleared amendments prior to the cloture vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. I ask unanimous consent that at 4:15 on Monday, October 4, the Senate proceed to votes in relation to

the following amendments; provided further that no second degrees be in order to the mentioned amendments prior to the votes; further, that there be 2 minutes equally divided for debate prior to each of the votes. The amendments are: Byrd No. 3845; Warner No. 3877, as modified; Stevens No. 3829; Stevens No. 3903; Stevens No. 3826; Stevens No. 3827.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AMENDMENT NO. 3705

Mr. FRIST. I now ask for the regular order with respect to Collins-Lieberman amendment No. 3705.

The PRESIDING OFFICER. That amendment is now pending.

Mr. FRIST. Mr. President, I thank the chairman and ranking member for their tremendous work today, really over the course of the last week, especially on the amendments that we have addressed over the course of the whole week. They have worked diligently. It has been a productive week. It has been a long week, but we have had good debate on an issue that is complex, an issue that we have all studied for a long period of time but an issue on which I believe debate and the amendment process contributes even greater to our understanding.

It has been very important for Members to come to the floor and debate their different views and their thoughts with respect to our intelligence agencies, their relationships one to another.

We have a number of amendments now pending. As the preview order provides, we will begin voting on some of those amendments at 4:15 on Monday.

I come to the floor at this time with the concern that the clock is still ticking and is working against us on the bill, in part because of the large number of potential amendments. People have submitted amendments and put them in language and begun talking about them, but we clearly need to pick up the pace in order to finish the bill early next week.

Following the completion of this bill, the Senate still must address the internal reform, the internal intelligence oversight reform that goes on in this body. We will begin that on the Senate floor after we complete the Collins-Lieberman bill.

Having said that, I will file a cloture motion in a moment. I do this to ensure that we will bring the Collins-Lieberman bill to conclusion at a reasonable time next week, still giving us time to address the other aspect of reform, and that is the internal oversight reform in the Senate.

This is done in consultation with the managers and with the Democratic leadership. The purpose is not in any way to cut off Senators' rights, but I do remind my colleagues that when colture is invoked there is still an additional 30 hours of consideration if we need that.

I hope all of that time will be considered but not be necessarily used. Rule

XXII provides for that postcloture time.

## CLOTURE MOTION

Mr. FRIST. Mr. President, on behalf of Senator DASCHLE and myself, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

## CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 2845, Calendar No. 716, a bill to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

Bill Frist, Tom Daschle, Susan Collins, Lamar Alexander, Orrin Hatch, Lindsey Graham, John Warner, Judd Gregg, Saxby Chambliss, John Cornyn, Kay Bailey Hutchison, George Allen, Gordon Smith, Jim Talent, Norm Coleman, Ben Nighthorse Campbell, Mitch McConnell, Joseph Lieberman.

Mr. FRIST. I now ask consent that the live quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. This vote will occur Tuesday morning. I will announce on Monday the precise timing of the vote on Tuesday, but I will anticipate an early vote on that morning.

## MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, Tuesday, September 14, was National POW/MIA Recognition Day. American citizens in towns and communities all across our Nation commemorated this occasion by pausing to remember American prisoners of war, those who continue to be missing, and their families.

A national observance was held on the River Parade Field at the Pentagon with an honor guard parade consisting of units from the Army, Marine Corps, Navy, Air Force and Coast Guard. Guests included the families of former POWs and MIAs and representatives of veterans' organizations.

The guest of honor for this occasion was our distinguished colleague and our dear friend, Senator DAN INOUE of Hawaii. Senator INOUE spoke eloquently about the significance of this remembrance as did Gen Richard Myers, chairman of the Joint Chiefs of Staff, and Deputy Secretary of Defense Paul Wolfowitz.

Secretary Wolfowitz's statement included an introduction of Senator INOUE that captured the life and legacy of this great patriot. The eloquent remarks of General Myers, Secretary

Wolfowitz and Senator INOUE deserve the attention of the Senate. I ask unanimous consent that the speeches of General Myers, Dr. Wolfowitz and Senator INOUE be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

## REMARKS BY CHAIRMAN OF THE JOINT CHIEFS OF STAFF, GENERAL RICHARD B. MYERS, AT POW/MIA RECOGNITION DAY CEREMONY

Thank you so much for joining us as we remember our Prisoners of War and those still Missing in Action.

A special thanks Senator for joining us today. In my view, Senator Inouye embodies our nation's commitment to service and sacrifice—from his decorated military service during World War II to his dedicated public service over the last 40 years. Sir, thank you so much for your support of our military family and for taking the time to be with us today.

This past Saturday, as you know, marked the 3-year anniversary of September 11 terrorist attacks. The tragedies of that day, as well as our ongoing combat operations in the War on Terrorism, serve as a solemn reminder that service and sacrifice are really a part of our lives.

Those who take the oath of office, and put on our Nation's uniform, make a commitment to put the interests of others ahead of their own, and set aside their personal safety and comfort for the well being of others. They become part of our military family, dedicated to protecting all our families.

Today we remember those who embraced this quality to the fullest. When one of our own is killed in action, taken prisoner or missing, we lose a member of our military family. Certainly, I've experienced the loss of friends and squadron mates during my time in Vietnam and in the years since. I expect and know most of you here have experienced similar pain and similar grief.

When one of our own becomes a POW or is missing, their families, both the immediate family and the larger military family, endure the tragic pain of not knowing where they are or if they will ever return.

So it is for both the immediate family, and our larger military family, that today's ceremony carries really so much meaning. We gather to formally remember our loved ones and their service, and to renew our pledge that we shall never, never forget them.

The character of our Nation, in many respects, is reflected in the character of those who serve. Those we remember today reflect the very best of our Nation.

Our Deputy Secretary of Defense is also passionate about the welfare of our servicemen and women, and their families. And there is no one who fights harder on their behalf. He's demonstrated a selfless commitment to the ideals of freedom and democracy as Assistant Secretary of State, as our U.S. Ambassador to Indonesia, and teaching at some of our Nation's finest institutions.

It's a privilege and an honor to introduce our Deputy Secretary of Defense, the Honorable Paul Wolfowitz.

## REMARKS OF DEPUTY SECRETARY OF DEFENSE PAUL WOLFOWITZ—INTRODUCTION OF SENATOR DANIEL INOUE AT THE NATIONAL POW/MIA RECOGNITION DAY

Thank you, General Myers, for those inspiring words. And thank you for your strong leadership and faithful service to our country.

We are joined today by more than a few others who have served our nation: members of America's magnificent Armed Forces, and