

(b) CHANGE IN PERIOD OF COVERAGE OF STRATEGIC PLAN.—Subsection (b) of section 306 of title 5, United States Code, is amended to read as follows:

“(b) Each strategic plan shall cover the 4-year period beginning on October 1 of the year following a year in which an election for President occurs.”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 447—EXPRESSING THE SENSE OF THE SENATE THAT THE PRESIDENT OF THE UNITED STATES SHOULD EXERCISE HIS CONSTITUTIONAL AUTHORITY TO PARDON POSTHUMOUSLY JOHN ARTHUR “JACK” JOHNSON FOR MR. JOHNSON’S RACIALLY-MOTIVATED 1913 CONVICTION THAT DIMINISHED HIS ATHLETIC, CULTURAL, AND HISTORIC SIGNIFICANCE, AND UNDULY TARNISHED HIS REPUTATION

Mr. MCCAIN (for himself, Mr. HATCH, Mr. KENNEDY, Mr. REID, and Mr. TALENT) submitted the following resolution; which was considered and agreed to:

S. RES. 447

Whereas, Jack Johnson was a flamboyant, defiant, and controversial figure in American history who challenged racial biases;

Whereas, Jack Johnson was born in Galveston, Texas, in 1878 to parents who were former slaves;

Whereas, Jack Johnson became a professional boxer and traveled throughout the United States fighting white as well as black heavyweights;

Whereas, Jack Johnson, after being denied, on purely racial grounds, the opportunity to fight two white champions was granted an opportunity in 1908 by an Australian promoter to fight the reigning white title-holder, Tommy Burns, whom Johnson defeated to become the first African American to hold the title of Heavyweight Champion of the World;

Whereas, Jack Johnson’s victory prompted a search for a white boxer who could beat Johnson, a recruitment effort dubbed the search for the “great white hope”;

Whereas, a white former champion named Jim Jeffries left retirement to fight and lose to Jack Johnson in Reno, Nevada, in 1910 in what was deemed the “Battle of the Century”;

Whereas, rioting and aggression toward African Americans resulted from Johnson’s defeat of Jeffries and led to racially-motivated murders of African Americans nationwide;

Whereas, Jack Johnson’s relationship with white women compounded the resentment felt toward him by many whites;

Whereas, between 1901 and 1910, 754 African Americans were lynched, some of whom were lynched simply for being “too familiar” with white women;

Whereas, in 1910 the Congress passed the Mann Act, (18 U.S.C. 2421), then known as the “White Slave Traffic Act,” which outlawed the transportation of women in interstate or foreign commerce “for the purpose of prostitution or debauchery, or for any other immoral purpose”;

Whereas, in October, 1912, Jack Johnson became involved with a white woman whose mother disapproved of their relationship and sought action from the United States Department of Justice, claiming that Johnson had abducted her daughter;

Whereas, Jack Johnson was arrested on October 18, 1912, by Federal marshals for transporting this woman across State lines for an “immoral purpose” in violation of the Mann Act, only to have the charges dropped when the woman refused to cooperate with authorities and then married the champion;

Whereas, Federal authorities persisted and summoned a white woman named Belle Schreiber who testified that Johnson had transported her across State lines for the purpose of “prostitution and debauchery”;

Whereas, Jack Johnson was eventually convicted in 1913 of violating the Mann Act and sentenced to one year and a day in Federal prison, but fled the country to Canada and then on to various European and South American countries, before losing the Heavyweight Championship title to Jess Willard in Cuba in 1915;

Whereas, Jack Johnson returned to the United States in July, 1920, surrendered to authorities, served nearly a year in the Federal penitentiary at Leavenworth, Kansas, and fought subsequent boxing matches, but never regained the Heavyweight Championship title;

Whereas, Jack Johnson served his country during World War II by encouraging citizens to buy war bonds and participating in exhibition boxing matches to promote the war bond cause;

Whereas, Jack Johnson died in an automobile accident in 1946; and

Whereas, in 1954 Jack Johnson was inducted into the Boxing Hall of Fame; Now, therefore, be it

Resolved, That it is the Sense of the Senate that—

(1) Jack Johnson paved the way for African American athletes to participate and succeed in racially-integrated professional sports in the United States;

(2) Jack Johnson was wronged by a racially-motivated conviction prompted by his success in the boxing ring and his relationship with white women;

(3) his criminal conviction unjustly ruined his career and destroyed his reputation; and

(4) the President of the United States should grant a pardon to Jack Johnson posthumously to expunge from the annals of American criminal justice a racially-motivated abuse of the Federal government’s prosecutorial authority and in recognition of Mr. Johnson’s athletic and cultural contributions to society.

SENATE CONCURRENT RESOLUTION 140—URGING THE PRESIDENT TO WITHDRAW THE UNITED STATES FROM THE 1992 AGREEMENT ON GOVERNMENT SUPPORT FOR CIVIL AIRCRAFT WITH THE EUROPEAN UNION AND IMMEDIATELY FILE A CONSULTATION REQUEST, UNDER THE UNDERSTANDING ON RULES AND PROCEDURES GOVERNING THE SETTLEMENT OF DISPUTES OF THE WORLD TRADE ORGANIZATION, ON THE MATTER OF INJURY TO, AND ADVERSE EFFECTS ON, THE COMMERCIAL AVIATION INDUSTRY OF THE UNITED STATES

Mr. BROWNBACK (for himself and Mr. ROBERTS) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 140

Whereas as recently as 1990, Boeing was the uncontested world leader in commercial aviation, and had produced over 55 percent of

all the jet commercial aircraft ever produced; McDonnell Douglas produced 25 percent, while Airbus accounted for only 6 percent;

Whereas in 1992 the Agreement on Government Support for Civil Aircraft was negotiated between the United States and the European Community to address the near total subsidization of Airbus commercial aircraft development;

Whereas the agreement stated that no more than 33 percent of total aircraft development costs could be borne by the respective governments;

Whereas the agreement “recogniz[ed] that the disciplines in the GATT Agreement on Trade in Civil Aircraft should be strengthened with a view to progressively reducing the role of government support”;

Whereas Boeing has experienced a dramatic downturn in the last three years, losing thousands of employees and a significant market share;

Whereas Airbus has continued to increase market share at a time of significant turbulence in the commercial airline industry as a result of continued government subsidies;

Whereas the European Union has not abided by the agreement to phase out subsidies;

Whereas European Union officials have publicly reaffirmed their plan to achieve global leadership in aerospace based on continued subsidization, noting in “European Aeronautics: A Vision for 2020”, that “gradual realization of our ambitious vision must be facilitated by an increase in public funding. European aeronautics has grown and prospered with the support of public funds and this support must continue if we are to achieve our objective of global leadership.”;

Whereas the new Airbus A380 is the most subsidized aircraft ever, having received more than \$6,000,000,000 in direct subsidies from the European Union, including \$3,700,000,000 in launch aid;

Whereas in public statements, Airbus representatives have indicated that the company may launch yet another new aircraft, which may require billions of dollars of additional subsidies from the European Union;

Whereas Airbus has achieved market parity with Boeing; therefore the 1992 agreement has outlived its usefulness;

Whereas the parties to the 1992 agreement noted “their intention to act without prejudice to their rights and obligations under the GATT and under other multilateral agreements negotiated under the auspices of the GATT”;

Whereas on a visit to Washington State on August 13, 2004, President George W. Bush said “I’ve instructed U.S. Trade Representative Bob Zoellick to inform European officials in his September meeting that we think these subsidies are unfair and that he should pursue all options to end these subsidies—including bringing a WTO case, if need be”;

Whereas the Boeing Company has more than 150,000 employees within the United States and has 26,000 suppliers in all 50 States;

Whereas the United States Trade Representative has strongly supported Boeing’s efforts to seek redress in this matter and has patiently and appropriately pursued bilateral dialogue with the European Union in an attempt to negotiate a new agreement to discipline subsidies; and

Whereas public statements by the United States Trade Representative have made it clear that bilateral consultations on the matter of ending commercial aviation subsidies by the European Union have been unproductive and that further talk is unlikely to resolve the serious injury caused to the Boeing company; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the President should direct the United States Trade Representative to withdraw the United States from the Agreement on Government Support for Civil Aircraft that was entered into with the European Community in 1992; and

(2) the President should direct the United States Trade Representative immediately to file a consultation request, under the Understanding on Rules and Procedures Governing the Settlement of Disputes of the World Trade Organization, on the matter of serious injury to the commercial aviation industry of the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3957. Ms. COLLINS (for herself and Mr. LIEBERMAN) proposed an amendment 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.

SA 3958. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2845, supra; which was ordered to lie on the table.

SA 3959. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2845, supra; which was ordered to lie on the table.

SA 3960. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2845, supra; which was ordered to lie on the table.

SA 3961. Mr. ENSIGN (for himself, Mr. SESSIONS, Mr. GRASSLEY, Mr. CHAMBLISS, and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 2845, supra; which was ordered to lie on the table.

SA 3962. Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 3809 proposed by Mr. LEVIN to the bill S. 2845, supra; which was ordered to lie on the table.

SA 3963. Ms. COLLINS submitted an amendment intended to be proposed to amendment SA 3876 proposed by Mr. WARNER (for himself, Mr. STEVENS, and Mr. INOUE) to the bill S. 2845, supra; which was ordered to lie on the table.

SA 3964. Ms. COLLINS submitted an amendment intended to be proposed to amendment SA 3876 proposed by Mr. WARNER (for himself, Mr. STEVENS, and Mr. INOUE) to the bill S. 2845, supra; which was ordered to lie on the table.

SA 3965. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill S. 2845, supra; which was ordered to lie on the table.

SA 3966. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2845, supra; which was ordered to lie on the table.

SA 3967. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 3792 submitted by Mr. KYL and intended to be proposed to the bill S. 2845, supra; which was ordered to lie on the table.

SA 3968. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 3790 submitted by Mr. KYL and intended to be proposed to the bill S. 2845, supra; which was ordered to lie on the table.

SA 3969. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 3790 submitted by Mr. KYL and intended to be proposed to the bill S. 2845, supra; which was ordered to lie on the table.

SA 3970. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 3782 proposed by Mr. LAU-

TENBERG to the bill S. 2845, supra; which was ordered to lie on the table.

SA 3971. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 3905 proposed by Mr. LAUTENBERG to the bill S. 2845, supra; which was ordered to lie on the table.

SA 3972. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2845, supra; which was ordered to lie on the table.

SA 3973. Mr. FRIST (for Mr. SPECTER) proposed an amendment to the bill S. 2484, An Act 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, and for other purposes.

SA 3974. Mr. FRIST (for himself, Mr. DASCHLE, Mr. MCCONNELL, and Mr. REID) submitted an amendment intended to be proposed by him to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3957. Ms. COLLINS (for herself and Mr. LIEBERMAN) proposed an amendment 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; as follows:

On page 5, beginning on line 15, strike “and the Department of Energy” and insert “the Department of Energy, and the Coast Guard”.

On page 5, beginning on line 23, strike “including the Office of Intelligence of the Coast Guard”.

On page 6, line 10, insert “, as determined consistent with any guidelines issued by the President,” before “to the interests”.

On page 9, beginning on line 13, strike “counterterrorism” and all that follows through “foreign intelligence” on line 15 and insert “intelligence activities of the United States Government between intelligence activities located abroad and intelligence”.

On page 10, line 23, strike “a principal” and insert “the principal”.

On page 12, line 18, insert “of” before “the National Intelligence Program”.

On page 13, line 12, insert “appropriations for” after “oversee”.

On page 20, beginning on line 12, strike “related to the national security which is”.

On page 21, line 23, strike “(4)” and insert “(5)”.

On page 22, line 3, strike “(5)” and insert “(6)”.

On page 25, line 10, strike “head of the”.

On page 28, line 17, strike “or” and insert “and”.

On page 30, line 24, strike “205” and insert “206”.

On page 31, line 23, strike “205” and insert “206 and the Clinger-Cohen Act (divisions D and E of Public Law 104-106; 110 Stat. 642)”.

On page 32, beginning on line 13, strike “on all matters” and all that follows through line 15 and insert “or international organizations on all matters involving intelligence related to the national security.”.

On page 32, beginning on line 21, strike “head of each element of the intelligence community” and insert “head of any department, agency, or other element of the United States Government”.

On page 59, line 20, strike “309” and insert “310”.

On page 87, line 8, insert “and analytic” after “intelligence collection”.

On page 93, line 17, insert “of” before “electronic access”.

On page 96, beginning on line 13, strike “National Security Council” and insert “President”.

On page 99, line 25, strike “National Security Council” and insert “President”.

On page 134, strike lines 6 through 9 and insert the following:

(1) in consultation with the Executive Council, issue guidelines—

(A) for acquiring, accessing, sharing, and using information, including

On page 153, between lines 2 and 3, insert the following:

SEC. 207. PERMANENT AUTHORITY FOR PUBLIC INTEREST DECLASSIFICATION BOARD.

(a) IN GENERAL.—Section 710 of the Public Interest Declassification Act of 2000 (title VII of Public Law 106-567; 50 U.S.C. 435 note) is amended—

(1) by striking “(a) EFFECTIVE DATE.—”; and

(2) by striking subsection (b).

(b) CONFORMING AMENDMENT.—The head of such section is amended by striking “; SUNSET”.

On page 154, line 16, strike “section 205(g)” and insert “subsections (e) and (g) of section 205”.

On page 154, line 21, strike “section 205(g)” and insert “subsections (e) and (g) of section 205”.

On page 156, line 4, strike “section 205(g)” and insert “subsections (e) and (g) of section 205”.

On page 170, line 19, strike “and independent” and insert “independent”.

On page 171, beginning on line 1, strike “and independent” and insert “independent”.

On page 171, beginning on line 8, strike “and independent” and insert “independent”.

On page 171, line 14, strike “objective and independent” and insert “timely, objective, independent”.

On page 171, line 20, strike “and independent” and insert “independent”.

On page 175, strike lines 8 through 17 and insert the following:

(2) COVERED INFORMATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), paragraph (1) applies to information, including classified information, that an employee reasonably believes provides direct and specific evidence of—

(i) a false or inaccurate statement to Congress contained in any intelligence assessment, report, or estimate; or

(ii) the withholding from Congress of any intelligence information material to any intelligence assessment, report, or estimate.

(B) EXCEPTION.—Paragraph (1) does not apply to information the disclosure of which is prohibited by rule 6(e) of the Federal Rules of Criminal Procedure.

On page 177, after line 17, add the following:

Subtitle D—Homeland Security Civil Rights and Civil Liberties Protection

SEC. 231. SHORT TITLE.

This title may be cited as the “Homeland Security Civil Rights and Civil Liberties Protection Act of 2004”.

SEC. 232. MISSION OF DEPARTMENT OF HOMELAND SECURITY.

Section 101(b)(1) of the Homeland Security Act of 2002 (6 U.S.C. 111(b)(1)) is amended—

(1) in subparagraph (F), by striking “and” after the semicolon;

(2) by redesignating subparagraph (G) as subparagraph (H); and

(3) by inserting after subparagraph (F) the following: