bill to expand Parents as Teachers programs and other quality programs of early childhood home visitation, and for other purposes.

S. 707

At the request of Mr. ALEXANDER, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Maryland (Mr. SARBANES), the Senator from Minnesota (Mr. COLEMAN), the Senator from North Dakota (Mr. DORGAN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 707, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 809

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 809, a bill to establish certain duties for pharmacies when pharmacists employed by the pharmacies refuse to fill valid prescriptions for drugs or devices on the basis of personal beliefs, and for other purposes.

S. 1086

At the request of Mr. HATCH, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1112

At the request of Mr. GRASSLEY, the names of the Senator from Arizona (Mr. MCCAIN) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1358

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1358, a bill to protect scientific integrity in Federal research and policymaking.

S. 1607

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1607, a bill to amend section 10501 of title 49, United States Code, to exclude solid waste disposal from the jurisdiction of the Surface Transportation Board.

S. 1687

At the request of Ms. MIKULSKI, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1687, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 1721

At the request of Mr. VOINOVICH, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1721, a bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes.

S. 2134

At the request of Mr. SMITH, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2134, a bill to strengthen existing programs to assist manufacturing innovation and education, to expand outreach programs for small and medium-sized manufacturers, and for other purposes.

S. 2253

At the request of Mr. DOMENICI, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2253, a bill to require the Secretary of the Interior to offer the 181 Area of the Gulf of Mexico for oil and gas leasing.

S. 2266

At the request of Mr. SANTORUM, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2266, a bill to establish a fellowship program for the congressional hiring of disabled veterans.

S. 2287

At the request of Ms. SNOWE, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 2287, a bill to amend the Internal Revenue Code of 1986 to increase and permanently extend the expensing of certain depreciable business assets for small businesses.

S. 2300

At the request of Ms. STABENOW, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2300, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to market exclusivity for certain drugs, and for other purposes.

S. 2321

At the request of Mr. SANTORUM, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 2321, a bill to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

S. 2340

At the request of Mr. SPECTER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2340, a bill to amend title XVIII of the Social Security Act to preserve access to community cancer care by Medicare beneficiaries.

S. 2362

At the request of Mr. BYRD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2362, a bill to establish the National Commission on Surveillance Activities and the Rights of Americans.

S. 2389

At the request of Mr. ALLEN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2389, a bill to amend the Communications Act of 1934 to prohibit the unlawful acquisition and use of confidential customer proprietary network information, and for other purposes.

S. 2390

At the request of Mr. ENSIGN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 2390, a bill to provide a national innovation initiative.

S. 2393

At the request of Mr. COLEMAN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2393, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. RES. 182

At the request of Mr. COLEMAN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 182, a resolution supporting efforts to increase childhood cancer awareness, treatment, and research.

S. RES. 224

At the request of Mr. DEWINE, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. Res. 224, a resolution to express the sense of the Senate supporting the establishment of September as Campus Fire Safety Month, and for other purposes.

S. RES. 359

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 359, a resolution concerning the Government of Romania's ban on intercountry adoptions and the welfare of orphaned or abandoned children in Romania.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. COLEMAN, Mr. AKAKA, Mr. TALENT, and Mr. GRAHAM):

S. 2400. A bill to transfer authority to review certain mergers, acquisitions, and takeovers of United States entities by foreign entities to a designee established within the Department of Homeland Security, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Ms. COLLINS. Mr. President, I rise today to introduce legislation to reform and strengthen the national security review process for foreign investments in the United States. I am very pleased to be joined by three of my colleagues—Senator LIEBERMAN, Senator COLEMAN, and Senator AKAKA—in introducing this legislation.

In a global economy, foreign investment in this country is becoming increasingly common. The national security and homeland security implications of those investments must be

scrutinized by the departments with responsibility for those critical matters.

The controversy over the Dubai ports transaction has exposed serious flaws and shortcomings in the current law and process that is used to review foreign investments in our country.

In 1988, Congress passed the Exon-Florio provision of the Defense Production Act to get the President the authority to suspend or prohibit any foreign acquisition, merger, or takeover of a U.S. corporation that is determined to threaten our national security.

Through an Executive order, the President gave a new committee—known as the Committee on Foreign Investment in the United States, often referred to as CFIUS—the responsibility of reviewing transactions pursuant to the Exon-Florio law and to make recommendations to the President.

The law is something of an anachronism because of what it doesn't say. It focuses on acquisitions of American companies that are either important to our military industrial base or have technology that could help a terrorist state develop weapons of mass destruction. Obviously, both of those concerns are very important. We do want to preserve our military industrial base, and we do want to safeguard technology that could help terrorists or anyone else develop weapons of mass destruction. But neither of those transactions or those requirements address transactions that could assist terrorists in threatening our security right here at home.

Obviously, there are other ways for terrorists to undermine our security that might be completely separate from the military industrial base issues or the technological issues related to weapons of mass destruction. In other words, the law is simply too narrow in its application. The current CFIUS process is not designed to analyze transactions that involve a port terminal or other critical infrastructures within our borders.

The Government Accountability Office, in a report issued last September, found that the Exon-Florio law's effectiveness in protecting U.S. national security may be limited—limited because the Department of Treasury, as the chairman of the Committee on Foreign Investment in the United States, narrowly defines what constitutes a threat to our national security. The Committee on Foreign Investment in the United States, CFIUS, focuses too much on the financial component and not enough on security.

I think that is what many of us concluded happened in the review of the Dubai ports transaction. The focus was on investment, needed investment in our ports, rather than being focused on the national security or homeland security implications that could possibly arise from that transaction. The committee is supposed to identify transactions that could affect our national security. It doesn't say ''harm'' our national security; it says ''affect'' our national security. That is supposed to be sufficient to trigger a full 45-day investigation. But, unfortunately, that is not initially what happened with the proposed Dubai ports transaction.

I would like to draw the attention of my colleagues to a broader issue, and that is the composition of CFIUS. Remember, this is supposed to be a national security review, but who chairs the committee? Not the Department of Homeland Security, not the Department of Defense, not the Department of Justice. The committee is chaired by the Department of the Treasury, and chairing this committee is meaningful because the chairman's interpretation of the law, including the provision that makes a 45-day investigation mandatory in the case of foreign government control to entities that could affect national security, tends to govern. In other words, what the chairman decides in interpreting whether the 45-day investigation is triggered tends to be what happens.

I suggest to you, and to my colleagues that the system is fundamentally flawed if it has the Secretary of Treasury, no matter how capable and well qualified he is—and I believe he is all of those things—chair a committee that is supposed to be looking at national security. Thus, I believe the CFIUS process has been weighed too much toward investment considerations and not sufficiently attentive to the national security and homeland security implications. Indeed, the GAO found that Treasury is ''reluctant to initiate investigations to determine whether national security concerns require a recommendation for possible Presidential action.'' That is what GAO found, and that certainly seems to be an accurate finding.

These are concerns which we simply cannot tolerate given today's threat environment, and that is why I am introducing legislation to abolish the CFIUS process and to create a new interagency, interdepartmental mechanism chaired by the Department of Homeland Security to analyze transactions for both their homeland security and national security implications. Our bill is designed to fix the process through the following changes:

First, the bill would establish a new committee, the Committee for Secure Commerce, to replace the old CFIUS. The Committee for Secure Commerce would be chaired by the Secretary of Homeland Security, and the Secretary of Defense would serve as the vice chairman. The Director of National Intelligence would be specifically designated as a standing member of the committee in order to ensure that important intelligence information is part of the deliberative process. The Department of Treasury will still be represented on the committee, but with respect to the other members, the President shall name the appropriate agencies and departments to sit on the committee. This is an important change because it helps ensure that the focus will, indeed, be national homeland security, and it corrects what I believe to be a major shortcoming in the composition of the current committee, and that is that the intelligence community is not represented. That is extraordinary, given the purpose of this committee.

Second, the bill would explicitly include homeland security among the factors the committee would evaluate in deciding whether to review or investigate a transaction.

Third, the Secretary of Homeland Security would establish a process by which the committee reviews transactions and would establish the role and responsibility of each member.

In addition, each member would establish the process and procedure by which each respective agency would conduct its review, sharing that with the other committee members. It is important that committee members each have a general understanding of the scrutiny being applied to a transaction both within their own agencies and across the government. Such understanding was not apparent in the current CFIUS process.

Should a transaction warrant an investigation, the bill would require the Director of National Intelligence to consolidate intelligence assessments.

Lastly, this legislation would strengthen the reporting requirements to Congress. The existing process lacks transparency and does not allow sufficient oversight. It may be appropriate for the reviews, which may involve proprietary data and classified information, to be conducted confidentially. However, it is wholly appropriate that Members of Congress be briefed in a timely manner.

The bill would also address the so-called Byrd amendment loophole, requiring an investigation where the entity would be controlled by a foreign-government. In looking at the plain language of the existing statute, a 45-day investigation should have taken place in the Dubai Ports World purchase of Peninsular & Oriental Steam Navigation Company. However, the Treasury Department interpretation of the statute for nearly 15 years has been contrary to congressional intent, and thus, Treasury found there was no need for the 45-day investigation. That so-called ambiguity has been clarified in our bill. The law requires a 45-day investigation in cases where an acquirer is controlled by a foreign government, as in the case of DP World, and the acquisition could affect the national security of the U.S.

It is important that Congress take action to reform the review process for foreign investment in the U.S. This bill provides a new structure, appropriately focused on national security and homeland security. I seek my colleagues support in moving this legislation forward.

The Dubai ports controversy may have temporarily or perhaps permanently been set aside, but that does not mean we should abandon the efforts to reform and strengthen the law to ensure a proper review of foreign transactions.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2400

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRANSFER OF AUTHORITY TO REVIEW CERTAIN MERGERS, ACQUISITIONS, AND TAKEOVERS.

(a) REPEAL OF DEFENSE PRODUCTION ACT PROVISION.—Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is repealed.

(b) TRANSFER TO HOMELAND SECURITY.—Title II of the Homeland Security Act of 2002 (6U.S.C. 121 et seq.) is amended by adding at the end the following:

"Subtitle —E—Review of Mergers, Acquisitions, and Takeovers by Foreign Entities

"SEC. 241. AUTHORITY TO REVIEW CERTAIN MERGERS, ACQUISITIONS, AND TAKEOVERS.

''(a) REVIEW AND INVESTIGATION.—

''(1) IN GENERAL.—The President or the President's designee may undertake an investigation to determine the effects on national security or homeland security of mergers, acquisitions, and takeovers proposed or pending on or after the date of enactment of this section by or with foreign persons which could result in foreign control of persons engaged in interstate commerce in the United States.

''(2) REVIEW.—For purposes of determining whether to undertake an investigation under this subsection, the President or the President's designee shall conduct a review of the proposed or pending merger, acquisition, or takeover, which review shall be completed not later than 30 days after the date of receipt by the President or the President's designee of written notification of the proposed or pending merger, acquisition, or takeover.

''(3) TIMING.—If it is determined that an investigation should be undertaken under this subsection, such investigation—

''(A) shall commence at such time as the determination is made under paragraph (2), and not later than 30 days after the date of receipt by the President or the President's designee of written notification of the proposed or pending merger, acquisition, or takeover, as prescribed by regulations promulgated pursuant to this section; and

''(B) shall be completed not later than 45 days after the date of its commencement.

''(4) INTELLIGENCE ASSESSMENT REPORTS.—With respect to any investigation undertaken under this subsection, the Director of National Intelligence shall create a report that consolidates the intelligence findings, assessments, and concerns of each of the relevant members of the intelligence community. Such report shall be considered as part of the investigation, provided to all members of the Committee, and included as part of any recommendation to the President.

''(b) MANDATORY INVESTIGATIONS.—

''(1) IN GENERAL.—The President or the President's designee shall undertake an investigation, as described in subsection (a)(1), in any instance in which an entity controlled by or acting on behalf of a foreign government seeks to engage in any merger, acquisition, or takeover which would result in control of a person engaged in interstate commerce in the United States.

''(2) TIMING.—An investigation undertaken under this subsection—

''(A) shall commence not later than 30 days after the date of receipt by the President or the President's designee of written notification of the proposed or pending merger, acquisition, or takeover, as prescribed by regulations promulgated pursuant to this section; and

''(B) shall be completed not later than 45 days after the date of its commencement.

''(c) COMMITTEE FOR SECURE COMMERCE.—

''(1) ESTABLISHMENT.—There is established the Committee for Secure Commerce, which shall serve as the President's designee for purposes of this section.

''(2) CHAIRPERSON.—The Secretary, or the designee thereof, shall serve as the chairperson of the Committee.

''(3) VICE CHAIRS.—The Secretary of Defense, or the designee thereof, and the Secretary of the Treasury, or the designee thereof, shall serve as vice chairs of the Committee.

''(4) MEMBERSHIP.—The standing members of the Committee shall—

''(A) be made up of the heads of those executive departments, agencies, and offices as the President determines appropriate; and

''(B) include the Director of National Intelligence.

''(5) ASSISTANCE FROM OTHER FEDERAL SOURCES.—The chairperson of the Committee may seek information and assistance from any other department, agency, or office of the Federal Government, and such department, agency, or office shall provide such information or assistance, as the chairperson determines necessary or appropriate to carry out the duties of the Committee under this section.

''(6) REVIEW PROCESS; DOCUMENTATION.—

''(A) COMMITTEE REVIEW PROCESS.—The chairperson of the Committee shall establish written processes and procedures to be used by the Committee in conducting reviews and investigations under this section in any case in which the Committee is acting as the President's designee, including a description of the role and responsibilities of each of the member departments, agencies, and offices in the investigation of foreign investment in the United States.

''(B) DEPARTMENTAL REVIEW PROCESS.—The head of each department, agency, or office that serves as a member of the Committee shall establish written internal processes and procedures to be used by the department, agency, or office in conducting reviews and investigations under this section, and shall provide such written procedures to the Committee.

''(7) INDEPENDENT AGENCY REVIEWS REQUIRED.—In any case in which the Committee is acting as the President's designee under this section, each member of the Committee shall conduct, within the department, agency, or office of that member, an independent review of each proposed merger, acquisition, or takeover described in subsection (a) or (b), and shall timely provide to the Committee written findings relating to each such review.

''(8) DETERMINATIONS NOT TO CONDUCT AN INVESTIGATION.—A determination by the Committee not to conduct an investigation under subsection (a) shall be made only after a review required by subsection (a)(2), and shall be unanimous.

''(d) ACTION BY THE PRESIDENT.—

''(1) IN GENERAL.—Subject to subsection (e), the President may take such action for such time as the President considers appropriate to suspend or prohibit any acquisition, merger, or takeover of a person engaged in interstate commerce in the United States proposed or pending on or after the date of enactment of this section, by or with a foreign person so that such control will not threaten to impair the national security or homeland security.

''(2) ANNOUNCEMENT BY THE PRESIDENT.—The President shall announce the decision to take action pursuant to this subsection not later than 15 days after the investigation described in subsection (a) is completed. The President may direct the Attorney General to seek appropriate relief, including divestment relief, in the district courts of the United States in order to implement and enforce this section.

''(e) FINDINGS OF THE PRESIDENT.—The President may exercise the authority conferred by subsection (d) only if the President finds that—

''(1) there is credible evidence that leads the President to believe that the foreign interest exercising control might take action that threatens to impair the national security or homeland security; and

''(2) provisions of law, other than this section and the International Emergency Economic Powers Act, do not, in the judgment of the President, provide adequate and appropriate authority for the President to protect the national security or homeland security in the matter before the President.

''(f) ACTIONS AND FINDINGS NONREVIEWABLE.—The actions of the President under subsection (d) and the findings of the President under subsection (e) shall not be subject to judicial review.

''(g) FACTORS TO BE CONSIDERED.—For purposes of this section, the President or the President's designee shall, taking into account the requirements of national security and homeland security, consider among other factors—

''(1) critical infrastructure, the control of which is important to homeland security;

''(2) domestic production needed for projected national defense and homeland security requirements;

''(3) the capability and capacity of domestic industries to meet national defense requirements, including the availability of human resources, products, technology, materials, and other supplies and services;

''(4) the control of domestic industries and commercial activity by foreign citizens as it affects the capability and capacity of the United States to meet the requirements of national security or homeland security;

''(5) the potential effects of the proposed or pending transaction on sales of military goods, equipment, or technology to any country—

''(A) identified by the Secretary of State—

''(i) under section 6(j) of the Export Administration Act of 1979, as a country that supports terrorism;

''(ii) under section 6(l) of the Export Administration Act of 1979, as a country of concern regarding missile proliferation; or

''(iii) under section 6(m) of the Export Administration Act of 1979, as a country of concern regarding the proliferation of chemical and biological weapons; or

''(B) listed under section 309(c) of the Nuclear Non-Proliferation Act of 1978, on the 'Nuclear Non-Proliferation-Special Country List' (15 C.F.R. Part 778, Supplement No. 4) or any successor list; and

''(6) the potential effects of the proposed or pending transaction on United States international technological leadership in areas affecting United States national security or homeland security.

''(h) CONFIDENTIALITY OF INFORMATION.—Any information or documentary material filed with the President or the President's designee pursuant to this section shall be exempt from disclosure under section 552 of

title 5, United States Code, and no such information or documentary material may be made public, except as may be relevant to any administrative or judicial action or proceeding. Nothing in this subsection shall be construed to prevent disclosure to either House of Congress or to any duly authorized committee or subcommittee of Congress.

''(i) REPORTS TO CONGRESS.—

''(1) REPORTS ON INVESTIGATION.—The President, or the President's designee, shall immediately upon completion of an investigation under subsection (a) or (b) transmit to the members of Congress specified in paragraph (3) a written report of the results of the investigation, before any determination by the President on whether or not to take action under subsection (d), including a detailed explanation of the findings made under subsection (e), details of any legally binding assurances provided by the foreign entity that were negotiated as a condition for approval, and the factors considered under subsection (g). Such report shall be prepared in a manner that is consistent with the requirements of subsection (h).

''(2) QUARTERLY SUBMISSIONS.—The President, or the President's designee, shall transmit to the members of the Congress specified in paragraph (3) on a quarterly basis, a detailed summary and analysis of each merger, acquisition, or takeover that is being reviewed, was reviewed during the preceding 90-day period, or is likely to be reviewed in the coming quarter by the President or the Committee under subsection (a) or (b). Each such summary and analysis shall be submitted in unclassified form, with classified annexes, as the Secretary determines are required to protect company proprietary information and other sensitive information. Each such summary and analysis shall include an appendix detailing dissenting views.

''(3) MEMBERS OF CONGRESS.—The reports required by this subsection shall be transmitted to—

''(A) the Majority Leader and the Minority Leader of the Senate;

''(B) the chairs and ranking members of the Committee on Homeland Security and Government Affairs, the Committee on Armed Services, and the Committee on Banking, Housing, and Urban Affairs of the Senate;

''(C) the Speaker and the Minority Leader of the House of Representatives; and

''(D) the chairs and ranking members of the Committee on Homeland Security, the Committee on Armed Services, and the Committee on Financial Services of the House of Representatives.

''(j) REGULATIONS.—The Secretary shall issue regulations to carry out this section. Such regulations shall, to the extent possible, minimize paperwork burdens and shall to the extent possible coordinate reporting requirements under this section with reporting requirements under any other provision of Federal law.

''(k) EFFECT ON OTHER LAW.—Nothing in this section shall be construed to alter or affect any existing power, process, regulation, investigation, enforcement measure, or review provided by any other provision of law.

''(l) TECHNOLOGY RISK ASSESSMENTS.—In any case in which an assessment of the risk of diversion of a critical technology is performed by a person designated by the President for such purpose, a copy of such assessment shall be provided to each member of the Committee for purposes of reviewing or investigating a merger, acquisition, or takeover under this section.

''(m) QUADRENNIAL REPORT.—

''(1) IN GENERAL.—In order to assist the Congress in its oversight responsibilities with respect to this section, the President and such agencies as the President shall designate shall complete and furnish to the Congress, not later than 1 year after the date of enactment of this section and every 4 years thereafter, a report which—

''(A) evaluates whether there is credible evidence of a coordinated strategy by 1 or more countries or companies to acquire critical infrastructure within the United States or United States companies involved in research, development, or production of critical technologies for which the United States is a leading producer; and

''(B) evaluates whether there are industrial espionage activities directed or directly assisted by foreign governments against private United States companies aimed at obtaining commercial secrets related to critical technologies or critical infrastructure.

''(2) RELEASE OF UNCLASSIFIED STUDY.—The report required by this subsection may be classified. An unclassified version of the report shall be made available to the public.

''(n) EXEMPTION.—Notwithstanding any other provision of law, the provisions of section 872 do not apply to the Committee or with respect to any provision of this subtitle.

''(o) DEFINITIONS.—As used in this section—

''(1) the term 'critical technologies' means technologies identified under title VI of the National Science and Technology Policy, Organization, and Priorities Act of 1976, or other critical technology, critical components, or critical technology items essential to national defense identified pursuant to this section;

''(2) the term 'Committee' means the Committee for Secure Commerce, established under subsection (c);

''(3) the term 'foreign person' means any foreign organization or any individual resident in a foreign country or any organization or individual owned or controlled by such an organization or individual; and

''(4) the term 'intelligence community' has the same meaning as in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).''.

Mr. LIEBERMAN. Mr. President, I rise today to speak on behalf of legislation introduced by Senator COLLINS and myself that would create a new Committee for Secure Commerce at the Department of Homeland Security to review the proposed sale of U.S. properties to foreign investers. This Committee would replace the Committee on Foreign Investments in the United States, whose hasty approval of the Dubai Ports World acquisition of terminals at several U.S. ports led to a public outcry, which eventually led to DPW's withdrawal from the deal.

The entire affair has been poorly handled, from the original failure to conduct a thorough investigation to the failure to consult with and inform the Congress and the American public. Any proposed foreign investment in this country needs a thorough and fair review to ensure that our national security or homeland security is not jeopardized. I was not among those who called for the deal to be prohibited before a thorough investigation was conducted, because I felt that Dubai Ports World never got a chance to make a case that its ownership of port terminals in the U.S. would not jeopardize our homeland security. Because of the initial public outcry, they were condemned before they were allowed to stand trial, and I believed that violated this Nation's commitment to the rule of law. A required 45-day investigation of the deal should have been initiated. Congress should have been better informed of the proposed acquisition in the works. And the American people deserved a clear explanation from their President about why he thought the sale was in our interest.

National security must be the first consideration in the sale of U.S. property to foreign investors, especially at this period in our history, when the threat of terrorist attack is always present. Our legislation would ensure that foreign investments are scrutinized by the agencies most directly responsible for protecting this Nation.

That is the underlying purpose of our legislation.

Our bill would create the Committee for Secure Commerce within the Department of Homeland Security to review and investigate any mergers, acquisitions, or takeovers of assets within the U.S. by foreign companies.

Like CFIUS, the new Committee would have 30 days to conduct a review of transactions, but could also seek a longer, 45-day investigation as well. A 45-day investigation would be obligatory if a company controlled by a foreign government tries to purchase assets involved in U.S. interstate commerce. And if any member of the Committee objected to a proposed deal, the President would have the final say on whether it went forward, or whether a divestiture, or some other remedy, was necessary.

The Committee would be chaired by the Department of Homeland Security. The Defense Department would serve as a vice chair. Our bill also strengthens Congressional oversight by requiring immediate congressional notification of all mandatory investigations, and quarterly reports on all other transactions.

The Senate Committee on Homeland Security and Governmental Affairs received an illuminating briefing on the Dubai Ports World deal late last month. At that briefing, we learned that the Coast Guard had expressed some intelligence concerns about the transaction but that not all CFIUS members were informed of these concerns. Our legislation addresses this shortcoming by adding the Director of National Intelligence as a full member of the committee and ensuring all intelligence assessments are consolidated and shared with all Committee members and the President.

Our legislation is intended to directly address the concerns raised by the Government Accountability Office that CFIUS tended to focus more on investments issues rather than security issues—by placing DHS and DoD in charge, and by specifically including homeland security issues as factors to be considered by the new committee.

The rush to judgment on the DPW deal did not allow the company to stand or fall on its own merits. And

that is not how we do things in America. We do not judge people in our democracy by their race, nationality, religion, gender, sexual orientation, or age. We judge people on their merits.

I believe this legislation would establish a better process for judging the wisdom or folly of selling U.S. property to foreign owners by establishing that the Nation's security should be the preeminent consideration in foreign purchases of U.S. property and by ensuring that everyone's concerns about such sales get a fair hearing.

Mr. AKAKA. Mr. President, I am pleased to join Senator COLLINS and Senator LIEBERMAN in introducing a bill to transfer the authority of reviewing foreign investment in the United States to the Department of Homeland Security and to impose additional structure and increase congressional oversight on the review process. There has been a failure in Government procedure that must be corrected, and this legislation will address those procedural failures.

I am concerned that our process to review acquisitions, mergers or takeovers of U.S. corporations by foreign entities that ''may'' pose a national security threat, did not trigger the Committee on Foreign Investment in the United States, CFIUS, to conduct a more thorough review. While the United Arab Emirates has supported the United States in the war against terrorism, its past activities related to terrorist groups should have triggered CFIUS to conduct a more thorough review.

More specifically, the act states that if there is an acquisition, merger, or takeover of a U.S. corporation by a foreign entity, then CFIUS, an interagency committee chaired by the Secretary of Treasury, reviews the deal to ascertain if there is any threat to our national security. In addition, in accordance with Section 837(a) of the National Defense Authorization Act for fiscal year 1993, called the Byrd amendment, amended Section 721 of the Defense Production Act, the Exon-Florio provision, a more extensive review should have been conducted on the Dubai Ports World deal, especially since certain members of CFIUS did have national security concerns about the acquisition.

Given the questionable interpretation by CFIUS on the Byrd amendment, I believe it is important for Congress to revisit the act and clarify the provisions that require CFIUS to conduct a thorough review of foreign acquisitions, mergers, and takeovers.

Our legislation removes any ambiguity by specifically requiring an investigation any time a foreign government-owned corporation is involved in a transaction. As ranking member on the Oversight of Government Management Subcommittee, it is my responsibility to evaluate governmental processes and develop solutions that ensure our national and homeland security while maintaining the favorable promotion of foreign investments in the United States.

I was pleased to work with Senator COLLINS and Senator LIEBERMAN, chairman and ranking member of the Homeland Security and Government Affairs Committee, respectively, on drafting the legislation to address these process shortcomings, which will promote reasonable transparency and oversight within the foreign investment review process. The security of U.S. ports is of great concern to me because my home State of Hawaii receives 98 percent of its imports via sea-based transportation.

Given the national and homeland security implications of the proposed DP World takeover, I believe it is absolutely necessary for Congress to ensure that the executive branch performs a rigorous review of the transaction. Our bill ensures that Congress is informed of pending investigations that may impact national or homeland security prior to the President making a decision whether to disapprove the transaction. I believe that additional intelligence community resources should have been drawn upon before the President made his determination to support the transaction. There should have been a consolidated intelligence assessment, and this report should have been provided to all senior members of the review committee. The bill we introduce today requires consolidated intelligence assessments to be developed by the Director of National Intelligence and provided to all review committee members, thereby ensuring that all members are sufficiently informed.

I was also disturbed that two of the reviewing Departments—the Departments of Defense and Homeland Security—do not currently have internal written instructions on their review processes. How do we know that adequate reviews of foreign investment in the United States are being conducted by these two critical CFIUS members if a systematic and documented process, subject to audit, does not exist? Our legislation requires the development and documentation of internal procedures to ensure that all reviewing members use a standardized process while conducting their review of foreign investment proposals.

Mr. President, I am pleased that Dubai Ports World is attempting to address the concerns of the American public. However, this problem is bigger than just a single transaction, which is why we are introducing this legislation today. I am honored to cosponsor, with Senator COLLINS and Senator LIEBERMAN, this bill which reforms the process of reviewing foreign investment in the United States.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 2401. A bill to amend the Internal Revenue Code of 1986 to extend certain energy tax incentives, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I rise to speak in support of a bill that I am introducing today, the Combating Money Laundering and Terrorist Financing Act of 2006.

I first introduced the Combating Money Laundering and Terrorist Financing Act in 2003 to address what I saw as a significant threat to the security of our Nation. Money laundering is an issue of profound importance to our national security because it undermines financial stability by infiltrating and using legitimate financial institutions to hide the illegitimate source of these funds. Money laundering also affects our national security simply because money is the motivating factor for so much of the criminal activities that affect our daily lives, from shoplifting and petty theft to drug trafficking and multi-million dollar stock frauds.

We also know that money laundering is a key tool for terrorist groups because it fuels their ability to spread murder, fear and destruction throughout the world. One of the 9/11 Commission Report recommendations stated that, ''Vigorous efforts to track terrorist financing must remain front and center in the U.S. counter-terrorism efforts.'' The Commission expressed its concerns about terrorist financing and ''the need to crack down on terrorist organizations and curtail their funding.'' I strongly share the Commission's concerns and support their recommendations that they provided in their final report.

However, I am very concerned about the 9/11 Commission's Final Report Card, released on December 5, 2005, which gave the U.S. Government an A− for our ''vigorous efforts against terror financing.'' After the release of the 9/11 Commission Report and nearly 4 years after the terrorist attacks on the World Trade Center and the Pentagon, our Government is still too ill-equipped and fraught with in-fighting to rate an A− for its efforts. While we have made significant strides in identifying the methods used to earn, store and move this money, we are still far behind the curve on shutting down the flow of illicit financing permanently.

Billions of dollars continue to be funneled to terrorist and criminal organizations after being laundered for these organizations around the world. Therefore, we must continue to increase the pressure we put on these organizations until we reach the point where their ever-changing money laundering methods are no longer convenient, profitable or effective.

The legislation I am introducing today includes several provisions that will strengthen our current money laundering laws by streamlining a number of statutes, clarifying language in the current law and closing loopholes that are often exploited by criminal organizations. As our new anti-money laundering laws have proven to be effective and make money laundering through traditional financial institutions more difficult, criminals are

forced to shift methods to launder their illegally gained funds. As these criminals change their tactics, so must we. Allow me to tell you about some of the key changes that this bill includes to meet these challenges.

To begin with, under current law there are over 200 ''specified unlawful activities'' or ''SUA's'' that serve as predicate offenses for money laundering charges. As criminals continue to alter their methods of laundering illegal funds, this list of required ''SUA's'' is sure to grow. My legislation will eliminate the need to continually update the statutes by consolidating the growing list of ''specified unlawful activities'' to include all offenses punishable by imprisonment for more than 1 year. This legislation also recognizes the global aspect of money laundering by including foreign offenses that would be illegal money laundering offenses had they occurred within U.S. jurisdiction.

This bill also simplifies current law by allowing the government to charge money laundering acts as a ''course of conduct.'' Currently, in most circuits, courts are required to charge each money laundering transaction as a separate count. This legislation allows, but does not require, courts to charge a series of money laundering offenses as a ''course of conduct.'' This change would reduce the time and expense currently incurred by courts that are required to charge and prosecute each separate violation of the money laundering laws.

As new laws have made money laundering through traditional financial institutions more difficult, criminals are turning to riskier methods of moving their money. One growing area is bulk cash smuggling, and as such, this bill increases the penalty for bulk cash smuggling to 10 years.

In addition, many ''money service businesses,'' or ''MSB's'' have also come under increased scrutiny because of their suspected role in moving funds from the United States to terrorist organizations throughout the world. Another provision of my legislation amends Section 373 of the USA PATRIOT Act regarding money service businesses to read ''illegal'' instead of ''unlicensed'' to ensure that the law covers any money service business that promotes unlawful activity as a course of business.

Another money laundering technique is for couriers to carry checks that are complete except for the dollar amount. Under this approach the couriers attempt to avoid U.S. Customs reporting requirements through the movement of monetary instruments that are in bearer form and are worth over $10,000. Even though the blank checks are in bearer form, they argue that the value being left blank is not over $10,000 and does not need to be reported. Once they and the blank check reach their destination, all they need to do is to fill in the amount, whatever that may be, and have it negotiated. This legislation removes any confusion as to whether this act is a violation of the reporting requirement. This bill would resolve this issue by clarifying that a check in bearer form, with an amount left blank shall be deemed to have a value equal to the highest amount in the bank account that it is drawn upon while the check was being transported, or when the blank check is cashed or intended to be cashed.

My legislation eliminates confusion or ambiguity about the definition of ''commingled funds,'' and structured transactions. ''Commingling of funds'' is a method often used by criminals to disguise illegal money from legal money by mixing the funds together in one account. ''Structured transactions'' is a method used to circumvent our monetary transaction reporting requirements by breaking monetary transactions into several smaller dollar amounts so as to avoid a Government reporting requirement if the transaction had been only one transaction with a value over $10,000. Plus, this legislation clarifies extraterritorial jurisdiction to include money laundering acts that have an effect in the United States.

Often, money couriers are intercepted before they reach the collection point but are released because they claim that they didn't know that the money was derived illegally. My bill ensures that the courier can no longer be released from responsibility in the money laundering chain by claiming ignorance about how the money was derived, which means the law enforcement agency can get both the courier and the money off the street.

Finally, this bill updates counterfeiting statutes to keep them current with new technology and devices, such as holograms, that are used to produce counterfeits of U.S. obligations and securities.

The battle against terrorism and organized criminal groups must be fought on many fronts—including the financial front. We know that we have made strides in this area as evidenced by the money launderers' use of different techniques. As important as it is to learn what techniques these criminals use, it is just as important to act upon this knowledge. If we can shut down the flow of illegal money, whether generated by drug sales or in support of terrorist activities, I believe we will make a significant impact on the demise of these criminal and terrorist groups. This bill is important to identifying particular criminal and terrorist financing operations and putting them out of business. I urge my colleagues to support my legislation and strengthen our national efforts against the continued threat of terrorist financing and financial crimes.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2402

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Combating Money Laundering and Terrorist Financing Act of 2006''.

TITLE I—MONEY LAUNDERING

SEC. 101. SPECIFIED UNLAWFUL ACTIVITY.

Section 1956(c)(7) of title 18, United States Code, is amended to read as follows:

''(7) the term 'specified unlawful activity' means—

''(A) any act or activity constituting an offense in violation of the laws of the United States or any State punishable by imprisonment for a term exceeding 1 year; and

''(B) any act or activity occurring outside of the United States that would constitute an offense covered under subparagraph (A) if the act or activity had occurred within the jurisdiction of the United States or any State;''.

SEC. 102. MAKING THE DOMESTIC MONEY LAUNDERING STATUTE APPLY TO "REVERSE MONEY LAUNDERING" AND INTERSTATE TRANSPORTATION.

(a) IN GENERAL.—Section 1957 of title 18, United States Code, is amended—

(1) in the heading, by inserting ''**or in support of criminal activity**'' after ''**specified unlawful activity**'';

(2) in subsection (a), by striking ''Whoever'' and inserting the following:

''(1) Whoever''; and

(3) by adding at the end the following:

''(2) Whoever—

''(A) in any of the circumstances set forth in subsection (d)—

''(i) conducts or attempts to conduct a monetary transaction involving property of a value that is greater than $10,000; or

''(ii) transports, attempts to transport, or conspires to transport property of a value that is greater than $10,000;

''(B) in or affecting interstate commerce; and

''(C) either—

''(i) knowing that the property was derived from some form of unlawful activity; or

''(ii) with the intent to promote the carrying on of specified unlawful activity;

shall be fined under this title, imprisoned for a term of years not to exceed the statutory maximum for the unlawful activity from which the property was derived or the unlawful activity being promoted, or both.''.

(b) CHAPTER ANALYSIS.—The item relating to section 1957 in the table of sections for chapter 95 of title 18, United States Code, is amended to read as follows:

''1957. Engaging in monetary transactions in property derived from specified unlawful activity or in support of criminal activity.''.

SEC. 103. PROCEDURE FOR ISSUING SUBPOENAS IN MONEY LAUNDERING CASES.

(a) IN GENERAL.—Section 986 of title 18, United States Code, is amended by adding at the end the following:

''(e) PROCEDURE FOR ISSUING SUBPOENAS.—The Attorney General, the Secretary of the Treasury, or the Secretary of Homeland Security may issue a subpoena in any investigation of a violation of sections 1956, 1957 or 1960, or sections 5316, 5324, 5331 or 5332 of title 31, United States Code, in the manner set forth under section 3486.''.

(b) GRAND JURY AND TRIAL SUBPOENAS.—Section 5318(k)(3)(A)(i) of title 31, United States Code, is amended—

(1) by striking ''related to such correspondent account'';

(2) by striking ''or the Attorney General'' and inserting '', the Attorney General, or the Secretary of Homeland Security''; and

(3) by adding at the end the following:

''(iii) GRAND JURY OR TRIAL SUBPOENA.—In addition to a subpoena issued by the Attorney General, Secretary of the Treasury, or the Secretary of Homeland Security under clause (i), a subpoena under clause (i) includes a grand jury or trial subpoena requested by the Government.''.

(c) FAIR CREDIT REPORTING ACT AMENDMENT.—Section 604(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681b(a)(1)) is amended—

(1) by striking ''or''; and

(2) by inserting before the period the following: '', or an investigative subpoena issued under section 5318 of title 31, United States Code''.

(d) OBSTRUCTION OF JUSTICE.—Section 1510(b) of title 18, United States Code, is amended—

(1) in paragraph (2)(A), by inserting ''or an investigative subpoena issued under section 5318 of title 31, United States Code'' after ''grand jury subpoena''; and

(2) in paragraph (3)(B), by inserting '', an investigative subpoena issued under section 5318 of title 31, United States Code,'' after ''grand jury subpoena''.

(e) RIGHT TO FINANCIAL PRIVACY ACT.—Section 1120 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3420) is amended—

(1) in subsection (a)(1), by inserting ''or to the Government'' after ''to the grand jury''; and

(2) in subsection (b)(1), by inserting '', or an investigative subpoena issued pursuant to section 5318 of title 31, United States Code,'' after ''grand jury subpoena''.

SEC. 104. TRANSPORTATION OR TRANSHIPMENT OF BLANK CHECKS IN BEARER FORM.

Section 5316 of title 31, United States Code, is amended by adding at the end the following:

''(e) MONETARY INSTRUMENTS WITH AMOUNT LEFT BLANK.—For purposes of this section, a monetary instrument in bearer form that has the amount left blank, such that the amount could be filled in by the bearer, shall be considered to have a value equal to the highest value of the funds in the account on which the monetary instrument is drawn during the time period the monetary instrument was being transported or the time period it was negotiated or was intended to be negotiated.''.

SEC. 105. BULK CASH SMUGGLING.

Section 5332(a) of title 31, United States Code, is amended—

(1) in subsection (b)(1), by striking ''5 years'' and inserting ''10 years''; and

(2) by adding the end the following:

''(d) INVESTIGATIVE AUTHORITY.—Violations of this section may be investigated by the Attorney General, the Secretary of the Treasury, the Secretary of Homeland Security, and the Postal Service.''.

SEC. 106. VIOLATIONS INVOLVING COMMINGLED FUNDS AND STRUCTURED TRANSACTIONS.

Section 1957(f) of title 18, United States Code, is amended—

(1) in paragraph (2) by striking ''and'' at the end;

(2) in paragraph (3), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(4) the term 'monetary transaction in criminally derived property that is of a value greater than $10,000' includes—

''(A) a monetary transaction involving the transfer, withdrawal, encumbrance or other disposition of more than $10,000 from a bank account in which more than $10,000 in proceeds of specified unlawful activity have been commingled with other funds;

''(B) a series of monetary transactions in amounts under $10,000 that exceed $10,000 in the aggregate and that are closely related to each other in terms of such factors as time, the identity of the parties involved, the nature and purpose of the transactions, and the manner in which they are conducted; and

''(C) any financial transaction covered under section 1956(j) that involves more than $10,000 in proceeds of specified unlawful activity; and

''(5) the term 'monetary transaction involving property of a value that is greater than $10,000' includes a series of monetary transactions in amounts under $10,000 that exceed $10,000 in the aggregate and that are closely related to each other in terms of such factors as time, the identity of the parties involved, the nature and purpose of the transactions, and the manner in which they are conducted.''.

SEC. 107. CHARGING MONEY LAUNDERING AS A COURSE OF CONDUCT.

(a) IN GENERAL.—Section 1956 of title 18, United States Code, is amended by adding at the end the following:

''(j) MULTIPLE VIOLATIONS.—Multiple violations of this section that are part of the same scheme or continuing course of conduct may be charged, at the election of the Government, in a single count in an indictment or information.''.

(b) CONSPIRACIES.—Section 1956(h) of title 18, United States Code, is amended by striking ''or section 1957'' and inserting '', section 1957, or section 1960''.

SEC. 108. ILLEGAL MONEY TRANSMITTING BUSINESSES.

(a) TECHNICAL AMENDMENTS.—

(1) IN GENERAL.—Section 1960 of title 18, United States Code, is amended—

(A) in the heading by striking ''**unlicensed**'' and inserting ''**illegal**'';

(B) in subsection (a), by striking ''unlicensed'' and inserting ''illegal'';

(C) in subsection (b)(1), by striking ''unlicensed'' and inserting ''illegal''; and

(D) in subsection (b)(1)(C), by striking ''to be used to be used'' and inserting ''to be used''.

(2) CHAPTER ANALYSIS.—The item relating to section 1960 in the table of sections for chapter 95 of title 18, United States Code, is amended to read as follows:

''1960. Prohibition of illegal money transmitting businesses.''.

(b) DEFINITION OF BUSINESS TO INCLUDE INFORMAL VALUE TRANSFER SYSTEMS AND MONEY BROKERS FOR DRUG CARTELS.—Section 1960(b) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(4) the term 'business' includes any person or association of persons, formal or informal, licensed or unlicenced, that provides money transmitting services on behalf of any third party in return for remuneration or other consideration.''.

(c) PROHIBITION OF UNLICENSED MONEY TRANSMITTING BUSINESSES.—Section 1960(b)(1)(B) of title 18, United States Code, is amended by inserting the following before the semicolon: '', whether or not the defendant knew that the operation was required to comply with such registration requirements''.

(d) AUTHORITY TO INVESTIGATE.—Section 1960 of title 18, United States Code, is amended by adding at the end the following:

''(c) AUTHORITY TO INVESTIGATE.—Violations of this section may be investigated by the Attorney General, the Secretary of the Treasury, and the Secretary of Homeland Security.''.

SEC. 109. KNOWLEDGE THAT THE PROPERTY IS THE PROCEEDS OF A SPECIFIC FELONY.

(a) PROCEEDS OF A FELONY.—Section 1956(c)(1) of title 18, United States Code, is amended by inserting '', and regardless of whether or not the person knew that the activity constituted a felony'' before the semicolon at the end.

(b) INTENT TO CONCEAL OR DISGUISE.—Section 1956(a) of title 18, United States Code, is amended—

(1) in paragraph (1)(B)(i), by striking ''specified unlawful activity'' and inserting ''some form of unlawful activity''; and

(2) in paragraph (2)(B)(i), by striking ''specified unlawful activity'' and inserting ''some form of unlawful activity''.

SEC. 110. EXTRATERRITORIAL JURISDICTION.

Section 1956(f)(1) of title 18, United States Code, is amended by inserting ''or has an effect in the United States'' after ''conduct occurs in part in the United States''.

SEC. 111. CONDUCT IN AID OF COUNTERFEITING.

(a) IN GENERAL.—Section 474(a) of title 18, United States Code, is amended by inserting after the paragraph beginning ''Whoever has in his control, custody, or possession any plate'' the following:

''Whoever, with intent to defraud, has custody, control, or possession of any material that can be used to make, alter, forge, or counterfeit any obligation or other security of the United States or any part of such obligation or security, except under the authority of the Secretary of the Treasury; or''.

(b) FOREIGN OBLIGATIONS AND SECURITIES.—Section 481 of title 18, United States Code, is amended by inserting after the paragraph beginning ''Whoever, with intent to defraud'' the following:

''Whoever, with intent to defraud, has custody, control, or possession of any material that can be used to make, alter, forge, or counterfeit any obligation or other security of any foreign government, bank, or corporation; or''.

(c) COUNTERFEIT ACTS.—Section 470 of title 18, United States Code, is amended by striking ''or 474'' and inserting ''474, or 474A''.

(d) MATERIALS USED IN COUNTERFEITING.—Section 474A(b) of title 18, United States Code, is amended by striking ''any essentially identical'' and inserting ''any thing or material made after or in the similitude of any''.

TITLE II—TECHNICAL AMENDMENTS

SEC. 201. TECHNICAL AMENDMENTS TO SECTIONS 1956 AND 1957.

(a) UNLAWFUL ACTIVITY.—Section 1956(c) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking '''conducts''' and inserting '''conduct'''; and

(2) in paragraph (7)(F), by inserting '', as defined in section 24(a)'' before the semicolon.

(b) PROPERTY FROM UNLAWFUL ACTIVITY.—Section 1957 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''engages or attempts to engage in'' and inserting ''conducts or attempts to conduct''; and

(2) in subsection (f)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(4) the term 'conduct' has the meaning given such term under section 1956(c)(2).''.

By Mr. GRASSLEY (for himself, Mr. KYL, Mr. CORNYN, Mr. DEWINE, and Mr. GRAHAM):

S. 2402. A bill to improve the prohibitions on money laundering, and for

other purposes; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the text of a bill introduced by me today that may be cited as the ''Alternative Energy Extender Act'' be printed in the RECORD.

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

S. 2401

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Alternative Energy Extender Act''.

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

Sec. 1. Short title; table of contents.

TITLE I—ENERGY INFRASTRUCTURE TAX INCENTIVES

Sec. 101. Extension of credit for electricity produced from certain renewable resources.
Sec. 102. Extension and expansion of credit to holders of clean renewable energy bonds.
Sec. 103. Extension and expansion of qualifying advanced coal project credit.
Sec. 104. Extension and expansion of qualifying gasification project credit.

TITLE II—DOMESTIC FOSSIL FUEL SECURITY

Sec. 201. Extension of election to expense certain refineries.

TITLE III—CONSERVATION AND ENERGY EFFICIENCY PROVISIONS

Sec. 301. Extension of energy efficient commercial buildings deduction.
Sec. 302. Extension of new energy efficient home credit.
Sec. 303. Extension of residential energy efficient property credit.
Sec. 304. Extension of credit for business installation of qualified fuel cells and stationary microturbine power plants.
Sec. 305. Extension of business solar investment tax credit.

TITLE IV—ALTERNATIVE FUELS AND VEHICLES INCENTIVES

Sec. 401. Extension of excise tax provisions, income tax credits, and tariff duties.

TITLE I—ENERGY INFRASTRUCTURE TAX INCENTIVES

SEC. 101. EXTENSION OF CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

Section 45(d) of the Internal Revenue Code of 1986 (relating to qualified facilities) is amended by striking ''2008'' each place it appears and inserting ''2011''.

SEC. 102. EXTENSION AND EXPANSION OF CREDIT TO HOLDERS OF CLEAN RENEWABLE ENERGY BONDS.

(a) IN GENERAL.—Section 54(m) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking ''2007'' and inserting ''2010''.

(b) ANNUAL VOLUME CAP FOR BONDS ISSUED DURING EXTENSION PERIOD.—Paragraph (1) of section 54(f) of the Internal Revenue Code of 1986 (relating to limitation on amount of bonds designated) is amended to read as follows:

''(1) NATIONAL LIMITATION.—

''(A) INITIAL NATIONAL LIMITATION.—With respect to bonds issued after December 31, 2005, and before January 1, 2008, there is a national clean renewable energy bond limitation of $800,000,000.

''(B) ANNUAL NATIONAL LIMITATION.—With respect to bonds issued after December 31, 2007, and before January 1, 2011, there is a national clean renewable energy bond limitation for each calendar year of $800,000,000.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 103. EXTENSION AND EXPANSION OF QUALIFYING ADVANCED COAL PROJECT CREDIT.

(a) IN GENERAL.—Section 48A(d)(3)(A) of the Internal Revenue Code of 1986 (relating to aggregate credits) is amended by striking ''$1,300,000,000'' and inserting ''$1,800,000,000''.

(b) AUTHORIZATION OF ADDITIONAL INTEGRATED GASIFICATION COMBINED CYCLE PROJECTS.—Subparagraph (B) of section 48A(d)(3) of te Internal Revenue Code of 1986 (relating to aggregate credits) is amended to read as follows:

''(B) PARTICULAR PROJECTS.—Of the dollar amount in subparagraph (A), the Secretary is authorized to certify—

''(i) $800,000,000 for integrated gasification combined cycle projects the application for which is submitted during the period described in paragraph (2)(A)(i),

''(ii) $500,000,000 for projects which use other advanced coal-based generation technologies the application for which is submitted during the period described in paragraph (2)(A)(i), and

''(iii) $500,000,000 for integrated gasification combined cycle projects the application for which is submitted during the period described in paragraph (2)(A)(ii).''.

(c) APPLICATION PERIOD FOR ADDITIONAL PROJECTS.—Subparagraph (A) of section 48A(d)(2) of the Internal Revenue Code of 1986 (relating to certification) is amended to read as follows:

''(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application meeting the requirements of subparagraph (B). An applicant may only submit an application—

''(i) for an allocation from the dollar amount specified in clause (i) or (ii) of paragraph (3)(A) during the 3-year period beginning on the date the Secretary establishes the program under paragraph (1), and

''(ii) for an allocation from the dollar amount specified in paragraph (3)(A)(iii) during the 3-year period beginning at the termination of the period described in clause (i).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 1307 of the Energy Policy Act of 2005.

SEC. 104. EXTENSION AND EXPANSION OF QUALIFYING GASIFICATION PROJECT CREDIT.

(a) IN GENERAL.—Section 48B(d)(1) of the Internal Revenue Code of 1986 (relating to qualifying gasification project program) is amended by striking ''$350,000,000'' and inserting ''$850,000,000''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendments made by section 1307 of the Energy Policy Act of 2005.

TITLE II—DOMESTIC FOSSIL FUEL SECURITY

SEC. 201. EXTENSION OF ELECTION TO EXPENSE CERTAIN REFINERIES.

(a) IN GENERAL.—Section 179C(c)(1) of the Internal Revenue Code of 1986 (defining qualified refinery property) is amended—

(1) by striking ''and before January 1, 2012'' in subparagraph (B) and inserting ''and, in the case of any qualified refinery described in subsection (d)(1), before January 1, 2012'', and

(2) by inserting ''if described in subsection (d)(1)'' after ''of which'' in subparagraph (F)(i).

(b) CONFORMING AMENDMENT.—Subsection (d) of section 179C of the Internal Revenue Code of 1986 is amended to read as follows:

''(d) QUALIFIED REFINERY.—For purposes of this section, the term 'qualified refinery' means any refinery located in the United States which is designed to serve the primary purpose of processing liquid fuel from—

''(1) crude oil, or

''(2) qualified fuels (as defined in section 45K(c)).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendment made by section 1323(a) of the Energy Policy Act of 2005.

TITLE III—CONSERVATION AND ENERGY EFFICIENCY PROVISIONS

SEC. 301. EXTENSION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

Section 179D(h) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking ''2007'' and inserting ''2010''.

SEC. 302. EXTENSION OF NEW ENERGY EFFICIENT HOME CREDIT.

(a) IN GENERAL.—Subsection (g) of section 45L of the Internal Revenue Code of 1986 (relating to new energy efficient home credit) is amended to read as follows:

''(g) TERMINATION.—This section shall not apply to—

''(1) any qualified new energy efficient home meeting the energy saving requirements of subsection (c)(1) acquired after December 31, 2010, and

''(2) any qualified new energy efficient home meeting the energy saving requirements of paragraph (2) or (3) of subsection (c) acquired after December 31, 2007.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendments made by section 1332 of the Energy Policy Act of 2005.

SEC. 303. EXTENSION OF RESIDENTIAL ENERGY EFFICIENT PROPERTY CREDIT.

Section 25D(g) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking ''2007'' and inserting ''2010''.

SEC. 304. EXTENSION OF CREDIT FOR BUSINESS INSTALLATION OF QUALIFIED FUEL CELLS AND STATIONARY MICROTURBINE POWER PLANTS.

Sections 48(c)(1)(E) and 48(c)(2)(E) of the Internal Revenue Code of 1986 (relating to termination) are each amended by striking ''2007'' and inserting ''2010''.

SEC. 305. EXTENSION OF BUSINESS SOLAR INVESTMENT TAX CREDIT.

Sections 48(a)(2)(A)(i)(II) and 48(a)(3)(A)(ii) of the Internal Revenue Code of 1986 (relating to termination) are each amended by striking ''2008'' and inserting ''2011''.

TITLE IV—ALTERNATIVE FUELS AND VEHICLES INCENTIVES

SEC. 401. EXTENSION OF EXCISE TAX PROVISIONS, INCOME TAX CREDITS, AND TARIFF DUTIES.

(a) BIODIESEL.—Sections 40A(g), 6426(c)(6), and 6427(e)(5)(B) of the Internal Revenue Code of 1986 are each amended by striking ''2008'' and inserting ''2010''.

(b) ALTERNATIVE FUEL.—

(1) FUELS.—Sections 6426(d)(4) and 6427(e)(5)(C) of the Internal Revenue Code of 1986 are each amended by striking ''September 30, 2009'' and inserting ''December 31, 2010''.

(2) REFUELING PROPERTY.—Section 30C(g) of such Code is amended by striking ''2009'' and inserting ''2010''.

(c) ETHANOL TARIFF SCHEDULE.—Headings 9901.00.50 and 9901.00.52 of the Harmonized

Tariff Schedule of the United States (19 U.S.C. 3007) are each amended in the effective period column by striking ''10/1/2007'' each place it appears and inserting ''1/1/2011''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2007.

SUBMITTED RESOLUTIONS DURING ADJOURNMENT

ORIGINAL MEASURE REPORTED OUT DURING ADJOURNMENT

SENATE CONCURRENT RESOLUTION 83—SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2007 AND INCLUDING THE APPROPRIATE BUDGETARY LEVELS FOR FISCAL YEARS 2006 AND 2008 THROUGH 2011

Mr. GREGG from the Committee on the Budget; submitted the following concurrent resolution; which was placed on the calendar:

S. CON. RES. 83

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2007.

(a) DECLARATION.—The Congress declares that the concurrent resolution on the budget for fiscal year 2007 is hereby established and that the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011 are set forth.

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

Sec. 1. Concurrent resolution on the budget for fiscal year 2007.
TITLE I—RECOMMENDED LEVELS AND AMOUNTS
Sec. 101. Recommended levels and amounts.
Sec. 102. Social Security.
Sec. 103. Major functional categories.
TITLE II—RECONCILIATION
Sec. 201. Reconciliation in the Senate.
TITLE III—RESERVE FUNDS
Sec. 301. Reserve fund for the uninsured.
Sec. 302. Reserve fund for health information technology.
Sec. 303. Reserve fund for the Asbestos Injury Trust Fund.
Sec. 304. Reserve fund for the safe importation of prescription drugs.
Sec. 305. Reserve fund for Secure Rural Schools and Community Self-Determination Act Reauthorization.
Sec. 306. Reserve fund for comprehensive immigration reform.
Sec. 307. Reserve fund for Indian Claim Settlement.
Sec. 308. Reserve fund for the National Flood Insurance Program.
Sec. 309. Reserve fund to protect America's competitive edge.
Sec. 310. Reserve fund for Land and Water Conservation Fund.
Sec. 311. Reserve fund for chronic care case management.
Sec. 312. Reserve fund for receipts from Bonneville Power Administration.
TITLE IV—ENFORCEMENT
Sec. 401. Restrictions on advance appropriations.
Sec. 402. Emergency legislation.
Sec. 403. Discretionary spending limits.
Sec. 404. Application and effect of changes in allocations and aggregates.
Sec. 405. Adjustments to reflect changes in concepts and definitions.
Sec. 406. Direct spending limitation.
Sec. 407. Exercise of rulemaking powers.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2006 through 2011:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2006: $1,694,445,000,000.
Fiscal year 2007: $1,786,173,000,000.
Fiscal year 2008: $1,914,133,000,000.
Fiscal year 2009: $2,012,736,000,000.
Fiscal year 2010: $2,122,301,000,000.
Fiscal year 2011: $2,203,236,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be reduced are as follows:

Fiscal year 2006: −$9,746,000,000.
Fiscal year 2007: −$33,426,000,000.
Fiscal year 2008: −$7,643,000,000.
Fiscal year 2009: −$18,835,000,000.
Fiscal year 2010: −$13,676,000,000.
Fiscal year 2011: −$153,835,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2006: $2,279,715,000,000.
Fiscal year 2007: $2,317,893,000,000.
Fiscal year 2008: $2,339,415,000,000.
Fiscal year 2009: $2,429,717,000,000.
Fiscal year 2010: $2,532,787,000,000.
Fiscal year 2011: $2,655,164,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2006: $2,246,519,000,000.
Fiscal year 2007: $2,340,463,000,000.
Fiscal year 2008: $2,379,718,000,000.
Fiscal year 2009: $2,441,569,000,000.
Fiscal year 2010: $2,530,892,000,000.
Fiscal year 2011: $2,645,373,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2006: −$552,064,000,000.
Fiscal year 2007: −$554,290,000,000.
Fiscal year 2008: −$465,585,000,000.
Fiscal year 2009: −$428,833,000,000.
Fiscal year 2010: −$408,591,000,000.
Fiscal year 2011: −$442,137,000,000.

(5) DEBT SUBJECT TO LIMIT.—The appropriate levels of the public debt are as follows:

Fiscal year 2006: $8,526,578,000,000.
Fiscal year 2007: $9,190,311,000,000.
Fiscal year 2008: $9,766,883,000,000.
Fiscal year 2009: $10,302,957,000,000.
Fiscal year 2010: $10,815,812,000,000.
Fiscal year 2011: $11,355,281,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2006: $4,966,840,000,000.
Fiscal year 2007: $5,336,498,000,000.
Fiscal year 2008: $5,599,634,000,000.
Fiscal year 2009: $5,809,201,000,000.
Fiscal year 2010: $5,980,485,000,000.
Fiscal year 2011: $6,169,011,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—The amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2006: $608,408,000,000.
Fiscal year 2007: $641,747,000,000.
Fiscal year 2008: $676,433,000,000.
Fiscal year 2009: $711,760,000,000.
Fiscal year 2010: $747,339,000,000.
Fiscal year 2011: $782,032,000,000.

(b) SOCIAL SECURITY OUTLAYS.—The amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2006: $425,033,000,000.
Fiscal year 2007: $442,275,000,000.
Fiscal year 2008: $458,076,000,000.
Fiscal year 2009: $476,224,000,000.
Fiscal year 2010: $496,886,000,000.
Fiscal year 2011: $516,292,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2006:
(A) New budget authority, $4,568,000,000.
(B) Outlays, $4,576,000,000.
Fiscal year 2007:
(A) New budget authority, $4,721,000,000.
(B) Outlays, $4,750,000,000
Fiscal year 2008:
(A) New budget authority, $4,862,000,000.
(B) Outlays, $4,836,000,000.
Fiscal year 2009:
(A) New budget authority, $5,009,000,000.
(B) Outlays, $4,983,000,000.
Fiscal year 2010:
(A) New budget authority, $5,159,000,000.
(B) Outlays, $5,133,000,000.
Fiscal year 2011:
(A) New budget authority, $5,314,000,000.
(B) Outlays, $5,287,000,000.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2006 through 2011 for each major functional category are:

(1) National Defense (050):
Fiscal year 2006:
(A) New budget authority, $561,144,000,000.
(B) Outlays, $525,955,000,000.
Fiscal year 2007:
(A) New budget authority, $545,366,000,000.
(B) Outlays, $550,497,000,000.
Fiscal year 2008:
(A) New budget authority, $481,696,000,000.
(B) Outlays, $514,796,000,000.
Fiscal year 2009:
(A) New budget authority, $501,780,000,000.
(B) Outlays, $508,078,000,000.
Fiscal year 2010:
(A) New budget authority, $511,863,000,000.
(B) Outlays, $511,154,000,000.
Fiscal year 2011:
(A) New budget authority, $522,791,000,000.
(B) Outlays, $521,870,000,000.

(2) International Affairs (150):
Fiscal year 2006:
(A) New budget authority, $31,936,000,000.
(B) Outlays, $34,193,000,000.
Fiscal year 2007:
(A) New budget authority, $31,430,000,000.
(B) Outlays, $34,266,000,000.
Fiscal year 2008:
(A) New budget authority, $34,420,000,000.
(B) Outlays, $33,226,000,000.
Fiscal year 2009:
(A) New budget authority, $34,417,000,000.
(B) Outlays, $33,202,000,000.
Fiscal year 2010:
(A) New budget authority, $34,138,000,000.
(B) Outlays, $32,637,000,000.
Fiscal year 2011:
(A) New budget authority, $34,577,000,000.
(B) Outlays, $32,361,000,000.

(3) General Science, Space, and Technology (250):