

the national capital region boundaries would improve coordination among the State and local governments within the region, enhance regional governments and the Federal Government's ability to prevent and respond to a terrorist attack within the region, and affect the distribution of funding under the Homeland Security Grant Program.

Congress created the national capital region boundaries as part of the National Capital Planning Act of 1952. We now use this definition in dealing with our homeland security. Obviously, there have been significant demographic changes since 1952.

We all know if there is a problem in the Nation's Capital, it goes well beyond the immediate counties that surround the Capitol, in Virginia and Maryland, yet the national capital region is restricted to just a few counties. The purpose of this amendment is to have a study to see whether it would make sense for us to expand that region for the purposes of being better prepared to respond to emergencies. If the Department of Homeland Security determines it is appropriate to have new boundaries, we would have a chance to look at that. Those recommendations would be submitted to Congress.

My second amendment is a common-sense technical amendment that corrects an oversight in the Intelligence Reform and Terrorist Prevention Act of 2004. That act contains provisions for cooperation along the national capital region's jurisdictions in the event of a regional or national emergency. As the jurisdictions began working on a mutual aid agreement authorized by the statute, a concern arose that water and wastewater utilities were not included in the original language. Therefore, if there were a problem in Montgomery County dealing with a sanitation issue, someone from Fairfax County would not be allowed to come in to help. That obviously makes no sense whatsoever. We should be able to allow the local governments to proceed with that type of arrangement. The mutual aid provisions in the 2004 law allow this type of exchange of jurisdictions between firefighters, police, and various other emergency responders.

The 2004 bill also explicitly allowed for employees at WMATA and the Airports Authority to work between jurisdictions under the provisions of a mutual aid agreement. My amendment would allow water and wastewater authorities to similarly share staff resources during an emergency and under the provisions of the mutual aid agreement.

The need for this amendment was brought to my attention by the Metropolitan National Council of Governments. All the water and wastewater authorities in the Greater Washington area support this amendment.

My third amendment deals with a problem that is preventing the Maryland Department of Transportation and

Amtrak from negotiating a new contract for MARC trains access to the Northeast corridor and operation by Amtrak. The problem stems from the repeal in the Amtrak Reform and Accountability Act of 1997 of a provision which requires the laws of the District of Columbia to govern all Amtrak contracts.

The original provision was done to create uniformity. Amtrak followed longstanding industry practice of agreeing to resolve disputes by arbitration.

There is an inconsistency between that provision and the laws of Maryland, if they were to apply to dispute settlement procedures. We need to clarify that provision in order to move forward with these agreements. The repeal of the DC provision created a conflict with the dispute resolution clause in Maryland procurement law that requires the Board of Contract Appeals hear all disputes applied to all procurement contracts. Amtrak will not enter into an agreement with Maryland until the State agrees to abide by the same DC law that is still accepted in all other States. Amtrak and Maryland both requested that Congress clarify that Amtrak contracts and the laws of the District of Columbia govern these contracts and leases uniformly. It is critical that Congress act swiftly to address this problem. Maryland's current contract with Amtrak expires in 16 months and therefore we need to move quickly on this issue.

I have conferred with the staffs of the committees. To my understanding, we may still need some technical clarifications to the technical amendment, and if that is necessary I will seek the appropriate consent in order to adjust the amendment to meet the needs and concerns that are being raised by the committee.

I am hopeful the bill managers on both sides will find these amendments acceptable. I look forward to working with them. S. 4 is a good bill. My amendments, if agreed to, will make it better for Maryland, Washington, DC and Virginia. I hope we will be able to move accordingly.

I yield the floor and suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

Mr. LIEBERMAN. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. ISAKSON. Mr. President, I ask unanimous consent to address the Senate as in morning business.

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

(The remarks of Mr. ISAKSON pertaining to the introduction of S. 747 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ISAKSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

AMENDMENT NO. 309

Mr. GRASSLEY. Madam President, my remarks are in regard to amendment No. 309, which is my amendment, but it was offered, as a lot of other amendments on this side of the aisle were, by Senator MCCONNELL, and so I am going to speak now on amendment No. 309.

This amendment seeks to shut down terrorists and criminal organizations by attacking their most valuable resource, and that is their money. Terrorists and criminal organizations take many different forms, but there is one factor that they all have in common, and that is the need to obtain, transit, and store money to do their dirty work.

In the past few years, we have made some significant advancements in identifying how these groups obtain and attempt to legitimize their illicit funds. Yet as we close one door, these criminals seek to open another to move their money around and to continue their dirty work. In fact, they continue to take advantage of loopholes and inconsistencies in our current law. We must continue to be vigilant in closing these loopholes, and we must not underestimate their capabilities or resolve.

As we consider amendment No. 309, I think we have to consider that this will not necessarily be the last word. These terrorists are so sophisticated in their operation that they may find some way to get around what we are doing now. As long as we are constantly vigilant, as long as we are constantly throwing roadblocks in the way of legitimizing their money and transiting their money, we will curtail their dirty work to some extent. Any

efforts that we make to improve America's security must then, without question, address how terrorists and criminals are funding and financing their operations.

One of the main recommendations that have come from the 9/11 Commission Report was that, and I quote:

Vigorous efforts to track terrorist financing must remain front and center in the U.S. counterterrorism effort.

These groups know well that we are looking hard to determine sources of funding that they use. They also know that we must continually develop new tactics to avoid detection, prosecution, and ultimately to protect those sources of funding. This has become, as we say in the Midwest, a kind of cat and mouse game. Like the larger war on terror, we cannot afford to lose this cat and mouse enterprise.

My amendment will close existing loopholes. My amendment will remove the inconsistencies that allow terrorists and criminals to hide illegal funds within legal institutions and then move those funds for profit or to fund their activities or, you might say, for both.

Our law enforcement agencies and our prosecutors must have the resources they need to bring these criminals to justice and to shut down their operations and, hopefully, shut them down permanently. For example, my amendment simplifies the continual growing list of over 200 predicate crimes dedicated for Federal prosecutors to bring a money laundering charge.

My amendment will allow U.S. attorneys to use any Federal or State felony as a predicate offense to bring a money laundering charge.

My amendment will also greatly simplify how prosecutors may seek indictments for money laundering violations. It also closes many loopholes that have allowed the terrorists and criminals to move money into this country.

Clever tricks, such as traveling with blank checks with bearer form or in bearer form and the commingling of illegal and legitimate money in bank accounts will no longer be available to these criminal organizations.

Under my amendment cash smugglers will no longer be able to hide behind a claim of ignorance about the source of the money they carry.

The amendment will also provide necessary changes to our antiquated counterfeiting statutes. The stability of our currency is paramount to not only our economy but also the economies of so many other countries that seem to follow the dollar. The dollar is the most recognizable currency in the world and an inescapable target for counterfeiters.

For instance, U.S. currency counterfeiting operations have been identified in places such as Colombia, North Korea, and the Middle East, undoubtedly giving counterfeiting ties to drug cartels and to sponsors of terrorism. This crime has evolved and continues

to evolve with the explosion of computer printing technology.

This amendment will bring our counterfeiting statutes in line with these dramatic technological changes and give law enforcement agencies, especially the Secret Service, the resources to fight counterfeiting and other financial crimes on an international scale.

Any effort we make to increase the security of this Nation must then strive to remove sources of funding available to the terrorists and to the criminals. Without financial resources, these groups will no longer be able to make profits or fund operations.

Our Nation, for a long period of time, has been trying to shut off sources of funding. As I indicated earlier, we are up against a sophisticated enemy that always finds some way around our laws to legitimize what they do. Once again, I want to emphasize that it is a constant struggle to keep our laws so that the criminal element cannot find these loopholes and do something legally that finances their illegal activities.

These criminals should not be allowed to hide behind loopholes in our laws, and we should give law enforcement and prosecutors the ability to deal the ever-changing tactics of terrorists and criminals. In essence, our goal should be nothing less than putting these criminal organizations out of business, and putting them out of business for good.

This amendment is critical to our homeland defense. It implements changes that the 9/11 Commission recommended in its report, which was a bipartisan commission and, consequently, a bipartisan report. We are dealing with something that should have support on both sides of the aisle.

This amendment also has the support and backing of both the Department of Justice and the Secret Service. It has the support of the Secret Service because one of their many responsibilities—and maybe one of their original responsibilities—is to protect the integrity of American currency.

I urge my colleagues to support this important amendment and improve America's security by combating terrorist financing and criminal money laundering.

AMENDMENT NO. 300

Madam President, another amendment that was filed by our Republican leader, Senator MCCONNELL, is No. 300, which I will also now discuss. That amendment to the underlying bill will revise current laws related to visa revocation for visa holders who are on U.S. soil.

Under current law, visas approved or denied by consular officers are non-reviewable and are deemed final. However, if a visa is approved but later revoked, and that individual is on U.S. soil, the decision by the consular officer then becomes automatically reviewable in our U.S. courts. My amendment would treat visa revocations similar to visa denials because the right of that person to be in the United States is no longer valid.

It is very important that we do this for these reasons: Consider visa revocations related to terrorism. From September 11, 2001, until the summer of 2003, the State Department revoked about 1,200 visas based upon terrorism links. I asked Secretary Chertoff, the Secretary of Homeland Security, about the problems with our current law on visa revocation. I will quote what he said to me on Wednesday when he was before the Judiciary Committee:

The fact is that we can prevent someone who is coming in as a guest. We can say, you can't come in from overseas, but once they come in, if they abuse the terms and conditions of their coming in, we have to go through a cumbersome process. That strikes me as not particularly sensible. People who are admitted as guests, like guests in my house, if the guest misbehaves, I just tell them to leave. They don't get to go to court over it.

That is the end of his quote, but he makes it very clear that he believes somebody who should not have been here in the first place shouldn't have the right of protection of our courts before they are removed.

Following on the Secretary's analogy, I think we can equate the role of homeowner to that of consular officer. Currently and historically all decisions by consular officers with regard to the granting of visas are final and not subject to review. Revocations, then, should not be treated any differently than that original denial, when somebody did not have the right to come here in the first place.

Let me explain how we got here. Back in 2003, a Government Accountability Office report revealed that suspected terrorists could stay in the country after their visas had been revoked on grounds of terrorism because of a legal loophole in the wording of the revocation papers. This loophole came to light after the Government Accountability Office found that more than 100 persons were granted visas that were later revoked because there was evidence the person had terrorism links and associations.

The FBI and intelligence community suspected ties of terrorism in over 280 visa applications. The FBI did not share the information with our consular offices in time, so the consular officers actually granted the visa so somebody with terrorism connections could come here when they should not have been allowed into the country. When they got the derogatory information from the FBI, it was too late; they had access to our courts.

The consular officer had to revoke the visas. What the Government Accountability Office found was that even though the visas were revoked, immigration officials couldn't do anything about it. They were handicapped from locating the visa holders and deporting them. In the end, it turned out OK, but it is an example of the mistakes that can be made. It is also an example of the loophole terrorists are smart enough to exploit.

Why, then, are revoked visas such a problem? The short answer is that the

person with the revoked visa can stay in the United States—a terrorist, then, can stay in the United States—and can appeal the consular officer's decision of whether they had a right to be here in the first place. Thanks to a small provision inserted during the consideration of the Intelligence Reform and Terrorism Act of 2004, the visa holder has more rights than he or she should have, considering the terrorist connection. If they were originally denied a visa by the consular officer, there would be no right to dispute it.

I will give an example. If a consular officer grants a visa to a person and that person makes his or her way to the United States and after arriving in the United States the consular officer finds out that the foreign individual has ties to terrorism—maybe the consular officer found out that the visa holder attended a terrorist training camp or maybe the intelligence community just informed the consular officer that the visa holder was linked to the Taliban or maybe our Government just learned that the visa holder gave millions of dollars to a terrorist organization before they applied for a visa—whatever the case might be, the person should not have a visa, and the consular officer has to revoke it. This revocation should be a final determination—no ifs, ands, or buts about it. It should not be reviewable and especially should not be reviewable in the U.S. courts.

What are the ramifications, then, of where we are today with the law and why change the law? Deporting an alien on U.S. soil with a revoked visa is nearly impossible today if the alien is given the opportunity to appeal that revocation. This exception has made the visa revocation ineffective as an antiterrorism tool. Allowing review of revoked visas, especially on terrorism grounds, jeopardizes the classified intelligence that led to revocation. It can force agencies such as the FBI and the CIA to be hesitant to share information if it might get out within the environment of a court. Current law could be reversing our progress in information sharing.

So why is this relevant, then, to the bill on the floor? The 9/11 Commission—again, I want to emphasize it is a bipartisan commission—found flaws in our visa policies. Specifically, the staff report said that the 19 hijackers used—these are the 19 people who died on those airplanes that killed 3,000 Americans—these 19 hijackers used 364 aliases. Two of the hijackers may have obtained passports from family members working in the Saudi passport ministry. The 19 hijackers applied for 23 visas and obtained 22. The hijackers lied on their visa applications in detectable ways. The hijackers violated the terms of their visas, and they came and went at their very own convenience.

The leaders of the Senate claim that the underlying bill will finish the implementation of the 9/11 Commission

recommendations. The floor manager on the other side of the aisle was quoted as saying:

Every day that we don't act is another day in which we are not as secure here at home as we should be.

The 9/11 Commission pointed out the obvious by stating:

Terrorists cannot plan and carry out attacks in the United States if they are unable to enter our country.

The 9/11 Commission explicitly recommends, on page 385, that:

The United States should combine terrorist travel intelligence, operations, and law enforcement in a strategy to intercept terrorists, find terrorist travel facilitators, and constrain terrorist mobility.

So we are back to my amendment. The amendment, amendment No. 300, helps to achieve this goal. Intelligence officials need to share information with immigration and consular officers to prevent terrorists from entering the United States and impede the mobility of terrorists throughout our country, wherever they want to do their dirty work.

The Speaker of the House pointed out that:

Implementing the 9/11 Commission recommendations is supported by 62 percent of Americans.

I think a higher percentage of Americans would agree that reforms to our immigration and visa policies should not be ignored, especially given the 9/11 Commission's recommended actions on these issues that then would make it easier to get these people with revoked visas out of the country and would not put them in an environment where, if they were going to be pursued through the courts to get them out of the country, that intelligence information or FBI sources would have to be disclosed in the courts.

Unfortunately, our leaders have forgotten a major recommendation of the 9/11 Commission. In other words, this bill is not as complete as the authors of this legislation want us to think it is, and this amendment will make it more complete. This amendment would constrain terrorists' travel, and it should be accepted on this bill. Allowing aliens to remain on U.S. soil with revoked visa or petition is a national security concern and is something about which the 9/11 Commission would suggest correction is needed. We must encourage, as the 9/11 Commission recommended, a procedure in which our intelligence community can work with consular officers, who then cooperate with our Nation's law enforcement to keep terrorists from coming to the United States. We should not allow potential terrorists and others who act counter to our laws to remain on U.S. soil and to run to the courts and to seek relief from deportation.

Terrorists took advantage of our system before 9/11—and I have laid this out, how you can get more visas than you even need, how you have hundreds of aliases, the tools they use—and proved how sophisticated they are and

proved how they could carry out their dastardly acts on September 11. Enough is enough. They took advantage of our system before 9/11. We need to do everything we can to make sure they don't take further advantage of our system.

I hope my colleagues will support amendment No. 300.

I ask unanimous consent to add Senator VITTER as a cosponsor of this amendment.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

46TH ANNIVERSARY OF PEACE CORPS

Mr. BYRD. Mr. President, 46 years ago, President John F. Kennedy proposed to the Congress one of the most successful and influential programs in the history of our Nation. It was on March 1, 1961, that President Kennedy asked the Congress to establish the Peace Corps.

In making that request, President Kennedy pointed out that the program would be of great benefit to struggling nations that were in "urgent need for skilled manpower." The program has helped meet that need as more than 187,000 volunteers have served in the Peace Corps since its inception, in 139 countries.

President Kennedy also explained that the program would benefit developed nations as well. "The future of freedom around the world," President Kennedy explained, "depend[s], in a very real sense, on the ability to build growing and independent nations where men can live in dignity, liberated from the bonds of hunger, ignorance, and poverty." In pursuit of the Peace Corps mission of helping people help themselves throughout the world, Peace Corps volunteers have served as school teachers, economic development advisers, agricultural and environmental specialists, and in various capacities as skilled laborers. These dedicated Americans have helped developing nations with health and sanitation projects and have assisted them in increasing their agricultural production. They have helped these nations to combat diseases, including malaria and HIV/AIDS, that have, for too long, plagued underdeveloped nations. Because of the outstanding work of its volunteers, the Peace Corps has become an enduring symbol of the American commitment to freedom through the encouragement of the social, as well as the economic progress of all nations.

And, in proposing the creation of the Peace Corps, President Kennedy forthrightly acknowledged that American self-interest was involved in the creation of the program. "Our own young men and women," he explained, "will be enriched by the [Peace Corps] experience . . . an experience which will aid them in their future careers." And it did. Members of the Senate, Senators Paul Tongas and CHRIS DODD, came to