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HIGHLIGHTS
OCTOBER 6, 2004

NOMINATION RECEIVED: LtGen Bruce A. Wright, USAF, for reassignment in grade. In related action, LtGen Wright's nomination to 4-star, submitted in error on September 7, 2004, was withdrawn. (S10555)

INTELLIGENCE REFORM: By a vote of 96-2 (Byrd, Hollings) the Senate passed S.2845, the intelligence reform bill after adopting an additional 24 amendments thereto. (S10476-10543) In related action, House leadership announced that the House version of the bill would be debated beginning on October 7.

FEDERAL WORKFORCE FLEXIBILITY: By voice vote (H8264) the House suspended the rules and passed S. 129, the Federal Workforce Flexibility Act, a measure designed to help Federal managers build a strong workforce by allowing managers to use recruitment, relocation and retention bonuses in a more strategic manner. Rep Tom Davis (R-VA) explained that the bill would provide personnel management flexibility to other Federal agencies not already under new systems such as those in place for DoD, Homeland Security, NASA and others. (H8259-64)

EMERGENCY DISASTER SUPPLEMENTAL: By a vote of 412-0 the House passed H.R.5212, the FY05 emergency disaster supplemental appropriations bill, after adopting one amendment and rejecting one amendment thereto, clearing the measure for Senate action. Measure includes \$1.1B for DoD costs for base evacuation and damage. (See next issue)

CIVIL AVIATION / TRADE: Rep Dicks (D-WA) applauded the US action earlier in the day to file a dispute settlement claim suit with the World Trade Organization related to alleged unfair European Union government subsidies to Airbus. Repeated his concern that such subsidies could drive Boeing out of the commercial airline manufacturing business. (H8173)

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INTELLIGENCE REFORM: By 96 yeas to 2 nays (Vote No. 199), Senate passed S. 2845, to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government. Adopted: (1) Stevens Modified Amendment No. 3840, to modify the discharge of the milestone decision authority with respect to the acquisition of major systems for intelligence programs of the Department of Defense (S10476-8); (2) Stevens Modified Amendment No. 3830, to modify certain provisions relating to the Central Intelligence Agency (S10476-8); (3) Stevens Modified Amendment No. 3882, to improve the provisions relating to the Inspector General of the National Intelligence Authority (S10476-8); (4) By a unanimous vote of 98 yeas (Vote No. 198), Roberts Modified Amendment No. 3742, to clarify the continuing applicability of section 504 of the National Security Act of 1947 to the obligation and expenditure of funds appropriated for the intelligence and intelligence-related activities of the United States (S10476; S10485-6); (5) Leahy/Grassley Amendment No. 3945, to require Congressional oversight of translators employed and contracted for by the Federal Bureau of Investigation (S10476; S10486-7); (6) Harkin Modified Amendment No. 3821, to modify the functions of the Privacy and Civil Liberties Oversight Board (S10476; S10487); (7) Collins/Lieberman Amendment No. 3962 (to Amendment No. 3809), to improve the amendment (S10487-88); (8) Levin Modified Amendment No. 3809, to exempt military personnel from certain personnel transfer authorities (S10476; S10487-88); (9) Warner Modified Amendment No. 3875, relating to the components of the National Intelligence Program (S10476; S10516-18); (10) Stevens/Inouye Modified Amendment No. 3827, to strike section 206, relating to information sharing (S10476; S10518-19); (11) Leahy Modified Amendment No. 3915, to establish criteria for placing individuals on the consolidated screening watch list of the Terrorist Screening Center (S10476; S10520-21); (12) Leahy Modified Amendment No. 3916, to strengthen civil liberties protections (S10476; S10521); (13) Frist Further Modified Amendment No. 3895, to establish the National Counterproliferation Center within the National Intelligence Authority (S10476; S10537-40); (14) Frist Amendment No. 3896, to include certain additional Members of Congress among the congressional intelligence committees (S10476; S10540); (15) Collins/Lieberman Amendment No. 3977, to improve the bill (S10541-43); (16) Ensign Amendment No. 3978, to authorize the Secretary of State to increase the number of consular officers, clarify the responsibilities and functions of consular officers, and require the Secretary of Homeland Security to increase the number of border patrol agents and customs enforcement investigators (S10541-43); (17) Kyl Amendment No. 3979, to amend the Immigration and Nationality Act to ensure that nonimmigrant visas are not issued to individuals with connections to terrorism or who intend to carry out terrorist activities in the United States (S10541-43); (18) Schumer Amendment No. 3980, to require the establishment of pilot projects relating to the coordination of information among emergency first responders (S10541-3); (19) Conrad Modified Amendment No. 3837, to require the Secretary of Homeland Security to carry out an advanced technology northern border security pilot program (S10541-43); (20) Domenici Modified Amendment No. 3861, to direct the Secretary of Homeland Security to develop and implement a plan for continuous surveillance of the Southwest border of the United States by remotely piloted aircraft (S10541-43); (21) Sarbanes Amendment No. 3760, to provide that the Privacy and Civil Liberties Oversight Board include in certain reports, any proposal that the Board advised against, but actions were taken to implement (S10541-43);

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INTELLIGENCE REFORM, Adopted amdts (continued)

(22) Roberts/DeWine Modified Amendment No. 3924, to require the Federal Bureau of Investigation to maintain and update an enterprise architecture (S10541-43); (23) Wyden Modified Amendment No. 3733, to provide a report on the use of data to Congress (S10541-43); and (24) Warner Modified Amendment No. 3880, to provide that the personnel policies and programs established by the National Intelligence Director shall be consistent with the personnel policies and standards applicable to members of the uniformed services (S10541-43).

The following amdts were withdrawn: (1) Kyl Amendment No. 3801, to modify the privacy and civil liberties oversight (S10476; S10481-85); (2) Levin Amendment No. 3810, to clarify the definition of National Intelligence Program (S10476; S10518); (3) Stevens Amendment No. 3839, to strike section 201, relating to public disclosure of intelligence funding (S10476; S10519); (4) Leahy Amendment No. 3913, to address enforcement of certain subpoenas (S10476; S10521); and (5) Warner Amendment No. 3876, to preserve certain authorities and accountability in the implementation of intelligence reform (S10476; S10540).

A unanimous-consent agreement was reached providing that it be in order for the following previously agreed upon amendments to be consolidated into one title under the heading: ``9/11 Commission Report Implementation Act": Amendment Numbers: 3942, 3807, 3702, 3774, 3705, 3766, and 3806. (S10522)

During consideration of this measure today, Senate also took the following action: McCain/Lieberman Modified Amendment No. 3807, to develop a strategy for combining terrorist travel intelligence, operations, and law enforcement, previously agreed to on Friday, October 1, 2004, was modified by unanimous-consent. (S10540-41)

Debate appears at S10476-88; S10512-43.

Sen Rockefeller (D-WV) spoke in opposition to the Warner Modified Amendment No. 3875, relating to the components of the National Intelligence Program. Asserted that this amdt "would effectively undermine the ability of the national intelligence director to manage the intelligence programs by changing the definition in the bill of what constitutes a national intelligence program." Believed that the Collins-Lieberman bill was carefully crafted to provide the new intelligence director with the consolidated budget, personnel, and tasking authority necessary to manage the newly defined national intelligence program. Called the Warner amdt a "major 'undoing' amdt" that seeks to unravel this. (S10484) Additional remarks by Sens Collins (R-ME) and Lieberman (D-CT) appear at S10517-18)

Sen Collins (R-ME), Lieberman (D-CT), and Sen Levin (D-MI) discussed Collins/Lieberman Amendment No. 3962 (to Levin Amendment No. 3809, to exempt military personnel from certain personnel transfer authorities), to improve the amendment (S10487-88)

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INTELLIGENCE REFORM (cont)

Sen Kyl (R-AZ) discussed at length the Senate's efforts to reform the US intelligence community. Stated that the 9/11 Commission identified four categories of failures by the US Government that ultimately led to the attacks of September 11: (1) lack of imagination; (2) policy failures; (3) intelligence capabilities; and (4) management. Suggested that this legislation does not reform the intelligence community, but rather reorganizes it. Asserted "It does not get at the fundamental problems in the intelligence community identified by the 9/11 Commission and the other intelligence investigations and inquiries over the last several years. And, unfortunately, in at least one glaring respect, it violates the first rule of medicine and legislating in that it does do harm. Moreover, if the reshuffling of bureaucracy can ultimately be made to work, doing so now, while our country is at war, makes it very hard to supply our strategists, planners, and warfighters the information they need, when they need it." Noted that Sec/Def Rumsfeld expressed strong reservations about removing the national collection agencies—NSA, NGA, and NRO—from the Dept of Defense. Recalled his cautious tone before the SASC in August 2004 when he testified "In pursuit of strengthening our nation's intelligence capabilities, I would offer a cautionary note. It is important that we move with all deliberate speed; however, moving too quickly risks enormous error...And we are considering these important matters while waging a war." Discussed concerns about the bill at length at S10524-29.

INTELLIGENCE COMMITTEE REORGANIZATION: Senate began consideration of S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence. The following amdt is pending: McConnell/Reid/Frist/Daschle Amendment No. 3981, in the nature of a substitute. (S10543-51) A motion was entered to close further debate on McConnell/Reid/Frist/Daschle Amendment No. 3981, in the nature of a substitute and, in accordance with provisions of Rule XXII of the Standing Rules of the Senate, a cloture vote will occur on Friday, October 8, 2004. (S10550) A motion was entered to close further debate on S. Res. 445, and, in accordance with provisions of Rule XXII of the Standing Rules of the Senate, a cloture vote will occur on Friday, October 8, 2004. (S10551) A unanimous-consent agreement was reached providing for further consideration of the resolution at approximately 10 a.m., on Thursday, October 7, 2004. (S10555) Debate appears at S10543-51.

Sen McConnell (R-KY) discussed Amdt No. 3981 to reform the Senate's oversight of intelligence and homeland security matters. If enacted, believed this amdt would include the most significant changes made in the Senate relative to the way it operates since the 1970s. Explaining the need for this amdt, recalled that the February 26, 1993 attack on the World Trade Center was the first clue that the world had changed. That event was followed by the 1998 attacks on two US embassies in Kenya and Tanzania and then the 2000 attack on the USS Cole in Yemen. But asserted that it took September 11 to awaken America and show us how much the world had changed since the days of the Cold War. Briefly referred to various pieces of legislation that had been passed to address the situation, but observed that "what we have not done, however, is reform ourselves." Discussed, along with the other cosponsors, the provisions of their amdt. (S10544-50)

SENATE, OCTOBER 6, 2004

DISTRICT OF COLUMBIA APPROPRIATIONS—CONFERENCE REPORT: Senate agreed to the conference report to accompany H.R. 4850, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2005, clearing the measure for the President. (See Next Issue)

NOMINATION: Senate received one Air Force nomination in the rank of general, as follows: Lt Gen Bruce A. Wright, for reassignment (as Cmdr, US Forces Japan). Senate received notification of withdrawal of the following nomination: Lt Gen Bruce A. Wright, to be general. Note: The Wright nomination was submitted in error on September 7. (S10555)

COMMITTEE: Sen Lott (R-MS) announced that in accordance with Title V of the Rules of Procedure of the Senate Cmte on Rules and Administration, the Cmte has updated the Senate Public Transportation Subsidy regulations effective October 1, 2004. Inserted text of Public Transportation Subsidy Regulations. (S10553-4)

ECONOMIC: Sen Daschle (D-SD) recalled that a year and a half ago, a group of 450 economists predicted that because the White House put the narrow interests of a few ahead of our Nation's economy, its jobs plan would fail. Believed the record is undeniable. "The President's economic plan rewards wealth and punishes work by shifting the tax burden onto the shoulders of middle-class families." Said he was glad middle-class tax cuts were extended, but believed it is time to pass a real jobs bill, extend unemployment benefits, raise the minimum wage, help workers whose jobs have been outsourced overseas, etc. (S10472)

VICE PRESIDENT: Sen Durbin (D-IL) refuted two points made by Vice President Cheney in his debate with Sen Edwards (D-NC). Suggested that perhaps the Vice President had a lapse in memory when he stated that he had never met Sen Edwards. Recalled that at the National Prayer Breakfast on February 1, 2001, the Vice President acknowledged Sen Edwards and at the swearing-in ceremony for Sen Elizabeth Dole, the Vice President was standing right next to Sens Dole and Edwards. Also believed the Vice President was wrong when he stated "I have not suggested there is a connection between Iraq and 9/11." Asserted that on December 2, 2002, the Vice President stated that Saddam Hussein's "regime has had high level contacts with al-Qaid going back a decade, and has provided training to al-Qaida terrorists." Added that on January 22, 2004, on National Public Radio he said "I think there is overwhelming evidence that there was a connection between al-Qaida and the Iraqi government." Noted that even Sec/Def Rumsfeld recently said "To my mind, I have not seen any strong, hard evidence linking the two." Also drew attention to a report he said is coming out today prepared by the chief US weapons inspector in Iraq reiterating that there is no evidence of weapons of mass destruction. Sen Durbin asserted "This administration is in denial when it comes to the reality of Iraq." (Additional discussion of the issue of weapons of mass destruction including comments by Sen Stevens (R-AK) appears at S10478-81.) Also commenting on the economy, observed that when President Clinton left office, there was a \$236 billion surplus in the Federal Treasury, and today, under President Bush's leadership, there is a deficit of \$422 billion, which he pointed out was the largest deficit in the history of the United States. (S10474-6)

SENATE, OCTOBER 6, 2004

NATO: The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a-1928d, as amended, appointed the following Senators as members of the Senate Delegation to the NATO Parliamentary Assembly during the Second Session of the 108th Congress: Senators Grassley, DeWine, Enzi, and Voinovich. (See next issue)

TERRORISM / ECONOMIC: Sen Coleman (R-MN) agreed with the point Vice President Cheney made during the debate with Sen Edwards (D-NC) regarding the fact that people thought that democracy in El Salvador would never flourish. Compared the economy today to that of 1996 when former President Clinton was running for office. Noted that the January-August average unemployment was 5.5% compared to 5.6% today. Admitted that there are challenges to this economy, “but to draw a comparison to the Great Depression is a little excessive.” Asserted that there is work to be done. Said we need class action reforms, medical malpractice reform, an energy bill, etc. (S10474-6)

HOUSE OF REPRESENTATIVES, OCTOBER 6, 2004

CIVIL AVIATION / TRADE: Rep Dicks (D-WA) mentioned the US has filed a World Trade Organization dispute settlement against the European Union regarding unfair subsidies provided to Airbus by European governments. Said the US has exercised its right to terminate the 1992 US-EU agreement on large civil aircraft. Warned these subsidies threaten the existence of the Boeing Company. (H8173)

FEDERAL EMPLOYEES: The House agreed to suspend the rules and passed S. 129, Federal Workforce Flexibility Act of 2003, to provide for reform relating to Federal employment. Rep Tom Davis (R-VA) called the legislation a “momentous step toward effectively reforming the Federal civil service system. Said the bill would grant the rest of the Federal Government the flexibility that was given to DOD and the Dept of Homeland Security in regards to hiring and firing Federal workers. Said the bill would allow managers to use recruitment, relocation and retention bonuses to help fill critical positions. Rep Davis (D-IL) also spoke in support of the legislation. Said these new flexibilities would make it easier for Federal agencies to recruit for hard-to-fill positions. Pointed out his amendment, which was passed during markup, would require OMB to report the number of bonuses. This would provide Congress with a better means to see if they are effective in recruiting and retaining workers. (H8259-64)

From GOP Committee Central: S. 129 will modernize and update personnel flexibilities and authorities available to agencies of the Federal government to assist them in recruiting, retaining, rewarding and managing human capital. The measure will enhance and improve recruitment, retention and relocation bonuses, enhance annual leave entitlements, streamline critical pay authority to enable agencies to fill critical positions, require agencies to link training activities with performance plans and strategic goals in performing the agency mission, and provide federal employees with the ability to earn compensatory time off for travel that meets specific requirements.

HOUSE OF REPRESENTATIVES, OCTOBER 6, 2004

DC APPROPRIATIONS / CONFERENCE REPORT: The House agreed to the conference report to accompany H.R. 4850, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for FY05, by a yea-and-nay vote of 377 yeas to 36 nays (Roll #498). Rep Frelinghuysen (R-NJ) briefly highlighted a few of the provisions in the bill, which totals \$8.3 billion. Said \$8 million would go for a new bioterrorism and forensics laboratory. Rep Norton (D-DC) expressed her gratitude that this bill was now ready for the President's signature. Stressed the importance of the bill since it funds a city and not a Federal agency, like the other appropriations bills. Without this funding the District would not be able to function. (H8204-08, H8209-10)

TRIBUTE: By voice vote, House agreed to suspend the rules and passed H. Res. 389, honoring the young victims of the Sixteenth Street Baptist Church bombing, recognizing the historical significance of the tragic event, and commending the efforts of law enforcement personnel to bring the perpetrators of this crime to justice on the occasion of its 40th anniversary. Rep Sensenbrenner (R-WI) said in 2002 the last of the suspects was caught and convicted of the murder of four young girls. Believed the 16th Street bombing led to the passage of the 1964 Civil Rights Act. Rep Jackson-Lee (D-TX) said the resolution not only honors the memory of the young girls, but also pays respect to the law enforcement officers who never gave up in bringing all of the suspects to justice. (H8246-50)

TRIBUTE: The House agreed to suspend the rules and passed H. Res. 798, amended, honoring former President James Earl (Jimmy) Carter on the occasion of his 80th birthday. (See next issue.)

VETERANS: The House agreed to suspend the rules and passed H.R. 4248, the Homeless Veterans Assistance Reauthorization Act of 2004, to increase the authorization of appropriations for the Secretary of Veterans Affairs to make grants to existing comprehensive service programs for homeless veterans. The bill is cleared for the Senate. (See next issue.)

SUPPLEMENTAL APPROPRIATIONS / DISASTER RELIEF: The House passed H.R. 5212, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, for additional disaster assistance relating to storm damage, by yea-and-nay vote of 412 yeas with none voting "nay" (Roll #501). Rejected the Hensarling amendment that sought to fully offset the cost of the supplemental with a proportional reduction of FY05 discretionary funds once enacted (by a recorded vote of 89 ayes to 321 noes (Roll #500). The bill is cleared for the Senate. (See next issue.)

Provisions in the bill include: \$1.1 billion for DOD for costs associated with the evacuation, base preparation, base recovery, and damage to structure and equipment at various military facilities; \$121 million to repair damage to Department of Veteran Affairs facilities; and \$126 million for NASA, including: \$89 million for repair of buildings and communications systems at Kennedy Space Center; \$23 million for repair of equipment exposed to the weather; and \$14 million to provide temporary workspaces for displaced employees.

EXTENSIONS OF REMARKS, OCTOBER 6, 2004

TRIBUTE: Rep Kleczka (D-WI) paid tribute to Col Michael L. Smith, Commander of the 440th Airlift Wing, as he retires after a career of 33 years in the Air Force and AF Reserve. Said "It is with both great appreciation and sadness that I join the 440th Airlift Wing, his family, and Milwaukee area as a whole in thanking Col Michael Smith for his 33 years of exemplary service. I wish him all the best in his future endeavors. (E1802)

MEASURES REPORTED, OCTOBER 6, 2004

No measures of interest reported

BILLS INTRODUCED, OCTOBER 6, 2004

See next issue

BILLS INTRODUCED, OCTOBER 5, 2004

HOUSE

By Mr FILNER

H.R. 5210. A bill to provide a monthly allotment of free telephone calling time to members of the United States Armed Forces deployed outside of the United States who are directly supporting Operation Iraqi Freedom or Operation Enduring Freedom; to the Committee on Armed Services

By Mr C.W. BILL YOUNG

H.R. 5212. A bill making emergency supplemental appropriations for the fiscal year ending September 30, 2005, for additional disaster assistance relating to storm damage, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget

By Ms LORETTA SANCHEZ

H.R. 5222. A bill to amend chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), to provide standards for the use of military commissions for the trial of offenses under the law of war or in furtherance of international terrorism; to the Committee on Armed Services

By Mr SHAYS (for himself and others):

H.R. 5223. A bill to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes; to the Committee on Intelligence (Permanent Select), and in addition to the Committees on Armed Services, International Relations, Government Reform, the Judiciary, Rules, Transportation and Infrastructure, Energy and Commerce, Ways and Means, and Homeland Security (Select)

COMMITTEE MEETINGS, OCTOBER 6, 2004

SENATE

NOMINATIONS

Committee on Armed Services: Committee concluded a hearing to examine the nominations of Francis J. Harvey, of California, to be Secretary of the Army, Richard Greco, Jr., of New York, to be an Assistant Secretary of the Navy for Financial Management, who was introduced by Senator Brownback, and General Gregory S. Martin, USAF, for reappointment to the grade of general and to be Commander, United States Pacific Command, after the nominees testified and answered questions in their own behalf.

WEAPONS OF MASS DESTRUCTION (WMD)

Committee on Armed Services: Committee concluded a hearing to examine the report of the Special Advisor to the Director of Central Intelligence for Strategy Regarding Iraqi Weapons of Mass Destruction Programs, after receiving testimony from Charles A. Duelfer, Special Advisor to the Director of Central Intelligence for Strategy Regarding Iraqi Weapons of Mass Destruction Programs; and Brigadier General Joseph J. McMenamin, USMC, Commander of the Iraq Survey Group

NOMINATIONS – VETERANS

Committee on Veterans' Affairs: Committee ordered favorably reported the nominations of Robert Allen Pittman, of Florida, to be an Assistant Secretary of Veterans Affairs (Human Resources and Administration), and Robert N. Davis, of Florida, Mary J. Schoelen, of the District of Columbia, and William A. Moorman, of Virginia, each to be a Judge of the United States Court of Appeals for Veterans' Claims

HOUSE

PRESIDENTIAL SUCCESSION

Committee on the Judiciary: Subcommittee on the Constitution held an oversight hearing on the Presidential Succession Act. Testimony was heard from Representative Sherman; Thomas H. Neale, Government and Finance Division, CRS, Library of Congress; and public witnesses.

VA SMART CARD INITIATIVE

Committee on Veterans' Affairs: Subcommittee on Oversight and Investigations held a hearing on the status of the Department of Veterans Affairs smart card initiative(s). Testimony was heard from Benjamin H. Wu, Deputy Under Secretary, Technology, Technology Administration, Department of Commerce; Linda Koontz, Director, Information Management Issues, GAO; Robert N. McFarland, Assistant Secretary, Information and Technology, Department of Veterans Affairs; Robert J. Brandewie, Director, Defense Manpower Data Center, Office of the Secretary, Personnel and Readiness, Department of Defense; and a public witness.

EXECUTIVE COMMUNICATIONS, OCTOBER 6, 2004

See next issue
