appropriation remaining after making the distribution under subsection (a), an amount equal to $66,500,000, reduced by 82 percent of the amount appropriated for that fiscal year from the Boat Safety Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 to carry out the purposes of section 13106(a) of title 46, United States Code, shall be used as follows:

''(A) $8,219,180 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note).

''(B) $6,480,000 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 7404(d) of the Sportfishing and Boating Safety Act of 1998 (16 U.S.C. 777g–1(d)).

''(C) The balance remaining after the application of subparagraphs (A) and (B) shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code.''.

(c) BOAT SAFETY FUNDS.—Section 13106(c) of title 46, United States Code, is amended—

(1) by striking ''$4,050,000'' and inserting ''$4,100,000''; and

(2) by striking ''$1,620,003'' and inserting ''$1,643,836''.

SEC. 9. EXTENSION OF AUTHORIZATION FOR USE OF TRUST FUNDS FOR OBLIGATIONS UNDER TEA–21.

(a) HIGHWAY TRUST FUND.—

(1) IN GENERAL.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended—

(A) in the matter before subparagraph (A), by striking ''July 22, 2005'' and inserting ''July 28, 2005'',

(B) by striking ''or'' at the end of subparagraph (M),

(C) by striking the period at the end of subparagraph (N) and inserting '', or'',

(D) by inserting after subparagraph (N) the following new subparagraph:

''(O) authorized to be paid out of the Highway Trust Fund under the Surface Transportation Extension Act of 2005, Part IV.'', and

(E) in the matter after subparagraph (O), as added by this paragraph, by striking ''Surface Transportation Extension Act of 2005, Part III'' and inserting ''Surface Transportation Extension Act of 2005, Part IV''.

(2) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) of such Code is amended—

(A) in the matter before subparagraph (A), by striking ''July 22, 2005'' and inserting ''July 28, 2005'',

(B) in subparagraph (K), by striking ''or'' at the end of such subparagraph,

(C) in subparagraph (L), by inserting ''or'' at the end of such subparagraph,

(D) by inserting after subparagraph (L) the following new subparagraph:

''(M) the Surface Transportation Extension Act of 2005, Part IV,'', and

(E) in the matter after subparagraph (M), as added by this paragraph, by striking ''Surface Transportation Extension Act of 2005, Part III'' and inserting ''Surface Transportation Extension Act of 2005, Part IV''.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(6) of such Code is amended by striking ''July 22, 2005'' and inserting ''July 28, 2005''.

(b) AQUATIC RESOURCES TRUST FUND.—

(1) SPORT FISH RESTORATION ACCOUNT.—Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended by striking ''Surface Transportation Extension Act of 2005, Part III'' each place it appears and inserting ''Surface Transportation Extension Act of 2005, Part IV''.

(2) BOAT SAFETY ACCOUNT.—Subsection (c) of section 9504 of such Code is amended—

(A) by striking ''July 22, 2005'' and inserting ''July 28, 2005'', and

(B) by striking ''Surface Transportation Extension Act of 2005, Part III'' and inserting ''Surface Transportation Extension Act of 2005, Part IV''.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) of such Code is amended by striking ''July 22, 2005'' and inserting ''July 28, 2005''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(d) TEMPORARY RULE REGARDING ADJUSTMENTS.—During the period beginning on the date of the enactment of the Surface Transportation Extension Act of 2003 and ending on July 27, 2005, for purposes of making any estimate under section 9503(d) of the Internal Revenue Code of 1986 of receipts of the Highway Trust Fund, the Secretary of the Treasury shall treat—

(1) each expiring provision of paragraphs (1) through (4) of section 9503(b) of such Code which is related to appropriations or transfers to such Fund to have been extended through the end of the 24-month period referred to in section 9503(d)(1)(B) of such Code, and

(2) with respect to each tax imposed under the sections referred to in section 9503(b)(1) of such Code, the rate of such tax during the 24-month period referred to in section 9503(d)(1)(B) of such Code to be the same as the rate of such tax as in effect on the date of the enactment of the Surface Transportation Extension Act of 2003.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WOMEN'S CAUCUS MEETS WITH IRAQI WOMEN

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I would like the Members of Congress to recognize the fact we have some visitors from Iraq, some Iraqi women who are here to learn how to put together a Constitution for Iraq. These are women who have been involved in the government, very, very brave women. The Women's Caucus met with them today and pledged our full support to a free and democratic Iraq, and one that we can all be proud of in the future and that certainly will reflect the great work that our military has done to help create a democracy in Iraq.

We ended our meeting with lifting glasses of water and toasting to democracy.

PROVIDING SUPPORT TO IRAQI WOMEN IN GOVERNMENT

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Mr. Speaker, I rise to acknowledge some guests that have visited us today, and I am proud to stand with my colleagues from both sides of the aisle. The Women's Caucus of the U.S. Congress had a meeting earlier today, along with Iraqi women who represent their government, members of the Provisional Assembly.

We met to talk about reforms that are much needed in their Constitution and respect for women's rights, and I am happy and pleased that our Members stood with them today and also were in the presence of the State Department who brought these courageous women here.

These women are in need of our support. Their Constitution, as we were told, is fluid. It is changing. They need protections, they need assistance, and we have pledged our help, along with our colleagues from the other side of the aisle, to do as much as we can to provide support so they can continue with these reforms that are so sorely needed.

Their Constitution has changed. When we were first told upon their first visit here that they would be represented well in government, that their rights would be reinstated, they would be able to attend to their careers, we know that has changed. There is now a different edict that is coming about; and we would like to stand tall and firm with our colleagues in Iraq, the Iraqi women, and send that message to their government as well as to our government.

Mrs. CAPPS. Mr. Speaker, will the gentlewoman yield?

Ms. SOLIS. I yield to the gentlewoman from California.

Mrs. CAPPS. Mr. Speaker, I want to acknowledge this is a very strong bipartisan effort on behalf of the Congress, the Women's Caucus and the Iraqi Women's Military Caucus as well. We acknowledge their presence here.

PERSONAL EXPLANATION

Mr. CROWLEY. Mr. Speaker, on the morning of Thursday, July 21, 2005, this morning, I was not in Washington due to personal business and was therefore unable to vote.

If I were here, I would have voted ''no'' on rollcall vote 401; and ''no'' on rollcall vote 402.

USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 369 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3199.

□ 1757

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes, with Mr. HASTINGS of Washington (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 8 printed in part B of House Report 109–178, offered by the gentleman from Arizona (Mr. FLAKE), had been disposed of.

It is now in order to consider amendment No. 9 printed in House Report 109–178.

AMENDMENT NO. 9 OFFERED BY MR. BERMAN

Mr. BERMAN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. BERMAN:

Add at the end the following:

SEC. 17. REPORT BY ATTORNEY GENERAL.

(a) REPORTS ON DATA-MINING ACTIVITIES.—

(1) REQUIREMENT FOR REPORT.—The Attorney General shall collect the information described in paragraph (2) from the head of each department or agency of the Federal Government that is engaged in any activity to use or develop data-mining technology and shall report to Congress on all such activities.

(2) CONTENT OF REPORT.—A report submitted under paragraph (1) shall include, for each activity to use or develop data-mining technology that is required to be covered by the report, the following information:

(A) A thorough description of the data-mining technology and the data that will be used.

(B) A thorough discussion of the plans for the use of such technology and the target dates for the deployment of the data-mining technology.

(C) An assessment of the likely efficacy of the data-mining technology in providing accurate and valuable information consistent with the stated plans for the use of the technology.

(D) An assessment of the likely impact of the implementation of the data-mining technology on privacy and civil liberties.

(E) A list and analysis of the laws and regulations that govern the information to be collected, reviewed, gathered, and analyzed with the data-mining technology and a description of any modifications of such laws that will be required to use the information in the manner proposed under such program.

(F) A thorough discussion of the policies, procedures, and guidelines that are to be developed and applied in the use of such technology for data-mining in order to—

(i) protect the privacy and due process rights of individuals; and

(ii) ensure that only accurate information is collected and used.

(G) A thorough discussion of the procedures allowing individuals whose personal information will be used in the data-mining technology to be informed of the use of their personal information and what procedures are in place to allow for individuals to opt out of the technology. If no such procedures are in place, a thorough explanation as to why not.

(H) Any necessary classified information in an annex that shall be available to the Committee on the Judiciary of both the Senate and the House of Representatives.

(3) TIME FOR REPORT.—The report required under paragraph (1) shall be—

(A) submitted not later than 180 days after the date of enactment of this Act; and

(B) updated once a year to include any new data-mining technologies.

(b) DEFINITIONS.—In this section:

(1) DATA-MINING.—The term ''data-mining'' means a query or search or other analysis of 1 or more electronic databases, where—

(A) at least 1 of the databases was obtained from or remains under the control of a non-Federal entity, or the information was acquired initially by another department or agency of the Federal Government for purposes other than intelligence or law enforcement;

(B) the search does not use a specific individual's personal identifiers to acquire information concerning that individual; and

(C) a department or agency of the Federal Government is conducting the query or search or other analysis to find a pattern indicating terrorist or other criminal activity.

(2) DATABASE.—The term ''database'' does not include telephone directories, information publicly available via the Internet or available by any other means to any member of the public without payment of a fee, or databases of judicial and administrative opinions.

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentleman from California (Mr. BERMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. BERMAN).

REQUEST FOR MODIFICATION TO AMENDMENT NO. 9 OFFERED BY MR. BERMAN

Mr. BERMAN. Mr. Chairman, I ask unanimous consent that my amendment be modified by the modification at the desk.

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to Amendment No. 9 by Mr. BERMAN:

In lieu of the matter proposed to be inserted as section 17(a)(2)(H), insert the following:

''(H) Any necessary classified information, other than intelligence sources and methods, in a classified annex that shall be available to the Committee on the Judiciary of both the House and the Senate, the House Permanent Select Committee on Intelligence, and the Senate Select Committee on Intelligence.

(I) Any information that would reveal intelligence sources and methods shall be available in a classified annex to the House Permanent Select Committee and the Senate Select Committee on Intelligence.''

The Acting CHAIRMAN. Is there objection to the modification offered by the gentleman from California?

Mr. SAXTON. Reserving the right to object, Mr. Chairman, I am in strong opposition to the underlying amendment, and I also have great concerns about the unanimous consent request.

Mr. Chairman, I believe the unanimous consent request is designed to make minimal changes in the underlying amendment. I also believe that the unanimous consent request is designed to make the bill less objectionable to some Members and thereby encourage them to vote for it.

□ 1800

I am so opposed to the underlying amendment that I am therefore opposed to the unanimous consent request.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. SAXTON. I yield to the gentleman from California.

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding to me.

Basically, this is an amendment supported, I am happy to say, by the chairman of the Committee on the Judiciary, that simply does one thing: It requires the Attorney General to report to Congress once a year on a survey that it seeks from other agencies of the Federal Government surveying data-mining technologies in use or in development at federal departments and agencies. The modification that I seek simply makes clear that, first of all, any classified information will be submitted in a classified annex and, secondly, that any information regarding data-mining technologies that deals with the sources, intelligence sources and methods, will be available only in the annex to the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence; in other words, that to the extent this survey produces anything which should either be classified or deals with sources and methods, the traditional procedures for where that material goes will be maintained.

Mr. SAXTON. Mr. Chairman, further reserving the right to object, I appreciate the gentleman's explanation. The underlying amendment makes unnecessary disclosure of very sensitive information. It is burdensome upon each of the departments that it requires this disclosure to be brought forward, and as a matter of fact, the explanation that the gentleman just gave saying that makes it only available to HPSCI and SSCI, the two intelligence committees, does not include the Committee on Armed Services, which has great responsibility for military defense intelligence.

So I do object, Mr. Chairman.

The Acting CHAIRMAN. Objection is heard.

The Chair recognizes the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I have indicated to the body what my intention was, and it will be my intention and one to be part of the legislative history that we will ensure that, before this bill becomes law, information about sources and methods go just where they have always gone. The Committee on Armed Services does not get this information. Only the Permanent Select Committee on Intelligence gets this information. The gentleman was wrong in his characterization.

Secondly, this imposes absolutely no burden on any other agency of government other than the Attorney General and the Justice Department. It lays out information that the Attorney General should seek from other agencies. It imposes no obligation on those agencies to respond. It does not encumber any sources or funds they do not want to spend, and it simply asks the Attorney General to then compile

whatever information those agencies have chosen to provide to the Attorney General into a report which will be sent public in the case of information which is not sensitive and classified in an annex classified where it does involve such information.

There is not one word in this bill that imposes a single mandate on any other federal agency. The only obligation on the Attorney General is to seek this information from the other agencies. There are no sanctions. There are no mandates. There is no compulsion.

The reason, I would suggest to this body, that we will hear some people raising concerns is because the Justice Department has misrepresented the obligations of both it and other agencies under this amendment.

The need for this amendment is that we have wasted millions and millions of dollars on implementing database-mining activities which, when they became public, produced such an outrage they were canceled. We are trying to get an early start, show the people that these efforts are protected, that they are targeted at sensitive information.

We could have introduced a bill or offered an amendment to ban data mining. We did not do that. There is legislation to do that. We do not want to tie the hands of our security agencies in gathering this information. We simply want to provide a logical mechanism to gather the information so that the American people can feel more comfortable that what is being done is protected.

Mr. Chairman, I reserve the balance of my time.

Mr. HOEKSTRA. Mr. Chairman, I rise, reluctantly, to claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Michigan (Mr. HOEKSTRA) is recognized for 5 minutes.

Mr. HOEKSTRA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment.

Earlier this afternoon my colleague and I talked about potential ways to fix this amendment, and I think that we reached a consensus as to perhaps how we could address the issues that we were concerned about from an intelligence standpoint. But with the lack of the unanimous consent request being accepted and also as we went through the process this afternoon, we found out that a number of other chairmen also had concerns about this amendment and how it might impact the various government agencies that they had responsibilities for. Those include the gentleman from California (Chairman HUNTER) from the Committee on Armed Services, the gentleman from Ohio (Chairman OXLEY) from the Committee on Financial Services, the gentleman from Virginia (Chairman TOM DAVIS) from the Committee on Government Reform, and the gentleman from Illinois (Chairman HYDE) from the Committee on International Relations.

But specifically what happens here, the amendment in its base form, I think, provides a potential to tip off terrorists to our intelligence activities. It undermines terrorism investigations and perhaps will disclose our intelligence sources and methods. The amendment requires every federal department or agency publicly to report about its information gathering. It requires exhaustive and detailed reporting on how information is collected from public and certain government databases and what kind of information is collected and how it will be used.

In many contexts this report will be a reasonable effort to protect privacy interests. In the intelligence and terrorism context, however, this amendment threatens to seriously undermine our national security interests.

I have a great degree of confidence that, as we move forward, we will be able to reach accommodation. We just could not do it this afternoon with the number of other committees that also had expressed concerns with this amendment.

I look forward to working with my colleague, to working with our other chairmen to put this amendment in a proper context. Right now it would be foolish to potentially tip off al Qaeda, other terrorist groups by providing them with any information, with providing them a detailed roadmap of the sources and methods we are using to find them and follow their activities.

At this time in this format, this amendment is unwise, potentially harmful to our national security, and I reluctantly urge our Members to oppose it.

Mr. Chairman, I reserve the balance of my time.

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the Berman-Delahunt amendment. All it does is require a report to Congress on data mining by agencies.

Let me say why this is important. At the end of the last decade, before 9/11 and before the PATRIOT Act was even considered, the FBI had set up a data-mining operation that went far beyond criminal and intelligence investigations and compromised the privacy of literally millions of Americans, and this was done without the knowledge of the Congress of the United States, and it was only as a result of the fact that it did not work and they wasted all of this money that the Congress found out about it.

So I think that before any of the agencies go down this route, there ought to be at least a tip-off to the Members of Congress. I grant the Members that the amendment probably is not properly drafted and we can fix this in conference, and I appreciate the commitment of the chairman of the Permanent Select Committee on Intelligence to do that, but I do not think we should turn it down and send a message to the agencies that they can data mine all they want and we are not going to do anything about it.

Mr. HOEKSTRA. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Chairman, I thank the chairman for yielding me this time.

Mr. Chairman, I think we can meet some of the concerns expressed so far without adopting this amendment.

Let us just back up for just a second. There is a lot of individual information somewhere in the country in little pieces. The challenge we have in the war on terrorism is looking around for those pieces that matter and trying to fit them together. That is really what data mining is. It is looking at various databases and coming up with the relevant pieces of information and helping us to form a picture about what really happens.

There has been some misunderstanding and I think some undue controversy about that for we will never get all those pieces of information together without these tools that help us do so. To the extent this amendment adds additional reporting requirements and sends a message that we want to discourage them in various agencies from using those tools, I think, does a disservice.

Maybe there are some protections that we can come up with that help address the concerns of the chairman of the Committee on the Judiciary, but I think to simply add more reporting requirements and have these people filling out more paperwork when they really ought to be figuring out who the terrorists are and what they are up to is a misuse of their time.

Mr. BERMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in the course of yielding to my next speaker, I just want to remind the body it is one report, once a year, with anything that would tip off anybody about anything that we would not want to happen to be in a classified form, even in the amendment form without modification.

Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. HARMAN), ranking member of the Permanent Select Committee on Intelligence.

Ms. HARMAN. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of his amendment. As the chairman of the Permanent Select Committee on Intelligence just said, we did try to work out a unanimous consent request. We agreed among us, but, sadly, others in this body did not agree.

The chairman of the Committee on the Judiciary is right. This is a modest amendment that will yield good information so that we will proceed to do data mining in an efficient way consistent with protecting the civil liberties of law-abiding Americans. That

is all it does. It requires only the Justice Department to prepare a report, not the Defense Department and not other departments in the government.

So my view is that we should vote for this amendment now and perfect it later. I agree with the chairman of the Committee on the Judiciary. It will help us do data mining the right way, and America will be safer for it.

Mr. HOEKSTRA. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. HUNTER), the chairman of the Committee on Armed Services.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding me this time.

I want to join with the chairman of the Permanent Select Committee on Intelligence in opposing this amendment and just making the point that sources and methods are important. His analysis and the analysis of his experts and ours is that this would indeed compromise those capabilities.

I think it is a real mistake to pass this amendment. I would hope the House votes it down.

Mr. BERMAN. Mr. Chairman, I yield myself 15 seconds.

The cynicism sometimes stuns me. I offered an amendment to ensure that sources and methods only go to the Permanent Select Committee on Intelligence, and a member of the Committee on Armed Services objects, and then the chairman says we are not protecting sources and methods so he has to oppose it.

Mr. Chairman, I reserve the balance of my time.

□ 1815

Mr. HOEKSTRA. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, as I indicated earlier, the Berman amendment would potentially undermine the intelligence community's ability in the current form to collect information on terrorists by tipping the terrorists off to our sources and methods.

The amendment would require disclosure of data mining sources and methods used to collect information on terrorists and contains no exemption for national security purposes.

The House has worked to increase the use of open source and other information against foreign terrorists and others who seek to harm the United States. The amendment applies onerous reporting requirements that could dramatically restrict the use of such technologies to use such resources to discover and respond to terrorist activities.

Finally, it would divert scarce government resources away from the most critical fight that we have today, the fight against terror.

Join me, the gentleman from California (Mr. HUNTER), the gentleman from (Mr. OXLEY), the gentleman from Virginia (Mr. TOM DAVIS), and the gentleman from Illinois (Mr. HYDE) in opposing this amendment; not the direction the amendment wants to go, but in the way this amendment is crafted at this time and in this bill.

Mr. Chairman, I yield back the balance of my time.

Mr. BERMAN. Mr. Chairman, I yield the balance of my time to the gentleman from Massachusetts (Mr. DELAHUNT), the cosponsor of this amendment.

The Acting CHAIRMAN (Mr. HASTINGS of Washington). The gentleman from Massachusetts (Mr. DELAHUNT) is recognized for 45 seconds.

Mr. DELAHUNT. Mr. Chairman, this has absolutely nothing to do whatsoever with sending messages about terrorism. It is trying to find out what is happening in the Federal Government today, and we do not know. We have heard a lot today about oversight and accountability. That is what we are trying to do here.

Remember the so-called Total Information Program that was the brainchild of the former National Security Administrator that we funded to the tune of $170 million, and then defunded it? It was too late. We wasted $170 million. That is what this is about. It is providing the tools to the United States Congress to do its constitutional job of oversight.

Mr. Chairman, do you know what? We do not know what is happening. That is the real secret as far as the American people are concerned. We stumble on these things.

Mr. OXLEY. Mr. Chairman, I rise in opposition to the amendment. I am particularly concerned about the burdens the amendment would place on two law enforcement entities within the jurisdiction of Committee on Financial Services. Under this amendment, both the Office of Foreign Assets Control (OFAC) and the Financial Crimes Enforcement Network (FinCen), which are components of the Treasury Department that are on the front lines of our country's efforts to detect and combat terrorist financing, would be required to divert already scarce resources away from law enforcement in order to comply with the amendment's overly broad and unrealistic reporting requirements. Instead of monitoring suspicious financial activity and following money trails that can lead investigators to terrorist plots like the ones we have seen in recent days in London, OFAC and FinCen would need to interpret undefined and ambiguous terms used in the amendment such as "specific individual's personal identifiers" or engage in analyzing all laws and regulations governing various types of information in question.

The Committee I chair has extensive experience in the financial services area with regimes that permit individuals to "opt out" of information sharing arrangements. Such regimes require careful balancing of personal privacy and law enforcement and national security priorities and cannot be drafted on the fly without extensive consultation with all interested parties. This amendment, in my judgment, falls far short of the mark. I urge a "no" vote.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. BERMAN).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. BERMAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. BERMAN) will be postponed.

It is now in order to consider amendment No. 10 printed in House Report 109–178.

AMENDMENT NO. 10 OFFERED BY MR. DANIEL E. LUNGREN OF CALIFORNIA

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. DANIEL E. LUNGREN of California:

Add at the end the following:

SEC. _____. INTERCEPTION OF COMMUNICATIONS.

Section 2516(1) of title 18, United States Code, is amended—

(1) in paragraph (c)—

(A) by inserting before "section 201 (bribery of public officials and witnesses)" the following: "section 81 (arson within special maritime and territorial jurisdiction),";

(B) by inserting before "subsection (d), (e), (f), (g), (h), or (i) of section 844 (unlawful use of explosives)" the following: "subsections (m) or (n) of section 842 (relating to plastic explosives),"; and

(C) by inserting before "section 1992 (relating to wrecking trains)" the following: ", section 930(c) (relating to attack on federal facility with firearm), section 956 (conspiracy to harm persons or property overseas),"; and

(2) in paragraph (j)—

(A) by striking "or" before "section 46502 (relating to aircraft piracy)" and inserting a comma after "section 60123(b) (relating to the destruction of a natural gas pipeline"; and

(B) by inserting ", the second sentence of section 46504 (relating to assault on a flight crew with dangerous weapon), or section 46505(b)(3) or (c) (relating to explosive or incendiary devices, or endangerment of human life, by means of weapons on aircraft)" before of "title 49".

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentleman from California (Mr. DANIEL E. LUNGREN) and a Member opposed will each control 10 minutes.

The Chair recognizes the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a fairly straightforward amendment. This amendment deals with the predicate for the use of wiretaps under the Federal Code.

Current law may not authorize the use of electronic surveillance in criminal investigations of certain other crimes that terrorists are likely to commit. This amendment would fill in a gap in the law by adding six other predicates for the electronic surveillance and monitoring under 18 U.S.C. 2516(1).

While we were considering this bill in committee, the gentleman from California (Mr. SCHIFF) had an amendment which added a number of offenses to the wiretap statute. They went all the way from fraud and misuse of visas and violence at international airports, to offenses relating to torture, offenses relating to terrorist attacks against mass transportation, offenses of military-type training from foreign terrorists, offenses related to explosive materials.

There are a number of others that I believe should be in that same category that, unfortunately, we did not include when we considered his amendment. This proposed language would permit the interception by wire or by oral surveillance if the interception would provide evidence of six different types of crimes:

One, arson within special maritime and territorial jurisdiction;

Two, offenses relating to plastic explosives;

Three, offenses related to attack on Federal facility with firearm;

Four, conspiracy to harm persons or property overseas;

Five, offenses relating to assault on a flight crew with dangerous weapon;

Six, offenses related to explosive or incendiary devices, or endangerment of human life, by means of weapons on an aircraft.

This amendment does nothing, nothing whatsoever, to affect the standard of obtaining a wiretap. That remains the same. Rather, it merely takes offenses which have a nexus with terrorism and gives law enforcement the additional investigative tool to undercover evidence of their commissions through a wire or oral surveillance.

The ability of law enforcement to intercept communications related to these terrorism-related offenses is a critical aspect of the effort, not only of uncovering evidence of the most dangerous life-threatening activity, but also in strengthening our ability to apprehend these perpetrators before they inevitably strike again.

That is probably the major focus of our efforts with this bill; that is, how do we apprehend these perpetrators before they strike? Such surveillance will better enable law enforcement to be proactive in preventing future terrorist attacks.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. DANIEL E. LUNGREN of California. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I support the gentleman's amendment and I hope we can adopt it fairly quickly. What this amendment does is simply add the following predicates to allow law enforcement to go to a judge to seek a wiretap order: Crimes of terrorism such as arson, plastic explosives, attacks on a Federal facility with firearms, and conspiracy to harm persons or property overseas.

I think all of these are legitimate predicates. I would hope the gentleman's amendment is adopted, and thank him for yielding.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, I ask unanimous consent to claim the time in opposition, but I am not opposed to the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Acting CHAIRMAN. The gentleman from Virginia (Mr. SCOTT) is recognized for 10 minutes.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this expands the wiretap authority, but it limits the expansion to cases of terrorism. I would say to the gentleman from California and to the chairman, if the rest of the bill had been limited to terrorism, we would not have to be sitting up here arguing half the night.

I agree with the gentleman, we want to be tough on terrorism, but we don't want to open up the entire criminal code to these very expansive powers. So in this case, I think it is an appropriate expansion of the wiretap because it is limited to terrorism, and I thank the gentleman for the amendment.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Chairman, I would like to concur with the comments made by the ranking member, the gentleman from Virginia (Mr. SCOTT), and to thank my colleague from California for the amendment, and just note that as I read through it and agreed with this, and I thank the gentleman for offering the amendment, it occurs to me that there are a few other items that perhaps should have been included, and I am hopeful that the committee might, we do not have a sunset, but we might actually spend some time scrubbing the code and making sure that we have scooped them all up in an appropriate way.

Mr. SCOTT of Virginia. Mr. Chairman, I yield back the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I ask for an aye vote, and I yield back the balance of my time.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from California (Mr. DANIEL E. LUNGREN).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 11 printed in House Report 109–178.

AMENDMENT NO. 11 OFFERED BY MR. SCHIFF

Mr. SCHIFF. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. SCHIFF:

Add at the end the following:

TITLE ____—REDUCING CRIME AND TERRORISM AT AMERICA'S SEAPORTS

SEC. __01. SHORT TITLE.

This title may be cited as the ''Reducing Crime and Terrorism at America's Seaports Act of 2005''.

SEC. __02. ENTRY BY FALSE PRETENSES TO ANY SEAPORT.

(a) IN GENERAL.—Section 1036 of title 18, United States Code, is amended—

(1) in subsection (a)—

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

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

''(3) any secure or restricted area of any seaport, designated as secure in an approved security plan, as required under section 70103 of title 46, United States Code, and the rules and regulations promulgated under that section; or'';

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

(3) in subsection (c)(1), by inserting '', captain of the seaport,'' after ''airport authority''; and

(4) by striking the section heading and inserting the following:

''§ 1036. Entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport or seaport''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 47 of title 18 is amended by striking the matter relating to section 1036 and inserting the following:

''1036. Entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport or seaport.''.

(c) DEFINITION OF SEAPORT.—Chapter 1 of title 18, United States Code, is amended by adding at the end the following:

''§ 26. Definition of seaport

''As used in this title, the term 'seaport' means all piers, wharves, docks, and similar structures, adjacent to any waters subject to the jurisdiction of the United States, to which a vessel may be secured, including areas of land, water, or land and water under and in immediate proximity to such structures, buildings on or contiguous to such structures, and the equipment and materials on such structures or in such buildings.''.

(d) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 1 of title 18 is amended by inserting after the matter relating to section 25 the following:

''26. Definition of seaport.''.

SEC. __03. CRIMINAL SANCTIONS FOR FAILURE TO HEAVE TO, OBSTRUCTION OF BOARDING, OR PROVIDING FALSE INFORMATION.

(a) OFFENSE.—Chapter 109 of title 18, United States Code, is amended by adding at the end the following:

''§ 2237. Criminal sanctions for failure to heave to, obstruction of boarding, or providing false information

''(a)(1) It shall be unlawful for the master, operator, or person in charge of a vessel of the United States, or a vessel subject to the jurisdiction of the United States, to knowingly fail to obey an order by an authorized Federal law enforcement officer to heave to that vessel.

''(2) It shall be unlawful for any person on board a vessel of the United States, or a vessel subject to the jurisdiction of the United States, to—

''(A) forcibly resist, oppose, prevent, impede, intimidate, or interfere with a boarding or other law enforcement action authorized by any Federal law or to resist a lawful arrest; or

''(B) intentionally provide materially false information to a Federal law enforcement officer during a boarding of a vessel regarding the vessel's destination, origin, ownership, registration, nationality, cargo, or crew.

''(b) Whoever violates this section shall be fined under this title or imprisoned for not more than 5 years, or both.

''(c) This section does not limit the authority of a customs officer under section 581 of the Tariff Act of 1930 (19 U.S.C. 1581), or any other provision of law enforced or administered by the Secretary of the Treasury or the Secretary of Homeland Security, or the authority of any Federal law enforcement officer under any law of the United States, to order a vessel to stop or heave to.

''(d) A foreign nation may consent or waive objection to the enforcement of United States law by the United States under this section by radio, telephone, or similar oral or electronic means. Consent or waiver may be proven by certification of the Secretary of State or the designee of the Secretary of State.

''(e) In this section—

''(1) the term 'Federal law enforcement officer' has the meaning given the term in section 115(c);

''(2) the term 'heave to' means to cause a vessel to slow, come to a stop, or adjust its course or speed to account for the weather conditions and sea state to facilitate a law enforcement boarding;

''(3) the term 'vessel subject to the jurisdiction of the United States' has the meaning given the term in section 2 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903); and

''(4) the term 'vessel of the United States' has the meaning given the term in section 2 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903).''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 109, title 18, United States Code, is amended by inserting after the item for section 2236 the following:

''2237. Criminal sanctions for failure to heave to, obstruction of boarding, or providing false information.''.

SEC. __04. USE OF A DANGEROUS WEAPON OR EXPLOSIVE ON A PASSENGER VESSEL.

Section 1993 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting '', passenger vessel,'' after ''transportation vehicle'';

(B) in paragraphs (2)—

(i) by inserting '', passenger vessel,'' after ''transportation vehicle''; and

(ii) by inserting ''or owner of the passenger vessel'' after ''transportation provider'' each place that term appears;

(C) in paragraph (3)—

(i) by inserting '', passenger vessel,'' after ''transportation vehicle'' each place that term appears; and

(ii) by inserting ''or owner of the passenger vessel'' after ''transportation provider'' each place that term appears;

(D) in paragraph (5)—

(i) by inserting '', passenger vessel,'' after ''transportation vehicle''; and

(ii) by inserting ''or owner of the passenger vessel'' after ''transportation provider''; and

(E) in paragraph (6), by inserting ''or owner of a passenger vessel'' after ''transportation provider'' each place that term appears;

(2) in subsection (b)(1), by inserting '', passenger vessel,'' after ''transportation vehicle''; and

(3) in subsection (c)—

(A) by redesignating paragraph (6) through (8) as paragraphs (7) through (9); and

(B) by inserting after paragraph (5) the following:

''(6) the term 'passenger vessel' has the meaning given that term in section 2101(22) of title 46, United States Code, and includes a small passenger vessel, as that term is defined under section 2101(35) of that title.''.

SEC. __05. CRIMINAL SANCTIONS FOR VIOLENCE AGAINST MARITIME NAVIGATION, PLACEMENT OF DESTRUCTIVE DEVICES.

(a) PLACEMENT OF DESTRUCTIVE DEVICES.—Chapter 111 of title 18, United States Code, as amended by subsection (a), is further amended by adding at the end the following:

''§ 2282A. Devices or dangerous substances in waters of the United States likely to destroy or damage Ships or to interfere with maritime commerce

''(a) A person who knowingly places, or causes to be placed, in navigable waters of the United States, by any means, a device or dangerous substance which is likely to destroy or cause damage to a vessel or its cargo, cause interference with the safe navigation of vessels, or interference with maritime commerce (such as by damaging or destroying marine terminals, facilities, or any other marine structure or entity used in maritime commerce) with the intent of causing such destruction or damage, interference with the safe navigation of vessels, or interference with maritime commerce shall be fined under this title or imprisoned for any term of years, or for life; or both.

''(b) A person who causes the death of any person by engaging in conduct prohibited under subsection (a) may be punished by death.

''(c) Nothing in this section shall be construed to apply to otherwise lawfully authorized and conducted activities of the United States Government.

''(d) In this section:

''(1) The term 'dangerous substance' means any solid, liquid, or gaseous material that has the capacity to cause damage to a vessel or its cargo, or cause interference with the safe navigation of a vessel.

''(2) The term 'device' means any object that, because of its physical, mechanical, structural, or chemical properties, has the capacity to cause damage to a vessel or its cargo, or cause interference with the safe navigation of a vessel.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18, United States Code, as amended by subsection (b), is further amended by adding after the item related to section 2282 the following:

''2282A. Devices or dangerous substances in waters of the United States likely to destroy or damage ships or to interfere with maritime commerce.''.

(b) VIOLENCE AGAINST MARITIME NAVIGATION.—

(1) IN GENERAL.—Chapter 111 of title 18, United States Code as amended by subsections (a) and (c), is further amended by adding at the end the following:

''§ 2282B. Violence against aids to maritime navigation

''Whoever intentionally destroys, seriously damages, alters, moves, or tampers with any aid to maritime navigation maintained by the Saint Lawrence Seaway Development Corporation under the authority of section 4 of the Act of May 13, 1954 (33 U.S.C. 984), by the Coast Guard pursuant to section 81 of title 14, United States Code, or lawfully maintained under authority granted by the Coast Guard pursuant to section 83 of title 14, United States Code, if such act endangers or is likely to endanger the safe navigation of a ship, shall be fined under this title or imprisoned for not more than 20 years.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18, United States Code, as amended by subsections (b) and (d) is further amended by adding after the item related to section 2282A the following:

''2282B. Violence against aids to maritime navigation.''.

SEC. __06. TRANSPORTATION OF DANGEROUS MATERIALS AND TERRORISTS.

(a) TRANSPORTATION OF DANGEROUS MATERIALS AND TERRORISTS.—Chapter 111 of title 18, as amended by section __05, is further amended by adding at the end the following:

''§ 2283. Transportation of explosive, biological, chemical, or radioactive or nuclear materials

''(a) IN GENERAL.—Whoever knowingly transports aboard any vessel within the United States and on waters subject to the jurisdiction of the United States or any vessel outside the United States and on the high seas or having United States nationality an explosive or incendiary device, biological agent, chemical weapon, or radioactive or nuclear material, knowing or having reason to believe that any such item is intended to be used to commit an offense listed under section 2332b(g)(5)(B), shall be fined under this title or imprisoned for any term of years or for life, or both.

''(b) DEATH PENALTY.—If the death of any individual results from an offense under subsection (a) the offender may be punished by death.

''(c) DEFINITIONS.—In this section:

''(1) BIOLOGICAL AGENT.—The term 'biological agent' means any biological agent, toxin, or vector (as those terms are defined in section 178).

''(2) BY-PRODUCT MATERIAL.—The term 'by-product material' has the meaning given that term in section 11(e) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)).

''(3) CHEMICAL WEAPON.—The term 'chemical weapon' has the meaning given that term in section 229F(1).

''(4) EXPLOSIVE OR INCENDIARY DEVICE.—The term 'explosive or incendiary device' has the meaning given the term in section 232(5) and includes explosive materials, as that term is defined in section 841(c) and explosive as defined in section 844(j).

''(5) NUCLEAR MATERIAL.—The term 'nuclear material' has the meaning given that term in section 831(f)(1).

''(6) RADIOACTIVE MATERIAL.—The term 'radioactive material' means—

''(A) source material and special nuclear material, but does not include natural or depleted uranium;

''(B) nuclear by-product material;

''(C) material made radioactive by bombardment in an accelerator; or

''(D) all refined isotopes of radium.

''(8) SOURCE MATERIAL.—The term 'source material' has the meaning given that term in section 11(z) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(z)).

''(9) SPECIAL NUCLEAR MATERIAL.—The term 'special nuclear material' has the meaning given that term in section 11(aa) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(aa)).

''§ 2284. Transportation of terrorists

''(a) IN GENERAL.—Whoever knowingly transports any terrorist aboard any vessel within the United States and on waters subject to the jurisdiction of the United States or any vessel outside the United States and

on the high seas or having United States nationality, knowing or having reason to believe that the transported person is a terrorist, shall be fined under this title or imprisoned for any term of years or for life, or both.

''(b) DEFINED TERM.—In this section, the term 'terrorist' means any person who intends to commit, or is avoiding apprehension after having committed, an offense listed under section 2332b(g)(5)(B).''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18, United States Code, as amended by section __05, is further amended by adding at the end the following:

''2283. Transportation of explosive, chemical, biological, or radioactive or nuclear materials.

''2284. Transportation of terrorists.''.

SEC. __07. DESTRUCTION OF, OR INTERFERENCE WITH, VESSELS OR MARITIME FACILITIES.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 111 the following:

''CHAPTER 111A—DESTRUCTION OF, OR INTERFERENCE WITH, VESSELS OR MARITIME FACILITIES

''Sec.

''2290. Jurisdiction and scope.

''2291. Destruction of vessel or maritime facility.

''2292. Imparting or conveying false information.

''§ 2290. Jurisdiction and scope

''(a) JURISDICTION.—There is jurisdiction, including extraterritorial jurisdiction, over an offense under this chapter if the prohibited activity takes place—

''(1) within the United States and within waters subject to the jurisdiction of the United States; or

''(2) outside United States and—

''(A) an offender or a victim is a national of the United States (as that term is defined under section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); or

''(B) the activity involves a vessel of the United States (as that term is defined under section 2 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903).

''(b) SCOPE.—Nothing in this chapter shall apply to otherwise lawful activities carried out by or at the direction of the United States Government.

''§ 2291. Destruction of vessel or maritime facility

''(a) OFFENSE.—Whoever intentionally—

''(1) sets fire to, damages, destroys, disables, or wrecks any vessel;

''(2) places or causes to be placed a destructive device, as defined in section 921(a)(4), destructive substance, as defined in section 31(a)(3), or an explosive, as defined in section 844(j) in, upon, or near, or otherwise makes or causes to be made unworkable or unusable or hazardous to work or use, any vessel, or any part or other materials used or intended to be used in connection with the operation of a vessel;

''(3) sets fire to, damages, destroys, or disables or places a destructive device or substance in, upon, or near, any maritime facility, including any aid to navigation, lock, canal, or vessel traffic service facility or equipment;

''(4) interferes by force or violence with the operation of any maritime facility, including any aid to navigation, lock, canal, or vessel traffic service facility or equipment, if such action is likely to endanger the safety of any vessel in navigation;

''(5) sets fire to, damages, destroys, or disables or places a destructive device or substance in, upon, or near, any appliance, structure, property, machine, or apparatus, or any facility or other material used, or intended to be used, in connection with the operation, maintenance, loading, unloading, or storage of any vessel or any passenger or cargo carried or intended to be carried on any vessel;

''(6) performs an act of violence against or incapacitates any individual on any vessel, if such act of violence or incapacitation is likely to endanger the safety of the vessel or those on board;

''(7) performs an act of violence against a person that causes or is likely to cause serious bodily injury, as defined in section 1365(h)(3), in, upon, or near, any appliance, structure, property, machine, or apparatus, or any facility or other material used, or intended to be used, in connection with the operation, maintenance, loading, unloading, or storage of any vessel or any passenger or cargo carried or intended to be carried on any vessel;

''(8) communicates information, knowing the information to be false and under circumstances in which such information may reasonably be believed, thereby endangering the safety of any vessel in navigation; or

''(9) attempts or conspires to do anything prohibited under paragraphs (1) through (8), shall be fined under this title or imprisoned not more than 30 years, or both.

''(b) LIMITATION.—Subsection (a) shall not apply to any person that is engaging in otherwise lawful activity, such as normal repair and salvage activities, and the transportation of hazardous materials regulated and allowed to be transported under chapter 51 of title 49.

''(c) PENALTY.—Whoever is fined or imprisoned under subsection (a) as a result of an act involving a vessel that, at the time of the violation, carried high-level radioactive waste (as that term is defined in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12)) or spent nuclear fuel (as that term is defined in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23)), shall be fined under this title, imprisoned for a term up to life, or both.

''(d) DEATH PENALTY.—If the death of any individual results from an offense under subsection (a) the offender shall be punished by death or imprisonment for any term or years or for life.

''(e) THREATS.—Whoever knowingly imparts or conveys any threat to do an act which would violate this chapter, with an apparent determination and will to carry the threat into execution, shall be fined under this title or imprisoned not more than 5 years, or both, and is liable for all costs incurred as a result of such threat.

''§ 2292. Imparting or conveying false information

''(a) IN GENERAL.—Whoever imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act that would be a crime prohibited by this chapter or by chapter 111 of this title, shall be subject to a civil penalty of not more than $5,000, which shall be recoverable in a civil action brought in the name of the United States.

''(b) MALICIOUS CONDUCT.—Whoever knowingly, or with reckless disregard for the safety of human life, imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt to do any act which would be a crime prohibited by this chapter or by chapter 111 of this title, shall be fined under this title or imprisoned not more than 5 years.''.

(c) CONFORMING AMENDMENT.—The table of chapters at the beginning of title 18, United States Code, is amended by inserting after the item for chapter 111 the following:

''111A. Destruction of, or interference with, vessels or maritime facilities ..... 2290''.

SEC. __08. THEFT OF INTERSTATE OR FOREIGN SHIPMENTS OR VESSELS.

(a) THEFT OF INTERSTATE OR FOREIGN SHIPMENTS.—Section 659 of title 18, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by inserting ''trailer,'' after ''motortruck,'';

(B) by inserting ''air cargo container,'' after ''aircraft,''; and

(C) by inserting '', or from any intermodal container, trailer, container freight station, warehouse, or freight consolidation facility,'' after ''air navigation facility'';

(2) in the fifth undesignated paragraph, by striking ''in each case'' and all that follows through ''or both'' the second place it appears and inserting ''be fined under this title or imprisoned not more than 15 years, or both, but if the amount or value of such money, baggage, goods, or chattels is less than $1,000, shall be fined under this title or imprisoned for not more than 5 years, or both'' ; and

(3) by inserting after the first sentence in the eighth undesignated paragraph the following: ''For purposes of this section, goods and chattel shall be construed to be moving as an interstate or foreign shipment at all points between the point of origin and the final destination (as evidenced by the waybill or other shipping document of the shipment), regardless of any temporary stop while awaiting transshipment or otherwise.''.

(b) STOLEN VESSELS.—

(1) IN GENERAL.—Section 2311 of title 18, United States Code, is amended by adding at the end the following:

''''Vessel'' means any watercraft or other contrivance used or designed for transportation or navigation on, under, or immediately above, water.''.

(2) TRANSPORTATION AND SALE OF STOLEN VESSELS.—

(A) TRANSPORTATION.—Section 2312 of title 18, United States Code, is amended—

(i) by striking ''motor vehicle or aircraft'' and inserting ''motor vehicle, vessel, or aircraft''; and

(ii) by striking ''10 years'' and inserting ''15 years''.

(B) SALE.—Section 2313(a) of title 18, United States Code, is amended—

(i) by striking ''motor vehicle or aircraft'' and inserting ''motor vehicle, vessel, or aircraft''

(ii) by striking ''10 years'' and inserting ''15 years'' .

(c) REVIEW OF SENTENCING GUIDELINES.—Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall review the Federal Sentencing Guidelines to determine whether sentencing enhancement is appropriate for any offense under section 659 or 2311 of title 18, United States Code, as amended by this title.

(d) ANNUAL REPORT OF LAW ENFORCEMENT ACTIVITIES.—The Attorney General shall annually submit to Congress a report, which shall include an evaluation of law enforcement activities relating to the investigation and prosecution of offenses under section 659 of title 18, United States Code, as amended by this title.

(e) REPORTING OF CARGO THEFT.—The Attorney General shall take the steps necessary to ensure that reports of cargo theft collected by Federal, State, and local officials are reflected as a separate category in the Uniform Crime Reporting System, or any

successor system, by no later than December 31, 2006.

SEC. __09. INCREASED PENALTIES FOR NON-COMPLIANCE WITH MANIFEST REQUIREMENTS.

(a) REPORTING, ENTRY, CLEARANCE REQUIREMENTS.—Section 436(b) of the Tariff Act of 1930 (19 U.S.C. 1436(b)) is amended by—

(1) striking ''or aircraft pilot'' and inserting ''aircraft pilot, operator, owner of such vessel, vehicle or aircraft, or any other responsible party (including non-vessel operating common carriers)'';

(2) striking ''$5,000'' and inserting ''$10,000''; and

(3) striking ''$10,000'' and inserting ''$25,000''.

(b) CRIMINAL PENALTY.—Section 436(c) of the Tariff Act of 1930 (19 U.S.C. 1436(c)) is amended—

(1) by striking ''or aircraft pilot'' and inserting ''aircraft pilot, operator, owner of such vessel, vehicle, or aircraft, or any other responsible party (including non-vessel operating common carriers)''; and

(2) by striking ''$2,000'' and inserting ''$10,000''.

(c) FALSITY OR LACK OF MANIFEST.—Section 584(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1584(a)(1)) is amended by striking ''$1,000'' in each place it occurs and inserting ''$10,000''.

SEC. __10. STOWAWAYS ON VESSELS OR AIRCRAFT.

Section 2199 of title 18, United States Code, is amended by striking ''Shall be fined under this title or imprisoned not more than one year, or both.'' and inserting the following:

''(1) shall be fined under this title, imprisoned not more than 5 years, or both;

''(2) if the person commits an act proscribed by this section, with the intent to commit serious bodily injury, and serious bodily injury occurs (as defined under section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242) to any person other than a participant as a result of a violation of this section, shall be fined under this title or imprisoned not more than 20 years, or both; and

''(3) if death results from an offense under this section, shall be subject to the death penalty or to imprisonment for any term or years or for life.''.

SEC. __11. BRIBERY AFFECTING PORT SECURITY.

(a) IN GENERAL.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following:

''§ 226. Bribery affecting port security

''(a) IN GENERAL.—Whoever knowingly—

''(1) directly or indirectly, corruptly gives, offers, or promises anything of value to any public or private person, with intent to commit international terrorism or domestic terrorism (as those terms are defined under section 2331), to—

''(A) influence any action or any person to commit or aid in committing, or collude in, or allow, any fraud, or make opportunity for the commission of any fraud affecting any secure or restricted area or seaport; or

''(B) induce any official or person to do or omit to do any act in violation of the lawful duty of such official or person that affects any secure or restricted area or seaport; or

''(2) directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person or entity in return for—

''(A) being influenced in the performance of any official act affecting any secure or restricted area or seaport; and

''(B) knowing that such influence will be used to commit, or plan to commit, international or domestic terrorism, shall be fined under this title or imprisoned not more than 20 years, or both.

''(b) DEFINITION.—In this section, the term 'secure or restricted area' means an area of a vessel or facility designated as secure in an approved security plan, as required under section 70103 of title 46, United States Code, and the rules and regulations promulgated under that section.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 11 of title 18, United States Code, is amended by adding at the end the following:

''226. Bribery affecting port security.''.

SEC. __11. PENALTIES FOR SMUGGLING GOODS INTO THE UNITED STATES.

The third undesignated paragraph of section 545 of title 18, United States Code, is amended by striking ''5 years'' and inserting ''20 years''.

SEC. __12. SMUGGLING GOODS FROM THE UNITED STATES.

(a) IN GENERAL.—Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

''§ 554. Smuggling goods from the United States

''(a) IN GENERAL.—Whoever fraudulently or knowingly exports or sends from the United States, or attempts to export or send from the United States, any merchandise, article, or object contrary to any law or regulation of the United States, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such merchandise, article or object, prior to exportation, knowing the same to be intended for exportation contrary to any law or regulation of the United States, shall be fined under this title, imprisoned not more than 10 years, or both.

''(b) DEFINITION.—In this section, the term 'United States' has the meaning given that term in section 545.''

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 27 of title 18, United States Code, is amended by adding at the end the following:

''554. Smuggling goods from the United States.''.

(c) SPECIFIED UNLAWFUL ACTIVITY.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ''section 554 (relating to smuggling goods from the United States),'' before ''section 641 (relating to public money, property, or records),''.

(d) TARIFF ACT OF 1990.—Section 596 of the Tariff Act of 1930 (19 U.S.C. 1595a) is amended by adding at the end the following:

''(d) Merchandise exported or sent from the United States or attempted to be exported or sent from the United States contrary to law, or the proceeds or value thereof, and property used to facilitate the receipt, purchase, transportation, concealment, or sale of such merchandise prior to exportation shall be forfeited to the United States.''.

(e) REMOVING GOODS FROM CUSTOMS CUSTODY.—Section 549 of title 18, United States Code, is amended in the 5th paragraph by striking ''two years'' and inserting ''10 years''.

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentleman from California (Mr. SCHIFF) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, earlier this year I introduced the Reducing Crime and Terrorism at America's Seaports Act of 2005 along with my colleague the gentleman from North Carolina (Mr. COBLE), chairman of the Committee on the Judiciary Subcommittee on Crime, Terrorism, and Homeland Security. Our legislation is aimed at filling a gaping hole in our defense against terrorism and making America's ports, passengers and cargos safer.

Today, I offer the text of this important legislation as an amendment to the PATRIOT reauthorization bill, joined by my colleague the gentleman from North Carolina (Chairman COBLE) of the Committee on the Judiciary, as well as the gentleman from Virginia (Mr. FORBES), another colleague on the Committee on the Judiciary.

There are 361 seaports in the United States that serve essential national interests by facilitating the flow of trade and the movement of cruise passengers, as well as supporting the effective and safe deployment of U.S. Armed Forces. These seaport facilities and other marine areas cover some 3.5 million square miles of ocean area and 95,000 miles of coastline.

Millions of shipping containers pass through our ports each month. A single container has room for as much as 60,000 pounds of explosives, 10 to 15 times the amount in the Ryder truck used to blow up the Murrah Federal Building in Oklahoma City. When you consider that a single ship can carry as many as 8,000 containers at one time, the vulnerability of our seaports is alarming.

Many seaports are still protected by little more than a chain link fence and in far too many instances have no adequate safeguards to ensure that only authorized personnel can access sensitive areas of the port. If we allow this system to continue unchecked, it may be only a matter of time until terrorists attempt to deliver a weapon of mass destruction to our doorstep via truck, ship or cargo container.

Strengthening criminal penalties, as the gentleman from North Carolina (Chairman COBLE) and I proposed with our bill and in this amendment, is one way we can make our Nation's ports less vulnerable by filling this hole in our defense against terrorism and making America's ports, passengers and cargo safer.

This amendment makes common sense changes to our criminal laws to deter and prevent terrorist attacks on our ports, our sea vessels, and cracks down on the theft and smuggling of cargo.

I want to be clear, our amendment is intended to go after terrorists, terrorist acts and other dangerous felons. There is no intention to reach accidents or other unintentional acts that might occur at seaports.

A substantially similar bipartisan version of our legislation has already been reported favorably by the Senate Judiciary Committee and is awaiting action by the full Senate.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I ask unanimous consent claim the time in opposition, even though I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Wisconsin (Mr. SENSENBRENNER) is recognized for 10 minutes.

There was no objection.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support this amendment and hope that the committee adopts it. It provides basic and much-needed protections for our Nation's seaports, and it does so by strengthening the criminal code in various areas where our seaports would be vulnerable to either a criminal act or a terrorist act.

Let me state, however, that the Congress has not been sitting idly by since 9/11 on the issue of protecting seaport security. The container security initiative was passed by this Congress several years ago and is being implemented, both in terms of better targeting of containers that come into our ports, as well as security at the ports and screening before the cargo actually arrives. But in terms of people breaking into our ports, perhaps putting bad materials such as bombs or biological or chemical materials in our ports and in the containers in our ports, this is an amendment that is extremely essential.

For that reason, I would urge its adoption.

Mr. Chairman, I reserve the balance of my time.

Mr. SCHIFF. Mr. Chairman, I am proud to yield 2 minutes to the gentleman from North Carolina (Mr. COBLE), the chairman of the subcommittee and a lead cosponsor of this amendment. I want to thank the chairman for his important work to bring this issue before the House.

Mr. COBLE. Mr. Chairman, I thank the gentleman from California for yielding me time.

Mr. Chairman, I rise in support of the amendment to reduce crime and terrorism at America's seaports. This amendment is long overdue and reflects the hard work and dedication of my colleagues, the gentleman from California (Mr. SCHIFF), the gentleman from Virginia (Mr. FORBES) and the gentleman from Florida (Mr. STEARNS) to an issue of critical importance to our Nation's safety. I want to thank all of them for their effort to this end.

The amendment that we are offering today will protect our seaports by controlling access to seaports on sensitive areas, providing additional authority to the Coast Guard to investigate vessels, prohibiting use of dangerous weapons or explosives on a passenger vessel, protecting Coast Guard navigational aides on waterways, prohibiting transportation of dangerous materials by potential terrorists, prohibiting destruction or interference with vessels or maritime facilities, increasing penalties for illegal foreign shipments on vessels, increasing penalties for noncompliance with manifest requirements, increasing criminal penalties for stowaways on vessels, and, finally, increasing penalties for bribery of port security authorities and officials.

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These measures are much-needed and long overdue. Again, I thank the gentleman from California (Mr. SCHIFF), the gentleman from Virginia (Mr. FORBES), and the gentleman from Florida (Mr. STEARNS).

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Mr. Chairman, I rise in strong support of the Schiff-Coble-Forbes amendment to H.R. 3199. I also want to thank the gentleman from North Carolina (Mr. COBLE), the chairman of the Subcommittee on Crime, Terrorism, and Homeland Security, as well as the gentleman from California (Mr. SCHIFF), for their important work on this amendment.

Mr. Chairman, the edge of my district is only minutes from the Port of Norfolk, one of the busiest international ports on the east coast of the United States. More than $37 billion worth of goods pass through Norfolk every year to travel on to all of the lower 48 States. Our Nation's seaports are the arteries that keep our Nation's economic heart beating.

But, unfortunately, our ports remain an attractive target to terrorists and criminals. The Interagency Commission on Crime and Security in U.S. Seaports concluded in their report that significant criminal activity is taking place at most of the 12 seaports surveyed by the commission. That activity included drug smuggling, alien smuggling, cargo theft, and export crime.

That is why it is important that the House pass the Schiff-Coble-Forbes amendment. This amendment sends a clear message to terrorists and criminals that we will defend our Nation's ports. This amendment says that there is no loophole or shortcoming in the law that you can hide behind that will allow you to harm our Nation.

Many of my constituents are shocked to learn that it is not a crime for a vessel operator to refuse to stop when ordered to do so by the Coast Guard. If you have spent as much time on the waterways of our harbors as I have, you know there are often only seconds that separate a vessel occupied by terrorists and one of our commercial or naval vessels docked at a pier.

You cannot legally evade the police on our Nation's highways, and the same rule should apply to our Nation's waterways. While the Coast Guard has the authority to use whatever force is reasonably necessary to force a vessel to stop or be boarded, refusal to stop by itself is not currently a crime. That changes today with this amendment.

The amendment we are offering today will further protect our seaports by prohibiting the use of dangerous weapons or explosives on a passenger vessel, prohibiting the transportation of dangerous materials and terrorists, and further increasing penalties for bribery affecting port security.

Mr. Chairman, this amendment is vital to protecting our Nation's ports. I want to express my appreciation for this amendment, and I urge my colleagues to support the amendment.

Mr. SCHIFF. Mr. Chairman, I am happy to yield 2 minutes to the gentleman from Virginia (Mr. SCOTT), the ranking member of the Subcommittee on Crime, Terrorism, and Homeland Security.

Mr. SCOTT of Virginia. Mr. Chairman, I thank the gentleman for yielding me this time. I would like to join my colleague from Virginia in his interest in the security of the Port of Hampton Roads.

Mr. Chairman, this amendment is well drafted to target the problem of port security. It closes an apparent oversight in the fact that it is not a Federal crime for a vessel operator to fail to stop when ordered to do so by a Federal law enforcement officer, and makes it clear that that is a crime. The penalties are increased penalties, but not mandatory minimums, so the increases will make sense.

I will not, however, be supporting the amendment because it has several new death penalties in it. It has death penalties, some of which push the envelope on constitutionality, because some can be imposed even if there is no intent to kill; they are broad enough to even include deaths which result from violating the stowaway statute.

Mr. Chairman, death penalties cannot be a deterrent to suicide bombers, so that part of the bill I think would not be helpful in terms of port security. What we do need in port security is significant increases in funding for port security, funding for bus and rail security, funding for first responders. That is the kind of thing that will make us safer. As to the other parts of the bill, I would like to thank the gentleman from California (Mr. SCHIFF) and the other cosponsors for their hard work in focusing us on port security, which is desperately needed.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS).

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Chairman, I thank the distinguished chairman of the full committee for yielding me this time, and I thank the gentleman from North Carolina (Mr. COBLE) for his help here.

I rise, obviously, in support of the Coble-Schiff-Forbes amendment and in favor of the underlying bill. This amendment I think is important to update and improve our seaport security, which obviously is very crucial to protecting America. It also includes three provisions from my bill, H.R. 785, the

cargo theft bill; and it is an issue that I have been concerned about for over 2 years, so I am very pleased that it is part of the bill.

Probably the most important thing with this amendment that we are talking about this evening that it accomplishes is that it requires that cargo theft reports be reflected as a separate category in the Uniform Crime Reporting System, or the UCR, the data collection system that is used by the FBI today, currently, no such category exists in the UCR, which results in ambiguous data and an inability to track and monitor trends.

So I am very pleased that the Committee on the Judiciary incorporated that provision and also raised criminal penalties for cargo theft, which is included in this bill.

As it now stands, Mr. Chairman, punishment for cargo theft is a relative slap on the wrist. Throw in the fact that cargo thieves are tough to catch, and what we have here is a low-risk, high-reward crime that easily entices potential criminals. The sentencing enhancement proposed in this amendment will go a long way in making a career in cargo theft less attractive. So the authors of this amendment are to be commended.

Last, this amendment includes a provision requiring the Attorney General to mandate the reporting of cargo thefts and to create a database containing this information, which will provide a valuable source of information and will allow States and local law enforcement officials to coordinate reports of cargo theft. This information could then be used to help fight this theft in everyday law enforcement.

Mr. Chairman, this is a commonsense cargo theft provision, along with efforts to strengthen our seaport security, vitally effective tools in our war on terrorism. I want to thank my colleagues, particularly my good friend, the gentleman from North Carolina (Mr. COBLE), for their help.

I rise today in support of the Coble/Schiff/Forbes amendment, and in favor of the underlying bill.

This amendment proposes to update and improve our seaport security, which is a crucial element to protecting America.

It also includes three critical provisions from my bill H.R. 785 regarding cargo theft, an issue that I have been concerned about for some time now.

Cargo theft is a problem that has plagued our country for some 30 years, but continues unabated today. It is a problem that travels our highways, threatens our interstate commerce and undermines our homeland security. It is a problem that affects our entire country, costs tens of billions of dollars each year, and demands a Federal response.

There is no doubt that stopping cargo theft and smuggling is a national security issue. We know that terrorists can make a lot of money stealing and selling cargo, not to mention the fact that terrorists have a proven record of using trucks to either smuggle weapons of mass destruction or as an instrument of delivery.

Many of the industries involved in delivering cargo: trucking, shipping, and businesses—are genuinely concerned about how security gaps expose cargo to terrorism. Law enforcement has the same concerns. These groups support this legislation.

That's why the three particular provisions in this amendment relating to cargo theft are so important.

Probably the most important thing this amendment accomplishes is that it requires that cargo theft reports be reflected as a separate category in the Uniform Crime Reporting System, or the UCR, the data collection system that is used by the FBI today. Currently, no such category exists in the UCR, resulting in ambiguous data and the inability to track and monitor trends.

I am also pleased that the provision raising criminal penalties for cargo theft is included in this bill. As it now stands, Mr. Chairman, punishment for cargo theft is a relative slap on the wrist. Throw in the fact that cargo thieves are tough to catch, and what we have here is a low-risk, high-reward crime that easily entices potential criminals. The sentencing enhancements proposed in this amendment will go a long way in making a career in cargo theft less attractive.

And last, this amendment includes a provision requiring the Attorney General to mandate the reporting of cargo thefts, and to create a database containing this information. This database will provide a valuable source of information that would allow State and local law enforcement officials to coordinate reports of cargo theft. This information could then be used to help fight this theft in everyday law enforcement.

These common-sense cargo theft provisions, along with the efforts to strengthen our seaport security, will be vital and effective tools in our war on terror.

Mr. Chairman, I thank my colleagues on the Judiciary Committee for including this language, and I urge this House to pass this amendment and the underlying bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield back the balance of my time.

Mr. SCHIFF. Mr. Chairman, I yield myself such time as I may consume.

I want to take this opportunity to thank the chairman of the full committee, the gentleman from Wisconsin (Mr. SENSENBRENNER), and thank the chairman of the subcommittee. When I offered this originally as stand-alone legislation in connection with another bill as an amendment, the chairman offered to work with me on this further down the line; and every bit true to his word, he has been a great partner to work with on this. I want to thank the gentleman from North Carolina (Chairman COBLE), and I want to thank our esteemed chairman of the full committee for their work on this.

The numbers are quite startling: 141 million ferry and cruise ship passengers, more than 2 billion tons of domestic international freight, and 3 billion tons of oil move through the U.S. seaports. Millions of truck-sized cargo containers are offloaded on to U.S. docks.

As a part of the homeland security authorization bill, the House took some important steps to improve the screening of cargo by expanding the container security initiative and refocusing it based on risk. But the truth is that not every container can be inspected, and we need to use other tools at our disposal to deter and punish those who would use our seaports as a point of attack. I urge support for the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from California (Mr. SCHIFF).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. COBLE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. SCHIFF) will be postponed.

It is now in order to consider amendment No. 12 printed in House Report 109–178.

AMENDMENT NO. 12 OFFERED BY MR. COBLE

Mr. COBLE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. COBLE:

Add at the end the following (and make such technical and conforming changes as may be appropriate):

SECTION 17. PENAL PROVISIONS REGARDING TRAFFICKING IN CONTRABAND CIGARETTES OR SMOKELESS TOBACCO.

(a) THRESHOLD QUANTITY FOR TREATMENT AS CONTRABAND CIGARETTES.—(1) Section 2341(2) of title 18, United States Code, is amended by striking ''60,000 cigarettes'' and inserting ''10,000 cigarettes''.

(2) Section 2342(b) of that title is amended by striking ''60,000'' and inserting ''10,000''.

(3) Section 2343 of that title is amended—

(A) in subsection (a), by striking ''60,000'' and inserting ''10,000''; and

(B) in subsection (b), by striking ''60,000'' and inserting ''10,000''.

(b) CONTRABAND SMOKELESS TOBACCO.—(1) Section 2341 of that title is amended—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

''(6) the term 'smokeless tobacco' means any finely cut, ground, powdered, or leaf tobacco that is intended to be placed in the oral or nasal cavity or otherwise consumed without being combusted;

''(7) the term 'contraband smokeless tobacco' means a quantity in excess of 500 single-unit consumer-sized cans or packages of smokeless tobacco, or their equivalent, that are in the possession of any person other than—

''(A) a person holding a permit issued pursuant to chapter 52 of the Internal Revenue Code of 1986 as manufacturer of tobacco products or as an export warehouse proprietor, a person operating a customs bonded warehouse pursuant to section 311 or 555 of the Tariff Act of 1930 (19 U.S.C. 1311, 1555), or an agent of such person;

''(B) a common carrier transporting such smokeless tobacco under a proper bill of lading or freight bill which states the quantity, source, and designation of such smokeless tobacco;

''(C) a person who—

''(i) is licensed or otherwise authorized by the State where such smokeless tobacco is found to engage in the business of selling or distributing tobacco products; and

''(ii) has complied with the accounting, tax, and payment requirements relating to such license or authorization with respect to such smokeless tobacco; or

''(D) an officer, employee, or agent of the United States or a State, or any department, agency, or instrumentality of the United States or a State (including any political subdivision of a State), having possession of such smokeless tobacco in connection with the performance of official duties;''.

(2) Section 2342(a) of that title is amended by inserting ''or contraband smokeless tobacco'' after ''contraband cigarettes''.

(3) Section 2343(a) of that title is amended by inserting '', or any quantity of smokeless tobacco in excess of 500 single-unit consumer-sized cans or packages,'' before ''in a single transaction''.

(4) Section 2344(c) of that title is amended by inserting ''or contraband smokeless tobacco'' after ''contraband cigarettes''.

(5) Section 2345 of that title is amended by inserting ''or smokeless tobacco'' after ''cigarettes'' each place it appears.

(6) Section 2341 of that title is further amended in paragraph (2), as amended by subsection (a)(1) of this section, in the matter preceding subparagraph (A), by striking ''State cigarette taxes in the State where such cigarettes are found, if the State'' and inserting ''State or local cigarette taxes in the State or locality where such cigarettes are found, if the State or local government'';

(c) RECORDKEEPING, REPORTING, AND INSPECTION.—Section 2343 of that title, as amended by this section, is further amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''only—'' and inserting ''such information as the Attorney General considers appropriate for purposes of enforcement of this chapter, including—''; and

(B) in the flush matter following paragraph (3), by striking the second sentence;

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following new subsection (b):

''(b) Any person, except for a tribal government, who engages in a delivery sale, and who ships, sells, or distributes any quantity in excess of 10,000 cigarettes, or any quantity in excess of 500 single-unit consumer-sized cans or packages of smokeless tobacco, or their equivalent, within a single month, shall submit to the Attorney General, pursuant to rules or regulations prescribed by the Attorney General, a report that sets forth the following:

''(1) The person's beginning and ending inventory of cigarettes and cans or packages of smokeless tobacco (in total) for such month.

''(2) The total quantity of cigarettes and cans or packages of smokeless tobacco that the person received within such month from each other person (itemized by name and address).

''(3) The total quantity of cigarettes and cans or packages of smokeless tobacco that the person distributed within such month to each person (itemized by name and address) other than a retail purchaser.''; and

(4) by adding at the end the following new subsections:

''(d) Any report required to be submitted under this chapter to the Attorney General shall also be submitted to the Secretary of the Treasury and to the attorneys general and the tax administrators of the States from where the shipments, deliveries, or distributions both originated and concluded.

''(e) In this section, the term 'delivery sale' means any sale of cigarettes or smokeless tobacco in interstate commerce to a consumer if—

''(1) the consumer submits the order for such sale by means of a telephone or other method of voice transmission, the mails, or the Internet or other online service, or by any other means where the consumer is not in the same physical location as the seller when the purchase or offer of sale is made; or

''(2) the cigarettes or smokeless tobacco are delivered by use of the mails, common carrier, private delivery service, or any other means where the consumer is not in the same physical location as the seller when the consumer obtains physical possession of the cigarettes or smokeless tobacco.

''(f) In this section, the term 'interstate commerce' means commerce between a State and any place outside the State, or commerce between points in the same State but through any place outside the State.''.

(d) DISPOSAL OR USE OF FORFEITED CIGARETTES AND SMOKELESS TOBACCO.—Section 2344(c) of that title, as amended by this section, is further amended by striking ''seizure and forfeiture,'' and all that follows and inserting ''seizure and forfeiture, and any cigarettes or smokeless tobacco so seized and forfeited shall be either—

''(1) destroyed and not resold; or

''(2) used for undercover investigative operations for the detection and prosecution of crimes, and then destroyed and not resold.''.

(e) EFFECT ON STATE AND LOCAL LAW.—Section 2345 of that title is amended—

(1) in subsection (a), by striking ''a State to enact and enforce'' and inserting ''a State or local government to enact and enforce its own''; and

(2) in subsection (b), by striking ''of States, through interstate compact or otherwise, to provide for the administration of State'' and inserting ''of State or local governments, through interstate compact or otherwise, to provide for the administration of State or local''.

(f) ENFORCEMENT.—Section 2346 of that title is amended—

(1) by inserting ''(a)'' before ''The Attorney General''; and

(2) by adding at the end the following new subsection:

''(b)(1) A State, through its attorney general, a local government, through its chief law enforcement officer (or a designee thereof), or any person who holds a permit under chapter 52 of the Internal Revenue Code of 1986, may bring an action in the United States district courts to prevent and restrain violations of this chapter by any person (or by any person controlling such person), except that any person who holds a permit under chapter 52 of the Internal Revenue Code of 1986 may not bring such an action against a State or local government.

''(2) A State, through its attorney general, or a local government, through its chief law enforcement officer (or a designee thereof), may in a civil action under paragraph (1) also obtain any other appropriate relief for violations of this chapter from any person (or by any person controlling such person), including civil penalties, money damages, and injunctive or other equitable relief. Nothing in this chapter shall be deemed to abrogate or constitute a waiver of any sovereign immunity of a State or local government against any unconsented lawsuit under this chapter, or otherwise to restrict, expand, or modify any sovereign immunity of a State or local government.

''(3) The remedies under paragraphs (1) and (2) are in addition to any other remedies under Federal, State, local, or other law.

''(4) Nothing in this chapter shall be construed to expand, restrict, or otherwise modify any right of an authorized State official to proceed in State court, or take other enforcement actions, on the basis of an alleged violation of State or other law.

''(5) Nothing in this chapter shall be construed to expand, restrict, or otherwise modify any right of an authorized local government official to proceed in State court, or take other enforcement actions, on the basis of an alleged violation of local or other law.''.

(g) CONFORMING AND CLERICAL AMENDMENTS.—(1) The section heading for section 2343 of that title is amended to read as follows:

''§ 2343. Recordkeeping, reporting, and inspection''.

(2) The section heading for section 2345 of such title is amended to read as follows:

''§ 2345. Effect on State and local law''.

(3) The table of sections at the beginning of chapter 114 of that title is amended—

(A) by striking the item relating to section 2343 and inserting the following new item:

''2343. Recordkeeping, reporting, and inspection.''

; and

(B) by striking the item relating to section 2345 and insert the following new item:

''2345. Effect on State and local law.''.

(4)(A) The heading for chapter 114 of that title is amended to read as follows:

''CHAPTER 114—TRAFFICKING IN CONTRABAND CIGARETTES AND SMOKELESS TOBACCO''.

(B) The table of chapters at the beginning of part I of that title is amended by striking the item relating to section 114 and inserting the following new item:

''114. Trafficking in contraband cigarettes and smokeless tobacco ..... 2341''.

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentleman from North Carolina (Mr. COBLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

MODIFICATION TO AMENDMENT NO. 12 OFFERED BY MR. COBLE

Mr. COBLE. Mr. Chairman, I ask unanimous consent to modify the amendment with the modification at the desk.

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to Amendment No. 12 offered by Mr. COBLE:

In the matter proposed to be inserted as subsection (b) of section 2346 of title 18, United States Code, by subsection (f) after the period at the end of paragraph (1) insert ''No civil action may be commenced under this paragraph against an Indian tribe or an Indian in Indian country (as defined in section 1151).''.

In the same matter in paragraph (2) insert '', or an Indian tribe'' after ''State or local government'' each place it appears.

Mr. COBLE (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Acting CHAIRMAN. Is there objection to the modification?

There was no objection.

Mr. COBLE. Mr. Chairman, I yield myself such time as I may consume.

A ''Dear Colleague'' went out today, and I will share it with my colleagues. It says: ''The Coble amendment attacks tribal sovereignty. The Coble amendment reverses two statutes of Federal Indian policy. Oppose the Coble amendment.''

Well, oftentimes in this body, Mr. Chairman, we engage in semantical wars, and I disagree with the choice of these words; but in any event, we have resolved the differences.

Mr. Chairman, I urge the support of the modified amendment before us to strengthen the Contraband Cigarette Trafficking Act, commonly known as CCTA. Why should this provision be included in the PATRIOT Act, one may ask? Criminal organizations, including terrorist groups, are using contraband cigarettes to fund their organizations. The scam is relatively easy and extremely lucrative. The criminals purchase cigarettes in a State with a low excise tax and then transport them to a high-tax State to sell. Many times they even counterfeit the tax stamps to ensure that the cigarettes appear legitimate. Criminals can make as much as $30 per carton for relatively little effort and risk.

A scheme that was uncovered illustrates the magnitude of this problem. In 2003, a group of Hezbollah operatives were convicted of buying cigarettes in my home State of North Carolina and selling them in Michigan. They were using the proceeds of their operation to fund the activities of Hezbollah. Law enforcement authorities across the Nation believe these types of smuggling operations are a fast-growing problem.

Mr. Chairman, my amendment would enhance the provisions of the CCTA to enable law enforcement to prosecute more of these schemes. First, the amendment would lower the threshold requirements for a violation of the CCTA from 60,000 to 10,000 cigarettes. It would apply the CCTA to smokeless tobacco as well, and impose reporting requirements on those engaging in delivery sales of more than 10,000 cigarettes, or 500 cans of packages of smokeless tobacco within a period of 1 month. Finally, it would authorize State and local governments and certain persons holding Federal tobacco permits to bring causes of action against violators of the CCTA.

We must do everything we can to choke off this source of funding for criminal organizations which, in turn, subsidize terrorist organizations; and I urge adoption of the amendment.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. COBLE. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman from North Carolina for yielding.

Let me say that this amendment has a direct impact on the war against terrorism. When he was testifying on the reauthorization of the PATRIOT Act, Deputy Attorney General James Kolbe testified that the first material support for a terrorism case to be tried before a jury involved a group of Hezbollah operatives who had been operating a massive interstate cigarette smuggling scheme. He also testified that since that prosecution, material support charges have been used against other cigarette smuggling plots in Detroit.

From this information, it is obvious that the terrorists are using cigarette smuggling in order to help finance their activities, and that is why the amendment offered by the gentleman from North Carolina is a good amendment. It fits in with the antiterrorism tools that the PATRIOT Act reauthorizes, and I would urge its support.

I would also say that as a result of the modification that the gentleman from North Carolina has proposed, there is no longer a question of tribal sovereignty. That has been taken care of in the modification. So anybody who has read the ''Dear Colleague'' letter that was sent out earlier today, that is now out of date, and it is about as accurate as last year's calendar.

Mr. COBLE. Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

I would point out that the comments of the gentleman from North Carolina and the chairman of the committee have outlined the fact that this has been worked out with all of the parties involved, and we have no objection.

Mr. Chairman, I reserve the balance of my time.

Mr. COBLE. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Chairman, I want to again thank and recognize the gentleman from Wisconsin (Chairman SENSENBRENNER), the gentleman from North Carolina (Mr. COBLE), and the gentleman from Virginia (Mr. SCOTT) for bringing this amendment forward. I would just like to reiterate and rise in support of this amendment.

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As the gentleman from Wisconsin (Mr. SENSENBRENNER) indicated, this amendment is about stopping terrorists. And as we are deliberating on this bill as a whole and the purpose being to do everything we can to stop terrorism, this amendment speaks right to the point.

As the gentleman from North Carolina (Mr. COBLE) indicated, there are real cases that have been uncovered and have been tried in court in which known terrorist organizations such as Hezbollah have been engaged in the illegal trafficking of cigarettes from low tax states into high tax states using that money to fund their terrorist activities. That is what this amendment does. And as the gentleman from Wisconsin (Mr. SENSENBRENNER) has said, all the modifications make sure that there is no impact on tribal sovereignty.

I urge my colleagues to support this amendment.

Mr. COBLE. Mr. Chairman, will the gentleman yield?

Mr. SCOTT of Virginia. I yield to the gentleman from North Carolina.

Mr. COBLE. I thank the gentleman from Virginia for yielding.

Mr. Chairman, I will just say that I look forward to working with the chairman of the full committee and the ranking member, as well as the ranking member of the subcommittee to resolve any other issues that may remain in conference.

Mr. CONYERS. Mr. Chairman, I am glad that Mr. COBLE offered language to mitigate concerns over his amendment's impact on tribal sovereignty. As initially drafted, the amendment by Mr. COBLE could have had the unintended effect of targeting tribal governments who are legitimately involved in the retailing of tobacco products. With the help of Mr. COLE and other Members, Mr. COBLE has modified his amendment and has incorporated language that will go a long way to protecting tribal governments and tribal sovereignty. Specifically, a provision stipulating that enforcement against tribes or in Indian country, as defined in Title 18 Section 1151, will not be authorized by the pending bill has been incorporated.

Support for tribal sovereignty is a bi-partisan issue and collectively the Congress will continue to defend that fundamental principal of law. I realize that there are other sections that may need to be fixed as well because there has not been much time to refine the entirety of the Coble provision and that further refinements may be in order once we get to Conference with the Senate on this provision. I understand that the rule of law of enforcement in Indian country will fall to tribal governments and the Federal government will be protected through further amendment and I pledge to work in conference to ensure the rights of tribal governments are fully protected.

Mr. KILDEE. Mr. Chairman, I rise to address the amendment offered by the gentlemen from North Carolina that relates to the Federal Contraband Cigarette Trafficking Act. There is evidence that profits from the illegal sales of tobacco products have been funneled to groups whose interests are inimical to the safety of our country and its people and the Congress should do all we can to ensure that source of revenue is cut off.

However, Indian tribal governments that are legally involved in the retailing of tobacco products are clearly not the types of entities we are targeting with this provision.

As initially drafted, the Coble Amendment would have had the unintended effect of targeting tribal governments who are legitimately involved in the retailing of tobacco products.

With the great help of the gentlemen from Oklahoma (Mr. COLE) I understand an amendment has been incorporated that will go a long way to protecting tribal governments and tribal sovereignty.

I also understand, however, that we have not had much time to refine the entirety of the Coble Amendment and that further refinements need to be made. It is my understanding that the gentlemen from North Carolina has agreed to take up these outstanding issues in conference.

Mr. SCOTT of Virginia. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from North Carolina (Mr. COBLE), as modified.

The amendment, as modified, was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 13 printed in House Report 109–178.

AMENDMENT NO. 13 OFFERED BY MR. CARTER

Mr. CARTER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. CARTER: Add at the end the following:

TITLE ____—TERRORIST DEATH PENALTY ENHANCEMENT

SEC. __01. SHORT TITLE.

This title may be cited as the ''Terrorist Death Penalty Enhancement Act of 2005''.

Subtitle A—Terrorist Penalties Enhancement Act

SEC. __11. TERRORIST OFFENSE RESULTING IN DEATH.

(a) NEW OFFENSE.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

''§ 2339E. Terrorist offenses resulting in death

''(a) Whoever, in the course of committing a terrorist offense, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.

''(b) As used in this section, the term 'terrorist offense' means—

''(1) a Federal felony offense that is—

''(A) a Federal crime of terrorism as defined in section 2332b(g) except to the extent such crime is an offense under section 1363; or

''(B) an offense under this chapter, section 175, 175b, 229, or 831, or section 236 of the Atomic Energy Act of 1954; or

''(2) a Federal offense that is an attempt or conspiracy to commit an offense described in paragraph (1).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by adding at the end the following new item:

''2339E. Terrorist offenses resulting in death.''.

SEC. __12. DENIAL OF FEDERAL BENEFITS TO TERRORISTS.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, as amended by section __11 of this subtitle, is further amended by adding at the end the following:

''§ 2339F. Denial of Federal benefits to terrorists

''(a) An individual or corporation who is convicted of a terrorist offense (as defined in section 2339E) shall, as provided by the court on motion of the Government, be ineligible for any or all Federal benefits for any term of years or for life.

''(b) As used in this section, the term 'Federal benefit' has the meaning given that term in section 421(d) of the Controlled Substances Act, and also includes any assistance or benefit described in section 115(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, with the same limitations and to the same extent as provided in section 115 of that Act with respect to denials of benefits and assistance to which that section applies.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of the chapter 113B of title 18, United States Code, as amended by section __11 of this subtitle, is further amended by adding at the end the following new item:

''2339E. Denial of federal benefits to terrorists.''.

SEC. __13. DEATH PENALTY PROCEDURES FOR CERTAIN AIR PIRACY CASES OCCURRING BEFORE ENACTMENT OF THE FEDERAL DEATH PENALTY ACT OF 1994.

Section 60003 of the Violent Crime Control and Law Enforcement Act of 1994, (Public Law 103–322), is amended, as of the time of its enactment, by adding at the end the following:

''(c) DEATH PENALTY PROCEDURES FOR CERTAIN PREVIOUS AIRCRAFT PIRACY VIOLATIONS.—An individual convicted of violating section 46502 of title 49, United States Code, or its predecessor, may be sentenced to death in accordance with the procedures established in chapter 228 of title 18, United States Code, if for any offense committed before the enactment of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), but after the enactment of the Antihijacking Act of 1974 (Public Law 93–366), it is determined by the finder of fact, before consideration of the factors set forth in sections 3591(a)(2) and 3592(a) and (c) of title 18, United States Code, that one or more of the factors set forth in former section 46503(c)(2) of title 49, United States Code, or its predecessor, has been proven by the Government to exist, beyond a reasonable doubt, and that none of the factors set forth in former section 46503(c)(1) of title 49, United States Code, or its predecessor, has been proven by the defendant to exist, by a preponderance of the information. The meaning of the term 'especially heinous, cruel, or depraved', as used in the factor set forth in former section 46503(c)(2)(B)(iv) of title 49, United States Code, or its predecessor, shall be narrowed by adding the limiting language 'in that it involved torture or serious physical abuse to the victim', and shall be construed as when that term is used in section 3592(c)(6) of title 18, United States Code.''.

SEC. __14. ENSURING DEATH PENALTY FOR TERRORIST OFFENSES WHICH CREATE GRAVE RISK OF DEATH.

(a) ADDITION OF TERRORISM TO DEATH PENALTY OFFENSES NOT RESULTING IN DEATH.—Section 3591(a)(1) of title 18, United States Code, is amended by inserting '', section 2339E,'' after ''section 794''.

(b) MODIFICATION OF AGGRAVATING FACTORS FOR TERRORISM OFFENSES.—Section 3592(b) of title 18, United States Code, is amended—

(1) in the heading, by inserting '', terrorism,'' after ''espionage''; and

(2) by inserting immediately after paragraph (3) the following:

''(4) SUBSTANTIAL PLANNING.—The defendant committed the offense after substantial planning.''.

SEC. __15. POSTRELEASE SUPERVISION OF TERRORISTS.

Section 3583(j) of title 18, United States Code, is amended in subsection (j), by striking '', the commission'' and all that follows through ''person,'' .

Subtitle B—Prevention of Terrorist Access to Destructive Weapons Act

SEC. __21. DEATH PENALTY FOR CERTAIN TERROR RELATED CRIMES.

(a) PARTICIPATION IN NUCLEAR AND WEAPONS OF MASS DESTRUCTION THREATS TO THE UNITED STATES.—Section 832(c) of title 18, United States Code, is amended by inserting ''punished by death or'' after ''shall be''.

(b) MISSILE SYSTEMS TO DESTROY AIRCRAFT.—Section 2332g(c)(3) of title 18, United States Code, is amended by inserting ''punished by death or'' after ''shall be''.

(c) ATOMIC WEAPONS.—Section 222b.of the Atomic Energy Act of 1954 (42 U.S.C. 2272) is amended by inserting ''death or'' before ''imprisonment for life''.

(d) RADIOLOGICAL DISPERSAL DEVICES.—Section 2332h(c)(3) of title 18, United States Code, is amended by inserting ''death or'' before ''imprisonment for life''.

(e) VARIOLA VIRUS.—Section 175c(c)(3) of title 18, United States Code, is amended by inserting ''death or'' before ''imprisonment for life''.

Subtitle C—Federal Death Penalty Procedures

SEC. __31. MODIFICATION OF DEATH PENALTY PROVISIONS.

(a) ELIMINATION OF PROCEDURES APPLICABLE ONLY TO CERTAIN CONTROLLED SUBSTANCES ACT CASES.—Section 408 of the Controlled Substances Act (21 U.S.C. 848) is amended—

(1) in subsection (e)(2), by striking ''(1)(b)'' and inserting (1)(B);

(2) by striking subsection (g) and all that follows through subsection (p);

(3) by striking subsection (r); and

(4) in subsection (q), by striking paragraphs (1) through (3).

(b) MODIFICATION OF MITIGATING FACTORS.—Section 3592(a)(4) of title 18, United States Code, is amended—

(1) by striking ''Another'' and inserting ''The Government could have, but has not, sought the death penalty against another''; and

(2) by striking '', will not be punished by death''.

(c) MODIFICATION OF AGGRAVATING FACTORS FOR OFFENSES RESULTING IN DEATH.—Section 3592(c) of title 18, United States Code, is amended—

(1) in paragraph (7), by inserting ''or by creating the expectation of payment,'' after ''or promise of payment,'';

(2) in paragraph (1), by inserting ''section 2339E (terrorist offenses resulting in death),'' after ''destruction),'';

(3) by inserting immediately after paragraph (16) the following:

''(17) OBSTRUCTION OF JUSTICE.—The defendant engaged in any conduct resulting in the death of another person in order to obstruct investigation or prosecution of any offense.''.

(d) ADDITIONAL GROUND FOR IMPANELING NEW JURY.—Section 3593(b)(2) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of subparagraph (C);

(2) by inserting after subparagraph (D) the following:

''(E) a new penalty hearing is necessary due to the inability of the jury to reach a unanimous penalty verdict as required by section 3593(e); or''.

(e) JURIES OF LESS THAN 12 MEMBERS.—Subsection (b) of section 3593 of title 18, United States Code, is amended by striking ''unless'' and all that follows through the

end of the subsection and inserting ''unless the court finds good cause, or the parties stipulate, with the approval of the court, a lesser number.''.

(f) IMPANELING OF NEW JURY WHEN UNANIMOUS RECOMMENDATION CANNOT BE REACHED.—Section 3594 of title 18, United States Code, is amended by inserting after the first sentence the following: ''If the jury is unable to reach any unanimous recommendation under section 3593(e), the court, upon motion by the Government, may impanel a jury under section 3593(b)(2)(E) for a new sentencing hearing.''.

(g) PEREMPTORY CHALLENGES.—Rule 24(c) of the Federal Rules of Criminal Procedure is amended—

(1) in paragraph (1), by striking ''6'' and inserting ''9''; and

(2) in paragraph (4), by adding at the end the following:

''(C) SEVEN, EIGHT OR NINE ALTERNATES.—Four additional peremptory challenges are permitted when seven, eight, or nine alternates are impaneled.''.

Strike section 12.

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentleman from Texas (Mr. CARTER) and the gentleman from Virginia (Mr. SCOTT) each will control 10 minutes.

The Chair recognizes the gentleman from Texas (Mr. CARTER).

Mr. CARTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of my amendment, the Terrorist Death Penalty Enhancement Act. This measure is a much needed reform for our Federal criminal statutes to ensure that the death penalty is available to deter and punish the most heinous crime in our country. We must remain vigilant and united in sending out one clear message to the terrorists; if you attack our country or threaten our national security and we apprehend you, we will seek the ultimate penalty, the death penalty, against you. This amendment makes needed reforms to ensure that such punishment is carried out and is applied fairly, and is applied swiftly when the facts justify the punishment.

Many of these same provisions were overwhelmingly passed by this House last year as part of the 9/11 Recommendations Implementation Act, but removed during conference with the Senate.

As a former State district judge for over 20 years I have presided over five capital murder cases, three of which resulted in the death penalty. I have a unique perspective on the criminal justice system and I understand the importance of safety and the need for America to be tough on its criminals. We must protect our neighborhoods from the threat of violent crimes which, unfortunately, in today's world, includes the threat of terrorist attacks. Congress must act to protect U.S. citizens from such attacks and to bring justice to those who threaten our freedom.

It is unimaginable to think that a convicted terrorist responsible for American deaths could serve his sentence and be released back on the American streets free to act as he chooses. My straightforward legislation will make any terrorist who kills eligible for the Federal death penalty. This legislation will also deny these same terrorists any Federal benefits they otherwise may be eligible to receive. In my experience as a judge, I have witnessed the death penalty used as an important tool in deterring crime and saving lives. I believe it is also an instrument that can deter acts of terrorism and serves as a tool for prosecutors in negotiating sentences.

First, my amendment adds a new criminal provision to impose the death penalty to any terrorist who, while committing a terrorist offense, engages in conduct that results in the death of an individual.

Second, my amendment provides procedures for the death penalty prosecution of air piracy crimes committed before the 1994 Federal Death Penalty Act.

Third, my amendment treats terrorist offenses similar to treason and espionage cases so that the government need only prove that such offense created a grave risk of death and did not actually result in the death of a person. For example, consider a terrorist attack as we saw today in London, where a terrorist is carrying a deadly weapon, could be a radiological weapon or device, and prior to the total detonation of that bomb killing innocent civilians, he is caught by the authorities and they prevent that attack. Under this bill he could face the ultimate penalty of death.

In addition to these commonsense reforms, my amendment also authorizes the death penalty for killing that results from participation in nuclear weapons and weapons of mass destruction threats against the United States, missile systems to destroy aircraft, atomic weapons under the Atomic Energy Act.

Now, with the authorization of these new death penalties I have added some commonsense clarification to the Federal death penalty which is supported by the Justice Department. Let me highlight three of these.

First, my amendment adds a new statutory aggravating factor for obstruction of justice and in particular the killing of any person which is aimed at obstructing any investigation or prosecution.

Second, my amendment clarifies that juries must reach a unanimous sentencing verdict one way or the other for life imprisonment or for death. If the jury does not reach a unanimous sentencing verdict then the government may seek a new sentencing hearing.

Third, my amendment authorizes a judge to proceed with a death penalty case with less than 12 jurors if the excusal of the 12th juror is justified by good cause. There is simply no reason to make witnesses testify, juries sit again after a long and complex trial when a juror for some reason becomes sick or for some reason is unable to serve.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise in opposition to this amendment. It provides for the enactment of extremely controversial provisions which we have had inadequate time to consider. We have not had the opportunity to hear critical testimony on controversial aspects of this bill such as the provision to apply the death penalty to offenses where no death results, the change in alternative jury rules and peremptory challenge rules, another change of the number of jurors needed to impose the death penalty and other changes which could constitute constitutional problems.

Another problem with the bill, it provides for expansion of the Federal death penalty, both for crimes that the supporters of the death penalty might think warrant the death penalty, as well as crimes that most people would not expect to be associated with the most severe of penalties.

This bill does not limit crimes through the death penalty eligibility to the heinous crimes or those who have traditionally been considered severe enough to require either a death penalty or even life without parole.

The bill is so broad that it includes offenses such as those related to protection of computers, property offenses and financial or other material support provisions. Because the bill makes attempts and conspiracies to commit such crimes death penalty eligible, it covers those who may have only had a minor role in the offense. If a death results, even if it was not the specific intended result, anyone who is involved in committing or attempting to commit or conspiring to commit the covert offense would be eligible for the death penalty.

The provisions of this bill create a death penalty liability tantamount to a Federal felony murder rule, and it presents constitutional issues as well as questions of the appropriateness of the death penalty in certain cases.

The provisions of this bill will be duplicative of state jurisdiction laws in many instances and actually conflicting with others. One such conflict would be where a State has chosen not to authorize capital punishment and the Federal Government pursues the death penalty against that State's wishes.

Another concern we always have to consider is expansion of the death penalty when we know that there is a frequent error rate in applying the death penalty. One study showed that 68 percent of the death penalty decisions by the trial court were eventually overturned.

Mr. Chairman, there is another conflict or difficulty that will arise in the efforts to further international cooperation in pursuing suspected terrorists. We are already experiencing difficulties in securing the cooperation of

the rest of the civilized world in bringing terrorists to justice due to our existing proliferation of death penalty offenses when other countries will not extradite criminals to the United States if they will be subject to the death penalty. When we add these difficulties to the other controversial issues as to whether someone who supports an organization's social or humanitarian programs knows that it has been designated as a terrorist organization it can only exacerbate the difficulty and further undermine United States efforts.

Mr. Chairman, I reserve the balance of my time.

Mr. CARTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would remind my colleague from Virginia that a legislative hearing was held before the subcommittee on June 30, 2005 on which the Justice Department testified in favor of this bill.

Mr. Chairman, I yield 2½ minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. I thank the gentleman for yielding time.

Mr. Chairman, I rise in support of the gentleman's amendment. The gentleman from Virginia just stated that this amendment is controversial. I am afraid I disagree. I do not believe it is controversial in the least, and I think we will see that when the votes are taken.

Mr. Chairman, we must do everything we can to stop terrorists, and that starts with ensuring that all terrorist acts are punished swiftly and severely. This amendment sends a clear message that we take terrorism seriously, that we understand that terrorist acts are not just crimes. They are acts of war, war against our way of life.

We must not waver in our message to those who wish to threaten the values we hold dear. If a terrorist strikes on our soil we owe it to the victims of an attack to punish those responsible with the heaviest possible penalty, the death penalty. To do less would be a disservice to those who have lost their lives and would send a signal of weakness to those who are willing to use any means necessary to seek our destruction.

The gentleman from Texas (Mr. CARTER) described this amendment very well so I will not run through it in detail. But let me say that this amendment treats acts of terrorism just like treason or espionage because that is what these acts truly are, not only crimes against individuals but crimes against our Nation. Anyone who is thwarted in their attempt to carry out an attack should not be spared the heaviest penalty just because they were caught before they could carry out their heinous intentions.

I was proud to work with the gentleman from Texas (Mr. CARTER) on this issue. I commend him for carrying this amendment forward. It is good work that the gentleman is doing.

I urge my colleagues to support this amendment. It is very important that we send a strong signal to the world that we take these acts seriously, and serious acts deserve serious consequences.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the sponsor of the amendment mentioned that hearing we had. I would remind him that the hearing was a hearing on habeas corpus, also the same hearing we heard the issue of the question of whether the death penalty deters murder or other crimes, and this bill. We were given one witness to cover all of that. Our witness covered habeas corpus. We did not have the opportunity to invite a witness to discuss this bill and the policy implications of death penalty where no death occurs and alternate jury rules, peremptory challenges, the number of jurors needed to impose a death penalty, all of these death penalties involved.

So to suggest that that was a fair hearing, I think, does not do justice to actually what happened on that day and the consideration of this bill.

Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. ZOE LOFGREN), a member of the committee.

Ms. ZOE LOFGREN of California. Mr. Chairman, many of us, when we think about terrorism, feel exactly the way the proponent of the amendment does, that we want to exert maximum force against the offender. Those who would kill deserve to pay the ultimate price.

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On the other hand, I am aware that there are people in our country and in our Congress who for religious reasons do not believe in the death penalty. The Pope did not believe in the death penalty and, obviously, he was not for terrorism any more than our religious colleagues who have that objection are for terrorism. So I think it is important to state that.

I also want to say I am a member of the Committee on the Judiciary. I have been for 10 years. If there was a hearing in the subcommittee that I am not a member of all well and good, but I think this amendment poses some new things that the full committee would benefit from going through. The reduced number of jurors that is being proposed, the procedural changes that are quite new, I think, deserve the attention of the full committees. It is possible that this measure could run into constitutional problems. And I think we would be better served to sort through that in a thorough way than to expose these elements of the PATRIOT Act to court challenge.

Finally, I would just say as I said before, even though we seek, understandably, retribution against those who would do these horrible crimes, I am just skeptical that imposing the death penalty is going to deter the suicide bombers. Really, what we need to do is to spend the time and the money to take steps to protect ourselves in a more thorough way than we have done since 9/11.

As a member of the Committee on Homeland Security, I am acutely aware, and we are on both sides of the aisle, I can tell you of the shortfallings that we have in our protection against terrorism.

Mr. CARTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased that the President of the United States on two occasions has stated that we need to give our law enforcement authorities all the tools necessary to fight terrorism, and he agreed that he strongly supported the signal of a death penalty to deter this criminal acts, these criminal acts that are imposed upon our society.

When I decided to run for Congress, it was in response to the 9/11 attack after serving for a long time on the judiciary. I am sponsoring this legislation today because in my experience the death penalty does deter crimes, and it is my hope and my prayer that this tool given to our prosecutors and given to our courts and to our engineers will enable us to better protect freedom and protect our citizens from this disaster that lurks in the shadows along with these terrorists that attack our Nation.

I thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for allowing me to offer this amendment and for all the great work that he has done on this reenactment of the PATRIOT Act.

Mr. Chairman, I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself the balance of my time.

As the gentleman said, we had a little piece of a hearing, but it was not much; and we did not have the opportunity to discuss this bill. It was not marked up in subcommittee or the committee. The committee elected not to make it part of the bill, and I would hope that we would make the same decision and defer this until it can be appropriately considered. I oppose the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from Texas (Mr. CARTER).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 14 printed in House Report 109–178.

AMENDMENT NO. 14 OFFERED BY MS. HART

Ms. HART. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Ms. HART:
Add at the end the following:

TITLE ___COMBATING TERRORISM FINANCING

SECTION __01. SHORT TITLE.

This title may be cited as the ''Combating Terrorism Financing Act of 2005''.

SEC. __02. INCREASED PENALTIES FOR TERRORISM FINANCING.

Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) is amended—

(1) in subsection (a), by deleting ''$10,000'' and inserting ''$50,000''.

(2) in subsection (b), by deleting ''ten years'' and inserting ''twenty years''.

SEC. __03. TERRORISM-RELATED SPECIFIED ACTIVITIES FOR MONEY LAUNDERING.

(a) AMENDMENTS TO RICO.—Section 1961(1) of title 18, United States Code, is amended—

(1) in subparagraph (B), by inserting ''section 1960 (relating to illegal money transmitters),'' before ''sections 2251''; and

(2) in subparagraph (F), by inserting ''section 274A (relating to unlawful employment of aliens),'' before ''section 277''.

(b) AMENDMENTS TO SECTION 1956(c)(7).—Section 1956(c)(7)(D) of title 18, United States Code, is amended by—

(1) inserting '', or section 2339C (relating to financing of terrorism)'' before ''of this title''; and

(2) striking ''or any felony violation of the Foreign Corrupt Practices Act'' and inserting ''any felony violation of the Foreign Corrupt Practices Act, or any violation of section 208 of the Social Security Act (relating to obtaining funds through misuse of a social security number)''.

(c) CONFORMING AMENDMENTS TO SECTIONS 1956(e) AND 1957(e).—

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

''(e) Violations of this section may be investigated by such components of the Department of Justice as the Attorney General may direct, and by such components of the Department of the Treasury as the Secretary of the Treasury may direct, as appropriate, and, with respect to offenses over which the Department of Homeland Security has jurisdiction, by such components of the Department of Homeland Security as the Secretary of Homeland Security may direct, and, with respect to offenses over which the United States Postal Service has jurisdiction, by the Postal Service. Such authority of the Secretary of the Treasury, the Secretary of Homeland Security, and the Postal Service shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury, the Secretary of Homeland Security, the Postal Service, and the Attorney General. Violations of this section involving offenses described in paragraph (c)(7)(E) may be investigated by such components of the Department of Justice as the Attorney General may direct, and the National Enforcement Investigations Center of the Environmental Protection Agency.''.

(2) Section 1957(e) of title 18, United States Code, is amended to read as follows:

''(e) Violations of this section may be investigated by such components of the Department of Justice as the Attorney General may direct, and by such components of the Department of the Treasury as the Secretary of the Treasury may direct, as appropriate, and, with respect to offenses over which the Department of Homeland Security has jurisdiction, by such components of the Department of Homeland Security as the Secretary of Homeland Security may direct, and, with respect to offenses over which the United States Postal Service has jurisdiction, by the Postal Service. Such authority of the Secretary of the Treasury, the Secretary of Homeland Security, and the Postal Service shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury, the Secretary of Homeland Security, the Postal Service, and the Attorney General.''.

SEC. __04. ASSETS OF PERSONS COMMITTING TERRORIST ACTS AGAINST FOREIGN COUNTRIES OR INTERNATIONAL ORGANIZATIONS.

Section 981(a)(1)(G) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting ''; or''; and

(3) by inserting the following after clause (iii):

''(iv) of any individual, entity, or organization engaged in planning or perpetrating any act of international terrorism (as defined in section 2331) against any international organization (as defined in section 209 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4309(b)) or against any foreign Government. Where the property sought for forfeiture is located beyond the territorial boundaries of the United States, an act in furtherance of such planning or perpetration must have occurred within the jurisdiction of the United States.''.

SEC. __05. MONEY LAUNDERING THROUGH HAWALAS.

Section 1956 of title 18, United States Code, is amended by adding at the end the following:

''(j) (1) For the purposes of subsections (a)(1) and (a)(2), a transaction, transportation, transmission, or transfer of funds shall be considered to be one involving the proceeds of specified unlawful activity, if the transaction, transportation, transmission, or transfer is part of a set of parallel or dependent transactions, any one of which involves the proceeds of specified unlawful activity.

''(2) As used in this section, a 'dependent transaction' is one that completes or complements another transaction or one that would not have occurred but for another transaction.''.

SEC. __06. TECHNICAL AND CONFORMING AMENDMENTS RELATING TO THE USA PATRIOT ACT.

(a) TECHNICAL CORRECTIONS.—

(1) Section 322 of Public Law 107–56 is amended by striking ''title 18'' and inserting ''title 28''.

(2) Section 5332(a)(1) of title 31, United States Code, is amended by striking ''article of luggage'' and inserting ''article of luggage or mail''.

(3) Section 1956(b)(3) and (4) of title 18, United States Code, are amended by striking ''described in paragraph (2)'' each time it appears; and

(4) Section 981(k) of title 18, United States Code, is amended by striking ''foreign bank'' each time it appears and inserting ''foreign bank or financial institution''.

(b) CODIFICATION OF SECTION 316 OF THE USA PATRIOT ACT.—

(1) Chapter 46 of title 18, United States Code, is amended—

(A) by inserting at the end the following:

''§ 987. Anti-terrorist forfeiture protection

''(a) RIGHT TO CONTEST.—An owner of property that is confiscated under this chapter or any other provision of law relating to the confiscation of assets of suspected international terrorists, may contest that confiscation by filing a claim in the manner set forth in the Federal Rules of Civil Procedure (Supplemental Rules for Certain Admiralty and Maritime Claims), and asserting as an affirmative defense that—

''(1) the property is not subject to confiscation under such provision of law; or

''(2) the innocent owner provisions of section 983(d) apply to the case.

''(b) EVIDENCE.—In considering a claim filed under this section, a court may admit evidence that is otherwise inadmissible under the Federal Rules of Evidence, if the court determines that the evidence is reliable, and that compliance with the Federal Rules of Evidence may jeopardize the national security interests of the United States.

''(c) CLARIFICATIONS.—

''(1) PROTECTION OF RIGHTS.—The exclusion of certain provisions of Federal law from the definition of the term 'civil forfeiture statute' in section 983(i) shall not be construed to deny an owner of property the right to contest the confiscation of assets of suspected international terrorists under—

''(A) subsection (a) of this section;

''(B) the Constitution; or

''(C) subchapter II of chapter 5 of title 5, United States Code (commonly known as the 'Administrative Procedure Act').

''(2) SAVINGS CLAUSE.—Nothing in this section shall limit or otherwise affect any other remedies that may be available to an owner of property under section 983 or any other provision of law.''; and

(B) in the chapter analysis, by inserting at the end the following:

''987. Anti-terrorist forfeiture protection.''.

(2) Subsections (a), (b), and (c) of section 316 of Public Law 107–56 are repealed.

(c) CONFORMING AMENDMENTS CONCERNING CONSPIRACIES.—

(1) Section 33(a) of title 18, United States Code is amended by inserting ''or conspires'' before ''to do any of the aforesaid acts''.

(2) Section 1366(a) of title 18, United States Code, is amended—

(A) by striking ''attempts'' each time it appears and inserting ''attempts or conspires''; and

(B) by inserting '', or if the object of the conspiracy had been achieved,'' after ''the attempted offense had been completed''.

SEC. __07. TECHNICAL CORRECTIONS TO FINANCING OF TERRORISM STATUTE.

Section 2332b(g)(5)(B) of title 18, United States Code, is amended by inserting ''(''' after ''2339C (relating to financing of terrorism''.

SEC. __08. CROSS REFERENCE CORRECTION.

Section 5318(n)(4)(A) of title 31, United States Code, is amended by striking ''National Intelligence Reform Act of 2004'' and inserting ''Intelligence Reform and Terrorism Prevention Act of 2004''.

SEC. __09. AMENDMENT TO AMENDATORY LANGUAGE.

Section 6604 of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended [,effective on the date of the enactment of that Act]—

(1) by striking ''Section 2339c(c)(2)'' and inserting ''Section 2339C(c)(2)''; and

(2) by striking ''Section 2339c(e)'' and inserting ''Section 2339C(e)''.

SEC. __10. DESIGNATION OF ADDITIONAL MONEY LAUNDERING PREDICATE.

Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by inserting '', or section 2339D (relating to receiving military-type training from a foreign terrorist organization)'' after ''section 2339A or 2339B (relating to providing material support to terrorists)''; and

(2) by striking ''or'' before ''section 2339A or 2339B''.

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentlewoman from Pennsylvania (Ms. HART) and the gentleman from Virginia (Mr. SCOTT) each will control 5 minutes.

The Chair recognizes the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the amendment. Money is a key element of terrorist organizations. If we are to prevent future attacks and continue to dismantle terrorist organizations, we must cut off their access to funding.

In order to thwart terrorists financing, President Bush in September of 2001 signed an executive order freezing the assets of terrorist organizations and their supporters and authorizing the Secretaries of Treasury and State to identify, designate, and freeze the U.S.-based assets that financially facilitate terrorism.

Since then, an unprecedented international effort to freeze terrorism financing has ensued. This has truly been an international effort with 173 nations implementing orders to freeze terrorist assets with more than 100 countries passing new legislation to fight terrorism financing, and 84 countries establishing the Financial Intelligence United to share information helping to combat terrorism.

Terrorist organizations need money, not just to carry out attacks. They especially need funding to continue their operations such as recruiting and training new terrorists and simply supporting their current organizations. One of the most important lessons we have learned is exactly how terrorists and other criminal organizations transmit money through unregulated financial markets.

Like the patchwork of terrorist organizations themselves, terrorism funding does not come from a single source. Terrorism networks are funded through rogue state sponsorship, corrupt charities, and illegitimate businesses fronting as legitimate businesses and using that money for terrorism, also through exploitation of our legitimate markets and financial networks.

Many terrorist organizations use a network known as hawalas to exchange money and finance terrorist activities. These hawalas are an informal exchange in which payments are delivered without money actually being moved. In addition, terrorists engage in criminal activities such as extortion, smuggling and trafficking, credit card and identity fraud, and the narcotics trade to fund their murderous activities.

After September 11, our Federal Government acted aggressively through domestic and international efforts to halt such activities to prevent terrorism financing. Unfortunately, we have learned that these are not enough. My amendment would address some of the loopholes.

One, we increase the penalty for terrorism financing. Under current law, violations only carry a $10,000 fine and a 10-year sentence. My amendment would increase the fine to $50,000 and the sentence to 20 years.

We also update money laundering statutes. They must keep pace to help prevent financing of terrorist activities. As Chancellor Gordon Brown stated last week, prevention of money laundering is the key element of stopping the financing of terrorist groups of the type suspected of planning and carrying out the London bombings.

First, my amendment will add a predicate offense to the money-laundering statutes, such as operating illegal money laundering and transmitting businesses, misuse of Social Security numbers, military-style training of individuals, and a new terrorism financing offense.

My amendment also clarifies the law so that a combination of transactions or parallel transactions can trigger money-laundering statutes.

Mr. Chairman, our PATRIOT Act added a new forfeiture provision for individuals planning or perpetrating the act of terrorism against the United States. My amendment adds a parallel provision for individuals planning or perpetrating an act of terrorism against a foreign state or an international organization acting within the jurisdiction of the United States. This amendment builds on our current laws to address some of the shortfalls in our laws that we have learned about from our law enforcement since 9/11. I encourage my colleagues to support this amendment.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Ms. HART. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the amendment and thank the gentlewoman from Pennsylvania (Ms. HART) for yielding to me and for introducing this amendment.

Let me say that this amendment makes important improvements in the financial provisions of the PATRIOT Act with regard to those who try to prevent terrorists from financing their operations. First of all, I think that trying to disrupt the terrorism operation is a legitimate issue to add to the list of predicate offenses covered under the RICO statute.

I am particularly pleased that there are some changes in the law to attempt to get at the informal money-changing operation called hawalas when those hawalas are used to finance terrorist organizations, and more and more money seems to be transferred through the hawalas system; and I am awfully afraid that that is not being done for legitimate purposes, but for the fact that the regular banking operations are under increasing scrutiny when money transfers take place.

So I would strongly support the gentlewoman's amendment, and I would urge the Committee to adopt it. I thank the gentlewoman for yielding to me.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment emphasizes a point that we are trying to do this on the floor without a mark-up, and it may have many unintended consequences. Despite the name of the title, the title of the amendment is ''Combating Terrorism Financing Act of 2005,'' but if you read the provisions, it is not limited to terrorism financing but for all violations of economic sanctions imposed under the International Emergency Economic Powers Act. I mean, a senior citizen who has traveled to Cuba on a bicycle excursion or a clergy attempting to send humanitarian services or supplies to Cuba could get caught up in this.

It talks about misuse of Social Security numbers so if somebody misuses a Social Security number to get a job, having nothing to do with terrorism, just is cheating to get a job, they could get caught up in this. It raises questions about sending money to your relatives back home. All of this is implicated in this amendment. It obviously covers terrorism, but we do not know what else it covers. People who get caught up in this are looking at 20-year sentences.

Money-laundering statutes are already very broadly written, and this just broadens it even further. I would hope we would defeat the amendment so we could have some time to make sure it could be limited to terrorism financing and just not every violation of the International Emergency Economic Powers Act and other kinds of money-laundering statutes.

We also have had not an opportunity to hear from people that may be involved in this, organizations helping immigrant populations, banks or other agencies that may have an interest in this who we just have not had time to hear from to know what their reaction would be. So I would hope that we would defeat the amendment so we could have more time to consider it.

Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Chairman, having just seen this amendment for the first time today, there are questions that are raised. I understand what the intent is, and perhaps if this passes we can clarify this in a conference committee; but I wonder about the liabilities of the banking industry that acts innocently to help immigrants transmit funds home.

The banks in California have been encouraged to regularize the remittance program. We talk sometimes about illegal immigration, and that is not anything that any of us approve of; but it is not the same as terrorism, and it is also not the same as those immigrants. It is also a financial services industry.

I do wish we could have heard from the financial services industry on this point because certainly it deserves some clarification. Maybe it does not do what has been suggested. We have had some communications from those who are concerned it does. But I do want to raise that on behalf of the California banking industry that has really stepped up to avoid the fraud and crime that has occurred with remittances before they did.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 1 minute to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Chairman, I thank the gentleman for yielding me this time.

Just to answer a couple of points: what we do in the amendment is to help to provide opportunities for a series of predicate offenses. So what you get is an opportunity to follow through a number of transactions to show that there is money laundering. And we have added a couple of new offenses, but there can be a mixture of some legal and illegal transactions to do that.

So if the concern is that a grandmother transmitting money to her family or the other way around, it is not going to trigger a problem under this amendment. It is very clear that there would have to be a series of transactions that are suspect in order for this law to be triggered; and, obviously, there has to be some suspicion of financing terrorism before law enforcement would move forward with that kind of prosecution.

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Mr. SCOTT of Virginia. Mr. Chairman, I yield 30 seconds to the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Chairman, here is my question. Section 208 of the Social Security Act apparently states it is illegal to use a false Social Security number for activities to obtain employment.

If I am a 14-year-old kid and I go out and make up a Social Security number so I can get a job and pretend I am 18, and I get money for it, have I violated section 208? And if so, if I deal with a bank, is the bank falling afoul of this terrorism statute?

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume to note that these are the kinds of questions which cause me to hope we would defeat the amendment.

Mr. Chairman, I yield the balance of my time to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Chairman, I thank the gentleman for yielding me this time, and I just want to thank the chairman of the Committee on the Judiciary, who supports the amendment, and also the chairman of the Committee on Financial Services, who certainly would have been concerned if the concern of the gentlewoman from California were a legitimate one regarding our language.

It is very clear that there would have to be a series of transactions. That series of transactions would have to lead law enforcement to believe that there is a financing of terrorism.

Mrs. KELLY. Mr. Chairman, I rise in support of this amendment.

Combating terror finance is a nebulous, often difficult aspect of our fight against terrorism. But strength in this area is critical to our overall success in detecting, tracking and stopping terrorist activity.

We've made remarkable progress in this area in the last 4 years in developing and sharpening our tools for combating terror finance. But we still have more work to do.

That's why I created with a number of my colleagues the bipartisan Congressional Anti-Terrorist Financing Task Force, to bring focus on the multitude of policies, agencies and jurisdictions which have a bearing on our effort to combat terror finance.

Like the task force, this amendment offered by my colleague from Pennsylvania is representative of the continuing need for improvement.

It strengthens our ability to detect and disrupt the financial lifelines upon which terrorists rely. It sets out severe penalties for terror financiers and clarifies the authority of law enforcement to investigate and prosecute illicit financial transactions.

Importantly, this measure acknowledges the vulnerability of informal value transfer systems such as hawalas to terrorist finance and money laundering.

This amendment helps the fight against terrorist finance. I encourage my colleagues to support the amendment and the underlying bill.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentlewoman from Pennsylvania (Ms. HART).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Ms. HART. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Pennsylvania (Ms. HART) will be postponed.

It is now in order to consider amendment No. 15 printed in House Report 109–178.

AMENDMENT NO. 15 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Ms. JACKSON-LEE of Texas:

Add at the end the following:

SEC. 17. FORFEITURE.

Section 981(a)(1)(G) of title 18, United States Code, is amended by adding at the end the following:

''(iv) notwithstanding any other provision of law, shall be subject to execution or attachment in aid of execution in order to satisfy such judgment to the extent of any compensatory damages for which such terrorist organization has been adjudged liable.''.

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume and would just note that I am attempting to bring it up at this time and discuss it, at the same time I am looking to work with my chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), so that we can move this forward.

I might also add that the amendment is now Jackson-Lee-Poe.

PARLIAMENTARY INQUIRY

Mr. SCOTT of Virginia. Mr. Chairman, parliamentary inquiry.

The Acting CHAIRMAN. The gentleman will state his inquiry.

Mr. SCOTT of Virginia. Could the chairman explain which amendment is being considered at this point?

The Acting CHAIRMAN. Amendment No. 15.

Mr. SCOTT of Virginia. Could the Reading Clerk read the amendment?

The Acting CHAIRMAN. Is the gentlewoman from Texas going to ask unanimous consent to modify the amendment?

Ms. JACKSON-LEE of Texas. Yes, I am, Mr. Chairman.

MODIFICATION TO AMENDMENT NO. 15 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent that the amendment to be brought up be as modified.

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 15 offered by Ms. JACKSON-LEE of Texas:

In lieu of the matter proposed by the amendment, add at the end of the bill the following:

SEC. ___. SENSE OF CONGRESS.

It is a sense of Congress that under title 18 section 981, that victims of terrorists attacks should have access to the assets forfeited.

The Acting CHAIRMAN. Is there objection to the modification offered by the gentlewoman from Texas?

Mr. SENSENBRENNER. Reserving the right to object, let me say that I will not object, because I think this modification is a significant improvement to the original amendment.

I realize that this amendment must be further honed, and I pledge to the gentlewoman from Texas my cooperation to attempt to do that in conference.

Mr. Chairman, I withdraw my reservation of objection.

The Acting CHAIRMAN. Is there objection to the modification offered by the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume; and, as I indicated, this amendment is offered by myself and my colleague, the gentleman from Texas (Mr. POE). I thank the distinguished gentleman from Wisconsin for his cooperation in working to have this amendment be included in the final legislation as it is a sense of Congress amendment that I think makes a very important statement.

The proposal relates to the civil forfeiture provision of 18 U.S.C. 981, and would add a section that would allow civil plaintiffs to attach judgments to collect compensatory damages for which a terrorist organization has been

adjudged liable and from the pool of assets that have been forfeited under section 981.

This is distinctive, Mr. Chairman, because this pertains to circumstances of terrorism but not necessarily in circumstances when we are at war.

My amendment seeks to allow victims of terrorism who obtain civil judgments for damages caused in connection with the acts to attach foreign or domestic assets held by the United States Government under 18 U.S.C. Section 981(G) calls for the forfeiture of all assets, foreign or domestic, of any individual entity or organization that is engaged in planning or perpetrating any act of domestic or international terrorism.

As we look at H.R. 3199, the PATRIOT Act, it misses the opportunity to in fact allow victims to satisfy judgments. That is the key. For example, the Sobero case, where the gentleman from Riverside, California, was beheaded by Abu Sayyaf, leaving his children fatherless. The administration responded to this incident by sending a thousand Special Forces officers to track down the perpetrators, yet the family of this decreased could not claim any compensation for the tragedy that occurred.

The same thing occurred with the Iran hostages, which many of us are familiar with, but are my colleagues aware of the situation with our American servicemen who were harmed in the Libyan-sponsored bombing of the La Belle disco in Germany? They were obstructed from being able to enforce judgments that they received against the terrorist-sponsored attack and the attack that was sponsored by Libya.

In addition, a group of American prisoners tortured in Iraq during the Persian Gulf War were barred from collecting their judgment from the Iraqi government.

I do believe in conference we will have the opportunity to vet this and to work with all the parties concerned to finally bring some relief on this issue. Many Members have attempted to bring about relief in special claims for their particular individual constituents in their particular jurisdictions. Fortunately, in the opportunity we have today, by including this sense of Congress in the PATRIOT Act we will finally get both our debate and we will get action.

Mr. Chairman, I bring attention as well to the World Trade Center bombing victims who were barred from obtaining judgments against the Iraqi government. In their claim against the Iraqi Government, the victims were awarded $64 million against Iraq in connection with the September 20, 2001, attack. However, they were rebuffed in their efforts to attach the vested Iraqi assets. While the judgment rendered was sound, the Second Circuit Court of Appeals affirmed the lower court's finding that the Iraqi assets, now transferred to the U.S. Treasury, were protected by U.S. sovereign immunity and were unavailable for judicial attachment.

One major problem that frustrates the objective of my amendment is the fact that information is not publicly available regarding the amount and or kind of civil forfeitures made to date. So this amendment will allow the full discussion by a sense of Congress of what would be the right process to proceed, balancing the needs of the government, balancing the needs of the victims of terrorism, balancing the question of justice, and, yes, balancing the responsible actions under the PATRIOT Act, protecting us against terrorism but then, when we are victims of terrorism, to give us the opportunity for relief.

I would hope my colleagues would support this amendment so we can carry this forward into conference and be able to provide the kind of leadership necessary for the throngs of victims, those who have already suffered, and we hope not, but for those who may suffer in the future.

I would say that absent this public disclosure of this very substantial information; that is; about the assets, it is very difficult for compensation even to be requested. So I think that we will have an opportunity to address these concerns, balance the needs of the government in its need to protect certain information, and give relief to many Americans.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I have an amendment at the desk that has been made in order by the Committee on Rules, Jackson-Lee No. 42. This proposal relates to the civil forfeiture provision of 18 U.S.C. 981 and would add a section that would allow civil plaintiffs to attach judgments to collect compensory damages for which a terrorist organization has been adjudged liable and from the pool of assets that have been forfeited under Section 981.

My amendment seeks to allow victims of terrorism who obtain civil judgment for damages caused in connection with the acts to attach foreign or domestic assets held by the United States Government under 18 U.S.C. 981(G). Section 981(G) calls for the forfeiture of all assets, foreign or domestic, of any individual, entity, or organization that has engaged in planning or perpetrating any act of domestic or international terrorism against the United States, citizens or residents of the United States.

The legislation, H.R. 3199, as drafted, fails to deal with the current limitation on the ability to enforce civil judgments by victims and family members of victims of terrorist offenses. There are several examples of how the current Administration has sought to bar victims from satisfying judgments obtained against the government of Iran, for example.

In the Sobero case, a U.S. national, Guillermo Sobero of Riverside County, CA, was beheaded by Abu Sayyaf, an Al-Qaeda affiliate, leaving his children fatherless. The Administration responded to this incident by sending 1,000 Special Forces officers to track down the perpetrators, and the eldest child of the victim was invited to the State of the Union Address. Abu Sayyaf's funds have been seized and are held by the U.S. Treasury at this time. The family of the victim should have access to those funds, at the very least, at the President's discretion.

Similarly, the Administration barred the Iran hostages that were held from 1979–1981 from satisfying their judgment against Iran. In 2000, the party filed a suit against Iran under the terrorist State exception to the Foreign Sovereign Immunity Act. While a federal district court held Iran to be liable, the U.S. government intervened and argued that the case should be dismissed because Iran had not been designated a terrorist state at the time of the hostage incident and because of the Algiers Accords—that led to the release of the hostages, which required the U.S. to bar the adjudication of suits arising from that incident. As a result, those hostages received no compensation for their suffering.

Similarly, American servicemen who were harmed in a Libyan sponsored bombing of the La Belle disco in Germany were obstructed from obtaining justice for the terrorist acts they suffered. While victims of the attack pursued settlement of their claims against the Libyan government, the Administration lifted sanctions against Libya without requiring as a condition the determination of all claims of American victims of terrorism. As a result of this action, Libya abandoned all talks with the claimants. Furthermore, because Libya was no longer considered a state sponsor of terrorism, the American servicemen and women and their families were left without recourse to obtain justice. The La Belle victims received no compensation for their suffering.

In addition, a group of American prisoners who were tortured in Iraq during the Persian Gulf War were barred from collecting their judgment from the Iraqi government. Although the 17 veterans won their case in the District Court of the District of Columbia, the Administration argued that the Iraqi assets should remain frozen in a U.S. bank account to aid in the reconstruction of Iraq. Claiming that the judgment should be overturned, the Administration deemed that the Reconstruction effort was more important than recompensing the suffering of fighter pilots who, during their 12 year imprisonment, suffered beatings, burns, and threats of dismemberment.

Finally, the World Trade Center bombing victims were barred from obtaining judgment against the Iraqi government. In their claim against the Iraqi government, the victims were awarded $64 million against Iraq in connection with the September 2001 attacks. However, they were rebuffed in their efforts to attach the vested Iraqi assets. While the judgment rendered was sound, the Second Circuit Court of Appeals affirmed the lower court's finding that the Iraqi assets, now transferred to the U.S. Treasury, were protected by U.S. sovereign immunity and were unavailable for judicial attachment.

One major problem that frustrates the objective of my amendment is the fact that information is not publicly available regarding the amount and/or kind of civil forfeitures made to date. The Executive Branch of our Government has suggested that it has no duty to disclose either the identity of the parties who own civilly forfeited property or the amounts forfeited to date. Absent public disclosure of this very substantive information, it is very difficult for compensation to even be requested—let alone expected for victims of horrific acts of terrorism.

Right now, H.R. 3199 is the most appropriate and timely vehicle in which to address this issue and allow U.S. victims of terrorism to obtain justice from terrorist-supporting or terrorist-housing nations.

The Jackson-Lee Amendment protects terror victims' rights.

Domestic and international terrorism should not be facilitated by barring successful plaintiff-victims from enforcing valid judgments.

In closing, Mr. Chairman, let me thank the chairman of the full committee and the ranking member and the ranking member of the subcommittee for their leadership on this whole entire issue of protecting Americans against terrorism and including in that protection of their civil liberties.

This amendment will not only protect Americans against the dangers of life and limb and the loss of life, but give them relief in our courts. I ask my colleagues to support this amendment sponsored by myself and my colleague, the gentleman from Texas (Mr. POE), a sense of Congress amendment to provide relief to Americans victimized by terrorism.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE), as modified.

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE), as modified, will be postponed.

It is now in order to consider amendment No. 16 printed in House Report 109–178.

AMENDMENT NO. 16 OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. HYDE:

Add at the end the following:

SEC. ___. PROHIBITION OF NARCO-TERRORISM.

Part A of the Controlled Substance Import and Export Act (21 U.S.C. 951 et seq.) is amended by inserting after section 1010 the following:

''NARCO-TERRORISTS WHO AID AND SUPPORT TERRORISTS OR FOREIGN TERRORIST ORGANIZATIONS

''SEC. 1010A. (a) PROHIBITED ACTS.—Whoever, in a circumstance described in subsection (c), manufactures, distributes, imports, exports, or possesses with intent to distribute or manufacture a controlled substance, flunitrazepam, or listed chemical, or attempts or conspires to do so, knowing or intending that such activity, directly or indirectly, aids or provides support, resources, or anything of pecuniary value to—

''(1) a foreign terrorist organization; or

''(2) any person or group involved in the planning, preparation for, or carrying out of, a terrorist offense, shall be punished as provided under subsection (b).

''(b) PENALTIES.—Whoever violates subsection (a) shall be fined under this title, imprisoned for not less than 20 years and not more than life and shall be sentenced to a term of supervised release of not less than 5 years.

''(c) JURISDICTION.—There is jurisdiction over an offense under this section if—

''(1) the prohibited drug activity or the terrorist offense is in violation of the criminal laws of the United States;

''(2) the offense or the prohibited drug activity occurs in or affects interstate or foreign commerce;

''(3) the offense, the prohibited drug activity or the terrorist offense involves the use of the mails or a facility of interstate or foreign commerce;

''(4) the terrorist offense occurs in or affects interstate or foreign commerce or would have occurred in or affected interstate or foreign commerce had it been consummated;

''(5) an offender provides anything of pecuniary value to a foreign terrorist organization;

''(6) an offender provides anything of pecuniary value for a terrorist offense that is designed to influence the policy or affect the conduct of the United States government;

''(7) an offender provides anything of pecuniary value for a terrorist offense that occurs in part within the United States and is designed to influence the policy or affect the conduct of a foreign government;

''(8) an offender provides anything of pecuniary value for a terrorist offense that causes or is designed to cause death or serious bodily injury to a national of the United States while that national is outside the United States, or substantial damage to the property of a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions) while that property is outside of the United States;

''(9) the offense occurs in whole or in part within the United States, and an offender provides anything of pecuniary value for a terrorist offense that is designed to influence the policy or affect the conduct of a foreign government;

''(10) the offense or the prohibited drug activity occurs in whole or in part outside of the United States (including on the high seas), and a perpetrator of the offense or the prohibited drug activity is a national of the United States or a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions); or

''(11) after the conduct required for the offense occurs an offender is brought into or found in the United States, even if the conduct required for the offense occurs outside the United States.

''(d) PROOF REQUIREMENTS.—The prosecution shall not be required to prove that any defendant knew that an organization was designated as a 'foreign terrorist organization' under the Immigration and Nationality Act.

''(e) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) ANYTHING OF PECUNIARY VALUE.—The term 'anything of pecuniary value' has the meaning given the term in section 1958(b)(1) of title 18, United States Code.

''(2) TERRORIST OFFENSE.—The term 'terrorist offense' means—

''(A) an act which constitutes an offense within the scope of a treaty, as defined under section 2339C(e)(7) of title 18, United States Code, which has been implemented by the United States;

''(B) any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act.

''(3) TERRORIST ORGANIZATION.—The term 'terrorist organization' has the meaning given the term in section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)).''.

The Acting CHAIRMAN. Pursuant to House Resolution 369, the gentleman from Illinois (Mr. HYDE) and the gentleman from Virginia (Mr. SCOTT) each will control 10 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, I yield myself 4 minutes, and I am very pleased to offer an amendment to the USA PATRIOT Reauthorization Act which deals with the new reality of overlapping links between illicit narcotics and global terrorism. Evidence of this deadly and emerging symbiotic relationship is overwhelming. My amendment creates a new crime that will address and punish those who would use these illicit narcotics to promote and support terrorism.

The Committee on International Relations recently held a hearing on Afghanistan in which our well-informed Drug Enforcement Administration conservatively estimated that nearly half of the formerly designated foreign terrorist organizations have links to illicit narcotics. It has been widely reported that the Madrid train terrorist bombings were partially financed by hashish money.

In Colombia, the Revolutionary Armed Forces of Colombia and the AUC, which are two of these FTOs, thrive on the drug trade, supporting and sustaining themselves with illicit proceeds. My amendment, recognizing this new and deadly reality, makes it a Federal crime under the Controlled Substance Import and Export Act to engage in drug trafficking that directly or indirectly aids or provides support, resources, or any pecuniary value to a foreign terrorist organization or any person or group planning, preparing for, or carrying out a terrorist offense. The amendment provides very tough penalties, consistent with the serious nature of this crime.

As provided in my amendment, it will no longer be necessary for our overworked DEA and other law enforcement agencies abroad to be looking for a U.S. nexus to illicit drug shipments and drug traffickers who are engaging in this deadly trade which supports global terrorism.

Mr. Chairman, I urge adoption of my amendment which will give the tools to our law enforcement personnel in their ongoing global fight against terrorism.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. SOUDER) assumed the chair.