



**Legislative Bulletin.....June 25, 2003**

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**S. 858—Abraham Lincoln Bicentennial Commission Extension Act  
(Senator Durbin)**

**Order of Business:** The bill is scheduled to be considered on Wednesday, June 25<sup>th</sup>, under a motion to suspend the rules and pass the bill. S. 858 passed the Senate by unanimous consent on May 23, 2003.

**Summary:** S. 858 would extend the \$500,000-per-year Abraham Lincoln Bicentennial Commission (established by Public Law 106-173 in February 2000) through 2010. The Commission is currently set to expire in 2005. Under S. 858, the Commission would have to submit to Congress an *interim* report by June 24, 2004 (current law does not mandate any interim report), and a *final* report by April 30, 2010 (instead of the current deadline of four years after the original formation of the Commission).

Public Law 106-173 set the duties of the Commission as:

- “study[ing] activities that may be carried out by the Federal Government to determine whether the activities are fitting and proper to honor Abraham Lincoln on the occasion of the bicentennial anniversary of Lincoln's birth, including--
  - (A) the minting of an Abraham Lincoln bicentennial penny;

- (B) the issuance of an Abraham Lincoln bicentennial postage stamp;
- (C) the convening of a joint meeting or joint session of Congress for ceremonies and activities relating to Abraham Lincoln;
- (D) a redesignation of the Lincoln Memorial, or other activity with respect to the Memorial; and
- (E) the acquisition and preservation of artifacts associated with Abraham Lincoln.”

- and “recommend[ing] to Congress the activities that the Commission considers most fitting and proper to honor Abraham Lincoln on such occasion, and the entity or entities in the Federal Government that the Commission considers most appropriate to carry out such activities.”

S. 858 would change “redesignation” in point (D) above to “rededication” and add the following two duties to the Commission’s charter:

- “To recommend to Congress a plan to carry out the activities recommended [above;]” and
- “To carry out other related activities in support of the [above] duties carried out.”

**Additional Background:** President Abraham Lincoln was born on February 12, 1809, in Hodgenville, (Hardin County) Kentucky. For more biographical information on President Lincoln, visit this website:

<http://www.whitehouse.gov/history/presidents/al16.html>

For more information on the Commission itself, visit its homepage:

<http://www.lincolnbicentennial.gov/>

To see the roll call vote (411-2) for the original legislation (H.R. 1451—106<sup>th</sup> Congress) establishing the Commission, visit this website:

<http://clerkweb.house.gov/cgi-bin/vote.exe?year=1999&rollnumber=471>

**Committee Action:** S. 858 was marked up and favorably reported by voice vote by the Senate Judiciary Committee on May 22, 2003. On June 5, 2003, the House Committee on Government Reform marked up and favorably reported the bill by voice vote without amendment.

**Cost to Taxpayers:** The Commission has been appropriated \$500,000 annually since its establishment. CBO confirms that extending the Commission for five years through 2010 would therefore authorize about \$2.5 million in new appropriations (though the law authorizes the Commission at “such sums”).

**Does the Bill Create New Federal Programs or Rules?:** No, it extends an existing Commission for five years.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

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**H.R. 2474 — To require that funds made available for fiscal years 2003 and 2004 for the Bill Emerson and Mickey Leland Hunger Fellowships be administered through the Congressional Hunger Center (Emerson)**

**Order of Business:** The bill is scheduled to be considered on Wednesday, June 25, 2003, under a motion to suspend the rules and pass the bill.

**Summary:** The bill requires that funds made available for FY03 and FY04 for the Bill Emerson and Mickey Leland Hunger Fellowships shall be administered through the Congressional Hunger Center.

**Additional Information:** The Bill Emerson and Mickey Leland Hunger Fellowships were first authorized in the 107<sup>th</sup> Congress' farm bill (Public Law 107-171, sec. 4404) in memory of the late Representative from Missouri and the late Representative from Texas. The program was authorized to receive \$18 million though the bill did not designate for which years, and the FY03 Omnibus appropriated \$3 million to this program.

The Emerson Fellowship consists of approximately 20 participants each year selected for a 12-month program, where they receive a living allowance of \$10,000. They are also provided with health insurance, relocation stipends, and an end-of-service cash award of \$3,500. Fellows are placed for six months with urban and rural community-based organizations all over the country "involved in fighting hunger at the local level, such as food banks, community kitchens, and local advocacy agencies. They then move to Washington, DC to complete the year with six months of work at national organizations involved in the anti-hunger and poverty movement, including national advocacy organizations, think tanks, and federal agencies." Fellows do not pay for housing in the host community during the six-month field placement, and a \$2,000 housing stipend is provided by the Congressional Hunger Center to offset the cost of housing in D.C. during the policy placement segment of the program. All program-related travel expenses are covered by the program.

For a state by state list of organizations receiving fellowship students:

<http://www.hungercenter.org/national/organization/index.html#DC>

The Mickey Leland International Hunger Fellowship is a two-year initiative that begins with a one-year field placement in countries throughout South Asia, Sub-Saharan Africa, and Latin America. Field placements include national and international non-governmental organizations, private commercial organizations, and bi-lateral and multi-lateral organizations. Fellows then spend a second year assisting with policy formulation in the headquarters of the organizations where they served during their field placements. Field and policy placements are coordinated so that timely, innovative information from the field translates into appropriate policies that address root causes of hunger.

**Committee Action:** The bill was introduced on June 16, 2003 and was referred both to the House Committee on International Relations and to the House Agriculture Committee. Neither committee considered the bill.

**Cost to Taxpayers:** A CBO cost estimate is unavailable, though the bill merely designates who will administer already appropriated funds for FY03 and yet to be appropriated funds for FY04. The FY03 Omnibus appropriated \$3 million for Bill Emerson and Mickey Leland Hunger Fellowships.

**Does the Bill Create New Federal Programs or Rules?:** No.

**Constitutional Authority:** A committee report citing authority is unavailable.

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### **H.J.Res. 49 — Recognizing the important service to the Nation provided by the Foreign Agricultural Service of the Department of Agriculture on the occasion of its 50th anniversary (Goodlatte)**

**Order of Business:** The joint resolution is scheduled to be considered on Wednesday, June 25, 2003, under a motion to suspend the rules and pass the bill.

**Summary:** The joint resolution has five findings regarding the Foreign Agricultural Service of the Department of Agriculture, which was established on March 10, 1953, “to develop and expand markets for, and improve the competitive position of, United States agricultural commodities and products,” and which celebrates its 50<sup>th</sup> anniversary this year.

The joint resolution resolves that Congress:

“recognizes the Foreign Agricultural Service of the Department of Agriculture and its employees and partners for—

- cooperating with, and leading, the United States agricultural community in developing and expanding export markets for United States agricultural commodities and products;
- identifying the private partners capable of carrying out the mission of the Foreign Agricultural Service;
- identifying and expanding markets for United States agricultural commodities and products;
- introducing innovative and creative ways of expanding the markets for United States agricultural commodities and products;
- providing international food assistance to feed the hungry worldwide;
- addressing unfair barriers to United States agricultural exports;
- implementing strict procedures governing the use and evaluation of programs and funds of the Foreign Agricultural Service; and

- overseeing the efficient and effective use of Federal funds to carry out programs of the Foreign Agricultural Service.

**Additional Information:** According to the most recent information provided by USDA, the FAS employment totaled 810 people with direct appropriated funding (mandatory spending) of \$113 million and reimbursable funding of \$55 million for FY00. The program was originally created not by Congress but by administrative action in 1953, by Secretary's Memorandum No. 1320, Supplement 1. A year later, Public Law 83-690, transferred the agricultural attachés from the State Department to USDA. These memoranda were consolidated in Title 5 of the Agricultural Trade Act of 1978.

According to USDA, the Foreign Agricultural Service (FAS) opens, expands, and maintains global market opportunities through international trade, cooperation, and sustainable development activities, which secure the long-term economic vitality and global competitiveness of American agriculture. FAS monitors and assesses global food aid needs and promotes international agricultural trade policies that provide market access for U.S. agricultural commodities. FAS maintains an international field structure which includes Agricultural Counselors, Attaché and Affiliate Foreign National Offices, Agricultural Trade Offices, and a number of agricultural advisors covering several countries around the world. FAS also administers a variety of export promotion, technical, and food assistance programs in cooperation with other government agencies, the private sector, and international organizations. (<http://www.fas.usda.gov>)

**Committee Action:** The resolution was introduced on April 4, 2003 and referred to the House Committee on Agriculture, which reported it favorably by voice vote on May 8, 2003.

**Cost to Taxpayers:** CBO estimated that the resolution would have no significant cost to the federal government

**Does the Bill Create New Federal Programs or Rules?:** No.

**Constitutional Authority:** The Agriculture Committee, in report 108-155 finds authority under Article I, clause 8, section 18, that grants Congress the power to make all laws necessary and proper for carrying out the powers vested by Congress in the Constitution of the United States or in any department or officer thereof.

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## **H.R.1511— To award a congressional gold medal to Prime Minister Tony Blair (Brown-Waite)**

**Order of Business:** The bill is scheduled to be considered on Wednesday, June 25, 2003, under a motion to suspend the rules and pass the bill.

**Summary:** The bill authorizes a Congressional Gold Medal to British Prime Minister Tony Blair “in recognition of his outstanding and enduring contributions to maintaining the security of all freedom-loving nations.” The bill also authorizes the Secretary of the Treasury to strike and sell duplicates in bronze of the gold medal at a price sufficient to cover the cost of the gold medal.

H.R. 1511 has one finding which states that, “The Congress finds that Prime Minister Tony Blair of the United Kingdom has clearly demonstrated, during a very trying and historic time for our 2 countries, that he is a staunch and steadfast ally of the United States of America.”

**Additional Information:** For a complete list of the more than 150 Congressional Gold Medal recipients from 1776 until present go to:  
[http://clerkweb.house.gov/histHigh/Congressional\\_History/goldMedal.php](http://clerkweb.house.gov/histHigh/Congressional_History/goldMedal.php)

**Committee Action:** The bill was introduced on March 31, 2003 and was referred to the House Financial Services Committee. The committee did not consider the bill.

**Cost to Taxpayers:** A CBO cost estimate is unavailable, but the bill authorizes “such amounts as may be necessary” from the U.S. Mint’s Public Enterprise Fund to pay for the costs of the medals, while sales from the duplicate bronze medals will be deposited back into the Public Enterprise Fund. For previous Congressional Gold Medal legislation, CBO has estimated that it costs \$30,000 to design a Gold Medal and that each medal has \$5,500 worth of gold.

**Does the Bill Create New Federal Programs or Rules?:** No.

**Constitutional Authority:** A committee report citing authority is unavailable.

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## **H.Res. 277—Expressing support for freedom in Hong Kong (Cox)**

**Order of Business:** The resolution is scheduled for consideration on Wednesday, June 25<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Res. 277 resolves that the House:

“(1) condemns any restriction of the freedom of thought, expression, or association in Hong Kong, consistent with the United States-Hong Kong Policy Act of 1992;

“(2) recognizes that because Hong Kong exercises considerable influence in international affairs, as a developed economy, financial center, trading entrepot and shipping center, reductions in the existing freedom of the Hong Kong people would be of global significance;

“(3) urges the Hong Kong Government and the People's Republic of China to withdraw the proposed implementation of Article 23 of the Basic Law insofar as it would reduce the basic human freedoms of the people of Hong Kong;

“(4) calls upon the People's Republic of China, the National People's Congress, and any other groups appointed by the Government of the People's Republic of China to leave all revisions of Hong Kong law to a legislature elected by universal suffrage;

“(5) urges immediate elections for the Legislative Council of Hong Kong according to rules approved by the Hong Kong people through an election-law convention, referendum, or both;

“(6) calls upon the Government of the People's Republic of China to fully respect the autonomy and independence of the chief executive, the civil service, the judiciary, the police of Hong Kong, and the Independent Commission Against Corruption; and

“(7) calls upon the United States Government, other governments, the people of the United States, and the people of the world to support freedom in Hong Kong by--

(A) making clear statements against any limitations on existing human freedoms in Hong Kong; and

(B) transmitting those statements to the people and the Government of the People's Republic of China.”

**Additional Background:** According to the resolution, since Hong Kong became a Special Administrative Region (SAR) of the People's Republic of China on July 1, 1997, Hong Kong authorities have changed the system of electing representatives to the Legislative Council, added appointed members to District Councils, invited the central government to reverse Hong Kong courts, and declined to permit the entry of some American visitors and other foreign nationals whose views are opposed by the People's Republic of China. In addition, the “traditional liberties of Hong Kong's 7,000,000 people are now immediately threatened by Hong Kong's proposed ‘Article 23’ laws, which were drafted under strong pressure from the Government of the People's Republic of China, dealing with sedition, treason, and subversion against the Chinese Communist Party, and the theft of state secrets.”



**Committee Action:** The resolution was considered by the Committee on International Relations on June 17 and reported by voice vote.

**Cost to Taxpayers:** The resolution authorizes no expenditure.

**Does the Bill Create New Federal Programs or Rules?:** No.

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**H.Con.Res. 49—Expressing the sense of the Congress that the sharp escalation of anti-Semitic violence within many participating States of the Organization for Security and Cooperation in Europe (OSCE) is of profound concern and efforts should be undertaken to prevent future occurrences (Smith of New Jersey)**

**Order of Business:** The resolution is scheduled to be considered on Wednesday, June 25<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Con.Res. 49 would express a sense of Congress that:

- “officials of the executive branch and Members of Congress should raise the issue of anti-Semitism in their bilateral contacts with other countries and at multilateral fora, including meetings of the Permanent Council of the Organization for Security and Cooperation in Europe (OSCE) and the Twelfth Annual Session of the OSCE Parliamentary Assembly to be convened in July 2003;
- “participating States of the OSCE should unequivocally condemn anti-Semitism (including violence against Jews and Jewish cultural sites), racial and ethnic hatred, xenophobia, and discrimination, as well as persecution on religious grounds whenever it occurs;
- “participating States of the OSCE should ensure effective law enforcement by local and national authorities against criminal acts stemming from anti-Semitism, xenophobia, or racial or ethnic hatred, whether directed at individuals, communities, or property, including thorough investigation and prosecution of such acts;
- “participating States of the OSCE should promote the creation of educational efforts throughout the region encompassing the participating States of the OSCE to counter anti-Semitic stereotypes and attitudes among younger people, increase Holocaust awareness programs, and help identify the necessary resources to accomplish this goal;
- “legislators in all OSCE participating States should play a leading role in combating anti-Semitism and ensure that the resolution adopted at the 2002 meeting of the OSCE Parliamentary Assembly in Berlin is followed up by a series of concrete actions at the national level; and
- “the OSCE should organize a separately designated human dimension event on anti-Semitism as early as possible in 2003, consistent with the Porto Ministerial



Declaration adopted by the OSCE at the Tenth Meeting of the OSCE Ministerial Council in December 2002.”

The resolution notes that the OSCE Parliamentary Assembly at its meeting in Berlin in July 2002 unanimously adopted a resolution that called upon participating States to “ensure aggressive law enforcement by local and national authorities, including thorough investigation of anti-Semitic criminal acts, apprehension of perpetrators, initiation of appropriate criminal prosecutions and judicial proceedings.”

Further, Decision No. 6 adopted by the OSCE Ministerial Council at its tenth meeting in Porto, Portugal in December 2002 (the “Porto Ministerial Declaration”) condemned “the recent increase in anti-Semitic incidents in the OSCE area, recognizing the role that the existence of anti-Semitism has played throughout history as a major threat to freedom.” The Porto Ministerial Declaration also urged “the convening of separately designated human dimension events on issues addressed in this decision, including on the topics of anti-Semitism, discrimination and racism and xenophobia.”

**Additional Background:** The OSCE is the largest regional security organization in the world with 55 participating States from Europe, Central Asia, and North America. According to the OSCE website, the OSCE “is active in early warning, conflict prevention, crisis management and post-conflict rehabilitation. The OSCE approach to security is comprehensive and co-operative: comprehensive in dealing with a wide range of security-related issues including arms control, preventive diplomacy, confidence- and security-building measures, human rights, democratization, election monitoring and economic and environmental security; co-operative in the sense that all OSCE participating States have equal status, and decisions are based on consensus.”

The OSCE is based in Vienna, Austria, and also has offices and institutions in Copenhagen, Geneva, The Hague, Prague, and Warsaw. The OSCE has about 4,000 staff across Europe and Central Asia, many of whom work in the field to facilitate political processes, prevent or settle conflicts, and promote civil society and the rule of law.

To see a list of the 55 OSCE participating States, visit this website:

[http://www.osce.org/general/participating\\_states/](http://www.osce.org/general/participating_states/)

For more information on the OSCE and the ongoing conference on anti-Semitism, visit this website: <http://www.osce.org/>

**Committee Action:** On June 12, 2003, the International Relations Committee marked up and reported the resolution by unanimous consent.

**Cost to Taxpayers:** The resolution would not authorize any expenditure.

**Does the Bill Create New Federal Programs or Rules?:** No.

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## **H.Res. 294—Condemning the terrorism inflicted on Israel since the Aqaba Summit and expressing solidarity with the Israeli people in their fight against terrorism (*Lantos/DeLay*)**

**Order of Business:** The resolution is scheduled to be considered on Wednesday, June 25<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Res. 294 would resolve that the House:

- “condemns in the harshest terms the recent terrorist actions that victimized innocent Israelis;
- “expresses solidarity with the Israeli people as they respond to ongoing terrorist attacks;
- “expresses sympathy to the families of innocent Israelis and Palestinians who have lost their lives;
- **“commends the President of the United States for his vision of two states, Israel and Palestine, living side by side in peace and security;**
- “affirms that this vision can be fully realized only once terrorism is defeated, so that a new state may be created based on rule of law and respect for human rights;
- “recognizes and respects Israel's right to fight terrorism and acknowledges Israel's fight against terrorism as part of the global war against terrorism;
- “calls on all states to cease recognition of and political and material support for any Palestinian and other terrorist groups;
- “calls on all states immediately to establish effective mechanisms to ensure that funding from private citizens cannot be directed to terrorist groups for any purpose whatsoever, including ostensible humanitarian purposes;
- “calls on all states to provide support to the Palestinian Authority in its effort to confront and fight terror; and
- “calls on all states to assist the Palestinian people in creating the institutions of a democratic state that will respect the rule of law and live in peace with its neighbors.”

**Additional Background:** The Aqaba Summit was a meeting on June 4, 2003, in Aqaba, Jordan, among the leaders of the United States, Israel, the Palestinian Authority, and Jordan. The goal of the Summit was to forge peace and continue implementing the “Roadmap to Peace,” which involves the creation of a Palestinian state and the dismantling of Palestinian terrorist operations.

Since Yasser Arafat “renounced” violence in the Oslo Peace Accords on September 13, 1993, at least 42 American citizens, including women and children, have been murdered by Palestinian terrorists, and at least another 79 Americans have been injured. Just last week, Palestinian terrorists killed one American citizen and injured three other American citizens. For more details, go to this weblink:

<http://www.house.gov/burton/RSC/PalestinianTerrorismFacts.PDF>

To learn about the tactics that Palestinian terrorists use to kill and maim their victims, go to this weblink:

<http://www.house.gov/burton/RSC/PalestinianTerrorismTactics.PDF>

**Committee Action:** H.Res. 294 was introduced yesterday without time for committee consideration.

**Cost to Taxpayers:** The resolution would not authorize any expenditure.

**Does the Bill Create New Federal Programs or Rules?:** No.

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**H.Res. 199—Calling on the Government of the People's Republic of China immediately and unconditionally to release Dr. Yang Jianli, calling on the President of the United States to continue working on behalf of Dr. Yang Jianli for his release (*Frank*)**

**Order of Business:** The resolution is scheduled to be considered on Wednesday, June 25<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Res. 199 would resolve that the House of Representatives:

- “condemns and deplores the incommunicado detention of Dr. Yang Jianli, and calls for his immediate and unconditional release;
- “condemns and deplores the lack of due process afforded to Dr. Yang;
- “strongly urges the Government of the People's Republic of China to respond to the repeated requests by Members of the House of Representatives for information about Dr. Yang's whereabouts and condition; and
- “strongly urges the Government of the People's Republic of China to consider the implications for the broader relationship between the United States and the People's Republic of China of detaining permanent resident aliens of the United States without providing them access to legal counsel or family members.”

Additionally, H.Res. 199 would express a sense of the House that the President should:

- “make the immediate release of Dr. Yang Jianli by the Government of the People's Republic of China a top priority of United States foreign policy;
- “continue to make every effort to assist Dr. Yang Jianli and his family while discussions of his release are ongoing;
- “make it clear to the Government of the People's Republic of China that the detention of United States citizens and permanent resident aliens, and the infliction of human rights violations on these groups, is not in the interests of the Government of the People's Republic of China because it will reduce the opportunities for cooperation between the United States and the People's Republic of China on other matters; and
- “immediately send a special, high-ranking representative of the United States Government to the People's Republic of China to reiterate the deep concern of

the United States regarding the continued imprisonment of Dr. Yang Jianli and other United States citizens and permanent resident aliens whose human rights are being violated and to discuss their legal status and immediate humanitarian needs.”

**Additional Background:** Dr. Yang Jianli, an internationally renowned scholar, pro-democracy activist, and President of the Foundation for China in the 21st Century, is an alien lawfully admitted for permanent residence into the United States who has been detained “incommunicado” by the Government of the People's Republic of China since April 26, 2002.

**Committee Action:** On June 10, 2003, the Subcommittee on Asia and the Pacific marked up and forwarded the resolution to the full International Relations Committee by voice vote. On June 12, 2003, the full Committee marked up and favorably reported the resolution by unanimous consent.

**Cost to Taxpayers:** The resolution would not authorize any expenditure.

**Does the Bill Create New Federal Programs or Rules?:** No.

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## **H.R. 2417—Intelligence Authorization Act for Fiscal Year 2004 (Goss)**

**Order of Business:** The bill is scheduled to be considered on Wednesday, June 25<sup>th</sup>, subject to a modified open rule (H.Res. 295). No amendment shall be in order except the six amendments made in order (summarized below) and pro-forma amendments for the purpose of debate.

**Note:** This Legislative Bulletin addresses only the unclassified portion of the bill. The language of H.R. 2417 provides for the passage of the classified annex. The classified annex is available to the Committees on Appropriations of the House and Senate and to the President. The President shall provide for suitable distribution of appropriate portions of the annex within the executive branch.

**Summary:** H.R. 2417 would authorize **\$218.0 million** in discretionary FY2004 appropriations and **\$226.4 million** in mandatory spending for intelligence activities of the federal government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System (CIARDS). The specific schedule of authorizations for intelligence activities of the federal government (including the CIA, Defense Department, National Security Agency, FBI, etc.) is classified.

**Personnel Ceilings.** Authorizes the Director of Central Intelligence, with the approval of the Director of the Office of Management and Budget, to exceed by no more than 2% the (classified) FY2004 civilian personnel ceilings, when necessary to perform important intelligence functions and when reported to Congress.

Intelligence Community Management Account. Authorizes FY2004 appropriations of \$192.6 million (up from \$176.2 million in last year's House bill) to the Intelligence Community Management Account (CMA) to fund 320 full-time personnel (down from 350 unclassified personnel in last year's House bill) and other administrative requirements.

National Drug Intelligence Center. Of the funds authorized for the CMA, \$34.2 million (up from \$34.1 million in last year's House bill) is authorized for the National Drug Intelligence Center in Johnstown, Pennsylvania.

New Bureau of Intelligence within the Treasury Department. Establishes within the Department of the Treasury a Bureau of Intelligence and Enforcement headed by an Assistant Secretary for Intelligence and Enforcement, who shall be appointed by the President (subject to Senate confirmation). The Bureau would consist of the Office of Intelligence Support, the Office of Foreign Assets Control, the Financial Crimes Enforcement Network, and such other offices as the Assistant Secretary may establish.

CIARDS. Authorizes mandatory spending of \$226.4 million for CIARDS.

Increase in Employee Compensation. Authorizes such appropriations increases "as may be necessary" for employee salaries, pay, retirement, and other benefits.

Intelligence Restrictions. Emphasizes that this legislation should not be deemed to constitute authority for the conduct of any intelligence activity that is not otherwise authorized by the Constitution or the laws of the United States.

Report thresholds. Raises the threshold for specific identification of a construction project in the President's annual fiscal year budget request and specific authorization by Congress for such project from \$750,000 to \$5,000,000. Also raises the standard range for notification for any new construction from "\$500,000 to \$750,000" to "\$1,000,000 to \$5,000,000" and for renovations from \$500,000 to \$1,000,000. These thresholds have not been updated in eight years.

Emergency Construction Authority. Gives the Director of Central Intelligence and the Secretary of Defense the authority to proceed immediately with the construction of projects normally subject to a seven-day waiting period (which itself is changed by this bill from the current-law 21-day waiting period), if an emergency relating to the national security or to the protection of health, safety, or environmental quality exists and if delay would irreparably harm any or all of those interests.

CIA Inspection Process. Requires the Director of Central Intelligence to establish and implement an inspection process for all agencies and departments of the United States that handle classified information relating to the national security of the United States, to assure that those agencies and departments maintain effective operational security practices and programs directed against counterintelligence activities.

FBI Counterintelligence Office. Directs the Attorney General, acting through the Director of the Federal Bureau of Investigation, to establish an Office of

Counterintelligence within the FBI to investigate potential espionage activities within the FBI.

*Annual Review of Classified Information Dissemination Lists.* Instructs the Director of Central Intelligence to establish and implement a process for all elements of the intelligence community to annually review individuals included on distribution lists for access to classified information, so that only individuals who have a particularized “need to know” are kept on such distribution lists. Such individuals on the lists would be required to submit financial disclosure forms.

*Authority for Aliens to Ship Explosives.* Allows qualified aliens to ship, transport, receive, and possess any explosive in or affecting interstate or foreign commerce. A qualified alien is an alien who is lawfully present in the United States in cooperation with the Director of Central Intelligence or who is a member of a NATO or other friendly foreign military force who is present in the United States under military orders for training or other military purpose authorized by the United States.

*Federal Prison Industries.* Requires the Director of Central Intelligence to ensure that the CIA does not purchase a Federal Prison Industries (FPI) product or service unless a CIA contracting officer determines that the product or service is comparable to products or services available from the private sector that best meet the CIA’s needs in terms of price, quality, and time of delivery. If not, then the Director would have to use competitive procedures for the procurement of the product or service or make an individual purchase under a multiple award contract. A contractor or potential contractor could not be required to subcontract to FPI. The Director would be prohibited from contracting with FPI if inmates would have access to classified or other sensitive data.

*Information Sharing.* Authorizes a new pilot program in which the CIA and the Department of Homeland Security would conduct projects in several cities to encourage officials of state and local governments, as well as representatives of industries that comprise the critical infrastructure in those cities, to lawfully collect and pass on to the appropriate federal officials information vital for the prevention of terrorist attacks against the United States. A separate pilot program would be authorized regarding the use of tear-line intelligence reports (i.e. reports in which information relating to intelligence sources and methods is easily severable from the reports to protect such sources and methods from disclosure).

*Local Training Program.* Authorizes the Director of Central Intelligence to establish a comprehensive training program for qualified state and local officials on accessing and using available resources of the intelligence community.

*Lessons Learned from Iraq.* Within a year of enactment, the Director of Central Intelligence would be required to submit to Congress a report on the intelligence lessons learned as a result of Operation Iraqi Freedom.

*Tort Liability Limitation.* Relieves CIA and National Security Agency personnel from tort liability who, while acting within the scope of their office or employment, take “reasonable” action, which may include the use of force, to:

- protect an individual in the presence of the CIA personnel from a crime of violence;
- provide immediate assistance to an individual who has suffered or who is threatened with bodily harm; or
- prevent the escape of any individual whom the CIA personnel reasonably believe to have committed a crime of violence in the presence of such personnel.

*Colombian Counterterrorism.* Authorizes funds designated for intelligence or intelligence-related purposes for assistance to the Government of Colombia for counter-drug activities for fiscal years 2004 and 2005 (and any unobligated funds from a prior fiscal year) to be available for supporting a unified campaign against narcotics trafficking and against activities by organizations designated as terrorist organizations (such as the Revolutionary Armed Forces of Colombia, the National Liberation Army, and the United Self-Defense Forces of Colombia). American personnel would be prohibited from participating in such activities, subject to certain limited exceptions.

**Amendments Made in Order under the Rule (H. Res. 295):**

**1. Cox #10:** Strikes Section 336 of the bill (regarding the information-sharing pilot programs and the local training program).

**2. Farr #9:** Establishes a new grant program to improve the foreign language training of the intelligence community by providing: (1) training in the application of standardized foreign language skill assessment mechanisms; (2) development of curriculum for advanced proficiency intelligence community foreign language speakers and interpreters; (3) non-degree training for translators and interpreters; (4) training for intelligence community foreign language teachers in the use of technology geared for teaching advanced "critical languages;" (5) intensive on-site foreign language training.

**3. Harman #2:** Amends section (g)(1) of Section 343 of Public Law 107-306 (last year’s Intelligence authorization bill) by requiring the Director of Central Intelligence to report on whether further consolidation or elimination of watch-list databases in federal departments and agencies would contribute to the efficacy and effectiveness of the Terrorist Identification Classification System in identifying known or suspected terrorists. If so, the amendment would also require the Director of Central Intelligence to report on steps required to consolidate or eliminate such watch-lists. Additionally, the amendment establishes an advisory council to advise the CIA Director on issues of civil liberties and privacy as they relate to the Terrorist Identification Classification System.

**4. Hastings (FL) #1:** Directs the Director of Central Intelligence to establish a three-year pilot project to improve recruitment and retention of ethnic and cultural minorities and women to increase the diversity of skills, language, and expertise required by the current mission. By February 15, 2004, the CIA Director would have to submit to



Congress and begin implementing a “Diversity Strategic Plan” throughout the intelligence community.

**5. Kucinich #8:** Directs the CIA Inspector General to conduct an audit of all telephone and electronic communications between the CIA and the Office of the Vice President that relate to weapons of mass destruction obtained or developed by Iraq preceding Operation Iraqi Freedom on or after September 11, 2001. Within one year of enactment, the Inspector General would have to submit a report to Congress on the audit conducted.

**6. Lee #7:** Requires the Comptroller General of the United States to conduct a study to determine the extent and sufficiency of intelligence-sharing by the Department of Defense and the intelligence community with United Nations inspectors searching for weapons of mass destruction in Iraq prior to Operation Iraqi Freedom. The Comptroller would have to report the findings to Congress within one year of enactment of this bill.

**Committee Action:** On June 12, 2003, in open session, the Permanent Select Committee on Intelligence, by a recorded vote of 16-0, approved H.R. 2417, as amended. On June 18, 2003, the Permanent Select Committee on Intelligence reported the amended bill to the full House.

**Cost to Taxpayers:** CBO estimates that the unclassified portion of the base text for H.R. 2417 would authorize **\$218.0 million** in discretionary FY2004 appropriations (\$327 million over the FY2004-2008 period). No cost estimate is available for the classified annex to the bill.

This bill would also authorize **\$226.4 million** in mandatory spending for CIARDS to cover retirement costs attributable to military service and various unfunded liabilities. This amount is the amount assumed in the CBO baseline and thus does not score as an increase in mandatory spending. CBO estimates that the rest of the bill would have an insignificant effect on mandatory spending and receipts.

**Does the Bill Create New Federal Programs or Rules?:** As detailed above, the bill would create new offices, new programs, and several new authorities for existing intelligence agencies.

**Constitutional Authority:** The House Permanent Select Committee on Intelligence (in House Report 108-163) cites constitutional authority in the following clauses of Article 1, Section 8: Clause 1 (“provide for the common Defence and general Welfare of the United States”); Clause 12 (“to raise and support Armies”); Clause 13 (“to provide and maintain a Navy”); and Clause 18 (“to make all Laws which shall be necessary and proper...”).

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