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House of Representatives

LIEUTENANT GENERAL JAMES V. EDMUNDSON POST OFFICE BUILDING

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4847) to designate the facility of the United States Postal Service located at 560 Bay Isles Road in Longboat Key, Florida, as the ''Lieutenant General James V. Edmundson Post Office Building''.

The Clerk read as follows:

H.R. 4847

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

SECTION 1. LIEUTENANT GENERAL JAMES V. EDMUNDSON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 560 Bay Isles Road in Longboat Key, Florida, shall be known and designated as the ''Lieutenant General James V. Edmundson Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Lieutenant General James V. Edmundson Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4847, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4847, a bill that designates the facility of the U.S. Postal Service located at 560 Bay Isles Road, in Longboat Key, Florida, as the Lieutenant General James V. Edmundson Post Office Building.

□ 1730

All Members of the Florida congressional delegation have cosponsored this legislation, and I am pleased to join with them today in urging the passage of this bill.

Lieutenant General James Valentine Edmundson was an American hero and veteran of World War II, the Korean War, and the Vietnam War. General Edmundson flew more than 10,000 hours, including 107 combat missions during World War II. In 1973, after 35 years of highly distinguished service in the United States Air Force, General Edmundson retired as Deputy Commander in Chief of the U.S. Readiness Command at MacDill Air Force Base, Florida. General Edmundson's incredible list of distinctions includes the Army Distinguished Service Medal, the Air Force Distinguished Service Medal, the Silver Star, the Legion of Merit, the Distinguished Flying Cross, the Bronze Star, and the Purple Heart.

Mr. Speaker, I strongly support H.R. 4847, a bill that honors the valor and achievements of Lieutenant General James Valentine Edmundson. I thank the gentlewoman from Florida (Ms. HARRIS) for her work on H.R. 4847.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join in consideration and urge strong support for H.R. 4847, to designate the facility of the United States Postal Service located at 560 Bay Isles Road in Longboat Key, Florida, as the Lieutenant General James V. Edmundson Post Office Building.

Lieutenant Edmundson was an outstanding pilot during the early days of the Army Air Corps and helped lay the groundwork for the United States Air Force to become the entity that it is today. It is fitting and proper that we would name a postal facility in his honor. I urge the passage of the bill.

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

Mr. DUNCAN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. HARRIS).

(Ms. HARRIS asked and was given permission to revise and extend her remarks.)

Ms. HARRIS. Mr. Speaker, I rise in support of legislation that honors a true American hero. Lieutenant General James V. Edmundson served in the United States Army Air Corps and the United States Air Force for nearly 4 decades. During his career of selflessness and service, he flew a total of 181 combat air missions; 107 of these missions occurred during World War II, 32 transpired during the Korean War, and 42 took place in Vietnam.

Surviving Pearl Harbor, General Edmundson fought in the pivotal Pacific theater battles of Midway and Guadalcanal. During his distinguished career, he earned seven Distinguished Flying Crosses, eight air medals, three Legions of Merit, the Silver Star, and the Bronze Star. In his own words, however, the highlight of his career was ''flying as lead pilot in the formation of 500 B–29s over Tokyo Bay as the Japanese signed the surrender.''

General Edmundson retired from the Air Force in 1973, but his contributions to his community and to his Nation never ceased. Settling in southwest Florida in the town of Longboat Key, he served as mayor, vice mayor and town commissioner. Moreover, General Edmundson remained active in several community organizations, most notably the Kiwanis Club, which elected to him to its board of directors.

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Sadly, General James V. Edmundson passed away on June 19, 2001, at the age of 86. He embodied the adage: ''It is not how they died that made them heroes, but how they lived.''

Mr. Speaker, in honor of this profile of courage and the values he cherished, I urge my colleagues to support H.R. 4847, which redesignates the U.S. postal facility located at 560 Bay Isles Road in Longboat Key, Florida, as the Lieutenant General James V. Edmundson Post Office Building.

Mr. DUNCAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the bill, H.R. 4847.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

BILL MONROE POST OFFICE

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4968) to designate the facility of the United States Postal Service located at 25 McHenry Street in Rosine, Kentucky, as the ''Bill Monroe Post Office''.

The Clerk read as follows:

H.R. 4968

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

SECTION 1. BILL MONROE POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 25 McHenry Street in Rosine, Kentucky, shall be known and designated as the ''Bill Monroe Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Bill Monroe Post Office.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, most Americans know that the heart of bluegrass music country is accordingly located in the Bluegrass State of Kentucky. This bill, H.R. 4968, names this Rosine, Kentucky, post office after the father of bluegrass music, Bill Monroe. Bill Monroe is credited with almost singlehandedly creating the musical art form of bluegrass. In 1939, Mr. Monroe started a band called the Bluegrass Boys, which became one of the most popular musical groups in the Nation during that era. The highly decorated Monroe was ultimately inducted into the Country Music Hall of Fame, and he remains a musical legend to this day.

Mr. Speaker, I thank the gentleman from Kentucky (Mr. LEWIS) for sponsoring this honor for Bill Monroe. I support this bill.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to urge support for H.R. 4968, to designate the facility of the United States Postal Service located at 25 McHenry Street in Rosine, Kentucky, as the Bill Monroe Post Office. As we have already heard, Mr. Monroe was an outstanding musician and is known as the father of bluegrass. His music can be heard all over the world. I must confess that I am indeed a fan. I think it is proper that we name a postal facility in his honor.

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

Mr. DUNCAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky (Mr. LEWIS), the sponsor of this legislation.

Mr. LEWIS of Kentucky. I thank the gentleman from Tennessee for allowing me this time.

Mr. Speaker, I would also like to thank the gentleman from Virginia (Mr. TOM DAVIS) for allowing the swift consideration of a bill to honor a proud part of Kentucky's heritage, the founder of bluegrass music, Bill Monroe. This is but a small tribute to the legacy of Mr. Monroe. I along with my Kentucky colleagues in this Chamber am proud to name a post office in the community of Rosine, Kentucky, for him.

The history of bluegrass music begins with Bill Monroe. His influence can be seen extensively in contemporary bluegrass, inspiring new generations of musicians and fans to appreciate his unique style. Today his musical art form is preserved through events like the annual Bluegrass Jamboree in Ohio County that show the fine tradition that makes bluegrass music synonymous with Kentucky.

Mr. DUNCAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the bill, H.R. 4968.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

LIEUTENANT JOHN F. FINN POST OFFICE

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5053) to designate the facility of the United States Postal Service located at 1475 Western Avenue, Suite 45, in Albany, New York, as the ''Lieutenant John F. Finn Post Office''.

The Clerk read as follows:

H.R. 5053

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

SECTION 1. LIEUTENANT JOHN F. FINN POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1475 Western Avenue, Suite 45, in Albany, New York, shall be known and designated as the ''Lieutenant John F. Finn Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Lieutenant John F. Finn Post Office.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Lieutenant John F. Finn, a 12-year veteran of the Albany Police Department, was shot three times while chasing a robbery suspect on December 23, 2003. Lieutenant Finn was immediately admitted to Albany Medical Center, and he remained in critical condition for 7 weeks. He sadly succumbed to his wounds on February 12 of this year, as I said, approximately 7 weeks later. H.R. 5053 remembers the life and service of Lieutenant Finn.

Mr. Speaker, according to the National Law Enforcement Officers Memorial Fund, an average of 163 law enforcement officers have been killed annually in the line of duty over the last 10 years. Our Nation's police officers make themselves vulnerable every day in working to maintain the peace in American communities. We mourn with the citizens of Albany on this occasion and the House intends for this post office designation to serve as a lasting tribute to Lieutenant John F. Finn's patriotism, courage, sacrifice, and service to this Nation.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join in support of H.R. 5053, to designate the facility of the United States Postal Service located at 1475 Western Avenue, Suite 45, in Albany, New York, as the Lieutenant John F. Finn Post Office.

As we have just heard, Lieutenant John Finn lost his life protecting, serving, and looking after the well-being of others. If ever there are individuals that should be remembered by our society, it is those who give of themselves and lose their lives for the benefit of others. It is appropriate that we name a postal facility in honor of Lieutenant Finn. I would urge the passage of this legislation.

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

Mr. DUNCAN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. I thank the gentleman for yielding me this time.

Mr. Speaker, I am honored to be here today in support of this legislation, in support of the effort here to honor one of the really great citizens of this Nation and certainly of our area. When my friend and colleague from New York (Mr. MCNULTY) asked me to cosponsor this bill and to come and speak on it, I was truly touched and honored by the opportunity. This is probably one of the more important things that I will do in my tenure here, because, Mr. Speaker, Lieutenant John Finn, while not from my district, from a district adjacent to my district, certainly touched, saved, and protected the lives of many of my constituents; and his passing was a deep, deep tragedy felt by all of the people of my district and I think indeed all of the people of this Nation. That is why this is such an appropriate response by this body, and I am proud to be part of it.

John Finn was a model citizen, a loving father, a doting husband, and a wonderful human being. He was, frankly, the person we would want all our children to be. He was the kind of person we would want to recognize as a great American.

I remember in the area, we had a memorial service shortly after his passing and his family, his wife, Maura McNulty-Finn, handled that process and the loss of John Finn in the community with such grace and such dignity and really won the respect of the entire community, and his daughters, Clara and Molly, two beautiful little girls, really touched the heartstrings of all of the people who recognized the loss that they were realizing and will realize for the rest of their lives.

John Finn was an officer of the law who took his job incredibly seriously, winning numerous awards for saving lives and constantly upholding his duties to those he swore to protect. Unfortunately, Lieutenant Finn, like far too many of our Nation's police officers, was killed in the line of duty. He was cut down in the prime of his life while doing his job, a job he did far better than most. He was killed because he made a choice on the night of December 23, yes, December 23, 2 days before Christmas of last year. Instead of backing down and living to fight another day, he chose to face danger head-on when he walked into that convenience store and into a hail of bullets. On that night, trying to stop a robbery, he joined the company of untold American heroes who gave the ultimate sacrifice so others may be saved. Lieutenant Finn died protecting others and upholding a code he chose to live by. He chose to live his life to the end with honor and bravery, and that is something our constituents and our government will never be able to repay.

We can, however, show our appreciation and honor his memory by naming the Lieutenant John F. Finn Post Office Building. We owe it to his family and his loved ones. Indeed, Mr. Speaker, we owe it to ourselves.

Mr. Speaker, when I attended Lieutenant Finn's funeral service, I was moved by the thousands from the area and from other States who filled an arena in Albany to pay their last respects to such a fine man. Today we are giving something back. I am really privileged to be part of it.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

I certainly agreed with everything that our colleague, the gentleman from New York (Mr. SWEENEY), just said. I commend the gentleman from New York (Mr. MCNULTY) and the gentleman from New York (Mr. SWEENEY) for this bill.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. MCNULTY).

Mr. MCNULTY. Mr. Speaker, I thank the gentleman for yielding me this time to comment on my bill, H.R. 5053, which designates the United States Post Office at 1475 Western Avenue in Albany, New York as the ''Lieutenant John F. Finn Post Office.''

Mr. Speaker, John Francis Finn was born in Port Jefferson on Long Island. He was the son of Bill and Mary Finn, and he was a great brother to Bill, Michael, Mary and Rose. He graduated from Smithtown High School, also on Long Island, and the University at Albany.

He joined the Albany Police Department on January 31, 1991. He had a 13-year career with the Albany Police Department with many diverse assignments. He completed them all with exemplary commitment, dedication, and compassion. He was named a detective in the juvenile unit in 1993, promoted to sergeant in 1996, and promoted to lieutenant in the year 2001.

Mr. Speaker, on December 23, 2003, Lt. Finn responded to an armed robbery at a convenience store. Although he was wearing a protective vest, the suspect, armed with a semiautomatic weapon, struck Lt. Finn three times in the lower abdomen and leg.

Over the next few weeks, John underwent numerous surgeries and received exceptional care at the Albany Medical Center. He passed away 51 days later, on February 12th of this year, becoming the ninth member of the Albany Police Department to be killed in the line of duty.

Mr. Speaker, over 5,000 officers and mourners from around the northeastern United States attended the memorial service in February at the Pepsi Arena in Albany. The service recalled John's distinguished career and life of service and sacrifice. He had received two lifesaving awards from the Albany Police Department. The Kiwanis Club named him Officer of the Year in the year 2000, and the Albany County Youth Recognition Awards have been renamed in honor of Lt. Finn.

Governor Pataki named Lt. Finn Police Officer of the Year in 2003 and presented that award to Lt. Finn's wife, Maura McNulty-Finn, and to his two daughters, Clara and Molly.

Maura was the love of his life, and Clara and Molly were his pride and joy. He brought his daughters to work with him when he volunteered, as he frequently did. He was also instrumental in creating the Children and Family Services Unit in the Albany Police Department.

Mr. Speaker, at John's memorial service, I quoted scripture in saying, ''No greater love can one man have than that he lay down his life for his friends.'' That is what John Finn did.

At this particular time, when we have many service personnel serving overseas, we are mindful of their sacrifice. We remember their service on a daily basis, as well we should. We should always remember that had it not been for all the men and women who wore the uniform of the United States military, the rest of us would not have the privilege of going around bragging, as I often do, about how we live in the freest and most open democracy on the Earth. Freedom is not free. We paid a tremendous price for it.

But while we do that, I think we sometimes neglect to remember the sacrifices made by the folks who are protecting the homeland security and who go out and take chances every single day, just like John Finn did last December 23 when he gave his life for his friends.

So I am honored to be here today, Mr. Speaker, to recall John's life of service and sacrifice, to pay this small tribute to him, and to do what I know he would really like, and that is to thank all of the other police officers all across the Nation who take these kinds of chances every single day.

Mr. BISHOP of New York. Mr. Speaker, I rise today to honor Lieutenant John F. Finn of the Albany, NY, Police Department. Originally from Port Jefferson, NY, within my congressional district, Lieutenant Finn passed away on February 12 of this year from gunshot wounds received while attempting to apprehend a robbery suspect.

John Finn was a lifelong resident of New York, and after attending Smithtown High

School West on Long Island he pursued an undergraduate degree at SUNY Albany. Following school, Finn began a career in law enforcement marked by innovation and success. A 13-year veteran of the Albany force, John Finn served admirably throughout his career and during that tenure received two lifesaving awards from his department and the 2000 Officer of the Year from the Kiwanis Club. On July 26th, 2004, New York State officially recognized the contributions of Lieutenant Finn by posthumously awarding him the Governor's Police Officer of the Year Award for 2003.

Lieutenant Finn was a model policeman and family man, dedicating his life to protecting others. Finn's commitment to the well being of others remains visible in the good works of the Children and Family Services Unit of the Albany Police Department, which Finn helped create. Lieutenant Finn's surviving family includes his wife Maura McNulty-Finn and daughters Clara and Molly.

During his final days, Lieutenant Finn continued to exemplify bravery and fortitude by fighting hard for nearly 2 months after taking three bullets from a semiautomatic weapon. Thankfully, Finn's murderer now resides behind bars, and in a testament to Lieutenant Finn's affect on the community, nearly 5,000 people attended a public service in his honor.

Mr. Speaker, I wish to extend my deepest condolences to John Finn's family and friends and I am happy to help memorialize this brave man by designating a Federal building in his honor. I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the bill, H.R. 5053.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1745

CONGRESSMAN JACK FIELDS POST OFFICE

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4232) to redesignate the facility of the United States Postal Service located at 4025 Feather Lakes Way in Kingwood, Texas, as the ''Congressman Jack Fields Post Office''.

The Clerk read as follows:

H.R. 4232

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

SECTION 1. CONGRESSMAN JACK FIELDS POST OFFICE.

(a) REDESIGNATION.—The facility of the United States Postal Service located at 4025 Feather Lakes Way in Kingwood, Texas, and known as the Kingwood Post Office, is hereby redesignated as the ''Congressman Jack Fields Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Congressman Jack Fields Post Office.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4232 honors a very distinguished former Member of this body, Congressman Jack Fields of Texas, with whom I had the privilege of serving. Congressman Fields, who made a living as a businessman and attorney, was elected as a Republican Member of the 97th and to the seven succeeding Congresses. He served in the House from 1981 until 1987.

Many of us had a chance to work alongside Congressman Fields, and we could not be happier about this post office designation in his honor. He was a very devoted Representative of the people of Texas and the Nation as a whole. He was a leading member of the House Committee on Energy and Commerce and contributed to this body and to this country in ways too numerous to mention at this time.

I commend the gentleman from Texas (Mr. BRADY) for honoring Congressman Jack Fields in this legislation. I urge passage of this bill.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join in consideration of H.R. 4232, to redesignate the facility of the United States Postal Service located at 4025 Feather Lakes Way in Kingwood, Texas, as the ''Congressman Jack Fields Post Office.''

Congressman Fields represented himself extremely well as a Member of this body, has an outstanding record of service not only to the people of his community but to the people of the Nation. It is appropriate that we would name a postal facility in his honor.

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

Mr. DUNCAN. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Texas (Mr. BRADY), the sponsor of this legislation.

Mr. BRADY of Texas. Mr. Speaker, it is a wonderful honor to join with my Republican and Democrat friends, the Texas delegation of this Chamber, to honor our former colleague Congressman Jack Fields, by renaming the post office in Kingwood, Texas, where he and his family live, as the ''Congressman Jack Fields Post Office.''

He represented the 8th District of Texas from 1981 to 1997, 16 years. He retired really at the pinnacle of his career for a very powerful reason, to spend more time with his family, his wonderful wife, Lynn, and children, daughters Jordan and Lexi and stepson Josh Hughes. Jack left as chairman of the House Committee on Commerce's Telecommunications and Finance Subcommittee, a very important post, and as vice chairman of the Committee's Commerce, Trade and Hazardous Materials Subcommittee.

For those who know him, Jack was born in Humble, Texas, on February 3, 1952. His family had lived and has lived on the same plot of land since the 1860s. His family is remarkable. Those who know his dad and for all the contributions, the special place he played in the Humble community; his mom, who was beloved by all; his brother Jess, a distinguished community leader; his wife, Lynn, a top educator/school board member for many years. His whole family is just remarkable. So there is no exception; Jack was, as well.

Jack earned his Bachelor's degree from Baylor in Waco, Texas, in 1974. While attending Baylor, Jack served an unprecedented two terms as school body president and was twice named Outstanding Baylor Man. In 1977, Jack earned his law degree from Baylor Law School and for 9 years has served as a Baylor University trustee. As one would imagine, he is a little partial to the Baylor Bears.

Jack served as a member of the Telecommunications and Finance Subcommittee from 1985 until his retirement. During his years of service he had maintained jurisdiction over international and interstate telecommunications. It oversaw the Federal Communications Commission, as well as the telephone, cellular, cable and broadcast industries, among others. It also worked on issues at the Security and Exchange Commission, as well as activities of investment bankers, stock brokers, investment advisers, stock exchanges, and the mutual fund industry.

As subcommittee chairman in 1995, Jack Fields led the effort in the House to enact the first comprehensive reform of the Communications Act of 1934 in more than 6 decades, the measure promoting greater competition in all telecommunications-related industries. Congress passed the legislation, and President Clinton signed it into law in February of 1996.

As subcommittee chairman, Jack's efforts led to passage of the National Securities Markets Improvement Act of 1996, which protects investors while also promoting greater efficiency and capital formation in the financial markets. Jack also played a critical role in passing the Securities Litigation Reform Act that reforms the Federal civil

justice system regarding private securities litigation.

He has been nothing close to retired since he left Congress. He has set up his own firm, has stayed involved in his ranching and timber interests. He opened the 21st Century Group, a Washington-based governmental affairs firm. He sits on the board of directors of AIM Mutual funds, the eighth largest mutual fund company in the United States; and Administaff, a premier professional employer organization with clients nationwide, based in Kingwood.

In addition, he sits on the board of the Discovery Channel Global Education Fund, a nonprofit organization dedicated to providing education resources to people in need throughout the world through the use of technology.

Let me close with this: Jack Fields served for 16 years with distinction and integrity, with firm, conservative principles. He was a champion for veterans, a champion for small business, a champion for the second amendment and for family values, which he lived each day of his life. He reached across the aisle to work with Members and became close friends with former Congressman Mickey Leland. They worked together on issues related to poverty and hunger throughout the world.

I am so proud to serve in the seat that Jack Fields held for 16 years. The citizens of Humble and Kingwood in the Eighth Congressional District join me in honoring Jack Fields in naming the post office in Kingwood after him so that future generations within our community will know Jack Fields's service to Texas, service to Humble, Kingwood, and service to our great Nation. I am proud to be part of this effort.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. PAYNE).

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

Mr. PAYNE. Mr. Speaker, I am pleased to rise in support of this resolution to name the post office in Kingwood, Texas, after our former colleague, a man I am proud to call a friend, Jack Fields. He is certainly deserving of this honor.

As a Member of the House of Representatives, Jack embodied the finest qualities of public service. He was diligent and hard working on behalf of his constituents. But he also distinguished himself through the courtesy with which he treated colleagues of both parties. He reached across the aisle to form friendships with our late colleague, who served with me in the Congressional Black Caucus, Mickey Leland of Houston, Texas. In an era where there was too little emphasis on civility, Jack never lost the sense of decorum or his ability to respect the opinion of others.

While Jack is best known for his leadership in enacting key legislation in telecommunications as chairman of the Telecommunications and Finance Subcommittee, he has also used his expertise to advocate for the continent of Africa. During his tenure, I had the pleasure of traveling to South Africa with Jack on a trip organized by the newly formed, at that time, Discovery Channel Global Education Fund. We have served together as board members of the fund, which provides schools and community centers in underserved areas with televisions, VCRs, satellite technology, teacher training, and the ongoing delivery of relevant video programming. The organization, which reaches over 130,000 children and their communities throughout South Africa, Tanzania, Uganda, Zimbabwe, Mexico, and Peru, is expanding now into Romania, Angola, India, Namibia, and Afghanistan.

Jack's work on telecommunications issues in Congress sparked an interest in his using the latest technology to improve education in rural villages through distance learning and other innovations. After Congressman Mickey Leland's untimely death, Jack honored him by introducing legislation in his name to improve the quality of life for children in Africa by improving access to worldwide educational resources through satellite technology.

Mr. Speaker, it is a pleasure to support this bill, and I know my colleagues will join me in congratulating our former colleague and a terrific human being, Jack Fields, on achieving this great distinction.

Mr. DUNCAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. CARTER).

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

Mr. CARTER. Mr. Speaker, I thank the gentleman for yielding me this time to pay tribute to Jack Fields today.

While Jack and I never served together in this distinguished body, I am well aware of the distinguished career that he had here in Congress for 16 years and the contributions he made to our great State of Texas. Whether he was playing a major role in passing the landmark Communications Act of 1996 or his reputation for excellent constituent service to the people back home that took care of him and he took care of constantly, Jack set the pace and standard for each of us who have followed him to Congress.

Jack was the epitome of a Congressman who worked in a bipartisan manner, except when he was playing third base for the GOP in the annual congressional baseball game or was the ''short but slow'' power forward in the congressional basketball game.

I thank Jack for his service to Texas and to the United States Congress. This recognition today is well deserved.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. MCNULTY).

Mr. MCNULTY. Mr. Speaker, I thank the gentleman for yielding me this time.

I also join in support of this tribute to Jack Fields, with whom I did serve. He is certainly very deserving of this tribute.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Florida (Mr. BOYD).

Mr. BOYD. Mr. Speaker, I thank my friend from Illinois (Mr. DAVIS) for yielding me time.

I will not take long. I think many Members have been here talking about Jack Fields and folks that served with him. I, like the gentleman from Texas (Mr. BRADY), did not have the opportunity to serve with him, but I have gotten to know him quite well.

I first heard about him when I was in the State legislature working in Florida and we were doing a rewrite of the telecommunications law. We knew that Jack Fields was the subcommittee chairman and would ultimately take some of what we did and use it as a model. At least we hoped he would.

After I got here and got to know Jack Fields, then I began to understand what people were saying about him and what you heard here today about what a broad-reaching gentleman he was, not only in terms of the legislation that he worked on but also in his friends on both sides of the aisle.

He just always has done a great job. He has been involved in so many different kinds of legislation, telecommunications, environmental policy, national security improvements and many, many other issues in his 16-year career.

I am glad to come today and support this legislation which will honor Jack Fields.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Speaker, I thank my friend from Illinois for yielding me time.

Mr. Speaker, I rise today in strong support of H.R. 4232, to redesignate the facility of the United States Postal Service located at 4025 Feather Lakes Way in Kingwood, Texas, as the ''Congressman Jack Fields Post Office.'' I urge my colleagues to join me in honoring Jack Field's accomplishments and life of dedicated public service.

In 1981, Jack was elected to the U.S. House of Representatives by the voters of Texas Eighth Congressional District. During his 16 years as a Member of the House, Jack distinguished himself as a statesman and a leader, earning an impressive legislative record.

As chairman of the House Committee on Commerce Subcommittee on Telecommunications, Jack led the effort in the House to enact the first comprehensive reform of the Communications Act of 1934, legislation that was designed to promote competition in all telecommunications-related industries

and create an environment in which new telecommunications technologies could flourish.

This act, known as the Telecommunications Act of 1996, was signed into law by President Clinton. It is widely acknowledged that this legislation encouraged the extraordinary innovation and growth in telecommunications and Internet service.

While serving as the ranking member on the Committee on Merchant Marine and Fisheries, Jack was instrumental in overhauling our Nation's oil spill liability laws in the wake of the Exxon Valdez accident in Alaska. He also advocated for the protection of endangered species and wetlands; fisheries and wildlife refuges; promotion of American ports and Merchant Marine and the safety of the cruise ship industry.

Following his retirement from Congress in 1997, Jack opened two companies, Twenty-First Century Group, Inc., a Washington, D.C., based governmental affairs and strategic planning company, and Texana Global, Inc., an international trade corporation headquartered in his hometown of Humble, Texas. Jack also continues to serve as vice president of Rosewood Memorial Park and Funeral Home, which his family has owned and operated since the 1930s.

Mr. Speaker, once again I would like to congratulate Jack on the contributions he has made and strongly encourage my colleagues to support this legislation in recognition of his significant contributions to this country.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. NAPOLITANO).

Mrs. NAPOLITANO. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, as you have heard, there have been very many accolades directed at Jack Fields, former Member of Congress. I would like to repeat them all, but time is short.

I have got to say that I have met the gentleman. I have heard of his accomplishments. I have been able to work with his staff. And I can tell you that he really, truly is a dedicated public servant. I am very happy to lend my support, and I trust that my colleagues will join us, as this was truly a person dedicated to representing his district and the people of the United States of America.

Mr. Speaker, I urge all my colleagues to support passage of the bill, H.R. 4232, that will name the Jack Fields Post Office in the City of Kingwood, Texas.

Mr. DAVIS of Illinois. Mr. Speaker, I would like to thank the gentleman from Tennessee (Mr. DUNCAN) for his indulgence, and I yield back the balance of my time.

Mr. MARKEY. Mr. Speaker, I rise in honor of a friend and former colleague, Jack Fields of Texas. Today the House has designated a post office in Jack's home state of Texas the "Congressman Jack Fields Post Office." On the House Floor this afternoon, we're naming a post office for a man who always knew how to deliver for his constituents. This is a fitting tribute to a gifted legislator who represented the 8th Congressional District of Texas in the U.S. House of Representatives from 1980 to 1996.

I was proud to serve with Jack on the Committee on Commerce from 1982 to 1996. In 1995, Jack became the Chairman of the Committee's Subcommittee on Telecommunications and Finance. As the Subcommittee's Ranking Member, I worked closely with Jack on the first comprehensive reform of the Communications Act of 1934—The Telecommunications Act of 1996—which was designed to encourage competition in all telecommunications-related industries and create an environment in which new telecommunications technologies could thrive. President Clinton signed the bill into law in February 1996.

Jack was a trusted colleague. More importantly, he was, and is, one of my best friends. He was a master legislator and a master basketball player. On the House Floor or on the basketball floor, he was always an MVP. He worked across party lines to move legislation forward that benefited the American people. He has retired from Congress, but his distinguished legacy remains.

Mr. GREEN of Texas. Mr. Speaker I rise today in support of H.R. 4232, which would designate the U.S. Postal Service located at 4025 Feather Lakes Way in Kingswood, Texas as the "Congressman Jack Fields Post Office."

Congressman Jack Fields was born in Humble, Texas. He received his bachelor of arts and his law degree from Baylor University in Waco, Texas and was admitted to the Texas bar in 1977. He served as a Member of Congress from 1981 to 1997. During his tenure in Congress he served as Chairman of the House Telecommunications Act of 1934, which was passed as the 1996 Telecommunications Act. He was also instrumental in rewriting the National Securities Market Improvement Act of 1996 and the Securities Litigation Reform Act.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am honored to be here today to pay tribute to a friend and former Colleague, Jack Fields, as I rise in strong support of this Bill. Although I only had the pleasure of serving 1 term with Congressman Fields we developed an immediate and lasting friendship that has only strengthened as time has passed. I count myself fortunate to have served that 1 term with him.

Congressman Fields blessed the 8th congressional district of Texas with 16 years of service through his constant dedication to his constituents and determination to do what was right. He was a role model both in his district, the State of Texas, and here in Congress. He worked tirelessly for his constituents and our great Nation and he was, and is, a truly great American.

I have many fond memories of the two years we worked together, but probably the one most important thing I remember about Congressman Fields was his willingness and ability to cross the aisle. Congressman Fields was a strong Republican, yet that did not prevent him from engaging and working with Democrats on a range of topics. For Congressman Fields there were many issues that were larger and more important than partisanship. Congressman Fields truly was a man of honor and dignity.

In fact, I look back at these days with a sense of nostalgia, when Democrats and Republicans would and could work together to get things done. The most important thing for Congressman Fields was to take every effort to move towards a better America. It wasn't partisanship, or special interests, his goal was to help the 8th congressional district of Texas, the State of Texas, and the United States of America. I truly believe that the 108th Congress would work much better if we had more men and women like Congressman Jack Fields. He had the ability to look beyond partisanship to the real issues that were facing our country and take them on head first.

And so I support this bill with open arms. Congressman Fields is a great friend, a loyal ally, and true gentleman. Supporting this bill is the least we can do to honor the truly excellent and distinguished career of Congressman Jack Fields.

Mr. DUNCAN. Mr. Speaker, I have no additional speakers, and I urge passage of this bill to honor our good friend and colleague, Congressman Jack Fields.

Mr. Speaker, I yield back balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the bill, H.R. 4232.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

IRMA RANGEL POST OFFICE BUILDING

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4829) to designate the facility of the United States Postal Service located at 103 East Kleberg in Kingsville, Texas, as the "Irma Rangel Post Office Building".

The Clerk read as follows:

H.R. 4829

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

SECTION 1. DESIGNATION OF IRMA RANGEL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 103 East Kleberg in Kingsville, Texas, shall be known and designated as the "Irma Rangel Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Irma Rangel Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4829.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4829 designates the post office in Kingsville, Texas, as the Irma Rangel Post Office Building. I congratulate the gentleman from Texas (Mr. HINOJOSA) for garnering the cosponsorship of each Member of the Texas delegation and for advancing the bill to the floor today.

Mr. Speaker, Irma Rangel was the first Mexican-American woman elected to the Texas State House of Representatives. She was a political institution in the State of Texas and very deserving of this honor today.

Irma Rangel sadly lost her valiant struggle against cancer on May 18, 2003. On June 2, 2003, the House unanimously agreed to a resolution that expressed sorrow following Irma Rangel's death. Today's legislation will be a more lasting tribute to Irma Rangel's groundbreaking service, and I support its passage.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join in support of H.R. 4829, to designate the facility of the United States Postal Service located at 103 East Kleberg in Kingsville, Texas, as the Irma Rangel Post Office Building.

Irma Rangel was an outstanding civic, community and political leader who became an institution in her community, and I commend the gentleman from Texas for seeking to honor her in this manner.

I would urge passage of this legislation.

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

Mr. DUNCAN. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, I had the opportunity to serve with Irma in the Texas legislature. They broke the mold with Irma Rangel. She was so knowledgeable and so caring. I sat just a few seats away from her in my freshman year. She was and is in our memories a wonderful legislator.

I was a Republican, and there were times when she could certainly put me in my place. But the fact of the matter is, she had such a great heart for people. She had such a great heart for Texas. She was a tireless worker for people who had no voice and who needed someone to stand up in the halls of Austin and fight for their beliefs.

I am proud to be a supporter of this important bill. I appreciate the gentleman from Texas (Mr. RODRIGUEZ) and the gentleman from Texas (Mr. HINOJOSA) and other members of the Texas delegation bringing this very important person to America's attention and naming this Post Office after someone who is so deserving of it. I am glad to be part of this effort.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. HINOJOSA)

Mr. HINOJOSA. Mr. Speaker, I thank the gentleman from Tennessee (Mr. DUNCAN) and my good friend, the gentleman from Illinois (Mr. DAVIS).

Mr. Speaker, I rise in support of H.R. 4829, a bill to designate the U.S. Post Office in Kingsville, Texas, as the Irma Rangel Post Office Building.

First, I want to thank the gentleman from Virginia (Chairman TOM DAVIS), the ranking member, the gentleman from California (Mr. WAXMAN), and, of course, my good friend, the gentleman from Illinois (Mr. DAVIS) for all their assistance in bringing this bill to the House floor today. I also want to thank all my colleagues in the Texas delegation for their unanimous support of this legislation.

Last year, the people of Texas lost a true Texas legend when State Representative Irma Rangel finally lost her battle with cancer. Irma Rangel was the first Mexican-American woman elected to the Texas House of Representatives, where she served the people of the great State of Texas for 26 years.

During her tenure, she devoted her efforts to increasing the educational attainment of Hispanics, empowering Texas youth with the tools they need to succeed and bring economic development to Texas.

She was proud of her legislation that ensured that all Texas high school seniors who graduated in the top 10 percent of their class will be able to attend any public university in the State of Texas. As a former teacher, she knew that the economy of Texas depends on creating a highly educated, diverse workforce.

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Irma was always ready to engage her colleagues not only on the pressing issues of the day, but also on the issues that were forgotten or ignored, but were important to average working families. She was famous for her motto, ''will it help or hurt'' and used it as a standard for judging legislation.

She was a fighter for her congressional district, and because of her relentless efforts, Texas A&M Kingsville now has a School of Pharmacy, the first such professional school in south Texas.

Irma was also a courageous example of how to live life fully, even with cancer. She survived bouts of breast and ovarian cancer before she finally succumbed to the brain cancer. When she lost all of her hair because of chemotherapy treatments, she proudly wore her bright, colorful hats on the Floor of the Texas House. She was a positive force in educating women about cancer treatment and prevention. Her fighting spirit, her courage and her passion for educational excellence will truly be missed.

It is very fitting that the U.S. Post Office in her hometown of Kingsville, Texas, should bear her name. Every Member of Congress from Texas endorsed and cosponsored this legislation.

Mr. Speaker, I urge my colleagues to support H.R. 4829.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, I rise today in strong support of H.R. 4829, the legislation to honor State Representative Irma Rangel by naming the Post Office in her name in her beloved hometown of Kingsville, Texas.

Irma Rangel had three careers over the course of her life. She was a teacher first, then a lawyer, then a State legislator. In each one of those roles, Irma was dedicated to helping the poor, improving the Hispanic community, reaching out to everyone, and fighting for justice and equality. I have had the honor not only of calling her a friend but also a colleague in the Texas House.

During my tenure in the Texas legislature, I had the privilege of working with Representative Irma Rangel. As a colleague on the Committee on Higher Education, I saw Irma consistently fight to improve the quality and accessibility of education for not only her constituents but all students. She was a driving force in securing the passage of the 10 Percent Plan, which makes the top 10 percent of students in every high school eligible for admission to any State or college university, in the wake of the devastating Hopwood case.

I would like to just mention that, during this particular case, I had filed that particular legislation, and I was very pleased to have worked directly with her. It was at that point that I got elected to the Congress, and she was able to move forward a piece of legislation that has meant tremendous advantages for both African-Americans and Latinos, in spite of the Hopwood case, and when the administration in Texas went after us on affirmative action.

Her advocacy helped create the School of Pharmacy at the Texas A&M University at Kingsville, the first professional school in south Texas, now named the Irma Rangel School of Pharmacy. We all look forward to the day when the first class of the School of Pharmacy graduates from Texas A&M, Kingsville.

For many young Hispanic women, she was also a trailblazer. She was the first Hispanic woman elected to the Texas legislature and the first woman to act as the chairman of the Mexican-American Legislative Caucus. I would also add, she was extremely responsible, along with a large number of others, but she was right there, because

she was part of the Higher Education Committee in Texas, when we recognized the disparities that existed throughout south Texas, where we had no universities of any professional type, and we fought. We were very pleased with then Governor Ann Richards and others to be able to push forward what she made happen in the late 1980s and early 1990s, and that was the formation of a 4-year institution in Corpus Christi; the formation of a 4-year institution in Brownsville, Texas; the formation of a 4-year institution in Webb County; the expansion of the A&M downtown campus in San Antonio. During her tenure, in her efforts in higher education, she knew that those were the areas that she needed to move on.

She has left a lasting legacy, and this is a tribute that will continue to remind the residents of south Texas of her strength and courage.

Mr. DAVIS of Illinois. Mr. Speaker, I do not have any additional requests for time, and I yield back the balance of my time.

Mr. DUNCAN. Mr. Speaker, I have no other additional speakers, I urge passage of this bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the bill, H.R. 4829.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3242

Mr. OSE. Mr. Speaker, I ask unanimous consent to have the name of the gentlewoman from Missouri (Mrs. EMERSON) removed as a cosponsor of H.R. 3242.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 5212, EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR HURRICANE DISASTERS ASSISTANCE ACT, 2005

Mr. PUTNAM. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 819 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 819

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 5212) making emergency supplemental appropriations for the fiscal year ending September 30, 2005, for additional disaster assistance relating to storm damage, and for other purposes. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; (2) the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Hensarling of Texas or his designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read, and shall be separately debatable for 20 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. PUTNAM) is recognized for 1 hour.

Mr. PUTNAM. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

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

Mr. PUTNAM. Mr. Speaker, H. Res. 819 is a modified, closed rule that provides for consideration of H.R. 5212, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, for additional disaster assistance relating to storm damage and for other purposes.

The rule waives all points of order against consideration of the bill and provides for 1 hour of debate in the House, equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on Appropriations. The rule provides for consideration of the Hensarling amendment which shall be separately debatable for 20 minutes, equally divided and controlled by the proponent and an opponent. Finally, the rule provides one motion to recommit.

Mr. Speaker, this is my inaugural rule, and I want to begin by thanking the Speaker for the honor of serving on this distinguished committee, and what an important rule to begin with, as it impacts the Sunshine State that the gentleman from Florida (Mr. HASTINGS) and I are so honored to represent.

Mr. Speaker, on four occasions in a span of 6 weeks, portions of my home State of Florida have been designated disaster areas. Additionally, areas in nine other States have been declared disaster areas due to hurricane-related damage. Between August 13 and September 26, five hurricanes wreaked havoc upon the eastern and Gulf coasts of the United States. For the first time since 1886, a single State has been hit by four hurricanes in one season.

The widespread devastation caused by these natural disasters is breathtaking. Damage was sustained along the entire eastern seaboard from ravaging winds in the Florida Keys and the Florida panhandle to tornadoes and mudslides in the Carolinas and severe flooding up the east coast.

The emergency supplemental appropriations bill, H.R. 5212, provides substantial resources for recovery. This rule brings to the Floor legislation to help families and farmers and businesses rebuild in the aftermath of nature's destruction.

The long-range economic effects of these storms will be severe. All facets of the economy were affected due to power outages, crop losses, and wind and water damage. It is difficult to comprehend the impact of these successive storms on Florida's economy. Florida's largest economic engine is tourism. The land of pristine beaches and world-class attractions has seen significant hardship for the tourism industry, while entire communities along the panhandle have been washed away. Businesses, large and small, are suffering from the aftermath of these storms. Many remained closed for weeks at a time while they went without utilities, losing important revenue. Mom-and-pop shops have fewer beach-goers to serve. Families and businesses now face multiple insurance deductibles following the damage of multiple storms that hit the same areas.

Florida's agriculture industry sustained the loss of up to 40 percent or more of its citrus crop for this season, along with the loss of trees that provide future harvests. In addition to citrus, the vegetable, sugar, cattle, timber, dairy, nursery, and other industries suffered severe losses.

Our infrastructure, Mr. Speaker, was utterly destroyed in some areas. Bridges, interstate bridges were washed away, cutting off evacuation routes and isolating communities. Hospitals were forced to close due to damage. Schools were shut down to serve as shelters. In my county alone, 13 days of school have been missed. The school year has essentially begun anew on four separate occasions. Military bases have been closed following extensive damage to hangars, equipment and training areas. Traffic lights lay in the middle of intersections. Daily life came to consist of searching for ice and batteries and helping neighbors wield a chain saw to remove a tree on top of your home, business or vehicle.

President Bush has recommended a total of $11 billion in assistance to the States that have been affected by these storms. The bill provides for $6.5 billion for disaster recovery efforts for FEMA, which is in addition to the $2 billion that was appropriated for FEMA earlier this month. FEMA uses these resources for a variety of disaster relief activities, including direct assistance to impacted individuals and families, debris removal, utility and infrastructure repairs, emergency food and shelter, and mitigation.

Mr. Speaker $1.1 billion for the Department of Defense; $929 million for

disaster relief activities of the Small Business Administration; $800 million for the Federal Highway Administration's emergency relief program for repairs to roads and highways; $600 million in agricultural assistance to provide needed help to producers suffering crop loss from these hurricanes; $245 million for the Army Corps of Engineers; $150 million for community development grants; $50 million for the Public Health and Social Services Emergency Fund to help provide nutritional, medical and social services to affected elderly individuals; $126 million for NASA; $121 million to repair damage to VA facilities that support our ever-so-important servicemen and women and the veterans; $70 million to support the American Red Cross in their mission to shelter, feed and otherwise support the victims of these storms.

In addition to this enacted and requested emergency funding, Federal agencies will continue to use existing resources and programs for response and recovery efforts from all recent hurricanes and storms.

I am proud that our President has followed through with an assistance package that amounts to more than $12.2 billion in restoration efforts for damages occurring as a result of Hurricanes Charley, Frances, Ivan and Jeanne, storms that the gentleman from Florida (Mr. HASTINGS) and I have come to know by their first name in an all-too-intimate way. I am deeply grateful to our governor Jeb Bush for his tireless efforts throughout this period, and I want to applaud the extraordinary efforts of our chairman, a fellow Floridian of the Committee on Appropriations, the gentleman from Largo (Mr. YOUNG), and all of his team. Their hard work guarantees that Floridians can recover from the devastation left by these storms.

Finally, Mr. Speaker, I just want to take a moment to praise the combined efforts of FEMA, local first responders, local cities and counties, recovery operations, managers, utility companies, the men and women and everyday heroes who climb to the top of telephone poles to restore power while the wind is still out there and the water is still coming in; people from around the country who rush in with mobile semis that can feed 10,000 people at a time, giving hope to an entire community. Storms like this tend to bring out the best in people, Mr. Speaker, and it is an impressive thing to see the American spirit alive and well.

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I urge my colleagues to support this rule and the underlying bill.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Florida (Mr. PUTNAM), my friend, for yielding me the time. I also welcome the gentleman from Florida (Mr. PUTNAM) to the committee and thank him for taking my place as the most junior member on the committee.

Mr. Speaker, I rise today in strong opposition to this closed rule which tosses aside bipartisanship and abdicates this body's role to independently craft responsible public policy. This closed rule neglects millions of Americans who are hurting today not only from hurricanes but also from prolonged drought, flood, and freezes.

As all in this body know, my home State of Florida and others throughout the East have been ravaged over the last month by a series of hurricanes. It is the first time in more than a century that any State has been hit by four storms of this magnitude in less than a month. First there was Charley, and then the others that followed; and when the last one passed, millions were left literally picking up the pieces of their homes and lives.

Nineteen States along the eastern seaboard, from Florida to Vermont, were declared disaster areas. Seaports and airports came to a halt and the insurance industry is reporting more than $23 billion in claims, not including the millions of uninsured home owners and renters who lost everything they had in these storms. For them, their only relief is Federal Emergency Assistance.

In my district, the after-effects of these storms will be felt for many years to come. From Ft. Pierce in the north to Pahokee and Clewiston in the west to Ft. Lauderdale in the south, people are hurting.

I thank my colleagues for their encouraging words and support during this trying time. But we need more than consolations, and we need more than understanding.

The underlying supplemental appropriations bill which the House is considering today is deeply appreciated, appreciated by all of us in Florida; but, frankly, it is not enough.

We know that the majority knows that and the President knows that, but the willingness to deliver for those in distress just is not there unless a photo op comes along with it. This closed rule blocks my good friend from Florida (Mr. BOYD) from offering a substitute that would have provided nearly $2 billion in emergency assistance beyond the President's shortchanging proposal, to help all communities recover from the hurricanes.

When I attempted to amend the rule at 7 a.m. this morning, to make the Boyd amendment in order, the majority defeated it along a straight party line vote. The underlying legislation mirrors the President's request and neglects the well-known needs of Florida and her neighboring States. In contrast, the Boyd substitute provides nearly $500 million more than the President's request in emergency agriculture disaster assistance, not only for Florida agriculture, which is suffering from more than $2.2 billion in losses in just 4 short weeks, but also for North Carolina and New York.

Citrus and sugar growers, ranchers, nurseries and dairy farmers are all shortchanged or just plain ignored in the underlying legislation. In contrast, they are helped under the Boyd amendment which was not made in order. The Boyd substitute would also increase emergency funding to the Department of Defense for reimbursements to the National Guard and facility repairs, beach nourishment, and repairs to VA hospitals and the Kennedy Space Center.

Most importantly, the Boyd substitute mirrors the bipartisan agreement that was reached between the outstanding chairman of this committee and the ranking member of the committee equally outstanding but was rejected by the President who seemingly has a knack for leading with a reckless disregard of the obvious.

The rule also blocks the gentleman from Texas (Mr. STENHOLM) from offering an amendment to help States who are suffering from prolonged drought. In doing so, Republicans have dug themselves into a hole, and we are now going to see some true colors shine. Not only are they blocking the gentleman from Texas (Mr. STENHOLM), someone who spent his entire life fighting for the well-being of farmers and ranchers across this country, from offering his amendment, but now they are trying to make in order an inferior amendment that the Committee on Rules never heard testimony on.

The amendment will be offered by the gentleman from Texas (Mr. NEUGEBAUER). Not only does it provide less assistance than the Stenholm amendment, but it also cuts funding in the Farmland Conservation Program. The Neugebauer amendment literally robs Peter to pay Paul.

As is done here often, we are refusing to help those most in need. We have tried the bipartisan approach led by the chairman of the Committee on Appropriations, but the President said, no, thank you. We have tried the bipartisan approach in the Committee on Rules, but the Republican leadership said, We are just not interested.

When the Committee on Rules had the opportunity this morning to reject the President's ''my way or the highway approach,'' it balked and folded.

I wish I could be more bipartisan, Mr. Speaker, especially on an issue as critically important to the welfare of all of our constituents in Florida as well as the Northeast. But they are making it difficult on the other side to be bipartisan. How is it that we got money to pass trillions in tax cuts to the wealthiest of Americans, but we do not have the money to help Americans recover from natural disasters of all kind.

Where is the compassion? But better yet, where is the outrage? I urge my colleagues to oppose this closed rule and do all that we know we can if we were to pass it to help those most in

need. My constituents are depending on our vote. Please do not let them down.

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

Mr. PUTNAM. Mr. Speaker, I certainly understand the passion of the gentleman from Florida (Mr. HASTINGS), and I will remind him that in addition to the $11 billion that is in this package, the President delivered $500 million in assistance to citrus, nursery, and fruit vegetable growers just 2 weeks ago in the aftermath of the first two storms. And as we gather data from these storms and whatever else the Atlantic sea may have in store for us, there will be additional assistance forthcoming.

Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. YOUNG), the distinguished chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Speaker, I thank my young colleague from Florida for yielding me the time. I want to congratulate him for having risen to the high level of being a member of the Committee on Rules, the newest member of the Committee on Rules. And I believe that his expertise and his talents will show through as he presents these rules from day to day. I look forward to working with the gentleman from Florida (Mr. PUTNAM) because in Florida he is a hero, and I think as Members get to know him as a member of the Committee on Rules, they will agree.

There is good news and bad news here today. The good news is Florida has not had a hurricane in the last 10 days. Now, that is a switch because we have become so accustomed to them. This delegation on a bipartisan basis has joined together to help the people of Florida recover from these tragedies.

The gentleman from Florida (Mr. PUTNAM) mentioned several of the problems that his part of the State has experienced. The gentleman from Florida (Mr. HASTINGS) has talked about other issues. So I wanted to mention to the membership that there are two bills today. This bill, H.R. 5212, is the one that we will call up under this rule. This bill, H.R. 5227, which I also introduced today, includes everything in H.R. 5212 plus $1.6 billion in additional funding that is required, and that we, as a delegation, have identified.

I just want you to know that I am going to do everything possible, everything that I can, to make sure that H.R. 5227 is the bill that goes to the President's desk and not H.R. 5212 because it is short.

Incidentally, for those who are concerned about the extra $1.6 billion, I have offset it. I have offset the entire $1.6 billion so, in fact, the top number is going to be the same in either bill. But H.R. 5227 covers a lot more of what has been promised to the people of Florida and neighboring states due to these terrible, terrible tragedies called Hurricane Charley and Hurricane Frances and Hurricane Ivan and Hurricane Jeanne and Tropical Storm Bonnie.

Not one section of the entire State of Florida escaped damage from one of these storms or maybe in some cases three of these storms. And so the Governor has made promises, the President has made promises to the people of Florida, and I am going to do everything that I can, despite any bureaucracy or despite any problems here in the Congress, to help the President of the United States deliver on his promises.

I will discuss this more in length as we get into the bill itself.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. STENHOLM), my good friend and a leader in this fight.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding me time.

I rise in strong opposition to this rule, and I urge Members to vote ''no'' on the previous question, and not because I disagree with the chairman of the Committee on Appropriations and his eloquent defense of the need for assistance for Florida. I support that. I do not know of anyone that does not support that.

But I rise to point out to my colleagues today that there should be an element of fairness associated with how we respond to the disaster in Florida.

The President called for crop loss assistance. His emergency legislation was not offset, what the President asked us to do. But unfortunately he only asked for victims of 2004 hurricanes and tropical storms.

Now, again, we all agree that we should help Florida. But, as Senator PAT ROBERTS said so eloquently, How on Earth can you provide disaster assistance to people who have suffered gravely over hurricanes and then deny assistance to people who have not had any rain for 3 years?

We have other disasters, and what I and 41 of my colleagues joined in cosponsoring a bill yesterday have said, let us treat all disasters fairly. Let us not for the first time in a long time differentiate between various kinds of disasters. Let us look at the disasters and let us fund them, as the President asked us to do.

Now, there will be an argument saying that we should offset the additional agricultural disasters. I ask my friends on both sides of the aisle who may lean towards that position, why? Why make a differentiation between a disaster in Nebraska and one in Florida or Pennsylvania when the farmer has been affected the same way?

To those who suggest that there is an easy offset by reopening the farm bill which we will hear in just a moment an amendment offered that reopens the farm bill not by what I say, but what 25 farm organizations are saying to us tonight and 15 conservation groups are saying for us to think long and hard before we undo the delicate balance that puts together the 2002 farm bill that the gentleman from Texas (Mr. COMBEST) and I and many of my colleagues still in this body worked so hard to put together.

Do not be deceived for one half second that if you get into the conservation title in paying for this disaster for other farmers, you are not reopening the farm bill because you are, not by what I say, but by what 25 farm organizations all around the country are saying. Be careful before we go there.

Now, to those that suggest there is some fiscal responsibility about this let me make it very clear. Whatever amount of money the President of the United States designates for disaster assistance, that is what we offered in our amendment. Whatever the President said. And if he says it is going to be less, then we will prorate it out to all farmers and disasters all over. That is the way we have always done things. We treat everyone fairly.

The bill before us and the proposed amendment does not treat everyone fairly.

I ask my colleagues, before you join in a move that reopens the farm bill, think it out twice because there will be repercussions that will affect producers, and there is going to be a lot of other needs that we are going to have to address.

□ 1845

But once we begin to tear up the coalition that was put together when we stood on this floor and we made agreements with the conservation crowd, the environmental groups, we made deals.

This farm bill, the 2002 farm bill, we had a partnership. It was the greenest farm bill in the history that I have been here, in the history of this body, and now all of a sudden we have an amendment that is going to tear that coalition up, and folks are going to stand on this floor and say it is not going to have any effect on anything.

I urge my colleagues, the 14 of my friends on this side of the aisle that cosponsored the bill we introduced yesterday, stick with me on this one. We have got the votes to pass it; and it is my understanding I am not arguing differently what the chairman of the Committee on Appropriations, who made an offer some time last week to deal with this disaster within committee, and the leadership of the House chose not to accept it, and I am sorry they did not because we could have avoided a lot of this problem that we are about to get into.

So, again, in summation, how do we separate a disaster from Nebraska from a disaster from Pennsylvania from a disaster from Texas? Do not separate the two. Let us deal with it in one package. Oppose this rule. Particularly, vote ''no'' on the previous question.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the work the gentleman has done in agriculture, and I appreciate the gentleman's record in matters affecting the budget, which is why

I draw to his attention the fact that we have improved upon this rule and will be providing for additional assistance beyond the Southeast, beyond the Carolinas, beyond Florida, to assist those affected farmers and ranchers and fully offset it, which is an important piece of fiscal responsibility.

What is so sacred, what is so sacrosanct about a farm bill that my colleague would hold it up so high that he would not use it to help farmers? Farmers in Florida, farmers in Georgia, farmers in the Carolinas, perhaps farmers who do not have access to the billions of dollars that are allocated in the farm bill on an annual basis; but farmers who have suffered from four separate hurricanes, many farmers who had the eye of three storms come over their field, pass over their ranch, we would say to them, we do not want to open the farm bill to help you because that is for other farmers?

The farm bill, as it is today, has a reserve because it has worked. I was on the committee. I voted for it. I supported it. It is a good package, but why would we let that package stand in the way of assistance to farmers? Is that not what the farm bill is for?

Is that not why we put all the effort and time and labor into it, to help people in need, to help farmers who are suffering? Ranchers who have had their fences devastated, their barns blown to the ground? Row crop farmers who have seen all of their plastic torn up? Citrus growers who have seen a sea of brown from Charley and yellow from Frances and green from Jeanne, where Mother Nature has color-coded the devastation that is their crop, that is on the ground rotting? We would say to them, we will not open it up?

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

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Missouri (Mr. SKELTON), my good friend.

Mr. SKELTON. Mr. Speaker, I thank the gentleman for yielding me time.

And let me first congratulate the gentleman from Florida (Mr. PUTNAM) for being assigned to the Committee on Rules. I am sure in days ahead we will see a lot of each other as we testify before the committee.

Mr. Speaker, I speak about agriculture disaster assistance. Let me commend at the outset the gentleman from Texas (Mr. STENHOLM) for introducing a disaster package in the House and for his tireless work on behalf of American agriculture. No one in this body does more for farmers than the gentleman from Texas (Mr. STENHOLM).

We are here today to discuss emergency funding for natural disasters. Fewer and fewer of us in this House represent rural areas. When natural disasters impact the people we are privileged to represent, we tend to band together across party lines to do what is right for those outstanding Americans, our farmers. This is especially true when it comes to those from rural areas.

That is why, Mr. Speaker, I must say I am disappointed that the Republican leaders in this House have decided to play politics with America's farmers. Rather than passing a stand-alone, emergency disaster bill for U.S. producers whose economic well-being has been turned upside down by extremely dry weather, Republicans have decided it would be better to slash funding for programs within the 2002 farm bill.

The gentleman from Texas' (Mr. STENHOLM) bill declared that the drought conditions facing our farmers were an emergency that they should be paid for, just like any other national emergency, through an emergency supplemental spending bill. Opening up the 2002 farm bill to pay for this assistance is wrong-headed and ends up hurting some farmers to help others. This political theater has no place in the House, and it does a disservice to the men and women who are in the fields right now all across our land harvesting the food that we eat.

Over the past several years, Missourians have experienced Mother Nature's fury. Tornadoes, flooding, and drought have plagued our State. Widespread drought has had the greatest impact on Missouri farms and on the rural communities that dot the countryside.

I come from the Show-Me State. It is high time that the Congress shows all American farmers that we are here to help them when disaster strikes.

Mr. PUTNAM. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. GOODLATTE), the distinguished Chairman of the Committee on Agriculture, my former chairman and someone who is passionate about all of America's farmers and ranchers.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for yielding me time, and I rise in support of this rule.

I want to thank the Committee on Appropriations for their hard work, and I want to call the attention of my colleagues to the opportunity that we expect to have, the opportunity to put in place a way to provide the kind of assistance that America's farmers and ranchers need and deserve all across this country.

For weeks, we have been working on this problem, and we have come upon a solution, and a solution that will work. It is a solution that is very, very, very similar to one that this Congress joined together in a bipartisan fashion, across the aisle, to support just about 18 months ago to help farmers in the 2001–2002 disaster period. That was to take funds from a program that had funds available, took them off the back end of it and went ahead and paid it.

Now we find that this program has in it four-and-a-half times as much money as was in the program when the gentleman from Texas and my predecessor, the gentleman from Texas, Mr. COMBEST, wrote the farm bill and put money in for this new program; but after that work was done, others, apart from those here today, went in and took the cap off that program.

So, in addition to being able to meet the needs of farmers all across this country from Florida to Texas to Minnesota, we will have the opportunity to do the same thing. We will have the opportunity to pay for it, and we will have the opportunity to have money in that program in a greater amount than was in the program when we did this the last time. We will have the opportunity to put a cap on that program because I think those on the other side of the aisle would agree that the future of farm programs is very dependent on one program not being uncapped, not having the opportunity to spend these enormous amounts of money.

So I am pleased to join with the gentleman from Texas (Mr. NEUGEBAUER), who is going to have, if this rule is passed, the opportunity to offer an amendment to take care of this problem for every American and end this problem.

I would ask my colleagues on the other side of the aisle to join us in the same bipartisan effort that helped America's farmers and ranchers when we did this in the beginning of 2003 in a very, very similar circumstance with a very, very similar solution.

Mr. HASTINGS of Florida. Mr. Speaker, would the Chair tell us, please, how much time each side has remaining?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Florida (Mr. HASTINGS) has 16 minutes remaining. The gentleman from Florida (Mr. PUTNAM) has 13½ minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the Committee on Appropriations, my good friend.

Mr. OBEY. Mr. Speaker, I thank the gentleman for the time.

Mr. Speaker, it is too bad we are here under these conditions tonight, because the gentleman from Florida (Mr. YOUNG) tried to bring out a bill which would have met all of the problems all of the parts of the country face. Unfortunately, the gang that cannot shoot straight has called for other ways to deal with the problem, and so we are dealing with only half a bill.

I want to make one point: that I speak not as the ranking Democrat on the Committee on Appropriations, but simply as a Member of Congress from Wisconsin.

One of the deficiencies with this rule is that it does not allow for an amendment to extend the Milk Income Loss Contract program. Now, that program was authorized in the 2002 farm bill. It is currently scheduled to expire next year, while other commodity programs run through the end of the farm bill, September of 2007.

In my view, dairy farmers ought to be treated under the milk program in exactly the same way that farmers of

other major commodities are treated under the farm bill. If Congress fails to extend the milk program through to the end of the farm bill, then dairy farmers across the country will be at a disadvantage when Congress prepares a new authorization in 2007. That is because, under existing budget rules, there will be no budget score for milk, and only the milk price program will appear in the budget baseline. That means the budget baseline for dairy price safety programs will be deceptively low, about $800 million below where it needs to be in order to ensure that dairy farmers are not treated less equitably than they are treated today.

I do not think this Congress ought to allow that to happen, but unfortunately, we are not going to be allowed to try to correct the problem by the rule which is being adopted tonight.

The gentleman from Florida (Mr. PUTNAM) I notice indicated that the farm bill ought to be used to help farmers. There is one way the Committee on Rules could have done it. They could have helped dairy farmers across the country, but they chose not to do so. I regret that, which is one of many reasons I will be voting against this rule.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

I am disappointed that the gentleman will be voting against the rule. I know his passion for America's farmers, and I know that farmers all across this land have been affected.

Perhaps it is the Floridian in me, but I would argue that this rule goes a long way towards those affected by some very substantial and unforeseen events, and the improvements that have been made would go a long way towards extending that beyond those areas affected by hurricanes. After neglecting those areas who have been dealing with a drought now for years, I know that the reservoirs are going dry.

I know that people are frustrated and they are concerned about what their livelihood will hold because of this drought issue, and frankly, that is why I think these improvements were put in there. I think it is a fiscally responsible approach to helping as many of America's farmers who have been stricken by these disasters as possible, and certainly, the dairy industry is one that has been impacted. It has been impacted in Florida when the power was lost for days at a time, and of course, America's modern agricultural system, if we cannot get power to these milking parlors, the cows go dry.

That is a legitimate problem, and we worked on a bipartisan basis as a delegation and, frankly, as a group of people who are concerned about the future of American agriculture to find ways to solve this disaster assistance problem.

Just as, 18 months ago, we were able to reach down into section 32 funds, which are traditionally designated for fruit and vegetables and marketing and nutrition programs, in providing drought assistance to the Midwest, we are similarly using an account to reach down into and provide assistance for farmers from Florida and Georgia and the Carolinas who are desperately in need.

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

□ 1900

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Florida (Mr. BOYD).

Mr. BOYD. Mr. Speaker, I want to thank my friend, my colleague, the gentleman from Florida (Mr. HASTINGS), for yielding me this time.

Mr. Speaker, I want us all to take a deep breath and remind ourselves of what is taking place here. This country was hit with five major storms within the last couple of months. All five of those storms made original landfall in the State of Florida. That is the first time that has happened in over 100 years. It is catastrophic in Florida and in other parts of the southeastern United States, actually, outside the southeastern United States.

We have an excellent emergency management agency in this country, in FEMA, and we get nothing but good remarks from everybody who has been hit by these storms about FEMA, and everyone has done a good job of keeping money in the FEMA pipeline. We have been able to do that under the leadership of the gentleman from Florida (Mr. YOUNG), who heads the Committee on Appropriations.

Mr. Speaker, I want to make sure I am speaking against this rule that is being brought to us under the leadership of the Committee on Rules and my colleague, the gentleman from Florida (Mr. PUTNAM), today. I am speaking against it because after those five storms that hit America, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) directed their staffs, under the leadership, and went out and did a lot of work to find out from the State, from the local governments, from the Federal agencies, the Department of Defense, the Department of Transportation, all those areas which would be affected by the storms, what the needs were, what the Federal requirements were, what those needs were as a result of those storms. That report was compiled, brought back to Congress and put in the form of a bill and actually taken down to the White House for their blessing.

During that compilation, the gentleman from Florida (Mr. YOUNG), myself, and the gentleman from Florida (Mr. MILLER) visited Pensacola Naval Air Station, where Ivan hit and completely obliterated Pensacola Beach and Perdido Key, and did major damage to one of our defense installations there. The White House turned down the committee request for the emergency bill and said they would only accept the proposal that they had brought forward, which was about $2 billion short.

So when the Committee on Rules met yesterday, I went and asked the Committee on Rules to allow us to introduce as an amendment, the bill the gentleman from Florida (Mr. YOUNG) held in his hands a few minutes ago when he made his presentation. I think that bill certainly more adequately reflects the needs of this Nation in response to these hurricanes, but I want to tell you the differences in those two bills.

There is $486 million more for agriculture producers and processors, and that is not just in Florida. There is $486 million in Ag, $455 million for defense, $750 million for transportation. We all saw pictures of I–10. So, Mr. Speaker, I hope we will defeat the rule.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have enjoyed certainly a very close working relationship with both of these gentlemen from Florida as we have tried to do everything we can to bring in the appropriate amount of relief for a State that is hurting. There have been heroic efforts in the State of Florida bringing the I–10 bridge back on line in a matter of days and bringing, internally, administrative relief to agriculture and those issues affected early on.

I would just say, Mr. Speaker, that it is important that we keep in mind that this is a process. As we reach the end of this congressional session, there has been a rush to pull together the adequate, the accurate and adequate damage numbers, and that is difficult to do. It is difficult to pull together the data on transportation needs. It is particularly difficult to pull together the data on agricultural needs when they are still mounting.

I would say that, 6 months from now, we will still be dealing with damages that are presenting themselves that came about as a result of the hurricanes. So for the other side to say that they would reject all of the relief for lack of marginally additional relief seems a little bit foolhardy, adding to the fact that we are to be accused of ignoring the Midwestern States when we have a proposal to do just that, to expand the relief beyond those hurricane stricken States and take care of those who have been dealing with drought.

I think we are delivering, in a number of ways, and frankly, from all of our working relationships with the chairman of the Committee on Appropriations, there is a high level of confidence that those issues will be taken care of in conference and through his additional legislation that he is filing.

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

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Pennsylvania (Mr. DOYLE).

Mr. DOYLE. Mr. Speaker, I rise today in strong opposition to this rule. Two weeks ago, heavy rains from hurricane Ivan inundated my district in

southwestern Pennsylvania, and many communities across Pennsylvania experienced disastrous flooding and mudslides.

This was no typical storm, Mr. Speaker. It has been estimated this was a 100-year rain, perhaps a 500-year rain, one that we will never see again in western Pennsylvania. And the damage inflicted went far beyond the federally determined floodplain. It devastated homes and businesses that were not expected to buy flood insurance.

Several of the worst hit communities were, Etna, Millvale, Sharpsburg, Carnegie and small communities along the Allegheny River. As soon as the flooding subsided, I toured the communities affected by the flooding and met with the owners of many small businesses that had been damaged.

Jane Moran got walloped by Ivan twice. Her 7–Eleven store in Etna was severely damaged, and her home nearby was damaged so badly it has been condemned. Her husband and three sons all had to move into a one-bedroom apartment with her daughter and boyfriend and, until recently, were wearing borrowed clothes.

In Millvale, 8 feet of water from Girty's Run flooded many of that municipality's businesses; 190 of the 230 businesses in Millvale suffered damage. The flood waters caused $400,000 in damage to Jerry Kitman's furniture store. His wife Judy's business, Lasting Memories floral shop, was also completely destroyed.

Ed and Arleen Carr, the owners of Yetters Candy Store, a family business that had been in operation 75 years, saw all of their equipment and supplies completely destroyed.

Grant Street Diner and Catering, a family-owned business, was completely destroyed, and 5,000 pounds of food were ruined.

Mr. Speaker, I say this to you because these people are the embodiment of the American Dream. They worked hard and invested every penny in their businesses and they need help now. President Bush was in my district on September 23, and he told these people, we understand the Federal Government has an obligation to help, and we will.

Well, Mr. Speaker, we need your help, and what we do not need are loans. That is all that are available to these businesses right now. These mom-and-pop shops are already loaned up to their eyeballs, and they do not need another loan. What they need is a grant.

Last night, we went to the Committee on Rules and asked for a one-time grant of up to $250,000 for these small businesses in these areas that were not in Federal flood zones and, through no fault of their own, find their businesses gone. If we do not give these businesses grants, they are not coming back, and the communities they sit in are not coming back.

What do we tell these folks? Do we tell them we have $20 billion to rebuild schools and businesses and infrastructure in Iraq, but when it comes to American taxpayers they have to take loans? Mr. Speaker, we can do better than that. We have supported all disaster relief for Florida, for our friends on the west coast that have fires and earthquakes. People in Pennsylvania need some help. Mom-and-pop businesses are the backbone of this country, and they are asking for our help tonight.

I ask that we defeat this rule so that we can go back to the drawing board and put an amendment in there that will allow grants to small businesses so that we can restore these people's businesses and the American dream. I ask all my colleagues to support defeating this rule.

Mr. PUTNAM. Mr. Speaker, I yield 2½ minutes to the gentleman from Nebraska (Mr. OSBORNE), a tireless advocate for disaster relief and for drought relief.

Mr. OSBORNE. Mr. Speaker, I thank the gentleman for yielding me this time.

My colleagues, this is what the drought map looked like the early part of the summer. Unfortunately, that is about what the drought map has looked like for 5 years. There have been minor changes here and there, but many climatologists have said this is a 500-year drought. It is not one that is every 30 or 40, but a 500-year drought. In many cases, it has been worse than what we encountered in the 1930s.

So what we find now is that almost all of the reservoirs in this part of the country are down to 15, 20, 25 percent full, and many will be empty next year. So irrigators as well as dry land people are paying the price.

Mr. Speaker, this has been a monumental problem and a 1-year drought is bad, but when you have 5 years, the amount of crop insurance you can buy goes down each year. So as a result, crop insurance does not do it. People have lost equity each year now for 5 years, and ranchers have not had pastures. Therefore, they have had to sell their breeding herds, and as a result, many of them are in pretty desperate shape.

So it seems that nobody likes drought relief. Many people say that it is not a natural disaster. But it is as much a natural disaster as any other. You cannot stop it. You cannot predict it. It is like a hurricane, a flood or whatever.

I would prefer that we do not have any offsets. I have great admiration for the gentleman from Texas (Mr. STENHOLM) and the way he has tried to approach this. But I have made enough phone calls and done enough talking around here to realize this is the only way we are going to get it done.

So we greatly appreciate the fact that the gentleman from Texas (Mr. NEUGEBAUER) has made an effort here. The chairman of the Committee on Agriculture has done a good job here, and so we do have a possibility now to get $3 billion out of the conservation and security program.

It appears to me this is the only workable solution we have. It may not be the perfect, but it is the workable, and therefore, I recommend that we support this rule, and we support this amendment.

Mr. Speaker, I would like to thank both gentlemen from Texas for their work in this regard as well as the chairman.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding me this time. I have such high regard for my preceding speaker, the gentleman from Nebraska (Mr. OSBORNE). He has done a great deal to advance the cause of disaster response from this Congress. But I believe he is incorrect in concluding that, what is before us in the so-called Neugebauer amendment or nothing.

If rural Republicans would hang with the Democratic Members of this chamber, we would, in bipartisan fashion, reject any other approach that did not have the Senate-type approach upon giving disaster relief without cannibalizing the farm bill. We could do it. We could do it. We do not need that many. If rural Members would stand up for their farmers and reject this cockeyed notion we ought to cannibalize the farm bill to get help to farmers now, we could, in bipartisan fashion, pass exactly what the Senate passed.

That is why the Committee on Rules did not make it in order. They know we would win. It would sure be nice to have a democracy actually have a chance in the House once in a while. This Senate passed a disaster response. Why are we not at least allowed a vote as to whether this might be the will of what the House would work? Instead, they have advanced a very different proposal. While it does offer desperately-needed disaster relief to farmers, it takes the wrong approach.

We would not even be here without the work of the gentleman from Texas (Mr. STENHOLM), ranking member on the Committee on Agriculture. By introducing his legislation, by getting 40-some other sponsors of both parties behind it, he forced an issue that has created the need of the majority to put forward this response, but the shape of their response is most regrettable. It requires dollar-for-dollar reduction out of the farm bill, taking down that conservation program.

And if my colleagues do not think that the smell of politics is not swirling around this chamber right now, after virtually being nowhere to be seen on this disaster issue, they drum up the gentleman from Texas (Mr. NEUGEBAUER), the opponent of the gentleman from Texas (Mr. STENHOLM), and have him sponsor this ill-advised alternative.

I am kind of surprised the gentleman from Texas (Mr. NEUGEBAUER) took them up on their little offer. It is opposed by virtually every agriculture

coalition: American Corn Growers, American Farm Bureau, National Cotton Council. You see, they understand that it is just wrong for farmers to have to give up their farm bill, give up the protection that the farm bill offers in order to get the disaster response they need.

I thought the gentleman from Florida (Mr. PUTNAM) offered an interesting rhetorical question: Why not use the farm bill to help farmers? Well, why should we have to reduce the farm bill's ability to help farmers in order to have it as an offset for this disaster bill? In the farm bill, we are coming in so far under what was projected; there is plenty of budget savings there. It was projected to have cost us $50 billion by now.

□ 1915

But because of the price-support nature of the thing, it has only cost us $35 billion.

There is savings in the farm bill without cannibalizing the farm bill. Reject this bill. Let us vote on the Senate approach.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

The gentleman will have the opportunity to vote for $600 million in agricultural assistance, and the gentleman will have an opportunity to vote for drought relief.

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

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from South Dakota (Ms. HERSETH), an outstanding new Member of the House of Representatives.

Ms. HERSETH. Mr. Speaker, I rise this evening in opposition to this proposed rule. I begin by saying that I fully support the emergency spending that is contained in H.R. 5212. The people of Florida and throughout the Southeast deserve the assistance contained in that bill. The reason for my strong opposition to the rule is simple. It does not treat all disasters equally, and thereby it does not treat all deserving Americans equally.

The recent hurricanes are catastrophic weather events. They certainly do constitute emergencies, and the losses sustained should be compensated as such. However, droughts are catastrophic weather events as well, as my distinguished colleague from Nebraska pointed out. The only difference being, they are not as visually striking. They ease in gradually over the course of weeks and months and even years. They do not have names. They do not rip roofs off the buildings. They do not make good TV and, therefore, breaking-news coverage. None of the major news networks has sent reporters to Faith, South Dakota, to cover the ongoing drought.

But that does not make drought any less devastating both financially and emotionally for the people that are affected. I oppose the Neugebauer amendment to this rule because it helps suffering farmers by raiding farm programs, programs that may not be favored by some but programs that as negotiated in 2002 are an important part of our national farm policy. The Neugebauer amendment would rob Peter to pay Paul, and I oppose it.

This rule should be rejected so that we can offer a fair amendment to the legislation, the proposal by my distinguished colleague from Texas (Mr. STENHOLM) that enjoys bipartisan support. I have cosponsored this legislation because I believe that it takes the correct approach, the fair approach. It would treat all weather-related disasters equally. I urge my colleagues to defeat this rule and to support the Stenholm alternative.

Beyond these prepared comments, I must say that those in South Dakota whose livelihoods depend in large measure on the weather, that are involved in farming and ranching, are sick and tired of politics being played with this important issue. They deserve better. They deserve equal treatment. They deserve emergency disaster assistance.

Mr. PUTNAM. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Mr. Speaker, really what we are here tonight about is farmers and ranchers. The farmers and ranchers do not want us to have to be here tonight. They did not ask for these droughts. They did not ask for these disasters. But, in fact, they experienced them just like the people in Florida did, and it affects farming and ranching families all across America.

Several of my colleagues have gotten up and spoken about the tremendous impact it has had on those families and those economies. What we are talking about tonight is about doing something in this House for those farmers and ranchers. I rise today in support of the rule because it is going to help them. This is not something that is new, that was invented this evening. This is something that was done for the 2001 and 2002 disaster relief program, and it was taken out of this very same program in the 2003 bill. So we are not reinventing the wheel. We are trying to come up tonight in this House and say to the American families that make their living in farming and ranching across America, We care about you. We are trying to help you just like we did in 2001 and 2002.

One of the reasons that I introduced a new risk management crop insurance tool was to take our farm families away from having to depend on the will of the United States Congress when they have these kinds of disasters because currently a lot of our risk management tools, our crop insurance products, are not adequate to cover these losses, and so they have to come back to this Congress and say, Would you please help us.

What we need to do is to help them tonight and pass this rule.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. STENHOLM). When my colleague from Florida was speaking, he tried to get his attention. I do not know whether he wanted to have a colloquy or whether he wanted to make a statement.

Mr. STENHOLM. Mr. Speaker, I was going to ask the gentleman from Florida a simple question. When we are talking about offsets, the President did not request offsets. The bill before us today, the President's request, did not require offsets for the Florida disasters. I just think making a differentiation between disasters in Nebraska and South Dakota and Texas from those disasters in Florida, which I concur are very serious and should be addressed, but it really makes no real sense for us to set a precedent of deciding some disasters are worse than others.

You were making that point. I just wanted to say, we are not arguing that point. We are saying a disaster is a disaster, and the President in his request to this body did not require offsets of the disasters which you are defending and supporting, which I concur with you. What I do not understand is why the leadership on your side has suddenly decided we want a separate rule for other disasters. That makes no sense.

Mr. PUTNAM. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Brooksville, Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to express my support both for the rule and for the basic bill, H.R. 5212. Since the early weeks of August, Florida has been ravaged by an unprecedented four hurricanes. I represent northern Polk County, and the gentleman from Florida (Mr. PUTNAM) represents southern Polk County. He has some cities in his district that have been hit by all four storms, whether they came in from the east coast or the west coast. Those areas were the most hard hit. My constituents were harmed, too, but nowhere near the harm that occurred, certainly in the panhandle and in the area of the gentleman from Florida (Mr. PUTNAM).

Hurricanes Charley, Ivan, Frances, and Jeanne greeted the Sunshine State with a voracity and viciousness that has brought destruction and despair to nearly every resident. The aftermath of these storms has left Floridians very weary. Floridians face a very dire situation. There is much damage to be repaired and the road to normalcy seems long and tiring. We must answer the needs of Florida and other States hit by the hurricanes and provide the necessary relief. We should not forget our commitment to our constituents. Today, by voting for the rule and for H.R. 5212, Congress has that opportunity to bring a little light back to the Sunshine State.

This resolution provides for the assistance that these States, including

Florida, need. The Florida delegation and I have worked very closely to ensure that the trials and tribulations of Florida's residents are known by the rest of the Nation and that they are not forgotten in the bubble of the Beltway. Through a special order, my distinguished colleagues and I have worked to ensure that the needs of Florida are known and that residents' pleas for assistance are heard, respected, and, yes, answered.

In the early weeks after the initial hurricanes came ashore, the gentleman from Florida (Mr. YOUNG) certainly stepped forward, and we worked to provide a $2 billion supplemental appropriation. Once again, we are grateful to the gentleman from Florida (Mr. YOUNG) for this additional appropriation which will help to get on the road to recovery, not just for Florida but for other States affected by the hurricanes.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I urge Members to vote ''no'' on the previous question. Disasters know no boundaries, and they certainly know no political affiliation. But what we have created here is a system that pits disaster against disaster and States against States and that just is not right.

Mr. Speaker, I urge Members to vote ''no'' on the previous question. If the previous question is defeated, I will offer an amendment to the rule that will make in order an amendment by the gentleman from Texas (Mr. STENHOLM) that would add language to the bill to provide nationwide crop loss disaster assistance for weather-related losses for the last two crop years. This would help our Nation's farmers who have been hit so hard by not only hurricanes but by terrible droughts in the West and Midwest and by freezing weather in the North.

Mr. Speaker, I urge Members on both sides of the aisle to vote ''no'' on the previous question. A ''no'' vote will not stop the House from taking up the emergency supplemental appropriations bill. However, a ''yes'' vote will prevent the House from considering the Stenholm amendment and providing the help that is desperately needed by our farmers.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, it is ironic. We cannot provide the assistance we need to provide here tonight when by a minuscule comparison of funds, this is just a little more than 1 percent of what we are spending in Baghdad.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. PUTNAM

Mr. PUTNAM. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. PUTNAM:

Strike all after the resolved clause and insert:

That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5212) making emergency supplemental appropriations for the fiscal year ending September 30, 2005, for additional disaster assistance relating to storm damage, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. No amendment to the bill shall be in order except the amendment printed in the report or the Committee on Rules accompanying this resolution and the amendment numbered 2 for printing in the Congressional Record pursuant to clause 8 of rule XVIII. Each such amendment may be offered by the Member designated in the report as the Member who submitted it for printing in the Congressional Record, shall be considered as read, shall be debatable for twenty minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

PARLIAMENTARY INQUIRY

Mr. STENHOLM. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may inquire.

Mr. STENHOLM. Am I to understand that we now have an amendment to the rule that we were considering and does this amendment also provide for 1 hour of debate as to the nature of the amendment?

The SPEAKER pro tempore. The amendment offered by the gentleman from Florida is currently pending. The gentleman from Florida is entitled to 1 hour of debate.

Mr. STENHOLM. The gentleman from Florida is entitled to 1 hour of debate and anyone who might be in opposition is entitled to no time for discussion of the amendment?

The SPEAKER pro tempore. The gentleman from Florida remains the manager of the amendment and will be recognized for debate on his motion but may move the previous question.

Mr. STENHOLM. Further requesting or asking for a parliamentary inquiry so that I and my colleagues might further understand this most unusual procedure that we are going through tonight. I do not recall a situation like this. There is 1 hour of debate, but it is controlled by the majority who have the right to offer an amendment to the rule under the rule that we were just debating?

□ 1930

The SPEAKER pro tempore (Mr. SIMPSON). The manager of the resolution may do so.

Mr. STENHOLM. Mr. Speaker, if the majority should so choose to move the previous question on it without further discussion, they have every right to do so?

The SPEAKER pro tempore. That is correct.

Mr. STENHOLM. Mr. Speaker, I thank the Chair for his explanation.

Mr. PUTNAM. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, as one can tell, I drew a hot one from my inaugural first rule. But I cannot think of a better group of colleagues to work on this with than the gentleman from Florida (Mr. HASTINGS); the gentleman from Florida (Mr. BOYD); and the gentleman from Florida (Mr. YOUNG), certainly our senior delegation member.

This Emergency Supplemental Appropriation is so vitally important to rebuilding the infrastructure, the economies, and the communities of the hurricane-damaged areas throughout the Southeast, and now, with the amendment, those communities of the Midwest and far West who have suffered so greatly under the drought. I urge my colleagues to support this rule.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

PREVIOUS QUESTION FOR H. RES. 819—RULE ON H.R. 5212 EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DISASTER RELIEF ACT FOR FY05

Strike all after the resolved clause and insert:

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 5212) making emergency supplemental appropriations for the fiscal year ending September 30, 2005, for additional disaster assistance relating to storm damage, and for other purposes. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; (2) the amendment printed in Section 2 of the resolution, if offered by Representative Stenholm of Texas or his designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read, and shall be separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2.

The amendment referred to in the resolution is as follows:

AMENDMENT TO H.R. ____
SUPPLEMENTAL APPROPRIATIONS BILL
OFFERED BY MR. STENHOLM

Add at the appropriate place the following new title:

TITLE ____

SEC. ____. CROP DISASTER ASSISTANCE.

(a) DEFINITIONS.—In this section:

(1) ADDITIONAL COVERAGE.—The term ''additional coverage'' has the meaning given the term in section 502(b) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)).

(2) INSURABLE COMMODITY.—The term ''insurable commodity'' means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(3) NONINSURABLE COMMODITY.—The term ''noninsurable commodity'' means an eligible crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(b) EMERGENCY FINANCIAL ASSISTANCE.—Notwithstanding section 508(b)(7) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(7)), the Secretary of Agriculture (referred to in this title as the ''Secretary'') shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to producers on a farm that have incurred qualifying crop or quality losses for the 2003 or 2004 crop (as elected by a producer), but not both, due to damaging weather or related condition, as determined by the Secretary.

(c) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for the quantity and quality losses as were used in administering that section.

(d) REDUCTION IN PAYMENTS.—The amount of assistance that a producer would otherwise receive for a qualifying crop or quality loss under this section shall be reduced by the amount of assistance that the producer receives under the crop loss assistance program announced by the Secretary on August 27, 2004.

(e) INELIGIBILITY FOR ASSISTANCE.—Except as provided in subsection (f), the producers on a farm shall not be eligible for assistance under this section with respect to losses to an insurable commodity or noninsurable commodity if the producers on the farm—

(1) in the case of an insurable commodity, did not obtain a policy or plan of insurance for the insurable commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop incurring the losses; and

(2) in the case of a noninsurable commodity, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) for the crop incurring the losses.

(f) CONTRACT WAIVER.—The Secretary may waive subsection (e) with respect to the producers on a farm if the producers enter into a contract with the Secretary under which the producers agree—

(1) in the case of an insurable commodity, to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) providing additional coverage for the insurable commodity for each of the next 2 crops; and

(2) in the case of a noninsurable commodity, to file the required paperwork and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity for each of the next 2 crops under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(g) EFFECT OF VIOLATION.—In the event of the violation of a contract under subsection (f) by a producer, the producer shall reimburse the Secretary for the full amount of the assistance provided to the producer under this section.

SEC. ____. LIVESTOCK ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make and administer payments for livestock losses to producers for 2003 or 2004 losses (as elected by a producer), but not both, in a county that has received an emergency designation by the President or the Secretary after January 1, 2003, of which an amount determined by the Secretary shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–51).

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–51).

(c) MITIGATION.—In determining the eligibility for or amount of payments for which a producer is eligible under the livestock assistance program, the Secretary shall not penalize a producer that takes actions (recognizing disaster conditions) that reduce the average number of livestock the producer owned for grazing during the production year for which assistance is being provided.

SEC. ____. TREE ASSISTANCE PROGRAM.

The Secretary shall use such sums as are necessary of the funds of the Commodity Credit Corporation to provide assistance under the tree assistance program established under subtitle C of title X of the Farm Security and Rural Investment Act of 2002 to producers who suffered tree losses during the winter of 2003 through 2004.

SEC. ____. COMMODITY CREDIT CORPORATION.

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title.

SEC. ____. REGULATIONS.

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this title.

(b) PROCEDURE.—The promulgation of the regulations and administration of this title shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SEC. ____. EMERGENCY DESIGNATION.

Amounts appropriated or otherwise made available in this title are each designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1014). However, such amounts shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement, is transmitted by the President to the Congress.

Mr. PUTNAM. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the amendment in the nature of a substitute and on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on the amendment offered by the gentleman from Florida (Mr. PUTNAM), if ordered, and on the adoption of the resolution, if ordered.

The vote was taken by electronic device, and there were—yeas 216, nays 186, not voting 30, as follows:

[Roll No. 499]

YEAS—216

Aderholt	Collins	Hall
Akin	Crane	Harris
Alexander	Crenshaw	Hart
Bachus	Cubin	Hastings (WA)
Baker	Culberson	Hayes
Ballenger	Cunningham	Hayworth
Barrett (SC)	Davis, Jo Ann	Hefley
Bartlett (MD)	Davis, Tom	Hensarling
Barton (TX)	Deal (GA)	Herger
Bass	DeLay	Hobson
Beauprez	Diaz-Balart, L.	Hoekstra
Biggert	Diaz-Balart, M.	Hostettler
Bilirakis	Doolittle	Hulshof
Bishop (UT)	Dreier	Hunter
Blackburn	Duncan	Hyde
Blunt	Dunn	Isakson
Boehner	Ehlers	Issa
Bonilla	Emerson	Istook
Bonner	English	Jenkins
Bono	Everett	Johnson (CT)
Boozman	Feeney	Johnson (IL)
Bradley (NH)	Ferguson	Johnson, Sam
Brady (TX)	Flake	Jones (NC)
Brown (SC)	Foley	Keller
Brown-Waite, Ginny	Forbes	Kelly
Burgess	Fossella	Kennedy (MN)
Burns	Franks (AZ)	King (IA)
Burr	Frelinghuysen	King (NY)
Burton (IN)	Gallegly	Kirk
Buyer	Garrett (NJ)	Kline
Calvert	Gerlach	Knollenberg
Camp	Gibbons	Kolbe
Cannon	Gilchrest	LaHood
Cantor	Gillmor	Latham
Capito	Gingrey	LaTourette
Carter	Goode	Leach
Castle	Goodlatte	Lewis (CA)
Chabot	Granger	Lewis (KY)
Chocola	Graves	Linder
Coble	Green (WI)	LoBiondo
Cole	Greenwood	Lucas (OK)
	Gutknecht	Manzullo

McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—186

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Chandler
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Herseth
Hill
Hinchey
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—30

Boehlert
Carson (OK)
Clay
Cox
DeMint
Gephardt
Harman
Hinojosa
Hoeffel
Houghton
Jefferson
John
Jones (OH)
Kingston
Kleczka
Majette
Millender-McDonald
Neal (MA)
Nethercutt
Norwood
Paul
Pelosi
Ruppersberger
Sánchez, Linda T.
Simpson
Slaughter
Tauzin
Towns
Watt
Waxman

□ 1954

Mr. LEWIS of Georgia and Mr. RANGEL changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the amendment in the nature of a substitute offered by the gentleman from Florida (Mr. PUTNAM).

The amendment in the nature of a substitute was agreed to.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5212 and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR HURRICANE DISASTERS ASSISTANCE ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 819 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5212.

□ 1955

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 consideration of the bill (H.R. 5212) making emergency supplemental appropriations for the fiscal year ending September 30, 2005, for additional disaster assistance relating to storm damage, and for other purposes, with Mr. GILLMOR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 5212 is a bill to further respond to the devastation brought upon the State of Florida and other neighboring States by Hurricane Charley, Hurricane Frances, Hurricane Ivan, Hurricane Jeanne, and Tropical Storm Bonnie, more adverse weather than a State has seen in hundreds of years.

This is the second supplemental that the House will consider. The first supplemental was introduced on September 7, the day we reconvened. We passed that bill on September 7, the other body deemed it passed on September 7, and it arrived at the President's desk just in time to make sure that the cash flow to the needy folks in Florida would not be disrupted.

We are now reaching a similar situation. The FEMA funds are about to run out once again, and this bill will provide additional funds for FEMA and other disaster recovery and relief efforts.

I want the Members to know how I feel about this bill. This is a good bill, as far as it goes. There is nothing political in this bill, at least not yet. There are no special projects for any Member. We resisted all attempts to add to this supplemental. So this really gets to the point of recovery from five major storms.

I have lived in Florida for 58 years. I have seen the devastation of hurricanes and tornadoes. They go together. Hurricanes are large storms and hurricanes spawn tornadoes.

I have seen homes totally destroyed. I have seen mobile home parks obliterated, gone. I have seen major buildings with their roofs gone. I have seen infrastructure for cities and counties destroyed. I have seen highways, believe it or not, that have been totally destroyed, with large chunks of asphalt just lying around like parts of a jigsaw puzzle waiting to be put together. But you cannot just put them back together. You have to rebuild them.

Last week, the gentleman from Florida (Mr. BOYD) and I went to Florida to Pensacola, to the Naval Air Station; and there we were met by the gentleman from Florida (Mr. MILLER), and we reviewed some tremendous, very costly damage created by the hurricanes.

There is a lot more to be said about the tremendous pressure of living through a hurricane, and I have lived through a number of hurricanes. These five storms that I have talked about, have affected every section of Florida, and in some cases three of the storms have hit the same section.

□ 2000

Governor Jeb Bush became the manager of the recovery effort, and he has done an outstanding job. He managed the recovery effort on the part of the State. He coordinated the counties, and he coordinated the cities and all of the

relief agencies that have been there to help out the people that really needed help.

President Bush visited the State five times, and visited the hurricane sites and viewed for himself the disaster and visited with the people. He handed out bags of ice and bottles of water. He did a good job, and he made commitments and promises to the people of Florida. It is my intention, Mr. Chairman, to make sure that no one stands in the way of following through on those promises that President Bush made to the people of Florida.

Mr. Chairman, the bill that we take up today meets a lot of these promises, but it does not meet them all. There is another bill that I introduced today, H.R. 5227, that does include, in fact, the promises that President Bush made to the people of Florida. And, the additional funds that we have included in H.R. 5227, over and above the President's request of approximately $11 billion, we have offset. We have offset $1.6 billion that we would have added to the President's request. We are not permitted to bring this bill up today, but I will tell my colleagues, and I will tell anyone willing to listen on either side of the aisle; this hurricane relief has been very bipartisan, and I appreciate all of the support that Members have given us; and this Chairman is going to do everything possible to see this bill enacted into law because it meets the real requirements of recovery efforts in the great State of Florida. It is not the bill that we are considering today, but we are going to do everything possible to make sure that it ends up on the President's desk.

The gentleman from Florida (Mr. BOYD) would have offered an amendment that would have increased H.R. 5212 by $1.6 billion, and that is what this second bill (H.R. 5227) does, it increases the bill by $1.6 billion. He and I traveled together to many parts of Florida; we visited and we saw for ourselves what the damages were and what the recovery effort was going to take.

So we will do our very best to make sure that the promises that the President made to the people of Florida will not be stymied by some bureaucracy or some group of people who might not want us to move this legislation. But one way or another, we are going to move it.

Mr. Chairman, a lot of Members wish to be heard on this issue, especially Florida Members, so at this point I reserve the balance of my time.

Emergency Supplemental Appropriations (H.R. 5212)
(Amounts in thousands)

	FY 2004 Request	Recommended in the Bill	Bill vs. Request
DEPARTMENT OF AGRICULTURE			
Forest Service			
National forest system (emergency)	2,000	2,000	---
Capital improvement and maintenance (emergency)	33,000	33,000	---
General Provisions			
Emergency Watershed Protection Program/Emergency Conservation Program (emergency)	230,000	230,000	---
Section 32 transfer (emergency)	90,000	90,000	---
Producer assistance (emergency) /1	265,000	265,000	---
Total, DEPARTMENT OF AGRICULTURE: New (budget obligational) authority	620,000	620,000	---
1/ Amounts requested are for FY 2005			
DEPARTMENT OF COMMERCE			
National Oceanic and Atmospheric Administration			
Operations, research, and facilities (emergency)	7,900	7,900	---
Procurement, acquisition and construction (emergency)	6,800	6,800	---
Total, DEPARTMENT OF COMMERCE: New (budget obligational) authority	14,700	14,700	---
DEPARTMENT OF DEFENSE			
Military Personnel			
Military personnel, Navy (emergency)	1,000	1,000	---
Military personnel, Air Force (emergency)	13,225	13,225	---
Operation and Maintenance			
Operation and maintenance, Army (emergency)	2,844	2,844	---
Operation and maintenance, Navy (emergency)	404,591	404,591	---
Operation and maintenance, Air Force (emergency)	128,672	128,672	---
Operation and maintenance, defense-wide (emergency)	172,506	172,506	---
Operation and maintenance, Army Reserve (emergency)	1,442	1,442	---
Operation and maintenance, Navy Reserve (emergency)	399	399	---
Operations and maintenance, Army National Guard (emergency)	3,350	3,350	---
Operations and maintenance, Air National Guard (emergency)	1,085	1,085	---
Total, Operation and Maintenance	714,889	714,889	---
Other Department of Defense Programs			
Defense health program (emergency)	10,286	10,286	---
Procurement			
Other procurement, Air Force (emergency)	2,500	2,500	---
Procurement, defense-wide (emergency)	102,500	102,500	---
Military Construction			
Military Construction, Navy (emergency)	138,800	138,800	---
Military Construction, Army Reserve (emergency)	8,700	8,700	---
Base realignment and closure account (emergency)	50	50	---

Emergency Supplemental Appropriations (H.R. 5212)
(Amounts in thousands)

	FY 2004 Request	Recommended in the Bill	Bill vs. Request
Family Housing			
Family housing, operation and maintenance, Army (emergency)	313	313	---
Family housing, operation and maintenance, Navy and Marine Corps (emergency)	3,276	3,276	---
Family housing, operation and maintenance, Air Force (emergency)	5,600	5,600	---
Total, Family Housing	9,189	9,189	---
Revolving and Management Funds			
Working Capital Fund, Defense-Wide (emergency)	77,000	77,000	---
General Provisions			
General transfer authority (Sec. 201) (emergency)	(210,000)	(210,000)	---
Total, DEPARTMENT OF DEFENSE: New (budget obligational) authority	1,078,139	1,078,139	---
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
Departmental Management			
Public health and social services emergency fund (emergency)	50,000	50,000	---
DEPARTMENT OF HOMELAND SECURITY			
Security, Enforcement, and Investigations			
United States Coast Guard			
Operating expenses (emergency)	26,000	26,000	---
Preparedness and Recovery			
Emergency Preparedness and Response			
Disaster relief (emergency)	6,500,000	6,500,000	---
Total, DEPARTMENT OF HOMELAND SECURITY: New (budget obligational) authority	6,526,000	6,526,000	---
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
Community Planning and Development			
Community development fund (emergency)	150,000	150,000	---
DEPARTMENT OF THE INTERIOR			
United States Geological Survey			
Surveys, investigations, and research (emergency)	1,000	1,000	---
United States Fish and Wildlife Service			
Resource management (emergency)	2,700	2,700	---
Construction (emergency)	24,700	24,700	---
National Park Service			
Construction (emergency)	48,900	48,900	---

Emergency Supplemental Appropriations (H.R. 5212)
(Amounts in thousands)

	FY 2004 Request	Recommended in the Bill	Bill vs. Request
Total, DEPARTMENT OF THE INTERIOR:			
New (budget obligational) authority	77,300	77,300	---
DEPARTMENT OF JUSTICE			
Federal Prison Systems			
Salaries and expenses (emergency)	5,500	5,500	---
Buildings and facilities (emergency)	18,600	18,600	---
Total, DEPARTMENT OF JUSTICE:			
New (budget obligational) authority	24,100	24,100	---
DEPARTMENT OF TRANSPORTATION			
Federal Aviation Administration			
Operations (emergency)	5,100	5,100	---
Emergency assistance to airports (Airport and Airway Trust Fund) (emergency)	25,000	25,000	---
Federal Highway Administration			
Federal-aid highways (Highway Trust Fund), Emergency relief program (emergency)	800,000	800,000	---
Total, DEPARTMENT OF TRANSPORTATION:			
New (budget obligational) authority	830,100	830,100	---
DEPARTMENT OF VETERANS AFFAIRS			
Veterans Health Administration			
Medical services (emergency)	38,283	38,283	---
Medical administration (emergency)	1,939	1,939	---
Medical facilities (emergency)	46,910	46,910	---
Total, Veterans Health Administration	87,132	87,132	---
Departmental Administration			
General operating expenses (emergency)	545	545	---
National cemetery administration (emergency)	50	50	---
Construction, minor projects (emergency)	36,343	36,343	---
Total, Departmental Administration	36,938	36,938	---
Total, DEPARTMENT OF VETERANS AFFAIRS:			
New (budget obligational) authority	124,070	124,070	---
CORPS OF ENGINEERS - CIVIL WORKS			
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee (emergency)	4,000	4,000	---
Operation and maintenance, general (emergency)	94,000	94,000	---
Flood control and coastal emergencies (emergency)	147,000	147,000	---
Total, CORPS OF ENGINEERS - CIVIL WORKS:			
New (budget obligational) authority	245,000	245,000	---
ENVIRONMENTAL PROTECTION AGENCY			
Buildings and facilities (emergency)	3,000	3,000	---

Emergency Supplemental Appropriations (H.R. 5212)
(Amounts in thousands)

	FY 2004 Request	Recommended in the Bill	Bill vs. Request
INTERNATIONAL ASSISTANCE PROGRAMS			
Agency for International Development			
International disaster and famine assistance (emergency)	100,000	100,000	---
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION			
Space flight capabilities (emergency)	126,000	126,000	---
SMALL BUSINESS ADMINISTRATION			
Disaster loans program account:			
Direct loans subsidy (emergency)	501,000	501,000	---
Administrative expenses (emergency)	428,000	428,000	---
Total, SMALL BUSINESS ADMINISTRATION: New (budget obligational) authority	929,000	929,000	---
EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT			
Unanticipated needs (emergency)	70,000	70,000	---
Grand total: New (budget obligational) authority	10,967,409	10,967,409	---

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Florida (Mr. BOYD).

Mr. BOYD. Mr. Chairman, I want to thank my Ranking Member, the gentleman from Wisconsin (Mr. OBEY), for yielding me this time.

Again, let me thank the gentleman from Florida (Chairman YOUNG) my friend, who did invite me to travel with him around Florida to see the results of the five storms that landed in Florida, and it left Florida on many occasions and went to other parts of the country.

Now, many of the people in Florida, Mr. Chairman, are really probably not watching this tonight, because many of them do not have power still. They are trying to put their lives back together. In the district that I represent, we lost six people that were killed in Hurricane Ivan, not because they did not get out of the way of a hurricane, but because tornadoes spawned down and caught them off guard and killed them and some of their relatives.

Mr. Chairman, the gentleman from Florida (Mr. YOUNG) has it right. He has it right. The bill that he says he is going to introduce has it right. The Office of Management and Budget of the White House and the leaders of this House have it wrong. The bill that we are on now is inadequate to meet the needs of the Nation caused by the five storms that landed in Florida in the last 2 months, and I want to outline very specifically what those shortfalls are.

In agriculture, after consultation with all of the agriculture folks around the country and in the different States that were affected, it is $486 million short. Defense and military construction: Defense, the main priority of this Federal Government, $455 million short in the bill that we are looking at now. That is the difference between this bill and the bill that the gentleman from Florida (Mr. YOUNG) has introduced separately.

Interior: That is for cleanup and facility repairs and Forest Service repairs, $105 million. Those are Federal lands, Federal property.

Transportation: Mr. Chairman, many Americans saw the daunting picture of I–10 going across Escambia Bay that was torn up and ruined; that is a $250 million fix. Then there is the Federal highway, a $750 million shortfall in the bill before us today for the needs caused by the hurricane. I could go on and on.

Mr. Chairman, OMB of the White House has it wrong; the gentleman from Florida (Chairman YOUNG) has it right. I know that the gentleman from Florida (Chairman YOUNG) has a good plan and will work in concert with he gentleman from Wisconsin (Ranking Member OBEY) to get this done the right way. It is important that the Members of this House remember that they were elected by the folks in their districts to represent their interests. If they are going to turn over that responsibility to somebody in the White House, they might as well give up their card, Mr. Chairman.

It is time to stand up and do the right thing and support the gentleman from Florida (Chairman YOUNG) and the gentleman from Wisconsin (Mr. OBEY) on getting this emergency supplemental done correctly.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Florida (Mr. FOLEY), whose district enjoyed the visits of several hurricanes.

Mr. FOLEY. Mr. Chairman, I thank the gentleman from Florida (Chairman YOUNG) for his hard work on behalf of Floridians. I want to thank the White House, and I want to thank the President specifically and Governor Jeb Bush for their tireless efforts to help those who have suffered the damages of four hurricanes.

This has been a unique and unusual year in our State. The gentleman from Tallahassee said it very brilliantly when he said that we have all suffered in Florida. Virtually every one of 67 counties has had some impact from the four storms that have visited our State.

The gentleman from Florida (Chairman YOUNG) has designed a supplemental bill on behalf of the OMB and the White House that does meet many of the critical needs of our State, from NASA to FEMA to the Corps of Engineers to beach renourishment to fixing problems, including a generous allocation to the Red Cross which has expended considerable resources to helping those Floridians who are in a time of desperate need. But I also want to suggest that the gentleman from Florida (Chairman YOUNG) has a bill that will enhance and further the efforts that have been left out of this supplemental package.

Now, I appreciate all that has been done on behalf of Florida by our colleagues from 50 States and the territories we all represent. We are deeply grateful for the efforts made on behalf of the leadership and others to bring this bill to the Floor in a timely manner to remedy and remediate the problems we have experienced in Florida. But, as the gentleman from Florida (Chairman YOUNG) clearly stated, more needs to be done.

Not all crops have been considered in this supplemental. In my district, sugar suffered a drastic and dramatic loss of crop, as have citrus, as have row crop, as have plant nurseries, as have cattle and dairy. Those are considered in the bill; others have not been. We want to bring equity to the table. Anybody who has suffered a loss should be brought whole.

I want to thank those, specifically FEMA's director, Mike Brown, and all of the FEMA employees that are in Florida today and other States that have suffered as a result of the hurricanes. We have over 3,000-plus FEMA active-duty workers as well as volunteers who are in our State assisting the governor in bringing relief to the desperate citizens of Florida.

So I applaud the gentleman from Florida (Chairman YOUNG) for his deliberation and the speed in which this measure was brought to the floor. And I commend to the leadership and to the White House H.R. 5227, a furtherance of that effort to bring whole the damages suffered by Floridians.

Hurricane Charley came to Punta Gorda on August 13; followed by Frances to Stewart, Florida, a district I represent as well as Punta Gorda; followed by Jeanne hitting the very exact same territory. The gentleman from Florida (Chairman Shaw) has been extraordinarily helpful in coordinating the efforts of our State delegate agencies and bringing relief to our citizens. The effort is largely made whole by the work of the gentleman from Florida (Chairman YOUNG), but I hope we are able to consider in the remaining hours of this session H.R. 5227, authored by the gentleman from Florida (Mr. YOUNG) to remedy the remaining issues outstanding.

Mr. OBEY. Mr. Chairman, I yield 2½ minutes to the distinguished gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I rise in appreciation for the work of the gentleman from Florida (Chairman YOUNG) and the gentleman from Wisconsin (Ranking Member Obey) in responding to the crisis in Florida, but I rise with concerns about what is not included in this bill.

We continue to receive daily reports of the ongoing genocide in Darfur. Despite commitments from the White House to do so, the Sudanese government has not taken steps to reduce the violence and reign in military forces. While the United States and the United Nations continue to put pressure on Khartoum, the situation on the ground in Darfur gets worse, and prospects increase for a rapid escalation of violence.

The only chance we have in the immediate future to end the killing and prevent future violence is to enable the deployment of more African Union monitors to Darfur. Incredibly, while the State Department has clearly identified the need for additional funds to support such a force, the administration has not requested these funds.

The African Union has reached consensus on the deployment of a force of between 3,200 and 3,600 troops to Darfur. The government of Sudan has agreed to this. Several African nationals have committed to send troops. The cost to support this force for 1 year has been estimated by the State Department to be $220 million and, at the moment, the United States has contributed $20 million from existing sources, and other donors are being sought to share the cost.

However, no other donors have yet come forward. The State Department needs at least $33 million immediately to get this force mobilized and deployed. Prospects of getting additional

funding to meet the need for the full $220 million cost are uncertain.

We can take immediate action to secure these funds. As this supplemental goes to conference, I will work to ensure that we include the transfer of $93 million from Iraq reconstruction funds for this African Union force or to meet unforeseen needs for humanitarian relief.

The Secretary of State has clearly indicated to a number of Members that these funds are necessary and that there are no other sources from existing accounts. Congress has already provided the administration with the authority to transfer up to .5 percent of Iraq construction funds to meet unforeseen needs in Sudan. The President could exercise this authority today if he chose to, but we have been told that the White House is not inclined to do so. Adding language mandating the transfer will not add to the cost of the bill, as we are transferring funds already available, and it would not set a precedent for future transfers from Iraq reconstruction; it is a one-time authority only.

The latest report on Iraq indicated that only $1.2 billion of the $18 billion we provided has been spent; only $7.1 billion has been obligated. Surely, we can respond to this genocide in Sudan, and I hope my colleagues on both sides of the aisle will work with me to make this happen.

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Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Arizona (Mr. KOLBE), the chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations.

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

I want to comment on the gentlewoman's remarks that just preceded me, my distinguished friend and colleague, the gentlewoman from New York (Mrs. LOWEY). I quite agree with her that we need the money for Darfur and we need the money to make sure that we can have a peace settlement in that region, and that we can have forces there that can enforce that peace. But as she pointed out, the authority for that exists already in law. And while we can spend tonight beating up on the administration for not exercising it, they have the ability to do that, and I think they will exercise that at the appropriate time. No legislation, no action by this Congress is needed in order for them to do that.

Mr. Chairman, I want to take my moment here to rise and thank the gentleman from Florida (Mr. YOUNG) for introducing this supplemental legislation and to rise in support of the international disaster assistance in the Caribbean.

While the vast majority of the funds in the bill are intended to assist American citizens who have been affected by recent hurricanes and tropical storms, there is $100 million that is set aside here in order to help our neighbors in the islands of the Caribbean. Several of these nations were devastated by wind, rain and flooding due to these hurricanes, particularly in Haiti, Grenada, the Bahamas, and Jamaica. Approximately 3,000 people in Haiti are either confirmed dead or reported missing due to flooding caused by Tropical Storm Jeanne. In addition, Hurricane Ivan destroyed nine out of 10 homes on the island of Grenada.

The United States has already responded with $18 million in humanitarian assistance to those in the region that have been affected by these storms. But the scope of the destruction is very significant and additional resources are necessary. I am pleased the administration responded positively to our recommendation that $100 million was needed, and amended the initial request of $50 million. I support this assistance. I urge passage of this legislation. Even as we respond at home to the needs of our people in this country, I think Americans remain generous in their response to people who are devastated by hurricanes and disasters in other countries, including our neighboring Caribbean countries. I urge support of this legislation.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Maryland (Mr. HOYER), the minority whip.

Mr. HOYER. Mr. Chairman, I thank my friend from Wisconsin (Mr. OBEY) for yielding me time.

Mr. Chairman, it is regrettable that this bill fails to provide even a modest amount for the gravest humanitarian emergency facing the world today, the senseless slaughter of innocent civilians in Darfur.

I want to congratulate the chairman for bringing this bill forward at this time, and I certainly support it, and I support the provisions. I certainly join the gentleman from Arizona (Mr. KOLBE) in his observations with reference to $100 million for our Caribbean friends who have been devastated. However, both the President and the Secretary of State have called the tragedy in Sudan genocide. And the United Nations has identified it as ''the world's worst humanitarian crisis.''

But we still have the opportunity to support an African Union peacekeeping force intended to put an end to the blood shed and we must not turn our backs.

How can it be that destruction of 400 villages, the murder of 50,000 civilians, and the displacement of more than one million people is not an emergency worth a modest investment to stop the slaughter?

It is true we have provided millions of dollars in humanitarian relief for those already affected by this ongoing horror. But we have not yet adopted the appropriate sense of urgency about ending the murderous campaign of the Sudanese Government and its Janjaweed henchmen.

The USAID estimates that 350,000 more people could die of disease and malnutrition over the next 9 months. The fact is the killing must stop before the farmers and herders can return home to Darfur and resume feeding their families. At the very least, Mr. Chairman, we ought to require the administration to use existing authority to reprogram $93 million in unobligated Iraq reconstruction money now, the operative word is now, to end the genocide in Sudan, as the gentlewoman from New York (Mrs. LOWEY) as proposed and the gentleman from Illinois (Mr. JACKSON) has proposed, and indeed, I think as the gentleman from Arizona (Mr. KOLBE) supports.

Ten years ago when 800,000 Africans died in the Rwandan genocide, we vowed, as the world has too often: never again. How is it that the world so quickly forgets what ''never again'' means? What generated the sentiment ''never again'' in the children, the women, the elderly? They will not understand if we simply talk, if we simply say at some point in time we will act.

We now have an opportunity to prove that we meant never again, that this Nation, a beacon for human rights, decency and freedom will not stand by, Mr. Chairman, and watch the slaughter of innocent men, women and children. This Nation and the world have a moral obligation to act. Mr. Chairman, we cannot ignore that moral obligation.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to a very distinguished gentleman from Florida (Mr. SHAW) who has lived through several hurricanes right in his own home town.

Mr. SHAW. Mr. Chairman, I would like to speak just a moment to the comments of my friend, the gentleman from Maryland (Mr. HOYER). What he said about the suffering in Africa is absolutely correct, but that has nothing to do with this bill. This bill is about us and our neighbors, and that is what we are talking about here this evening.

Florida is bleeding. It is bleeding. We have had tremendous damage all throughout the State. Four hurricanes in one year. There is nobody in this House, there is nobody alive today that can remember the tremendous suffering that one State has suffered because of the hit of four hurricanes. Alabama, Georgia, North Carolina, South Carolina, this is what this is about, and our neighbors to the Caribbean. And Haiti, where they have bodies that are still hanging in trees because of the devastation that they have been hit with.

These are the people that we are talking about tonight. These are the people that we need to take care of because of this appropriations bill.

Mr. Chairman, my friend, the gentleman from St. Petersburg, Florida (Mr. YOUNG), how fortunate we are to have him as chairman and the cooperation of the gentleman from Wisconsin (Mr. OBEY) that we have gotten.

One thing about this Congress, we come together, we come together to

bring an end to suffering, to bring an end to the damage and tremendous damage that has been done in the State of Florida and across the southeastern United States.

So tonight we will be united in our vote, and I am confident that we will get great support on both sides of the aisle, and I thank the chairman very much for bringing this bill so quickly. This is absolutely unforeseen, the tremendous suffering that we have had in my own home State of Florida, and I urge everyone to vote ''yes'' on this most important bill.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. JACKSON).

(Mr. JACKSON of Illinois asked and was given permission to revise and extend his remarks.)

Mr. JACKSON of Illinois. Mr. Chairman, this emergency supplemental should contain funding for African Union peace keepers in Sudan to address the worst humanitarian crisis in the world today, but it does not. Six thousand to 10,000 Darfurians are dying each month. That is why the language should be in this bill, because this is the only bill leaving this station until after the election.

1.2 million live in overcrowded camps needing security and struggling to survive; 50,000 Darfurians have been brutally murdered, many in front of their own family. This Congress in a unanimous way went on record to declaring it a genocide and since 2003 the Sudanese Government and their murderous Arab militia, the Janjaweed, have waged a deliberate and systematic campaign of rape, torture, starvation, and murder.

In September, the gentleman from Arizona (Mr. KOLBE) and I traveled to see the devastation and destruction in Darfur. We both concluded that the first and immediate step was to provide security for the people of Darfur. This supplemental is the only bill that can provide security for the people of Darfur. So we pledged to work together for an expanded African Union and force in Darfur. But the chairman came to the floor and said that the President already has the authority. But the President just a few days ago in a debate declared that it was a genocide, so why has he not exercised the authority?

Like the distinguished minority whip, the gentleman from Maryland (Mr. HOYER), said, we need the help now. Now the African Union is moving forward to save lives. In the last few days they have reached an agreement to deploy 3,500 additional troops into Darfur at an estimated cost of $240 million of which the United States is expected to contribute one-third. Yes, we must help the people of Darfur, but this Congress is also on record suggesting that it is a genocide. Yes, the people of Florida; yes, the people in the southern United States. But, Mr. Chairman, not to do so would be a moral failure.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. WELDON), the very distinguished member of the Committee on Appropriations from Florida's east coast and Cape Canaveral and the Space Center.

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding me time, and I want to commend him for bringing this work and this piece of legislation to the floor.

The past 6 weeks for me in the congressional district I represent have been the worst 6 weeks that I have ever had to deal with. We had Charley rip through the west side of the district after devastating the southwest coast, Punta Gorda, Port Charlotte. It came up into Orlando and devastated the community of Kissimmee and St. Cloud, the community that I represent; 200,000 people without electrical power, hundreds of businesses destroyed, thousands of homes damaged or destroyed.

I thought that was it for the season and then a few weeks later we had Frances, devastating the community of Vero Beach, Sabastian, Melbourne Beach, Melbourne. Again, leaving businesses destroyed, people unable to go into their homes. Tragically, it wreaked horrible damage at our Nation's space center, Kennedy Space Center, the vehicle assembly building badly damaged, a critical building that makes thermal installation tiles and blankets for the Space Shuttle, the roof torn off of it.

I thought we had had enough. I thought that was basically it. And then to our shock and amazement Jeanne came through, a more powerful hurricane than Frances with higher sustained winds, leaving again hundreds of thousands of people without electrical power, shuttering businesses. There are thousands, literally, there are thousands of people in my congressional district who have had their homes destroyed, destroyed.

You do not know what it is like to go to people's street and they have seen everything they have absolutely destroyed.

This is very, very timely legislation. I very much appreciate the money that the President has put in for the beach renourishment, but I will just share with the chairman, I do not think this figure is adequate. I think my congressional district alone can consume two-thirds of that money. And I am looking forward to working with you. This is not about just a place for people to swim. It is not just about sea turtles having a place to lay their eggs. I have hotels that cannot open, people that cannot go to their jobs. This is very, very bad; and it is very, very timely we do this.

I know there are a lot of people that have been devastated in the Carolinas and in Alabama and certainly in the gentleman from Florida's (Mr. MILLER) district in the panhandle. I see he has come to the floor. I think his district is probably the worst hit in the State. I thank the chairman for his hard work. We are looking to him to be our hero again.

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Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Michigan (Ms. KILPATRICK).

(Ms. KILPATRICK asked and was given permission to revise and extend her remarks.)

Ms. KILPATRICK. Mr. Chairman, I thank the gentleman from Florida (Mr. YOUNG), our senior chairman for the Committee on Appropriations, and the gentleman from Wisconsin (Mr. OBEY), our ranking member, for bringing the bill to the floor. I want to thank them on their speediness. I know $2 billion has already been appropriated. This allows another $10 billion, not near enough, but it is certainly a start.

Florida very definitely must be helped. The residents there have shown that they are true patriots and Americans, and yes, they need the help.

Also, the countries in the Caribbean, I thank my colleagues for the $100 million, and it is most important that we help our neighbors in this time of devastation. Whole countries have been devastated, 80 percent of some of their housing, their schools, their hospitals. This will begin to help them, and I thank my colleagues for that. It is not enough, but it is a start, and I hope we will continue to work on it.

There is much more to be done in the Caribbean, in Florida, and as was mentioned, I am sure this Congress will be there.

In Darfur, as has been mentioned, in the Sudan, they, too, are in a crisis. People are dying every day, Mr. Chairman. We need to help them. The President has declared a genocide. The Secretary of State has declared a genocide. We need to help them.

I call on the World Bank and the Inter-Development Bank to forgive the loans of those Caribbean nations, to offer grants for those nations. Those people need to get back on their feet as well.

I call on the World Bank and the Inter-Development Bank to help Darfur, to help the Sudanese people. I think it is time to issue sanctions against Sudan. That would help to make sure that the Janjaweed would not terrorize the community, the nation, the people; and they are doing just that.

So I ask for our President and this Congress, we must be the leaders that God intends that we be. We must stand up, yes, help Florida, give those people what they need. They have been there with us, and we owe it to them. The Caribbean neighbors that we have, Haiti devastated, and this appropriations bill that is now a supplemental moving quickly, and we thank the leadership for that.

We need to do more for Darfur. We have got to do it. We ask for one-half

percent of the money that was appropriated to Iraq, $20 billion appropriated, $2 billion spent. We can do better and I hope we will.

Today we are considering H.R. 5212, Emergency Supplemental Appropriations for Hurricane Disasters. The funding levels within the supplemental will provide $100 million for the Caribbean region which has been devastated by recent hurricanes and tropical storms. As a member of the House Appropriations Committee and the Subcommittee on Foreign Operations, I have advocated for funds sufficient to address humanitarian and reconstruction needs for countries affected in the Caribbean.

While I am happy that funds have been provided, I am dismayed that more funds were not provided. The good news is that Haiti, which is in dire need of assistance, will receive perhaps as much as $72 million in aid. The bad news is that other countries in the region will not receive anything close to the monies necessary to rebuild schools and to repair their infrastructures.

The country of Jamaica will receive only $17 million, but the government estimates that it will take $250 million to rebuild homes, replant crops, and build seawalls to protect against future hurricanes and tropical storms. Grenada was also hit hard by storms and will receive approximately $9 million in aid. Preliminary government estimates are that 80 percent of the housing stock has been damaged, 10 percent or 10,000 homes will need to be replaced and 82,000 persons have been displaced from their homes. Clearly Grenada needs more money, and so do the countries of the Bahamas and St. Vincent and the Grenadines that will receive $500,000 respectively.

Mr. Chairman, our Caribbean neighbors and friends are confronting destruction of such magnitude that it will take them years to recover. Many of these countries have previously received loans from the World Bank and Inter-Development Bank. Virtually all of the countries affected by the hurricanes can ill afford to carry more loan debt. I call on the World Bank and the Inter-Development Bank to forgive the debt of Caribbean countries affected by recent hurricanes. I also ask both institutions to issue immediate grants to these countries to help restore their schools, hospitals, food production capability, and the other essentials of everyday life. These international lending institutions must re-evaluate how to facilitate a policy of loan forgiveness or grants for these storm ravaged Caribbean countries.

It is an unfortunate reality that the region will continue to confront seasonal hurricanes and storms. Invariably, the region will continue to rely on the United States to provide humanitarian and disaster assistance in the future. Although our nation is limited in its ability to fully fund post-hurricane reconstruction efforts, we must endeavor to provide greater resources than the allocation in the supplemental. I support the bill before us. I regret that we could not provide greater funding to address the dire circumstances that exist in the Caribbean.

Mr. YOUNG of Florida. Mr. Chairman, last week I had the privilege of accepting an invitation from the gentleman from Florida (Mr. MILLER) to visit his district where the naval air station at Pensacola is located and was devastated. I am happy to yield 3 minutes to the gentleman from Florida (Mr. MILLER) who has done a tremendous job in helping his people recover from this hurricane.

Mr. MILLER of Florida. Mr. Chairman, I thank the chairman, and I rise this evening in support of H.R. 5212. I thank the chairman on behalf of the 630,000 resilient folks of Florida's Emerald Coast, home to America's first settlement, the cradle of naval aviation, the largest Air Force base in the Western Hemisphere and thousands of small business owners, farmers and military veterans. The chairman's commitment to our efforts to rebuild stronger and better than ever has not gone unnoticed and will not be forgotten.

Mr. Chairman, on September 16, Hurricane Ivan devastated northwest Florida, leaving no life untouched. It was a monstrous storm, residents locked down as they were instructed, and nearly a day before the storm began its march towards the northern Gulf coast, defenseless beaches began to feel its first blows. By midnight, rising seas, hurricane force winds and driving rain were being felt all across my congressional district.

The storm continued its rage through the night and well into the next day with its 130-mile-an-hour winds, its 16-foot storm surge, leaving damage, devastation and death in its path for hundreds of miles.

In the days following Ivan, President Bush, a host of Cabinet secretaries and under secretaries and the chairman visited my district and saw firsthand the devastation. My colleague has seen that we are a resilient people and we will bounce back.

Folks now have ice, they have food, they have water. The lights are coming back on. The bridges are being mended. Roofs are tarped and naval aviators are training once again, but we still need help.

This emergency funding measure will deliver what we need to rebuild our bases, our seashores, our bridges, our roads and our lives, and I think that this bill is just what the Federal Government should be doing to fulfill its responsibility to provide the appropriate aid as quickly as possible. From here, we will ensure that it gets into the intended hands as quickly as possible.

As for the Panhandle's future, it is not our character to give up hope. Our communities will continue to unite together. We will rebuild our military infrastructure, and Pensacola will remain the cradle of aviation. To me, there is no place in the world like the Florida Panhandle, and its residents know that there is no better place to rebuild our lives.

I thank the chairman for his efforts.

Mr. YOUNG of Florida. Mr. Chairman, might I inquire as to how much time is remaining on either side?

The CHAIRMAN. The gentleman from Florida (Mr. YOUNG) has 10½ minutes remaining, and the gentleman from Wisconsin (Mr. OBEY) has 17½ minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to another distinguished gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Chairman, I represent the Tampa Bay area, adjacent to the gentleman from Florida's (Mr. YOUNG) district.

The community I represent went through four separate preparations for these horrific hurricanes that have been described tonight, and we were blessed to avoid most of the damage, but the State has suffered immensely. As we stand here tonight, enjoying some electricity, there are still thousands of people in Florida who have no electricity and no water.

I rise tonight in support of the resolution, applauding the gentleman from Florida (Mr. YOUNG) for bringing our congressional delegation together and also to thank our colleagues and the folks they represent around the country for coming together to support us at a very, very difficult time. We will not forget this.

I also want to take the opportunity to thank the countless volunteers and workers, particularly from utility companies, Ohio, Pennsylvania, Tennessee, Kentucky, Georgia. These convoys were traveling night and day up and down our interstate highways, people coming and spending a lot of time away from their families, working around the clock for much longer periods than they expected, to help us put the State back together.

I also want to recognize the faith community, the Georgia Baptist Convention, other people coming from churches and other religious organizations throughout the country to volunteer, in many cases on their own nickel, in some very difficult circumstances. We will not forget that either, and we are very appreciative.

Finally, I want to highlight what the gentleman from Florida (Mr. BOYD), whose district is adjacent to the gentleman from Florida (Mr. MILLER), pointed out: There is roughly a discrepancy of about $2 billion between what had been originally determined to be the amount that was needed for hurricane relief and what we are voting on tonight, and it is very important, if we are going to get this job done, we get it done right.

So I want to encourage the Congress to work with the gentleman from Florida (Chairman YOUNG) as he attempts to fill that gap. There are a couple of areas involving highway grant funds, money for beach restoration, money for repair of military facilities; and a good job is worth doing well. We need to make sure we get this done right before the bill gets to the President's desk.

Mr. YOUNG of Florida. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Florida (Mr. MICA) for the purpose of a colloquy.

Mr. MICA. Mr. Chairman, I am pleased to engage with the chairman of the Committee on Appropriations in this colloquy.

First of all, I want to take a moment and commend the gentleman from Florida (Chairman YOUNG) and the Committee on Appropriations for bringing this supplemental appropriation to the floor. I thank him for his leadership in the House of Representatives and for his service to our State and our Nation in this difficult time.

As some of my colleagues may know, central Florida is the fern capital of the United States. Unfortunately, the nursery and fern industry suffered the second largest amount of agricultural damage from recent hurricanes, just behind citrus.

The United States Department of Agriculture staff estimates that 65 percent of the industry's total acreage in central Florida has been totally lost. In addition to $32 million in infrastructure losses, the industry has suffered crop losses of $76 million. Worse, it takes some 7 years to reestablish crops in natural shade, and the long-term loss is estimated at $235 million.

Mr. Chairman, the total economic impact from hurricanes on the fern industry, the lifeblood of this central part of our State, is $342 million.

It is my understanding that by adding an additional $90 million to section 32 funds, the USDA will be able to ensure that they will have adequate funds to make payments to producers in Florida, including those in the fern industry.

I would ask the gentleman from Florida if this is his understanding as well.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. MICA. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I will say to the gentleman that, yes, this is my understanding.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy in permitting me to speak on this bill. I rise in support of it. Our hearts again go out to the victims of natural disasters like the hurricane in the Southeast, but I would, with all due respect, suggest that we ought to start thinking about how we can do more.

This is the second time we have done this in 2 months, but it is not just a once-in-a-century occurrence in Florida. In 2003, President Bush issued 56 major disaster declarations. So far this year he has already issued 46. During the 8 years I have been in Congress there have been at least 10 disaster supplementals, and we have appropriated over $20 billion in disaster relief funding in supplementals.

CRS has testified that there is no systematic accounting of disaster relief funding, even just the Federal cost. Now these bills are popular and they are important. They make us feel better; they help people. But always acting after the fact we create a wider hole for the taxpayers, and we keep putting people in harm's way.

I remember in 1999, where we had supplemental funding that put hog lagoons back in a flood plain. Now, we should not just continue to clean up after these tragedies and these messes.

Congress has an opportunity to make a real difference to prevent some of the future damage when we have major legislation like this. Whether it is flooding, fires, hurricanes, drought or earthquakes, we can make a difference ahead of time.

I look at what happened in California with the recent wildfires that we have seen earlier in this Congress. We saw in Ventura County and Los Angeles County, Stevenson Ranch, where people did some thoughtful planning before the fact and the losses were dramatically reduced.

We should at a minimum create a comprehensive national strategy for responding to and preparing for recurrent natural hazards. It ought to include consistent Federal policies. We should shift some of our Federal investments to prevention and protection. We should provide technical and financial assistance to support State and local mitigation efforts like in the State of Florida, hazard mapping, land use planning, building standards, retrofitting existing structures. We should use our Federal facilities in States like Florida to model the best practice in terms of location and safe construction.

Now, earlier this year, we stepped in this direction, reforming the flood insurance program. The funding in this bill will save the Federal Government millions of dollars in avoided flood damage, such as we are currently seeing in Florida, and it will reduce losses in the future and take people out of harm's way. Unfortunately, this bill, authorized, has not been funded.

I sincerely hope we pass this bill today, and I look forward to seeing what the chairman and the ranking member can work out to do it in a comprehensive way to make sure that people are not left in the lurch.

But when my colleagues are adding more in, please consider doing a little bit to help people in Florida and other areas avoid danger in the future. Fund the flood insurance reform that does not cost any general fund money. It simply takes some that is already there in that fund and allows it to be used. And let us not put people back in harm's way; let us give them a helping hand, as well as assistance.

Mr. YOUNG of Florida. Mr. Chairman, the gentlewoman from Florida (Ms. HARRIS) knows exactly what it is like to live through a hurricane and to suffer severe damage to properties and investments. I yield 3 minutes to the gentlewoman from Florida (Ms. HARRIS).

(Ms. HARRIS asked and was given permission to revise and extend her remarks.)

Ms. HARRIS. Mr. Chairman, I rise in support of H.R. 5212, which provides the people of Florida with the emergency assistance they need and deserve.

As I have visited emergency operations centers, Red Cross shelters and temporary housing sites throughout Florida's 13th Congressional District, I have been truly amazed by the courage, faith and compassion that I have witnessed.

We have heard about the resilience of these Floridians. I am reminded when I was visiting Hardee and De Soto, just moments before Hurricane Jeanne hit, several neighboring counties had offered to do a barbecue for some 600 folks who had been put out of their homes. When the rains once again came, I was humbled to hear those residents, who had lost everything, say that they were glad Jeanne was crossing once again their threshold since they had lost everything; if it came this way, they had nothing else to lose, and they were glad it was not going to harm anyone else.

□ 2045

The people of Florida have met the unprecedented devastation of four hurricanes with extraordinary selflessness, determination and unity. They have done everything they can to begin rebuilding their lives. Now it is our turn to do everything we can to help them.

Thanks to the leadership of the gentleman from Florida (Mr. YOUNG), we acted swiftly and decisively in appropriating an initial $2 billion for hurricane relief last week, and it was a good start, but a small fraction of the assistance necessary to combat the continued threat to property, to health and to livelihoods.

For example, these hurricanes destroyed beaches throughout our State, including Venice Beach in Southwest Florida. Homes now lie unprotected and exposed. This bill provides the critical funding that will enable the Army Corps of Engineers to prevent further damage.

I understand the desire on the part of many of my colleagues to address other disasters as part of this bill. We cannot, however, afford to get bogged down in considering additional measures that do not specifically relate to hurricane relief. Hurricane victims simply cannot afford to wait while we evaluate unrelated assistance proposals, as worthy as they may be.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of H.R. 5212, the Supplemental Appropriations Act, which provides disaster relief for damage caused by hurricanes Charley, Frances, Ivan and Jeanne, which caused widespread damage in several States of the United States as well as several Caribbean countries.

My colleagues, I would like to say that my heart goes out to all of the families and victims of these disasters, but I am very pleased that we live in a prosperous Nation where we can appropriate $11 billion to assist in recovery

actions of Florida and other areas that were devastated. The recent hurricanes had devastating impacts on the entire Caribbean region. In Grenada, Hurricane Ivan destroyed 90 percent of all the homes, as well as numerous government buildings, hospitals, schools and churches. In Haiti, Hurricane Jeanne caused extensive flooding, killed over 3,000 people, with thousands more in desperate need of food, clean water, emergency shelter, and medical care. And stagnant waters have given rise to a large mosquito population that could lead to a malaria epidemic.

I could go on and tell you about Jamaica and St. Vincent and the other islands in the Caribbean. And I am thankful President Bush proposed $50 million in supplemental appropriations, and I understand, as of this evening, that has been raised to $100 million. We are indeed grateful that we can help our small neighboring countries in this way. But this cannot begin to meet the tremendous needs of thousands of affected people in Haiti and Grenada and other Caribbean nations.

I sent a letter to the chairman and ranking member of the Committee on Appropriations requesting a supplemental appropriation of at least $500 million in disaster relief for the Caribbean. Sixteen Members of Congress signed my letter. That is all the time I had to get signatures. This Supplemental Appropriations Act does provide, again, $100 million for these nations, and I am grateful, but I would hope that, in conference, we could raise that to $500 million. It would go a long way in these very small countries and help them to deal with this terrible devastation they are experiencing.

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

Mr. OBEY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, what has happened on this bill is that after the four disasters that have been referred to this evening, the committee did what we did after the Congress was hit by anthrax a number of years ago. The committee went around to the agencies to try to figure out exactly what it was they needed to fully meet the needs of people who had been hit by these disasters. They went to the Agriculture Department, and the Agriculture Department people unofficially told the Congress what they thought the real level of need was.

There are some 35 States who have legitimate needs that need to be responded to with respect to refurbishing or reconstructing highways that have been damaged. And there are various other needs that will be listed in a chart which I will ask at the proper time to insert in the record following the remarks I am now making.

Essentially, the chairman, his staff and my staff, tried to work out what we thought was a tightly disciplined package to meet legitimate needs being faced in this unprecedented hurricane year. Unfortunately, the way this place has come to work more and more is that people who know the least about problems are the people who often have the most to say about how they are dealt with.

And so, as a result, people who did not go around looking at the damage on the ground, as some of our Florida colleagues did, people who did not have a direct knowledge of the damage that was done and the kind of relief that was needed, they, for ideological reasons, decided that the committee product did not suit their pure idea of what was good and righteous, and so they decided, well, no, that is too much money. So the bill has been scaled back.

Now, as a result of its being scaled back, we are going to have a couple of amendments that are offered in Rube Goldberg fashion which will try to meet some of these legitimate needs by slashing into funds that meet other Americans' legitimate needs in programs ranging from agriculture conservation to cancer research. So we will be asked to vote for a bill which, as the gentleman from Florida indicated, may be good as far as it goes, but it sure does not go very far given the real need.

Now, this damage did not occur in my district, but there have been times when it did, and I know how badly we needed that help. And I know when my farmers were hit with droughts how badly they needed that help. And if we cannot remember what it was like when our constituents were hit with this kind of problem, then we cannot expect other Members to remember when we have a problem.

So I regret the fact that we have this half-a-loaf approach. I assume people will vote for it in the end because it is about all that we can get out of the system, but this, again, is a sorry mess. This Congress has not hesitated to provide $128,000 tax cuts to people making a million bucks a year. But, oh, if you are a farmer who was hit by drought or if you are a property owner hit by hurricane damage or if you are a town chairman trying to deal with your road problem, sorry, buddy, you take second place, you take third place, you can sit in the caboose. We have to put that millionaire in the front seat, first class.

That is essentially what this Congress has done on program after program all year long. We should not be surprised they would do it again tonight. It is too bad, but there is not much we can do about it because the powers that be in this place have decided this is the way it is going to be.

Mr. Chairman, may I ask how much time remains?

The CHAIRMAN. The gentleman from Wisconsin has 5½ minutes.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I thank the gentleman for yielding me this time, and I first want to commend the chairman and the committee for the manner in which they have attempted to deal with a very serious problem, and not just in his State.

I repeat again, the devastation that has occurred in Florida I recognize, and I recognize the need for this body to step forward and to help, as the gentleman from Wisconsin just expressed. We have some disasters in west Texas, drought, excessive rain, some of it produced by the same storm system that hit Florida.

My frustration, not with the chairman but with the leadership on the Chairman's side of the aisle, is what I expressed by offering the amendment and asking that the previous question be struck. Because, yesterday, we had 44 Members of this body, including 14 on the Republican side of the aisle, that supported the best policy way of dealing with the problems that we are having all over the United States.

The President did not say our bill was bad. The President, in his proposal, said that we should treat disasters just like we have always treated them, as an emergency. The moment we begin to treat disasters as nonemergency and begin to budget for them, we have problems, and we have understood that in this body with the rule over the years, with the budget. Now, all of a sudden, once again, the leadership on the Republican side waves their magic wand, and all of a sudden, everyone falls into line.

And no matter how many times some try to explain we are not reopening the farm bill, we are reopening the farm bill in ways that it will take a few months perhaps to fully understand and appreciate. Because once we begin to tamper with the farm bill, just once, for short-term political benefit, then get ready for what happens next. I have been around here a few years, and I know what happens.

I guess the point I want to make, though, is, what happened between yesterday and today? What is it that yesterday had everyone from non-Florida States saying the best way to deal with this disaster is to treat everyone alike and fairly, 2003 to 2004, declare it an emergency, which is what this whole debate and discussion is about; then, all of a sudden we say, no, we are going to treat agriculture different? Of all of the appropriation bills, of all of the authorization bills, of anything that we have done in this body, we are now saying, treat agriculture different.

In fact, we now have a Member of the House Ag Committee, and to my chagrin, the chairman of the House Committee on Agriculture, who has adopted this now. Why? Because the leadership of this House said we have to do it this way. Well, 14 Members, and you can start taking a look, there are many Members who voted for the previous question who when they wake up tomorrow will find out that their district has benefitted from the conservation security program and that they have voted now to cut out a program

that many of their producers have said is a good program and should be carried forward. But because they have followed their leadership, not the policymakers of this body, they have decided that that is the way to go.

Well, I understand. It takes 218 votes. We lost on the previous question. Fourteen Members who yesterday said treat everybody alike today said, no, we are going to follow the leadership of this body.

□ 2100

Take a good look at the leadership of this body and their opinion of what farm policy should be. That is what they are doing on their side of the aisle. But as long as they have got 218 votes, they can do it.

I conclude my remarks by again commending the gentleman from Florida (Mr. YOUNG). Of all of the people on their side of the aisle, Mr. Chairman, I constantly marvel at his demeanor, his patience, the manner in which he accepts his frustrations from time to time and deals with a very difficult job, but he does it well. I know a little bit about what has gone on within his committee, and I want to thank him publicly for what he has tried to do.

I hope that when they get to conference and work with the other body that he does what he said a moment ago, and we will put together a bill that deals with all of the problems in a fair and equitable way. And I will stand with him on that, as I do tonight.

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

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

Mr. Chairman, I am going to repeat just briefly what I said earlier, that H.R. 5212, which is the bill we have under consideration at this moment, is a good bill as far as it goes. But it does not go far enough. It is about $1.6 billion short, and that $1.6 billion we added in H.R. 5227. For those who were concerned about spending the extra money, we have offset it. In our bill, H.R. 5227, we offset that $1.6 billion, so there is no real added cost.

I want a good vote on H.R. 5212. I want to get this bill into conference as soon as we can. We need to finish this job before we leave here for the election break. I do not want the people in Florida to have to wait 3 or 4 weeks before this financial recovery comes to them. I would point out again that FEMA has advised me that by Friday night this week, they will be pretty much out of money. We cannot let that happen.

I wanted to just take a minute and explain what we think should be in this bill that is not, and what is in H.R. 5227. For agriculture, we add $509 million for additional assistance for agriculture and rural areas.

For highways and airports, we add $750 million for the Federal Highway Administration's emergency relief program. Highways, believe it or not, have been seriously damaged and destroyed by the hurricanes that visited Florida.

For NASA, we add $59 million to repair the damage at the Kennedy Space Center, but also to harden the existing facilities to prevent further damage from hurricanes.

For the Army Corps of Engineers, this is very important to a lot of Members, we add $147 million to make emergency repairs to waterways and shore areas, including dredging harbors and inlets that have been filled in by the erosion of the storm and shore protection projects.

For National parks and wildlife refuges, we add $108 million to repair those facilities, to clear debris from the national parks, forests and wildlife refuges based on the most recent estimates from the Federal agencies.

We add $7 million to adequately reflect the most current damages to the United States Coast Guard and their facilities.

As I said earlier, there is nothing political in this bill. These are not Member projects. These are not political projects. These are things that were damaged in disastrous hurricanes, that need to be fixed. H.R. 5227 fixes them; H.R. 5212 does not.

Again, H.R. 5212 is a good bill as far as it goes and it does maintain most of the promises that the President made to Florida. We are going to make sure and I am going to do everything possible to make sure that everything the President promised is going to be delivered by the Congress. I would not do less. I would do everything possible to see the additional hurricane relief, recovery, and disaster funds that I have included in H.R. 5227, become part of the appropriations process, and part of the appropriations bill. And let us get on with rebuilding a great State, a great State where every section of that State was affected by one or more of those disastrous hurricanes.

Mr. Chairman, I thank you very much for the way you have conducted the consideration of this bill today and the discussion and debate on the floor. I look forward to further discussion on two amendments that I know that the rule has made in order.

But, all in all, I want to pass H.R. 5212 with the hope and expectation that H.R. 5227 will come along behind it, which is the better bill. But H.R. 5212 is a good bill as far as it goes.

Mr. STEARNS. Mr. Chairman, I rise today, along with many of my distinguished colleagues, to speak on the importance of Supplemental Disaster Relief. First, I want to thank the Florida delegation, President Bush and Governor Bush for their efforts. Florida, in itself, has experienced an unprecedented number of hurricanes that have ravished our state in the past months. The 6th District of Florida, which I represent, is located in the North Central region of the state and does not contain any coastline.

However, it is important to realize how an entire state and outlying states can be affected by natural disasters. The 6th District of Florida is an example of such. All of the counties in my district, though all land-locked, were declared disaster areas by FEMA, by one hurricane or another. Farmers, businesses, schools and communities were halted in preparation of the hurricanes that were coming and were immobilized for days, and even weeks after the hurricanes hit. There are many different areas of a community that get affected by natural disasters and this supplemental package makes sure that all facets are getting the relief needed. In closing, I want to praise FEMA for doing an exceptional job responding and providing help to the citizens of Florida and praise Chairman YOUNG for his efforts in seeking aid for such a worthy cause. I urge my colleagues to support the Supplemental Disaster Relief funding.

Ms. CORRINE BROWN of Florida. I want to thank the gentlemen from Wisconsin and Florida for their hard work on this legislation.

This bill is needed now and the Committee is doing its job by getting this bill to be considered on its own rather than as part of another appropriations bill.

However, there are still thousands of people in Florida without electricity.

These storms had a huge impact on our tourist based economy with millions of dollars lost in hotel rooms alone.

Car dealerships, mobile home dealerships, boat dealerships have been wiped from the face of the earth.

I rise to object to the limited funds available for the small farmers in Florida. It is the end of the growing season and there is no chance to recover any of the investment that the small farmers in my district put into their land.

Farmers are losing an entire year's crop and have nothing to show for it.

Wihle some crops still have time to rebound and get back some investment by the end of the growing season, the squash farmers in my area are totally out of luck. I heard from one gentleman, Mr. Roy Brown, who has 40 acres of squash that is ruined. He has put $520 into each acre, for a total loss of $20,000.

While there is some compensation available, by rule he can only get 50 percent of his investment back. That leaves him over $10,000 in the hole.

Why did it take so long for the money to get to these people? Have they not suffered enough without needing to wait for us to get to work?

We need more money for these people who have suffered from 4 hurricanes in a 6-week period.

Mr. JACKSON of Illinois. Mr. Chairman, this emergency supplemental should contain funding for African Union peacekeepers in Sudan to address the worst humanitarian crisis in the world today. But, it does not.

6,000 to 10,000 Darfurians are dying each month.

1.2 million live in overcrowded camps, needing security and struggling to survive.

50,000 Darfurians have been brutally murdered, many in front of their own family.

Since 2003, the Sudanese government and their murderous Arab militia, the "Janjaweed," have waged a deliberate and systematic campaign of rape, torture, starvation and murder.

In September, Chairman JIM KOLBE and I traveled to see the devastation and destruction in Darfur. We both concluded that the first and immediate step was to provide security for the people of Darfur.

So, we pledged to work together for an expanded African Union force and mission in Darfur.

The Administration seemed to agree. In last week's debate, the president stated: "in . . . Darfur, I agree it's genocide . . . I agree with my opponent that we shouldn't be committing troops. That we ought to be working with the African Union to do so . . . My hope is that the African Union moves rapidly to help save lives."

Now, the AU is moving forward to save lives. In the last few days, they've reached an agreement to deploy 3,500 additional troops into Darfur, at an estimated cost of $240 million, of which the United States is expected to contribute about one-third.

But, this emergency supplemental does not provide it. What a glaring omission with potentially tragic consequences.

So, Mr. Chairman, we must amend this supplemental in conference by transferring funds from the Iraq Reconstruction and Relief Fund to support the AU peacekeeping force in Sudan.

Not to do so would be a moral failure.

Mr. MEEKS of New York. Mr. Chairman, I rise today to join with other Members of Congress in calling for humanitarian assistance to the Caribbean countries devastated by Hurricane Charley, Frances, Ivan, and Jean.

We all know that the southern United States and particularly Florida have been hurt badly by the worst series of hurricanes in decades and I pray for their continued strength and determination through these difficult times.

But, even as we help Florida, Alabama, and other states here in the United States struggle to recover from the devastation inflicted by successive hurricanes, we cannot be indifferent to the destruction the hurricanes delivered to a number of our Caribbean neighbors.

Ninety percent of the buildings on Grenada have been damaged. The Bahamas and Jamaica have been hit hard. The Puerto Rico, the Dominican Republic, and Haiti have experienced flooding and mudslides. The hurricanes have robbed hundreds of people of their lives and tens of thousands of their livelihoods.

Two-thirds of the population of Grenada have been left homeless and it is estimated that millions will be needed to rebuild. Death tolls in Haiti are at the 3,000 marker.

While $50 million will begin to address the humanitarian and reconstruction needs, this is only a beginning. Hurricane Mitch in Honduras required $400 million. We can do at least as much for our neighbors.

Ms. LEE. Mr. Chairman, first, I thank the distinguished Gentleman (Mr. HASTINGS) for yielding and for his leadership on the Rules Committee.

The funding level for hurricane-ravaged Caribbean countries is totally inadequate, and this bill fails to include any funding to address the ongoing genocide in Sudan.

The Bush Administration's actions on Darfur continue to be too little, too late.

It took months for them to call the actions of the Khartoum Government and their militias a "genocide" against the Darfur people.

Now, that we have called the killing, raping, and torture what it is, the Republican leadership has done little to nothing to bring international support through funding and resources.

I stand here today with my colleagues calling on this Administration to re-program and re-allocate money from the re-building Iraq accounts, and into the peacekeeping and humanitarian relief programs desperately needed in Darfur.

Not only does this bill ignore the desperation of the victims in Sudan, but it provides woefully inadequate resources for our Caribbean neighbors suffering from the devastating blows of the hurricanes.

Our Third Border neighbors are suffering. Earlier this year, the House passed H. Con. Res. 496, a bi-partisan resolution that I introduced, expressing empathy for the Caribbean, and urging the U.S. government to step up and lend a hand to our neighbors in need.

The last I checked, we were the wealthiest, most powerful country in the world.

We can afford to give $200 billion to fight an unfounded war in Iraq, but we cannot imagine giving one-one thousandth (1/1000th) of that to our neighbors who are in desperate need.

There were four hurricanes in five weeks. People are starving. Homes are in shambles, and more than 441,000 people are displaced.

Frankly, the $100 million included in this bill to assist the Caribbean is embarrassing.

We should be considering at least $250 million, or really $500 million as may Congressional Black Caucus colleagues and I continue to push for.

Seventy percent of Grenadians have been left homeless; all their economic sectors were severely affected.

More than 2000 Haitians are dead, and 300,000 people homeless.

We must support rebuilding the entire region and take a more comprehensive and democratic approach in our policies toward Haiti.

For weeks, CARICOM officials and congressional leaders have been meeting to discuss the damage to the entire region. Most Americans know firsthand the devastation caused by natural disasters—floods, droughts, hurricanes, tornadoes, fires and earthquakes.

Throughout our country, individuals, churches, grassroots groups, non-profit organizations have rushed to assist in relief efforts to the region.

Mr. Chairman, these nations are simply overwhelmed.

So while the $100 million in assistance this bill contains is a good start, it is only that. That is why my colleagues and I will advocate for additional funding to address these disasters.

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 5212 is as follows:

H.R. 5212

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005, to provide emergency supplemental appropriations for additional disaster assistance relating to storm damage, and for other purposes, namely:

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for "National Forest System," $2,000,000, to remain available until expended, for emergency hurricane-related expenses: *Provided,* That Congress designates this amount as an emergency requirement for this specific purpose.

CAPITAL IMPROVEMENTS AND MAINTENANCE

For an additional amount for "Capital Improvements and Maintenance", $33,000,000, to remain available until expended, for emergency hurricane-related expenses: *Provided,* That Congress designates this amount as an emergency requirement for this specific purpose.

GENERAL PROVISIONS—DEPARTMENT OF AGRICULTURE

AGRICULTURAL ASSISTANCE

AGRICULTURAL HURRICANE ASSISTANCE

SEC. 101. (a) CROP DISASTER ASSISTANCE.—

(1)(A) The Secretary of Agriculture shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance available to producers on a farm in the United States, including Puerto Rico that have incurred qualifying losses for the 2004 or 2005 crop of an agricultural commodity due to damaging weather related to any hurricane or tropical storm of the 2004 hurricane season, in counties declared disaster areas by the President of the United States.

(B) The Secretary shall make assistance available under this section in the same manner as provided under section 202 of Public Law 108–7, including using the same loss thresholds as were used in administering that section.

(2)(A) The payment rate for a crop for assistance provided under this section to the producers on a farm shall be calculated as follows:

(i) If the producers obtained a policy or plan of insurance, including a catastrophic risk protection plan, for the crop under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), 50 percent of the established RMA price for the crop.

(ii) If a policy or plan of insurance, including a catastrophic risk protection plan, for the crop was not available to the producers under the Federal Crop Insurance Act, 50 percent of the State average price for the crop.

(iii) Subject to sub-paragraphs 4 and 5, if the producers did not obtain a policy or plan of insurance, including a catastrophic risk protection plan, available for the crop under the Federal Crop Insurance Act, 45 percent of the established RMA price for the crop.

(B) The amount of assistance that a producer would otherwise receive for a qualifying crop or quality loss under paragraph A of this subsection shall be reduced by the amount of assistance that the producer receives from section 32 of the Act of August 24, 1935 with respect to 2004 hurricane losses.

(C)(i) Assistance provided under this section to a producer for losses to a crop, together with the amounts specified in paragraph (2)(A) applicable to the same crop, may not exceed 95 percent of what the value of the crop would have been in the absence of the losses, as estimated by the Secretary.

(ii) In applying the limitation in paragraph (C)(i), the Secretary shall include the following:

(A) Any crop insurance payment made under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or payment under section 196 of the Federal Agricultural Improvement and Reform Act of 1996 (7 U.S.C. 7333) that the producer receives for losses to the same crop.

(B) The value of the crop that was not lost (if any), as estimated by the Secretary.

(iii) Payments will be limited to a maximum of $80,000 per producer.

(A) This limit applies to the sum of payments from this program, as well as payments made under section 32 of the Act of

August 24, 1935 with respect to 2004 hurricane losses.

(3) Except as provided in paragraph (4), the producers on a farm shall not be eligible for assistance under this section with respect to losses to an insurable commodity or noninsurable commodity if the producers on the farm—

(A) in the case of an insurable commodity, did not obtain a policy or plan of insurance for the insurable commodity under the Federal Crop Insurance Act for the crop incurring the losses; and

(B) in the case of a noninsurable commodity, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 for the crop incurring the losses; or

(C) had adjusted gross incomes, as defined by section 1001D of the Food Security Act of 1985, of greater than $2.5 million in 2003; or

(D) were not in compliance with highly erodible land conservation and wetland conservation provisions.

(4) The Secretary may waive paragraphs (3)(A) and (B) with respect to the producers on a farm if the producers enter into a contract with the Secretary under which the producers agree—

(A) in the case of an insurable commodity, to obtain a policy or plan of insurance under the Federal Crop Insurance Act providing additional coverage for the insurable commodity for each of the next two crop years;

(B) in the case of a noninsurable commodity, to file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity for each of the next two crops under section 196 of the Federal Agriculture Improvement and Reform Act of 1996.

(5) In the event of the violation of a contract under paragraph (4) by a producer, the producer shall reimburse the Secretary for the full amount of the assistance provided to the producer under this section.

(6) DEFINITIONS.—In this sub-section:

(A) The term ''additional coverage'' has the meaning given the term in section 502(b)(1) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)(1).

(B) The term ''insurable commodity'' means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act.

(C) The term ''noninsurable commodity'' means an eligible crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996.

(b) CLEAN-UP ASSISTANCE.—The Secretary shall provide up to $100,000,000 of Commodity Credit Corporation funds for the Emergency Watershed Protection Program and/or the Emergency Conservation Program to carry out additional activities in response to the 2004 hurricanes and tropical storms, including the provision of technical and financial assistance for improvements and clean-up. Persons that received payments from section 32 of the Act of August 24, 1935 with respect to 2004 hurricane losses are not eligible for these funds. Funds will be allocated to the programs, as determined by the Secretary.

(c) SECTION 32 PAYMENTS.—The Secretary shall transfer $90,000,000 of funds of the Commodity Credit Corporation to the fund established by section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to carry out payments with respect to 2004 hurricane losses.

(d) The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this section, to remain available through September 30, 2006.

(e) The Secretary may promulgate such regulations as are necessary to implement this section, provided that the Secretary shall use the authority provided under 5 U.S.C. 808.

(f) Congress designates the amounts provided under this section as an emergency requirement for the specific purposes authorized herein.

SEC. 102. In addition to amounts otherwise provided, up to $130,000,000, to remain available until expended, for the Emergency Watershed Protection Program and/or the Emergency Conservation Program for emergency hurricane-related expenses including the provision of technical and financial assistance for improvements and clean-up: *Provided*, That Congress designates this amount as an emergency requirement for these purposes. Persons that received payments from section 32 of the Act of August 24, 1935 with respect to 2004 hurricane losses are not eligible for these funds.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for ''Operations, Research, and Facilities'', $7,900,000, to remain available until expended: *Provided*, That Congress designates this amount as an emergency requirement for this specific purpose.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for ''Procurement, Acquisition and Construction'', $6,800,000, to remain available until expended: *Provided*, That Congress designates this amount as an emergency requirement for this specific purpose.

DEPARTMENT OF DEFENSE

MILITARY PERSONNEL

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $1,000,000, to remain available until September 30, 2005, for emergency hurricane-related expenses, for the costs of evacuation, which shall be available for transfer to reimburse costs incurred in FY 2004 as a result of emergency evacuations due to hurricanes: *Provided*, That Congress designates this amount as an emergency requirement for this specific purpose.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $13,225,000, to remain available until September 30, 2005, for emergency hurricane-related expenses, for the costs of evacuation, which shall be available for transfer to reimburse costs incurred in FY 2004 as a result of emergency evacuations due to hurricanes: *Provided*, That Congress designates this amount as an emergency requirement for this specific purpose.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $2,844,000, to remain available until September 30, 2005, for emergency hurricane-related expenses, for the costs of repairs to structures and equipment, evacuation, base preparation, and base recovery; of which not to exceed 25 percent shall be available for transfer to reimburse costs incurred in FY 2004 as a result of emergency evacuations and immediate recovery related to basic infrastructure due to hurricanes: *Provided*, That Congress designates these amounts as an emergency requirement for this specific purpose.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $404,591,000, to remain available until September 30, 2005, for emergency hurricane-related expenses, for the costs of repairs to structures and equipment, evacuation, base preparation, and base recovery; of which not to exceed 25 percent shall be available for transfer to reimburse costs incurred in FY 2004 as a result of emergency evacuations and immediate recovery related to basic infrastructure due to hurricanes: *Provided*, That Congress designates these amounts as an emergency requirement for this specific purpose.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $128,672,000, to remain available until September 30, 2005, for emergency hurricane-related expenses, for the costs of repairs to structures and equipment, evacuation, base preparation, and base recovery; of which not to exceed 25 percent shall be available for transfer to reimburse costs incurred in FY 2004 as a result of emergency evacuations and immediate recovery related to basic infrastructure due to hurricanes: *Provided*, That Congress designates these amounts as an emergency requirement for this specific purpose.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $172,506,000, to remain available until September 30, 2005, for emergency hurricane-related expenses, for the costs of repairs to structures and equipment, evacuation, base preparation, base recovery, and delayed satellite launches; of which not to exceed 25 percent shall be available for transfer to reimburse costs incurred in FY 2004 as a result of emergency evacuations and immediate recovery related to basic infrastructure due to hurricanes: *Provided*, That Congress designates these amounts as an emergency requirement for this specific purpose: *Provided further*, That the Secretary of Defense may transfer these funds to appropriations for military personnel; operation and maintenance; procurement; and family housing: *Provided further*, That funds transferred shall be merged with and made available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $1,442,000, to remain available until September 30, 2005, for emergency hurricane-related expenses, for the costs of repairs to structures and equipment, evacuation, base preparation, and base recovery; of which not to exceed 25 percent shall be available for transfer to reimburse costs incurred in FY 2004 as a result of emergency evacuations and immediate recovery related to basic infrastructure due to hurricanes: *Provided*, That Congress designates these amounts as an emergency requirement for this specific purpose.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $399,000, to remain available until September 30, 2005, for emergency hurricane-related expenses, for the costs of repairs to structures and equipment, evacuation, base preparation, and base recovery; of which not to exceed 25 percent shall be available for transfer to reimburse costs incurred in FY 2004 as a result of emergency evacuations and immediate recovery related to basic infrastructure due to hurricanes: *Provided*, That Congress designates these amounts as an emergency requirement for this specific purpose.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $3,350,000, to remain available until September 30, 2005, for emergency hurricane-related expenses, for the costs of repairs to structures and equipment, evacuation, base preparation, and base recovery; of which not to exceed 25 percent shall be available for transfer to reimburse costs incurred in FY 2004 as a result of emergency evacuations and immediate recovery related to basic infrastructure due to hurricanes: *Provided,* That Congress designates these amounts as an emergency requirement for this specific purpose.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $1,085,000, to remain available until September 30, 2005, for emergency hurricane-related expenses, for the costs of repairs to structures and equipment, evacuation, base preparation, and base recovery; of which not to exceed 25 percent shall be available for transfer to reimburse costs incurred in FY 2004 as a result of emergency evacuations and immediate recovery related to basic infrastructure due to hurricanes: *Provided,* That Congress designates these amounts as an emergency requirement for this specific purpose.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $10,286,000, to remain available until September 30, 2005, for emergency hurricane-related expenses, for the costs of repairs to structures and equipment, evacuation, base preparation, and base recovery: *Provided,* That Congress designates this amount as an emergency requirement for this specific purpose.

PROCUREMENT

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force,'' $2,500,000, to remain available until September 30, 2005, for emergency hurricane-related expenses and replacement of destroyed or damaged equipment: *Provided,* That Congress designates these amounts as an emergency requirement for this specific purpose.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $102,500,000, to remain available until September 30, 2005 for emergency hurricane-related expenses, for the costs of repairs to structures and facilities, replacement of destroyed or damaged equipment, and preparation and recovery of naval vessels under construction: *Provided,* That Congress designates these amounts as an emergency requirement for this specific purpose: *Provided further,* That the Secretary of Defense may transfer these funds to appropriations for procurement; research, development, test, and evaluation; and military construction: *Provided further,* That funds transferred shall be merged with and made available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further,* That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further,* That such funds may be obligated and expended to carry out rebuilding of military construction projects not otherwise authorized by law.

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, NAVY

For an additional amount for ''Military Construction, Navy'', $138,800,000, to remain available until September 30, 2005, for emergency hurricane-related expenses, for the costs of repairs to structures and facilities: *Provided,* That Congress designates this amount as an emergency requirement for this specific purpose: *Provided further,* That such funds may be obligated and expended to carry out rebuilding of military construction projects not otherwise authorized by law.

MILITARY CONSTRUCTION, ARMY RESERVE

For an additional amount for ''Military Construction, Army Reserve'', $8,700,000, to remain available until September 30, 2005, for emergency hurricane-related expenses, for the costs of repairs to structures and facilities: *Provided,* That Congress designates this amount as an emergency requirement for this specific purpose: *Provided further,* That such funds may be obligated and expended to carry out rebuilding of military construction projects not otherwise authorized by law.

BASE REALIGNMENT AND CLOSURE ACCOUNT

For an additional amount for ''Base Realignment and Closure Account'', $50,000, to remain available until September 30, 2005, for emergency hurricane-related expenses, for the costs of repairs to structures and equipment: *Provided,* That Congress designates this amount as an emergency requirement for this specific purpose.

FAMILY HOUSING

FAMILY HOUSING, OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Family Housing, Operation and Maintenance, Army'', $313,000, to remain available until September 30, 2005, for emergency hurricane-related expenses, for the costs of repairs to structures and equipment, evacuation, base preparation, and base recovery: *Provided,* That Congress designates this amount as an emergency requirement for this specific purpose.

FAMILY HOUSING, OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For an additional amount for ''Family Housing, Operation and Maintenance, Navy and Marine Corps'', $3,276,000, to remain available until September 30, 2005, for emergency hurricane-related expenses, for the costs of repairs to structures and equipment, evacuation, base preparation, and base recovery: *Provided,* That Congress designates this amount as an emergency requirement for this specific purpose.

FAMILY HOUSING, OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Family Housing, Operation and Maintenance, Air Force'', $5,600,000, to remain available until September 30, 2005, for emergency hurricane-related expenses, for the costs of repairs to structures and equipment, evacuation, base preparation, and base recovery: *Provided,* That Congress designates this amount as an emergency requirement for this specific purpose.

REVOLVING AND MANAGEMENT FUNDS

WORKING CAPITAL FUND, DEFENSE-WIDE

For an additional amount for ''Working Capital Fund, Defense-Wide'', $77,000,000, to remain available until September 30, 2005, for emergency hurricane-related expenses, for the costs of repairs to structures and equipment, and base recovery: *Provided,* That Congress designates this amount as an emergency requirement for this specific purpose.

GENERAL PROVISIONS—DEPARTMENT OF DEFENSE

GENERAL TRANSFER AUTHORITY

SEC. 201. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $210,000,000 of the funds made available to the Department of Defense in this title: *Provided,* That the Secretary shall notify the Congress promptly of each transfer made pursuant to this authority: *Provided further,* That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: *Provided further,* That the authority in this section is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2005, except for the fourth proviso.

SEC. 202. Funds appropriated in this title, or made available by the transfer of funds in or pursuant to this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DEPARTMENTAL MANAGEMENT

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For an additional amount for ''Public Health and Social Services Emergency Fund'' to support aging services, social services and health services associated with natural disaster recovery and response efforts, $50,000,000, to remain available until expended: *Provided,* That Congress designates this amount as an emergency requirement for this specific purpose.

DEPARTMENT OF HOMELAND SECURITY

EMERGENCY PREPAREDNESS AND RESPONSE

DISASTER RELIEF FUND

For an additional amount for necessary expenses under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $6,500,000,000, to remain available until expended: *Provided,* That Congress designates this amount as an emergency requirement for this specific purpose.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'', $26,000,000, to remain available until expended for emergency hurricane-related expenses: *Provided,* That Congress designates this amount as an emergency requirement for this specific purpose.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

For an additional amount for ''Community Development Fund'', as authorized under title I of the Housing and Community Development Act of 1974 (Act), for emergency expenses resulting from natural disasters in Florida, except those activities reimbursable by the Federal Emergency Management Agency or available through the Small Business Administration, and for reimbursement for expenditures incurred from the regular Community Development Block Grant formula allocation used to achieve these same purposes, $150,000,000, to remain available until September 30, 2007: *Provided,* That Congress designates this amount as an emergency requirement for this specific purpose: *Provided further,* That such funds may be awarded to the State of Florida for affected areas: *Provided further,* That notwithstanding 42 U.S.C. 5306 (d) (2), the State of Florida is authorized to provide such assistance to entitlement communities: *Provided further,* That in administering these funds for economic revitalization activities in Florida, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary

administers in connection with the obligation by the Secretary or the use by the recipient of these funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding that such waiver is required to facilitate the use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: *Provided further,* That for activities funded by amounts provided herein, the Secretary may waive, on a case-by-case basis and upon such other terms as the Secretary may specify, in whole or in part, the requirements that activities principally benefit persons of low- and moderate-income pursuant to 42 U.S.C. 5301(c) and 5304(b)(3): *Provided further,* That the Secretary shall publish in the Federal Register any waiver of any statute or regulation authorized under this heading no later than 5 days before the effective date of such waiver.

DEPARTMENT OF THE INTERIOR

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for ''Surveys, Investigations, and Research'', $1,000,000, to remain available until expended for emergency hurricane-related expenses: *Provided,* That Congress designates this amount as an emergency requirement for this specific purpose.

FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for ''Resource Management'', $2,700,000, to remain available until expended for emergency hurricane-related expenses: *Provided,* That Congress designates this amount as an emergency requirement for this specific purpose.

CONSTRUCTION

For an additional amount for ''Construction'', $24,700,000, to remain available until expended for emergency hurricane-related expenses: *Provided,* That Congress designates this amount as an emergency requirement for this specific purpose.

NATIONAL PARK SERVICE

CONSTRUCTION AND MAJOR MAINTENANCE

For an additional amount for ''Construction and Major Maintenance'', $48,900,000, to remain available until expended for emergency hurricane-related expenses: *Provided,* That Congress designates this amount as an emergency requirement for this specific purpose.

DEPARTMENT OF JUSTICE

FEDERAL PRISON SYSTEM

BUILDINGS AND FACILITIES

For an additional amount for ''Buildings and Facilities'', $18,600,000, to remain available until expended for emergency hurricane-related expenses: *Provided,* That Congress designates this amount as an emergency requirement for this specific purpose.

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $5,500,000, to remain available until expended for emergency hurricane-related expenses: *Provided,* That Congress designates this amount as an emergency requirement for this specific purpose.

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For an additional amount for ''Operations'', $5,100,000, to remain available until expended for emergency hurricane-related expenses: *Provided,* That Congress designates this amount as an emergency requirement for this specific purpose.

EMERGENCY ASSISTANCE TO AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

Notwithstanding any other provision of law, for emergency hurricane-related insurance-ineligible capital costs to repair or replace public-use airport-related facilities at public-use airports identified in the National Plan of Integrated Airport Systems, to enable the Federal Aviation Administration to compensate entities for such capital costs, up to $25,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until June 30, 2006: *Provided,* That Congress designates this amount as an emergency requirement for this specific purpose.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For an additional amount for the Emergency Relief Program for emergency expenses resulting from 2004 Hurricanes Charley, Frances, Ivan, and Jeanne, as authorized by title 23 U.S.C. 125, $800,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account): *Provided,* That notwithstanding 23 U.S.C. 125(d)(1), the Secretary of Transportation may obligate more than $100,000,000 for projects arising from Hurricanes Charley, Frances, Ivan, and Jeanne: *Provided further,* That any amounts in excess of those necessary for emergency expenses relating to the above hurricanes may be used for other projects authorized under 23 U.S.C. 125: *Provided further,* That amounts provided herein shall remain available until expended: *Provided further,* That the entire amount is designated by the Congress as an emergency requirement for this specific purpose.

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for ''Medical Services'', $38,283,000, to remain available until September 30, 2005, for emergency hurricane-related expenses: *Provided,* That Congress designates this amount as an emergency requirement for this specific purpose.

MEDICAL FACILITIES

For an additional amount for ''Medical Facilities'', $46,910,000, to remain available until expended for emergency hurricane-related expenses: *Provided,* That Congress designates this amount as an emergency requirement for this specific purpose.

MEDICAL ADMINISTRATION

For an additional amount for ''Medical Administration'', $1,939,000, to remain available until September 30, 2005, for emergency hurricane-related expenses: *Provided,* That Congress designates this amount as an emergency requirement for this specific purpose.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for ''General Operating Expenses'', $545,000, to remain available until September 30, 2005, for emergency hurricane-related expenses: *Provided,* That Congress designates this amount as an emergency requirement for this specific purpose.

NATIONAL CEMETERY ADMINISTRATION

For an additional amount for ''National Cemetery Administration'', $50,000, to remain available until September 30, 2005, for hurricane-related expenses: *Provided,* That Congress designates this amount as an emergency requirement for this specific purpose.

CONSTRUCTION, MINOR PROJECTS

For an additional amount for ''Construction, Minor Projects'', $36,343,000, to remain available until expended for emergency hurricane-related expenses: *Provided,* That Congress designates this amount as an emergency requirement for this specific purpose.

CORPS OF ENGINEERS—CIVIL WORKS

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for ''Operation and Maintenance, General'' for hurricane-related expenses necessary to dredge navigation channels and repair other Corps projects, $94,000,000, to remain available until expended: *Provided,* That Congress designates this amount as an emergency requirement for this specific purpose.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies'' as authorized by section 5 of the Flood Control Act of August 16, 1941, as amended (33 USC 701n), for emergency hurricane-related expenses from coastal storm damages and flooding, $147,000,000, to remain available until expended: *Provided,* That Congress designates this amount as an emergency requirement for this specific purpose.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For an additional amount for ''Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee'' to cover the additional costs of dredging and mat laying operations on the main stem of the lower Mississippi River due to hurricanes and other severe storms, $4,000,000, to remain available until expended: *Provided,* That Congress designates this amount as an emergency requirement for this specific purpose.

ENVIRONMENTAL PROTECTION AGENCY

BUILDINGS AND FACILITIES

For an additional amount for ''Buildings and Facilities,'' $3,000,000, to remain available until expended, for emergency hurricane-related expenses: *Provided,* That Congress designates this amount as an emergency requirement for this specific purpose.

INTERNATIONAL ASSISTANCE PROGRAMS

AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For an additional amount for ''International Disaster and Famine Assistance'', $100,000,000, to remain available until expended, for emergency hurricane-related expenses without regard to section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956: *Provided,* That Congress designates this amount as an emergency requirement for this specific purpose.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SPACE FLIGHT CAPABILITIES

For an additional amount for ''Space Flight Capabilities'', to repair facilities damaged and take other emergency measures due to the effects of hurricanes, $126,000,000, to remain available until expended: *Provided,* That Congress designates this amount as an emergency requirement for this specific purpose.

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for ''Disaster Loans Program Account'' for emergency expenses resulting from natural or other disasters, to remain available until expended, $501,000,000 for the cost of direct loans; and $428,000,000 for administrative expenses to carry out the disaster loan program, which may be transferred to the appropriations for ''Salaries and expenses'': *Provided,* That Congress designates these amounts as an emergency requirement for this specific purpose.

EXECUTIVE OFFICE OF THE PRESIDENT

UNANTICIPATED NEEDS

For an additional amount for ''Unanticipated Needs'', not to exceed $70,000,000, to remain available until September 30, 2005, for

the American Red Cross for reimbursement of disaster relief and recovery expenditures and emergency services associated with Hurricanes Charley, Frances and Ivan, and only to the extent funds are not made available for those activities by other federal sources: *Provided*, That these funds may be administered by any authorized federal government agency to meet the purposes of this provision and that total administrative costs shall not exceed three percent of the total appropriation: *Provided further*, That the Comptroller General shall audit the use of these funds by the American Red Cross: *Provided further*, That Congress designates this amount as an emergency requirement for this specific purpose.

This Act may be cited as the ''Emergency Supplemental Appropriations for Hurricane Disasters Assistance Act, 2005''.

The CHAIRMAN. No amendment to the bill shall be in order except the amendment printed in House Report 108–735 and amendment number 2 for printing in the designated place in the CONGRESSIONAL RECORD. Each amendment may be offered only by a Member designated in the report or the Member who submitted it for printing in the CONGRESSIONAL RECORD, shall be considered read, debatable for 20 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 2 OFFERED BY MR. NEUGEBAUER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. NEUGEBAUER:

In section 101, strike the section heading and subsection (a) and insert the following (and redesignate existing subsections (b) through (f) accordingly):

SEC. 101. AGRICULTURAL DISASTER ASSISTANCE.

(a) CROP DISASTER ASSISTANCE.—

(1) DEFINITIONS.—In this subsection:

(A) ADDITIONAL COVERAGE.—The term ''additional coverage'' has the meaning given the term in section 502(b) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)).

(B) INSURABLE COMMODITY.—The term ''insurable commodity'' means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(C) NONINSURABLE COMMODITY.—The term ''noninsurable commodity'' means an agricultural commodity for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(2) EMERGENCY FINANCIAL ASSISTANCE.—Notwithstanding section 508(b)(7) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(7)), the Secretary of Agriculture shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this subsection available to producers on a farm that have incurred qualifying crop or quality losses for the 2003 or 2004 crop (as elected by a producer), but not both crops, due to damaging weather or related condition, as determined by the Secretary.

(3) ADMINISTRATION.—The Secretary shall make assistance available under this subsection in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for the quantity and quality losses as were used in administering that section.

(4) INELIGIBILITY FOR ASSISTANCE.—Except as provided in paragraph (5), the producers on a farm shall not be eligible for assistance under this subsection with respect to losses to an insurable commodity or noninsurable commodity if the producers on the farm—

(A) in the case of an insurable commodity, did not obtain a policy or plan of insurance for the insurable commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop incurring the losses; and

(B) in the case of a noninsurable commodity, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) for the crop incurring the losses.

(5) CONTRACT WAIVER.—The Secretary may waive paragraph (4) with respect to the producers on a farm if the producers enter into a contract with the Secretary under which the producers agree—

(A) in the case of an insurable commodity, to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) providing additional coverage for the insurable commodity for each of the next 2 crops; and

(B) in the case of a noninsurable commodity, to file the required paperwork and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity for each of the next 2 crops under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(6) EFFECT OF VIOLATION.—In the event of the violation of a contract under paragraph (5) by a producer, the producer shall reimburse the Secretary for the full amount of the assistance provided to the producer under this subsection.

(7) PAYMENT LIMITATIONS.—

(A) LIMIT ON AMOUNT OF ASSISTANCE.—Assistance provided under this subsection to a producer for losses to a crop, together with the amounts specified in subparagraph (B) applicable to the same crop, may not exceed 95 percent of what the value of the crop would have been in the absence of the losses, as estimated by the Secretary.

(B) OTHER PAYMENTS.—In applying the limitation in subparagraph (A), the Secretary shall include the following:

(i) Any crop insurance payment made under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or payment under section 196 of the Federal Agricultural Improvement and Reform Act of 1996 (7 U.S.C. 7333) that the producer receives for losses to the same crop.

(ii) The value of the crop that was not lost (if any), as estimated by the Secretary.

(C) EFFECT OF FLORIDA DISASTER PROGRAMS.—The amount of assistance that a producer would otherwise receive under this subsection shall be reduced by the amount of assistance that the producer receives for the same loss under the Florida Disaster Programs carried out pursuant to the Farm Service Agency notice (DAP–203) released October 4, 2004.

(b) LIVESTOCK ASSISTANCE PROGRAM.—

(1) EMERGENCY FINANCIAL ASSISTANCE.—The Secretary of Agriculture shall use such sums as are necessary of funds of the Commodity Credit Corporation to make and administer payments for livestock losses to producers for 2003 or 2004 losses (as elected by a producer), but not both, in a county that has received an emergency designation by the President or the Secretary after January 1, 2003, of which an amount determined by the Secretary shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–51).

(2) ADMINISTRATION.—The Secretary shall make assistance available under this subsection in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–51).

(3) MITIGATION.—In determining the eligibility for or amount of payments for which a producer is eligible under the livestock assistance program, the Secretary shall not penalize a producer that takes actions (recognizing disaster conditions) that reduce the average number of livestock the producer owned for grazing during the production year for which assistance is being provided.

(c) TREE ASSISTANCE PROGRAM.—

(1) EMERGENCY ASSISTANCE.—The Secretary of Agriculture shall use such sums as are necessary of the funds of the Commodity Credit Corporation to provide assistance under the tree assistance program established under sections 10201 through 10204 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8201 et seq.) to producers who suffered tree losses during the period beginning on December 1, 2003, and ending on December 31, 2004.

(2) ADDITIONAL ASSISTANCE.—In addition to providing assistance to eligible orchardists under the tree assistance program, the Secretary shall use an additional $15,000,000 of the funds of the Commodity Credit Corporation to provide reimbursement under section 10203 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8203) to eligible forest land owners who produce periodic crops of timber from trees for commercial purposes and who have suffered tree losses during the period specified in paragraph (1).

(d) EMERGENCY CONSERVATION PROGRAM.—The Secretary of Agriculture shall use an additional $50,000,000 of the funds of the Commodity Credit Corporation to provide assistance under the Emergency Conservation Program under title IV of the Agriculture Credit Act of 1978 (16 U.S.C. 2201 et seq.). Participants in the Emergency Conservation Program shall receive the maximum cost share percentage allowed under section 701.26 of title 7, Code of Federal Regulations.

(e) OFFSET.—Section 1241(a)(3) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(3)) is amended by inserting before the period at the end the following: '', using not more than $6,037,000,000 for the period of fiscal years 2005 through 2014''.

The CHAIRMAN. Pursuant to House Resolution 819, the gentleman from Texas (Mr. NEUGEBAUER) and the gentleman from Wisconsin (Mr. OBEY) each will control 10 minutes.

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

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

Mr. Chairman, this amendment represents a fiscally responsible approach to agriculture disaster assistance. I want those that were devastated by the successive hurricanes that hit Florida

and surrounding States to receive the much-needed aid they deserve. I also want to make sure that the disaster assistance package that helps farmers across the country who have faced losses in the past 2 years, including those who lost over 1.3 million acres of crops in west Texas last year, get their appropriate aid.

I supported the bill that the gentleman from Texas (Mr. STENHOLM) introduced that mirrored the assistance package that the Senate had approved. Unfortunately, like my friend from Nebraska (Mr. OSBORNE) pointed out earlier, it has become apparent that that bill, without offsets, will not be successful.

This amendment will provide assistance in a manner that is consistent with the Senate amendment. The cost is offset through the same mechanism used to fund the agriculture disaster program 2 years ago, capping the CSP or known as the Conservation Security Program. This offset does not impact current funding of the CSP, and even with the cap, the CSP will receive ample funds over the next 10 years.

This approach does not, and I repeat does not, reopen the farm bill; it simply puts the 2003 cap back on the CSP. No farm commodity programs will be affected by this offset.

Many have said, well, I would prefer a disaster program that had no offset. So would I. However, when we know that the preferred alternative is not going to be accepted in these negotiations, then we are willing to consider other alternatives that would ensure its passage. What is more important to me is, the farmers that suffered these losses in 2003 and 2004 get the very-much-needed relief that they deserve.

It is a shame that disaster assistance becomes the political football this time of year in Washington. That is why I introduced legislation earlier this year that would provide a new crop insurance tool that would help alleviate the need for disaster programs in the future.

I urge Members to support this amendment in order to provide agriculture disaster assistance for all farmers and ranchers who experienced severe losses and provide it in a fiscally responsible way.

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

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. I thank the gentleman for yielding me this time.

Mr. Chairman, it is amazing, listening to my colleague saying that the bill that he cosponsored yesterday would not be accepted. Why? Fourteen Republicans signed onto the bill yesterday. All of my Democratic colleagues indicated their support on a vote. Therefore, if my colleague from west Texas would have chosen to vote his conscience, it would have passed. He can say all he wants to that it would not have passed, but the only reason is that once again when the leadership speaks, folks on that side jump.

On September 27, the President proposed the disaster assistance before the House today. His request included agriculture assistance for hurricane and tropical storm disaster victims. On Monday, I introduced H.R. 5203, which is cosponsored by 42 Members, 16 of them Republicans. This morning at 7 a.m., the leadership of this House, through the Rules Committee, said very clearly, no fairness is required. Disaster aid without offsets was okay for Florida producers, but not producers elsewhere who are hurting just as much.

The cosponsors of my bill, as well as the organizations, 25 farm groups, agree with me and disagree with my friend from Texas.

Instead of taking up this bill at 10 a.m., the leadership took a few hours to see the error of its ways and to at least allow some drought assistance, a flawed one, but drought assistance to be considered. But that leadership has demanded that agriculture disasters be treated differently than other disasters which are alleviated by the bill and that we reopen the farm bill.

The President has not required offsets for the agriculture disaster assistance that he requested. It was the leadership in this House that made that request. The President understands the unpredictable nature of disasters and requested emergency spending appropriately.

In following the leadership and choosing this path of reopening the farm bill, this House and the Members of it who are concerned for agriculture will surely come to regret it. But the House has spoken. I notice that the leadership has spoken. And when the leadership of this body on the other side of the aisle says, this is the way it is going to be, everybody falls in line.

I have never operated that way in 26 years. When I disagreed with my leadership in what I believed was right, not just for west Texas in this concern, but with the other States who have just as much interest in this as we do, we said ''no'' to the leadership.

I know that some of my colleagues on the other side of the aisle's consciences are bothering them a little bit right now because deep down in their hearts they know that what we are about to do and the reasons for which we are about to do it are not in the best interests of American agriculture. They know that, but they have chosen to follow a leadership that has put politics ahead of policy and interjected policy and politics into an appropriations process that should never have gotten to this point.

I repeat, the President did not request offsets for agricultural disasters. The only people that have requested this are the leadership of this House. Sixteen Members on the other side of the aisle yesterday were doing the right thing. Today, they are doing the wrong thing for American agriculture, and 25 agricultural groups have said this is wrong and have sent a letter to every Member of this House. Fifteen conservation groups have said this is wrong. And some of you have voted not in the best interest of your districts because the Conservation Security Program is already working within your districts and you have been for it.

Mr. NEUGEBAUER. Mr. Chairman, I yield 2½ minutes to the gentleman from Texas (Mr. BONILLA), chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies of the Committee on Appropriations.

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

Mr. BONILLA. Mr. Chairman, I rise in strong support of the Neugebauer amendment. This is a hard chore to accomplish. The gentleman from Texas (Mr. NEUGEBAUER) has been working day and night to make this work.

Every producer in this country that has ever come to see me before about a pending problem, an emergency situation that they face, people who represent different commodity groups, know that we have always done everything we possibly can to help them. But it is difficult. Money does not grow on trees and sometimes we have to take from one place and put it in another to make it work for the foreseeable future. It is no different than American families have to do when they have to struggle to make ends meet during emergency situations in their own homes and in their own neighborhoods.

We have always tried to be fair. In the years that I have chaired the Agriculture Appropriations Subcommittee, I have learned a lot, heard a lot and worked a lot on situations similar to this over the years. There is always a different solution that we try to look for.

In this case, we do have an offset that applies to one particular program, the CSP program. But tomorrow will be another day and we will figure out how to handle a shortfall, as we always do, in the future when we face a pressing need.

I would say to everyone out there who has concerns about this, tomorrow is another day. Today is the day we have to get this done for producers and for commodity groups all across the country.

□ 2115

Again, I commend the gentleman from Texas (Mr. NEUGEBAUER) for working day and night to try to pull this deal together. It is a good deal.

Is everyone happy? Absolutely not. But it is the best that we can possibly do. Our hearts are in the right place, and we have worked hard to get to this point.

I urge all of my colleagues to support the Neugebauer amendment.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida (Mr. YOUNG), committee chairman.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding me this time, and I thank him very much for all the cooperation that he has shown us as we prepared this legislation for these tremendous supplementals for hurricane disaster relief.

I am not going to speak in opposition to the amendment, but I want to say this. The process is disturbing. The inconsistencies in the process are disturbing.

For example, I have talked often this afternoon about H.R. 5227 that does what I think needs to be done in this hurricane relief, and the additional agriculture disaster assistance that the gentleman offers in his amendment is included in H.R. 5227. But the process would not allow me, as chairman of the committee, to include this additional agriculture disaster funding in H.R. 5212. That inconsistency, to me, is very disturbing and it is not acceptable.

I am not going to argue against the amendment because I tried to include similar funding myself. The gentleman from Texas, I do not know who he knows or what he knows, but he got a chance to do it. But the chairman of the committee could not. The process is not acceptable.

Mr. OBEY. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I agree with the gentleman. That is what I meant when I said that the way this House is being run these days, the people who know the least about these things are evidently being given the opportunity to do the most about them, which is backwards in terms of my understanding of the legislative body.

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

Mr. STENHOLM. Mr. Chairman, the gentleman from Texas (Mr. BONILLA), I greatly admire, respect, and appreciate the job that he has done and is doing; but it is curious he would make a fiscally responsible argument for my amendment when he does not make the same one for the $12 billion that we have all agreed is emergency spending.

Why would you come to the floor and defend one small part that does bad policy for agriculture, and you know it? But just as the chairman has expressed his concern about the procedure and the gentleman from Wisconsin (Mr. OBEY) has echoed the procedure, and everybody knows what the procedure is in this, the sad thing about this is that the policy that is going to be interjected because of the misuse of procedure in this body is going to be devastating to American agriculture. It is going to be bad. And that is why 25 groups agree with me and disagree with the gentleman from West Texas.

The chairman has said it more eloquently. The procedure lacks a little bit in common sense.

Mr. NEUGEBAUER. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Virginia (Mr. GOODLATTE), chairman of the Committee on Agriculture.

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

Mr. GOODLATTE. Mr. Chairman, obviously we would prefer to provide assistance without offsets, but the reality of the situation is that there will be no disaster money before we go home unless we provide budget offsets. We will not touch the farm commodity programs that are the heart of the farm bill.

The savings we are making will cap the Conservation Security Program at $6 billion. That is three times the amount of money that was put into this program. It was a new program when the farm bill was created. This is a new program still in its start-up phase. The gentleman suggested that some people might be at risk for this program. This year, this program will spend $175 million. With the 3 years remaining in the farm bill and $9 billion to spend, nothing is at risk in the rest of the farm bill.

We should make sure we accomplish two things here: use this money, as we did 18 months ago with support from the folks on the other side of the aisle, to do exactly what we are doing today; and make sure that we put a cap back on this program so that it does not raid other parts of the farm bill. We can accomplish both of those goals here tonight.

I urge my colleagues to support this vital amendment.

I want to thank the gentleman from Texas (Mr. NEUGEBAUER) for his leadership on the issue of disaster assistance for producers. We have been working for several weeks to find a way to help farmers and ranchers from west Texas to Minnesota to Colorado, as well as those devastated by hurricanes in the Southeast. With the tight budgets we now face, it has been a difficult task, but we believe the Neugebauer amendment provides the path to secure assistance our producers need.

I urge my colleagues to support this sound amendment.

Mr. NEUGEBAUER. Mr. Chairman, I yield 1½ minutes to the gentleman from Kansas (Chairman MORAN).

Mr. MORAN of Kansas. Mr. Chairman, I thank the gentleman from Texas for yielding me this time.

I rise tonight in support of this amendment. I would like to show a photograph from home of what we face in our State. These issues that Florida has encountered as a result of hurricanes create tremendous problems, but 5 years of no rain in western Kansas results in a photograph like this. This is not the 1930s; this is the spring of 2004, and we have Kansas counties that are drier now than in the ''Dirty '30s.''

This issue is important to us. It is about whether or not our farmers and ranchers can survive and live into the future, whether or not there is hope and opportunity for rural communities, whether or not we have young people in school, whether or not we have people who shop on our main streets. This is about the survival of rural America.

And I am pleased to be here tonight to see the House take action in a responsible way, designed to address the serious needs faced by many rural American communities as a result of weather-related conditions through no fault of their own. This is an opportunity for us to come together as a country and support not only Florida and the southern part of the United States whose sympathy and condolences we have for the disasters they have encountered but also to recognize that all of America is in this battle together.

I thank the gentleman for allowing me the opportunity to speak tonight in favor of this amendment, finally bringing it to the House floor, addressing this issue we seriously face.

Mr. NEUGEBAUER. Mr. Chairman, I yield 1½ minutes to the gentleman from Nebraska (Mr. OSBORNE).

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

We have stated very clearly the need for drought assistance. Some have said this is a 500-year drought, and it certainly is in most areas. Reservoirs are depleted. One part of Nebraska had 1 inch of rain in 12 months, no pastures. So it is badly needed.

There has been a lot of argument tonight about the process, and I must say that I agree with some of those arguments. There is some validity.

Two years ago Mr. Thune and the gentleman from Kansas (Mr. MORAN) and I went to the White House two or three times, when we had this same problem. And we were told unequivocally that there would be no aid without an offset. And so that is where we find ourselves again tonight. I am not pointing the finger at anybody. I am just saying that is the reality.

And I agree with many of the things the gentleman from Texas (Mr. STENHOLM) has said, but I guess I have to weigh that against getting drought relief for some farmers that I think need it very badly, and this is the only option that I see at the present time that is workable, that will work. So I admit to discomfort, but it is the best we can do.

I urge support of this amendment.

Mr. NEUGEBAUER. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Colorado (Mrs. MUSGRAVE).

Mrs. MUSGRAVE. Mr. Chairman, as we think of our friends in Florida, we saw them boarding up their windows in preparation for the tropical storm that would hit and be devastating. However, in many parts of rural Colorado, the businesses on Main Street are boarding up their windows because our ag producers are having such a horrific time with the prolonged drought.

The gentleman from Kansas (Mr. MORAN) and the gentleman from Nebraska (Mr. OSBORNE) are in the same

region, and we know the devastation that this prolonged drought has shown. We have not had reporters in rural Colorado, standing there and showing the disaster, because it has been over a long period of time, getting worse every year.

So we desperately need this relief at this time for our farmers and for our individuals that raise cattle, that have even had to sell off their breeding stock because the pastures have not had any grass on them now for years.

So at this difficult time we make difficult choices, and I rise in support of the efforts of the gentleman from Texas (Mr. NEUGEBAUER).

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. STENHOLM).

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

And one point I want to make: I will not accept for one-half second the fiscal responsibility comment that was made. For a majority party that has presided over the largest deficits in the history of our country, I will not accept any charge that tonight we get fiscally responsible by choosing to treat agriculture different from any other disaster.

Do not make the fiscally responsible argument. That dog will not hunt. We are talking about policy. Twenty-five agricultural groups are agreeing with me. The majority is agreeing with the leadership of the House and are deciding, for some strange reason, this is a political point that needs to be made.

The President did not ask for offsets. Why did their leadership suddenly ask for offsets for agriculture when we are not offsetting any other part of this bill? If they want to get fiscal responsibility, I will join with them and we will treat agriculture just like every other aspect, but I will not allow agriculture to be singled out, which this amendment is doing tonight.

The SPEAKER pro tempore (Mr. ISAKSON). The gentleman from Texas (Mr. NEUGEBAUER) has 15 seconds remaining.

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

I will just close with this thought. I came to this House tonight not to talk about politics, but about getting the job done for farmers and ranchers around this country, and I hope that my colleagues on both sides of the aisle will join me and let us get the job done for American farm and ranch families.

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

Mr. Chairman, what is happening on this floor tonight is blatant, obvious, raw politics. That is all it is.

The Republican majority leadership is bringing a bill to the floor which has over $10 billion in aid to various areas of the country. No offsets. No offsets at all. But when on this side of the aisle we are trying to deal with disaster problems for farmers on an equal footing with the hurricane disasters that we have just had in Florida and other States, then we are told, Oh, no. All of a sudden a new rule has to apply.

I would say to the gentleman from Nebraska that is like saying that in an Oklahoma-Nebraska football game, Oklahoma has to go 200 yards for a touchdown while Nebraska only has to go 100 yards. It just is not fair. It is not square.

I would make another point. Even if we were going to have offsets, this is a ''let's pretend'' offset. This is a phony offset, because if we take a look at the scoring by the beloved Congressional Budget Office, which the majority party used to stick with, come hell or high water, if we take a look at this, there is no offset whatsoever in the first fiscal year, zero savings by this ''let's pretend'' offset.

In the second year there is a $56 million savings out of a $2.8 billion cost. Who are they kidding?

□ 2130

This is a political maneuver. This is not a financial or budgetary offset. It is a joke. And if it did not do so much damage to farmers, I would laugh at it. Over 3 years, it provides only one-tenth the offset that is required to meet the standard budget rules around here.

What we have got here tonight is not an offset, it is a political shell game, and the problem is that shell game results in sticking it to farmers. Shame on you.

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

The CHAIRMAN pro tempore (Mr. ISAKSON). All time having been yielded, the question is on the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HENSARLING

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HENSARLING:

At the end of the bill (before the short title), insert the following:

SEC. ____. (a) OFFSETTING GOVERNMENT-WIDE RESCISSION.—Of the discretionary budget authority provided in appropriation Acts for fiscal year 2005, there is rescinded the total amount determined by the Director of the Office of Management and Budget to be required to offset the discretionary budget authority that is provided in this Act and designated as an emergency requirement.

(b) APPLICATION.—The rescission made by subsection (a)—

(1) shall take effect immediately after the enactment of all of the regular appropriation Acts for fiscal year 2005 (whether enacted separately, included in a consolidated appropriations law, or covered by a continuing appropriations law that funds programs through the end of the fiscal year);

(2) shall not apply to the discretionary budget authority provided for the Departments of Defense, Homeland Security, and Veterans Affairs; and

(3) shall be applied proportionately to the discretionary budget authority provided for each other department, agency, instrumentality, and entity of the Federal Government.

(c) REPORT.—The Director of the Office of Management and Budget shall include in the President's budget submission for fiscal year 2006 a report specifying the reductions made to each account, program, project, and activity pursuant to this section.

The CHAIRMAN pro tempore. Pursuant to House Resolution 819, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 10 minutes.

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

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

Mr. Chairman, I first want to congratulate the distinguished chairman of the Committee on Appropriations for his good work to help those devastated by the recent hurricanes.

My amendment represents a very simple proposition. But before stating that proposition, let me state the proposition it does not stand for. Specifically, nothing contained in this amendment would deny one penny of relief to those who suffered the ravages of the hurricanes that hit Florida; not one penny less, not one penny delay.

The proposition this amendment does stand for is that so-called emergency spending for natural disasters should come out of the budget. In other words, this supplemental spending should be offset with lower-priority spending, which, frankly, was our practice throughout the decade of the nineties. In every single year of the nineties, when supplemental spending bills were enacted, so were rescissions of other spending.

In that spirit, Mr. Chairman, this amendment would reduce 2005 discretionary spending approximately 3 percent, exempting national defense, homeland security and veterans spending.

Unfortunately, today, when we pass supplemental spending, we just add it to the deficit. We pass the bill along to our children and grandchildren. Many, many Members have come to the floor to decry deficit spending. It will be interesting to see how many of them truly want to do something about it and support this amendment.

Mr. Chairman, the true question before us is, who will tighten their belt to pay for this $10.9 billion of hurricane damage? Families, or government. I vote for the government.

Opponents of this amendment will argue that it will gut vital government programs. I simply reject that notion. I believe the government spending is already out of control. For only the fourth time in our Nation's history, the Federal Government is now spending over $20,000 per household. Over the last decade, almost every major department of government has grown way beyond the rate of inflation. Interior is up 42 percent; HHS, 110 percent; education, 125 percent; and the list goes on.

Mr. Chairman, much of the Federal budget helps our Nation in vital ways,

but much of it does not: $800,000 outhouses, rain forests constructed in Iowa, wheelchairs costing four times as much as they should. Again, the $10.9 billion will either come out of the Federal budget, or the family budget.

Let us look at the family budget. The average down payment on a home in America is $21,600. If we defeat this amendment, might we be denying half a million Americans their first home? The average home computer costs $482. If we defeat this amendment, might we be denying over 20 million school children an invaluable educational tool?

To pay for hurricane relief, we must either tighten the Federal budget, or ask families to tighten theirs. This amendment comes down on the side of families.

Mr. YOUNG of Florida. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Florida (Mr. YOUNG) is recognized for 10 minutes.

Mr. YOUNG of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I would simply like to point out some of the budget reductions which will be caused by this amendment: The National Institutes of Health would be cut by $884 million from the House-passed bill.

The Centers For Disease Control, who told us yesterday we have a crisis on our hands with respect to childhood influenza, this amendment would cut $136 million from the House-passed bill for that agency.

Head Start, this amendment would cut $214 million, $10 million below last year's level.

The Low Income Heating Assistance Program, LIHEAP, would be cut $62 million from the House level.

The Federal Aviation Administration, they would be funded nearly one-half billion dollars below the fiscal 2004 level.

Education would be cut by $1.8 billion below the House-passed labor-health bill.

No Child Left Behind would be cut by $440 million. The vice president last night in the debate talked about the importance of that program.

Title I grants would be cut by $414 million.

Special education, which both political parties posed for holy political pictures on for the last 4 years, that program is being cut by $400 million.

Pell Grants, the President at the national convention talked about the need to expand Pell Grants. This would cut Pell Grants, would exacerbate the shortfall by $300 million.

The FBI would be cut $161 million, including personnel resources for the Office of Intelligence and counterterrorism field investigations.

NASA would be cut.

National parks would be cut by $70 million, meaning a layoff of some 800 park rangers and maintenance staff.

Nuclear nonproliferation programs, which both presidential candidates said last week were their number one concern, would be cut by $40 million.

Law enforcement assistance would be cut by $81 million.

This is a family-friendly amendment? Give me a break.

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

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

Mr. Chairman, such reductions can be made by department heads.

Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. FEENEY), who has seen hurricanes up close.

Mr. FEENEY. Mr. Chairman, I thank the courageous gentleman from Texas (Mr. HENSARLING) for the great job he is doing trying to contain Federal spending, and I really do want to thank our appropriations chairman. The gentleman from Florida (Mr. YOUNG) is a great hero, not just in Florida but nationally. He has set priorities straight. He has done an incredible job.

I want to say that I do speak in favor of this amendment, though, on offsets. We know that we are going to have emergencies on a regular annual basis. We do not know where they are going to be. We do not know what they are going to be. That is why they are emergencies. This is one of the reasons we need a huge supplemental fund, a rainy day fund in the Federal budget, just like a family budget or a business budget needs one, and that is something that conservatives in this House have advocated for.

I support the funding for FEMA. They ran out of money before the first hurricane in Florida. We had four. Thank goodness and thank God that the gentleman from Florida (Mr. YOUNG) and his friends understand the pressure that has been put on the people of Florida and we are going to live up to our moral and financial obligations.

Thank God for people like the gentleman from Texas (Mr. HENSARLING) who have started the Washington Waste Watchers to try to save money where it is being wasted and defunded all the legitimate needs of the people throughout our country.

Mr. Chairman, there are bureaucrats running agencies throughout our country, and they know that if they do not use and spend all of their dollars every year, they don't get to save them. So what they do is they go out in extraordinary ways and find ways to spend the money in unfortunate and unnecessary ways so they get more money the following year.

That type of mentality is what the gentleman from Texas (Mr. HENSARLING) and his amendment is trying to address.

House conservatives have asked that a rainy day fund be put in place every year for emergencies, because on an average basis, FEMA knows there are 30 declared disasters each and every year in America. We do not know where or when, but they are going to happen. And the appropriate way is to budget for those emergencies.

I can tell you, the rainy day fund, we know it rains in Florida, and God knows it has rained a lot the last four hurricanes.

Finally, Floridians are great resilient people. They can survive four hurricanes. If we can survive deficit spending by the Federal Government largesse for the next 20 or 30 years, that is a different story.

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

Mr. HENSARLING. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. CHOCOLA), the author of the rainy day amendment.

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

Mr. Chairman, I rise tonight in strong support of this amendment, but the reality is, this amendment should never have had to be offered in the first place. What we should do is budget for emergencies, in other words, create a rainy day fund as part of our budget process.

Every single year, Federal tax dollars are used to pay for emergencies, yet we almost never budget for them. If we want to be honest with the American people and exercise fiscal responsibility when we know we are going to spend money, we should budget for it.

Since 1953, FEMA has had over 1,500 disaster declarations, which averages more than 30 per year. Since 1980, we have had 58 weather disasters, 49 of those have been since 1988, which have totaled almost $220 billion.

Mr. Chairman, hurricanes are disasters, but they are not surprises. There is no question that the people of Florida deserve the relief contemplated in this spending bill. That is not the issue we are discussing tonight.

The issue is, if we care about the size of the deficit, if we care about fiscal responsibility, if we care about future generations of Americans and if we care about being responsible, then we must learn to prioritize spending and reform our budget process to reflect reality.

Hurricane relief is a high priority, and so is the future of our children and our grandchildren. Let us do the right thing tonight and let us provide relief to the victims who in some cases have lost everything, and let us also do the right thing tonight by not creating future victims of a larger deficit.

I encourage my colleagues to support the Hensarling amendment.

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. HENSARLING) has 3 minutes remaining and the gentleman from Florida (Mr. YOUNG) has 7½ minutes remaining.

Mr. HENSARLING. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. I thank the gentleman for yielding me time.

Mr. Chairman, I rise tonight in full support of the amendment offered by my good friend the gentleman from Texas (Mr. HENSARLING) because it allows us to help those in need while at the same time requires us to be fiscally responsible.

My heart goes out to the folks of Florida and everybody that has been affected by hurricanes. My prayers and my thoughts are with them. There is no doubt they have been through a horrible ordeal, and they need our help, and they will get it. But in doing so, we must make sure that we can pay the bill.

This amendment would fully offset the cost of the $10.9 billion supplemental through a rescission in the FY 2005 discretionary spending, once enacted. Funding for defense, homeland security and veterans would be specifically exempt. We must look at the bottom line, and we have to start today making sound fiscal decisions.

Mr. Chairman, I urge my colleagues to join me in ensuring that the Federal Government helps those in need today, but in a responsible manner.

Mr. HENSARLING. Mr. Chairman, I yield 1½ minutes to the gentleman from Arizona (Mr. FLAKE).

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

Mr. Chairman, I thank the gentleman for bringing this amendment forward. It is important. We need to be fiscally conservative at long last here. We have got to make sure that we offset these programs. If we do not, we are simply adding to the burden of our kids and our grandkids. It is simply not right. So I welcome this amendment, and simply say that the notion that we cannot find savings elsewhere in the Federal Government is simply absurd.

We have seen the run-up of spending in each of the Federal agencies over the last several years. We know that savings can be had, and we simply need to find them. When we look at the debate that was just had on the farm programs, I distinctly remember, a couple of years ago when we were debating a rather large farm bill, it being said that we needed to do this because we cannot keep doing emergency supplementals and that this program will take care of them.

□ 2145

Well, guess what? Here we are again. We need to find real offsets, and that is what this amendment does, and I thank the gentleman for offering it.

The CHAIRMAN pro tempore (Mr. ISAKSON). The gentleman from Texas (Mr. HENSARLING) has 1 minute remaining; the gentleman from Florida (Mr. YOUNG) has 7½ minutes remaining.

Mr. HENSARLING. Mr. Chairman, does the gentleman from Florida have the right to close?

The CHAIRMAN pro tempore. Yes, the gentleman from Florida (Mr. YOUNG) has the right to close.

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

Mr. Chairman, we have an opportunity tonight to aid Florida without imposing costs on our families, on our children, on our grandchildren. Either we must tighten the Federal budget, or we must force families to tighten their budget.

I would ask each Member to think about families in their district before they make this vote. I think about the Kings in Athens, Texas, and how this supplemental will impact their ability to pay for that last tuition payment for their son. I think about the Williams in Mesquite, Texas, and their small business, their paint and body shop. How is this supplemental going to impact their ability to hire two more workers? I think about the Evans in Garland, Texas, and I wonder how this supplemental will impact their ability to make those health insurance premiums.

We are going to relieve the people in Florida. The question is, is the $10 billion going to come out of the government budget, or is it going to come out of the family budget? Again, we believe it should come out of the government budget. We believe that we should protect the family budget. I would urge all Members to vote for this amendment.

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

Mr. YOUNG of Florida. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I want to congratulate the gentleman from Texas and those of his colleagues, our colleagues, who have spoken in favor of this amendment. I will tell my colleagues that, as the chairman of the Committee on Appropriations, the committee that must pass legislation, the only bills that have to pass in this place are appropriations bills. Other bills can go by for years, and as my colleagues know, many of them do. We have been working on a transportation bill, not I, but others, working on a transportation bill for 3 or 4 years now and have not passed it. But these gentlemen have done a really good job in making sure that in our must-pass appropriations bills, that we pay close attention to what we are doing, that we make sure that we are able to justify whatever we are suggesting, because we know that if we do not do it right, they are going to be all over us, as they should be.

So I compliment them for their effort. But tonight I have to oppose their amendment, and there are several reasons. One is, when we adopted the budget resolution, well, actually we never did; we deemed the budget resolution as approved by the House. We actually reduced the President's budget request by $2 billion. What is the significance of that? Why do I even bring this up? The President asked for a very austere budget, and I say amen to him. The House budget that we worked under was $2 billion less than that, and, Mr. Chairman, I say to my friend, the gentleman from Texas, all of the bills that we have passed are within that budget. We did not exceed the budget, except for the emergency designations dealing with things like body armor for troops in Iraq and ammunition and things of that nature. So we were starting with a very austere budget, and we stayed within that budget.

The Committee on Appropriations 2½ months ago reported its final and last bill. The Committee on Appropriations worked hard and we got the bills out, we had them out. Mr. Chairman, 2½ months ago, we reported the last one. Twelve of those bills have passed. One has not passed because, as one of our distinguished colleagues said to me, it is not going on the floor because there is not enough money in it. Sort of inconsistent, wanting to hold down the budget, but then complaining that there is not enough money in it.

But the problem that I have with this is that they do not take the across-the-board cut from the bill that is before the House tonight. They take the across-the-board cut from future legislation, the 2005 bills. Now, the problem with that is, none of us really know how much those 2005 bills are going to appropriate. Why is that? Because despite the fact that we have done our job in the House, as I suggested, at the other end of the Capitol, they have not, and we have no control over that. That is the price of a bicameral legislature, and I support a bicameral legislature. There are days when I wish I did not, but I do, from the standpoint of a constitutional government. But borrowing from next year's appropriation to pay for this emergency supplemental tonight to me is not conservative government. That is borrowing in the future. That is borrowing from things that we are going to need to do in fiscal year 2005, this coming year.

So because of that, while, again, I applaud my colleagues for their fiscal conservatism, and probably, I would be more supportive if my job was not to make sure that all of the appropriations bills pass, but that is my job. I have to make sure that all of the appropriations bills pass, because if they do not, the government shuts down, and we do not want that to happen. I do not want that to happen on my watch, and it has not happened on my watch, and it is not going to.

But anyway, for those reasons, I applaud the gentleman from Texas on this amendment and those who spoke in favor of it, but I have to ask my colleagues to vote against it and then get on with passing this very important bill, this very good bill as far as it goes. But as I have repeated myself tonight several times, it just does not go far enough. But we are going to pass this bill tonight, and then we will work on making it a better bill as we go through the process.

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

The CHAIRMAN pro tempore. All time having been yielded, the question

is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

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

RECORDED VOTE

Mr. YOUNG of Florida. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 89, noes 321, not voting 22, as follows:

[Roll No. 500]

AYES—89

Akin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bishop (UT)
Blackburn
Blunt
Boehner
Boozman
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Cannon
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Cubin
Davis, Jo Ann
Davis, Tom
Deal (GA)
Duncan
Feeney
Flake
Forbes
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Harris
Hart
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Jenkins
Johnson, Sam
Jones (NC)
Keller
King (IA)
Kline
Lewis (KY)
Manzullo
McInnis
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Nussle
Otter
Pence
Petri
Pitts
Portman
Radanovich
Ramstad
Rehberg
Rohrabacher
Royce
Ryan (WI)
Schrock
Sensenbrenner
Shadegg
Smith (MI)
Sullivan
Tancredo
Taylor (MS)
Thornberry
Tiahrt
Toomey
Turner (OH)
Whitfield
Wilson (SC)

NOES—321

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Bass
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonilla
Bonner
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burns
Burr
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neugebauer
Ney
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Rangel
Regula
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—22

Bachus
Boehlert
DeMint
Dooley (CA)
Gephardt
Houghton
Istook
Jones (OH)
Kingston
Kleczka
Millender-McDonald
Neal (MA)
Nethercutt
Norwood
Paul
Pelosi
Slaughter
Stark
Tauzin
Towns
Watt
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. ISAKSON) (during the vote). Members are advised that 2 minutes remain in the vote.

□ 2217

Messrs. BILIRAKIS, STEARNS, SMITH of Texas, LINDER, ABERCROMBIE amd NEY changed their vote from ''aye'' to ''no''.

Mr. MANZULLO, Ms. HART and Mr. TIHART changed their vote from ''no'' to ''aye''.

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. There being no other amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. THORNBERRY) having assumed the chair, Mr. GILLMOR, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5212) making emergency supplemental appropriations for the fiscal year ending September 30, 2005, for additional disaster assistance relating to storm damage, and for other purposes, pursuant to House Resolution 819, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 20, as follows:

[Roll No. 501]

YEAS—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling

Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—20

Boehlert
Dooley (CA)
Gephardt
Houghton
Jones (OH)
Kingston
Kleczka
Millender-McDonald
Neal (MA)
Nethercutt
Norwood
Paul
Pelosi
Rangel
Slaughter
Stark
Tauzin
Towns
Watt
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MURPHY) (during the vote). There are 2 minutes remaining in this vote.

□ 2236

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken tomorrow, and the votes postponed earlier today on H.R. 4661 and H.R. 5213 also will be taken tomorrow.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 854. An act to provide for the promotion of democracy, human rights, and rule of law in the Republic of Belarus and for the consolidation and strengthening of Belarus sovereignty and independence.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2608. An act to reauthorize the National Earthquake Hazards Reduction Program, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 2195. An act to amend the Controlled Substances Act to clarify the definition of anabolic steroids and to provide for research and education activities relating to steroids and steroid precursors.

S. 2864. An act to extend for eighteen months the period for which chapter 12 of title 11, United States Code, is reenacted.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4850) ''An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005, and for other purposes.''.

SPECIAL OLYMPICS SPORT AND EMPOWERMENT ACT OF 2004

Mr. MCKEON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5131) to provide assistance to Special Olympics to support expansion of Special Olympics and development of education programs and a Healthy Athletes Program, and for other purposes.

The Clerk read as follows:

H.R. 5131

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Special Olympics Sport and Empowerment Act of 2004''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Special Olympics celebrates the possibilities of a world where everybody matters, everybody counts, every person has value, and every person has worth.

(2) The Government and the people of the United States recognize the dignity and value the giftedness of children and adults with an intellectual disability.

(3) The Government and the people of the United States are determined to end the isolation and stigmatization of people with an intellectual disability.

(4) For more than 36 years, Special Olympics has encouraged skill, sharing, courage, and joy through year-round sports training and athletic competition for children and adults with intellectual disabilities.

(5) Special Olympics provides year-round sports training and competitive opportunities to 1,500,000 athletes with intellectual disabilities in 26 sports and plans to expand the joy of participation through sport to hundreds of thousands of people with intellectual disabilities within the United States and worldwide over the next 5 years.

(6) Special Olympics has demonstrated its ability to provide a major positive effect on the quality of life of people with intellectual disabilities, improving their health and physical well-being, building their confidence and self-esteem, and giving them a voice to become active and productive members of their communities.

(7) In society as a whole, Special Olympics has become a vehicle and platform for breaking down artificial barriers, improving public health, changing negative attitudes in education, and helping athletes overcome the prejudice that people with intellectual disabilities face in too many places.

(8) The Government of the United States enthusiastically supports Special Olympics, recognizes its importance in improving the lives of people with intellectual disabilities, and recognizes Special Olympics as a valued and important component of the global community.

(b) PURPOSE.—The purposes of this Act are to—

(1) provide support to Special Olympics to increase athlete participation in and public awareness about the Special Olympics movement;

(2) dispel negative stereotypes about people with intellectual disabilities;

(3) build athletic and family involvement through sport; and

(4) promote the extraordinary gifts of people with intellectual disabilities.

SEC. 3. ASSISTANCE FOR SPECIAL OLYMPICS.

(a) EDUCATION ACTIVITIES.—The Secretary of Education may award grants to, or enter into contracts or cooperative agreements with, Special Olympics to carry out the following:

(1) Activities to promote the expansion of Special Olympics, including activities to increase the participation of individuals with intellectual disabilities within the United States.

(2) The design and implementation of Special Olympics education programs, including

character education and volunteer programs that support the purposes of this Act, that can be integrated into classroom instruction and are consistent with academic content standards.

(b) INTERNATIONAL ACTIVITIES.—The Secretary of State may award grants to, or enter into contracts or cooperative agreements with, Special Olympics to carry out the following:

(1) Activities to increase the participation of individuals with intellectual disabilities in Special Olympics outside of the United States.

(2) Activities to improve the awareness outside of the United States of the abilities and unique contributions that individuals with intellectual disabilities can make to society.

(c) HEALTHY ATHLETES.—

(1) IN GENERAL.—The Secretary of Health and Human Services may award grants to, or enter into contracts or cooperative agreements with, Special Olympics for the implementation of on-site health assessments, screening for health problems, health education, data collection, and referrals to direct health care services.

(2) COORDINATION.—Activities under paragraph (1) shall be coordinated with private health providers, existing authorized programs of State and local jurisdictions, or the Department of Health and Human Services, as applicable.

(d) LIMITATION.—Amounts appropriated to carry out this section shall not be used for direct treatment of diseases, medical conditions, or mental health conditions. Nothing in the preceding sentence shall be construed to limit the use of non-Federal funds by Special Olympics.

SEC. 4. APPLICATION AND ANNUAL REPORT.

(a) APPLICATION.—

(1) IN GENERAL.—To be eligible for a grant, contract, or cooperative agreement under subsection (a), (b), or (c) of section 3, Special Olympics shall submit an application at such time, in such manner, and containing such information as the Secretary of Education, Secretary of State, or Secretary of Health and Human Services, as applicable, may require.

(2) CONTENT.—At a minimum, an application under this subsection shall contain the following:

(A) ACTIVITIES.—A description of activities to be carried out with the grant, contract, or cooperative agreement.

(B) MEASURABLE GOALS.—Information on specific measurable goals and objectives to be achieved through activities carried out with the grant, contract, or cooperative agreement.

(b) ANNUAL REPORT.—

(1) IN GENERAL.—As a condition on receipt of any funds under subsection (a), (b), or (c) of section 3, Special Olympics shall agree to submit an annual report at such time, in such manner, and containing such information as the Secretary of Education, Secretary of State, or Secretary of Health and Human Services, as applicable, may require.

(2) CONTENT.—At a minimum, each annual report under this subsection shall describe the degree to which progress has been made toward meeting the goals and objectives described in the applications submitted under subsection (a).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) for grants, contracts, or cooperative agreements under section 3(a), $5,500,000 for fiscal year 2005, and such sums as may be necessary for each of the 4 succeeding fiscal years;

(2) for grants, contracts, or cooperative agreements under section 3(b), $3,500,000 for fiscal year 2005, and such sums as may be necessary for each of the 4 succeeding fiscal years; and

(3) for grants, contracts, or cooperative agreements under section 3(c), $6,000,000 for each of fiscal years 2005 through 2009.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCKEON) and the gentleman from Maryland (Mr. HOYER) each will control 20 minutes.

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

GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5131.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that the remaining time I control be controlled by the gentleman from Missouri (Mr. BLUNT), the distinguished majority whip

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BLUNT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly am grateful to my friend, the gentleman from California (Mr. MCKEON), and his committee for sending this bill directly to the floor. I am pleased to be a sponsor of this historic legislation to provide support to the Special Olympics organization founded by Eunice Shriver over three decades ago and to the thousands of athletes who participate in these games.

This authorization proves the commitment of the United States Congress to this positive organization and all of its participants. Special Olympics is an international organization dedicated to empowering individuals with intellectual disabilities who become physically fit, productive and respected members of society through sports training and competition.

Special Olympics has become an important vehicle and platform for breaking down artificial barriers, improving public health, changing negative attitudes in education, and helping athletes overcome the prejudice that people with their disabilities often face.

Special Olympics provides year-round sports training and competitive opportunities for nearly 1.5 million athletes in 26 different sports. In my home State of Missouri, Special Olympics serves nearly 14,000 athletes ranging from 8 to 80 years old.

With the resources we hope to authorize today, Special Olympics plans to expand participation to hundreds of thousands of people worldwide over the next 5 years. These new resources will also help Special Olympics continue the vision, dental, hearing, and nutritional health screenings they currently provide for their athletes. These services are handled entirely by volunteer health professionals and are critical to enhancing the lives of people who might otherwise go completely without care.

Finally, these resources will allow students of all abilities the chance to learn about differences and engage in creating local Special Olympics teams and events as part of a school-based curriculum. Children and adults with intellectual disabilities who participate in Special Olympics develop improved physical fitness and motor skills, greater self-confidence, and a more positive self-image.

I would like to thank my colleague across the aisle, the gentleman from Maryland (Mr. HOYER), the Democratic whip, for his leadership on this issue. It is probably not as often as it should be that Democrats and Republicans, Senators and House Members stand together in total agreement on an issue of this importance. We have worked hard with our friends in the other body to see that that happens.

The government of the United States of America enthusiastically supports Special Olympics and recognizes its importance in improving the lives of people with intellectual disabilities, and I urge my colleagues to move forward and pass this legislation at the end of our debate.

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

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

First, Mr. Speaker, let me say how pleased I am to have had the opportunity to work with the majority whip on this legislation. I want to say that the gentleman from Missouri (Mr. BLUNT) is my friend, and he and I have had the opportunity to work on a number of issues together. He was extraordinarily helpful with the Help America Vote Act, and he and I, as some may know, meet on a regular basis and have lunch either in his office or in my office.

The majority whip referenced our working together in a bipartisan way. I think he is absolutely correct, this is an example of how we can work together and how when we do work together we can do very productive and positive things.

At the outset, I want to thank April Ponnuru for the work that she has done, a member of the staff of the gentleman from Missouri (Mr. BLUNT), as well as my own staff member, Jane Sung. Both of them have worked very hard to get this legislation to where it is today.

I am pleased, of course, to support the Special Olympics Sport and Empowerment Act 2004, which the gentleman from Missouri and I, and others, have cosponsored. In 1968, Mr. Speaker, at the launch of the first Special Olympics games, Eunice Kennedy Shriver repeated the words of the ancient Roman gladiators and said, ''Let me win. But if I cannot win, let me be

brave in the attempt.'' This has since become the Special Olympics athletes' pledge.

Special Olympics has a remarkable history. It began with Eunice Shriver, who believed that people with intellectual disabilities were underestimated and deserved the same opportunities and experiences as the rest of society. In 1962, she began a day camp in her back yard in Maryland, where individuals with intellectual disabilities could participate in physical activities.

It is ironic that I met Eunice and Sarge Shriver in 1962 at the Washingtonian Motel at the Young Democrats convention that year. Sarge Shriver was our speaker. Since that time, I have become and been a very good friend of Sarge Shriver and Eunice Shriver. Her work in the ensuing years led quickly to expanded multiple camps and eventually to the first international Special Olympics in 1968. Today, under the leadership of Chairman and CEO Timothy Shriver, the Special Olympics is a worldwide movement with nearly 1.5 million participating athletes in 150 countries around the world; one person with an idea and a vision starting something in her backyard, one person who had been given substantial benefits in life but who knew that she wanted to use those benefits, as so many in her family have done, for the benefit of all.

The bill that we are considering today is about the future of Special Olympics.

□ 2245

This bill will help Special Olympics take the next steps to reach more athletes in more aspects of their lives. For example, Mr. Speaker, this bill will formally authorize the critical ''healthy athletes'' program, where tens of thousands of athletes receive health care screenings at competition venues.

This bill will also allow Special Olympics to develop educational programs for athletes, including character education and volunteer opportunities. Furthermore, Mr. Speaker, this bill will allow Special Olympics to further expand their reach internationally through cultural exchanges and other programs in cooperation with the State Department. How very important this is at a time when tensions are so high in so many areas of the world, and this program can seek to ease those tensions while at the same time giving opportunities to the intellectually disadvantaged.

But what distinguishes this from so many bills that we consider in this body is that, at its core, the biggest success of Special Olympics is not simply how it empowers and improves the lives of the athletes involved. The biggest success is how it affects the attitudes of millions of others. I do not know how many in this body have ever been huggers. That term is not used today, an analogous term is used, but being a hugger was being involved at the Special Olympics and, as those athletes competed, knowing full well that it was in the competition that they succeeded, to congratulate them, to, yes, indeed, physically hug them and say, well done, good job, you're special, what an incredible difference that has made in the lives of so many.

Special Olympics has helped to reverse prejudices and stigmas that are often too unfairly put upon people with intellectual disabilities. With Special Olympics, the world sees for itself that people with intellectual disabilities can be, and are, exceptional athletes and can compete, achieve and, yes, win.

I am pleased that the House of Representatives can play a role in this mission. Mr. Speaker, I had the great honor of being one of the cosponsors of the Americans with Disabilities bill. That was passed in 1990 and signed by President Bush into law. He said at the time of signing, and we have said since, that this bill opened opportunities and focused on what people could do, what their ability was, not what their disability was. This bill takes another step forward in ensuring that one of the finest programs that we have in America and around the world, the Special Olympics, will thrive, expand and serve even millions more.

Mr. Speaker, I rise in very strong support of this legislation.

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

Mr. BLUNT. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. CANTOR), the chief deputy whip.

Mr. CANTOR. Mr. Speaker, I thank the majority whip for yielding me this time and congratulate him for bringing this bill forward. I also thank the minority whip, the gentleman from Maryland, for his work on this piece of legislation. I, too, rise in support of this bill. I think I, too, have been a hugger. I know many of our colleagues in this House have attended several Special Olympics events and have seen firsthand the limitless capabilities of these athletes. I am encouraged just about the prospects of how many more athletes will be drawn to these events because of the passage of this legislation.

A few years ago, Special Olympics Virginia received a grant that allowed the organization to implement a program specifically aimed at Richmond's inner city and giving individuals there otherwise bound to a life without physical athletic competition just a whole new outlook. Over a period of 4 years, the program grew to serve over 1,000 athletes. I am hopeful that this legislation will serve as a catalyst for the same type of growth all across the Commonwealth of Virginia and throughout our country.

I would like to recognize Paul Marretti from my district who is a Special Olympics global messenger. Paul educates individuals around the world about the mission, philosophy and benefits of Special Olympics. He is a true leader who is committed to educating people, including Members of Congress, about this incredible program as well as introducing it and attracting more athletes to it.

I would also like to recognize Mr. Roy Zeidman, Mr. Rick Jeffreys and everyone at Special Olympics Virginia who make such a difference in so many lives. I am hopeful that this legislation will further help all of them in their efforts.

Mr. HOYER. Mr. Speaker, I yield such time as he may consume to the gentleman from Rhode Island (Mr. KENNEDY), the nephew of Eunice Shriver, a member of the family that has contributed so much to the welfare of this country and to the welfare of our people.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I want to thank my good friend and colleague, the minority whip, the gentleman from Maryland (Mr. HOYER) for his leadership and thank him for his friendship to my Aunt Eunice and my Uncle Sarge Shriver. Growing up, I recall many times when I saw him in the house, and now I enjoy serving with him in this House.

To Majority Whip BLUNT, I want to thank him as well for his spearheading this effort. It means a lot to so many millions of Americans, but it means a lot to me and my family that he would do such a thing and take his leadership position to help those who are often the most vulnerable in our society. It says a lot about him. I respect him for it.

As the gentleman from Maryland said, the motto of Special Olympics is, ''Let me win. But if I cannot win, let me be brave in the attempt.'' These inspiring words have really been the hallmark of Special Olympics, and I am proud to stand with my colleagues in support of H.R. 5131, the Special Olympics Empowerment Act.

When my Aunt Eunice created the Special Olympics over 36 years ago from a grant by my family's foundation, the Joseph P. Kennedy, Jr., Foundation which was named after my uncle who died in World War II, she had hoped to create an opportunity for those with intellectual disabilities like my Aunt Rosemary. She hoped to create a forum in which not only her sister Rosemary but others could dispel the myths associated with their disabilities.

The creation of Special Olympics has allowed over 1.5 million persons around the globe the opportunity to compete athletically in over 25 sports. The Special Olympics has become a vehicle and a platform to break down artificial barriers, improve public health, change negative attitudes in education and help athletes overcome the intolerance held against them due merely to their intellectual disability.

This act will provide funds to the Special Olympics in order to carry out an expansion of the organization and increase the participation of potential athletes. The funding would also permit Special Olympics to increase the

activity of the organization well beyond our borders and further awareness outside the United States of the contributions that individuals with intellectual disabilities can make in their society.

I had the opportunity with many of my colleagues to travel over to Iraq several months ago. I was asked by the liaison for the military what were some of the things that I would be interested in learning when I went over there. My Aunt Eunice always was after us to make sure we asked, wherever we were, how people with intellectual disabilities were being treated. Especially traveling around the world, I thought this was something that was important for me to follow through, so I asked the liaison to find out for me whether I could not meet the Special Olympics team of Iraq which had just competed in the international games in Ireland. I was in Saddam Hussein's palace, surrounded by thousands and thousands of both military and civilian workers helping to reconstruct that country. I was with my colleagues and someone came and touched me on the shoulder and said, ''Congressman KENNEDY, your group is here to meet with you.'' Of course, I was excited about going down the hall and seeing the Special Olympics team of Iraq. I went down the hall, and there was the Special Olympics team of Iraq and surrounding them were practically every worker in Saddam Hussein's palace, all there with smiles on their faces. It had melted the place. These are people who were consumed with war, and on the sight of the inspirational Special Olympics, they just smiled. I think that says so much about the power of Special Olympics; it shows our common humanity. No matter where we are in the world, we are all members of the same human family. Nothing drives that message home more than the Special Olympics. I think that is what is really the power behind it. I am convinced that the power of this legislation is that we can have our international diplomacy moved forward tremendously just by expanding the Special Olympics program, because who is going to want to do war if they see the power of peace and love that the Special Olympics embodies.

I want to thank the gentleman from Missouri and the gentleman from Maryland for their leadership.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

In closing, let me again thank the majority whip for his diligence and leadership in working on this legislation and for ensuring its passage before we leave here for the election period. He has been a privilege to work with. His commitment to this objective is very clear and very powerful. I thank him. I join with him in supporting this legislation.

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

Mr. BLUNT. Mr. Speaker, I want to again thank my friend from Maryland (Mr. HOYER) and both of our staffs for their work together and their work with the other body to see that we do get this legislation passed not just here but headed to the President's desk before we are done here in the next few days. It is always a pleasure to work with the gentleman from Maryland. I was pleased we were able to do this effectively with our friends on the other side of the building as well. Certainly, the gentleman from Rhode Island's aunt, Eunice Shriver, is a person who has made a difference in the lives of millions because she reached out to make a difference. Today, we have an opportunity to reach out and join her in that effort. I am pleased to be part of this bipartisan effort to make Special Olympics officially something recognized and encouraged by the United States Government.

SPECIAL OLYMPICS,
Washington, DC, October 5, 2004.

Hon. ROY BLUNT,
House Majority Whip,
House of Representatives, Washington, DC.

DEAR MR. BLUNT: On behalf of our athletes, families, volunteers, and staff around the world, I would like to thank you for your leadership in introducing the historic ''Special Olympics Sport and Empowerment Act of 2004,'' H.R. 5131 that will authorize $15 million per year for the next 5 years to support the expansion of Special Olympics programs. We are equally elated that Senator Santorum is leading the effort to pass the companion bill in the Senate.

We consider it an honor that you recognize Special Olympics as a responsible and accomplished steward of federal funding. Indeed, millions of individuals with intellectual disabilities, as well as their families and countless communities, have benefited from our programs. Passage of the ''Special Olympics Sport and Empowerment Act of 2004'' will allow us to substantially expand these successful programs, including Healthy Athletes. As you know, Healthy Athletes provides much needed health care screenings and services to address preventable secondary health conditions such as obesity, poor fitness, nutritional deficiencies, untreated or poorly treated vision, and dental, hearing, and podiatric problems. Expansion of the program is particularly important since people with intellectual disabilities have a 40% higher risk of the health conditions referenced above.

I understand that some concern has been raised that the funding contained in H.R. 5131 may be used for abortion, abortion referral, or sex education. Please be assured that Special Olympics has not provided nor referred such services in the past; we would never use federal funds for such a purpose. I would be happy to discuss such concerns with you or your colleagues if necessary.

Thank you again for your leadership.

Sincerely,

TIMOTHY P. SHRIVER, PH.D.,
Chairman & CEO.

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

The SPEAKER pro tempore (Mr. MURPHY). The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and pass the bill, H.R. 5131.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HONORING PRESIDENT JIMMY CARTER ON HIS 80TH BIRTHDAY

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 798) honoring former President James Earl (Jimmy) Carter on the occasion of his 80th birthday, as amended.

The Clerk read as follows:

H. RES. 798

Whereas Jimmy Carter was born in Plains, Georgia, on October 1, 1924;

Whereas Jimmy Carter attended Georgia Southwestern College and the Georgia Institute of Technology, and received a B.S. degree from the United States Naval Academy in 1946;

Whereas Jimmy Carter served honorably as a submariner in the United States Navy in both the Atlantic and Pacific fleets, working under Admiral Hyman Rickover in the development of the nuclear submarine program;

Whereas Jimmy Carter continued his commitment to public service, serving as Georgia State Senator and Governor of Georgia;

Whereas Jimmy Carter was elected the 39th President of the United States on November 2, 1976;

Whereas Jimmy Carter created both the Departments of Education and Energy;

Whereas Jimmy Carter oversaw deregulation of the airline, energy and banking industries;

Whereas Jimmy Carter established human rights as a tenet of American foreign policy;

Whereas Jimmy Carter inaugurated diplomatic relations with the People's Republic of China;

Whereas Jimmy Carter successfully negotiated both the Panama Canal and SALT II Treaties;

Whereas Jimmy Carter was instrumental in the completion of the Camp David Accord between Israel and Egypt, signaling a new era of peace between those two countries;

Whereas Jimmy Carter has continued his service to his country since leaving the Presidency by championing safe and affordable housing, human rights, and disease prevention;

Whereas Jimmy Carter remains actively committed to promoting democracy abroad and supervising elections in fledgling democracies;

Whereas Jimmy Carter was awarded the 2002 Nobel Peace Prize for ''his decades of untiring effort to find peaceful solutions to international conflicts, to advance democracy and human rights, and to promote economic and social development''; and

Whereas Jimmy Carter serves as an international symbol of the integrity and compassion of the country he loves: Now, therefore, be it

Resolved, That the House of Representatives honors former President Jimmy Carter on the occasion of his 80th birthday and extends best wishes to him and his family.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. DEAL).

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in

which to revise and extend their remarks and include extraneous material as it relates to this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution which wishes President Jimmy Carter a happy 80th birthday. Our 39th President was born on October 1, 1924, some 80 years ago last Friday, in Plains, Georgia.

In his 4 years in the White House, President Carter worked to make the Federal Government more competent and compassionate and more responsive to the American people. But perhaps President Carter's most significant accomplishment in office was his coordination of the signing of the Camp David Accord between Israel and Egypt. This achievement ushered in an important new beginning for these two Middle East countries.

The President continues to this day to be active in world affairs. For his efforts across the globe, he was awarded the 2002 Nobel Peace Prize. President Carter has always been a very compassionate and tremendously principled man who has based his leadership on his deep Baptist faith.

Mr. Speaker, I know I speak for all Members when I wish President Carter and his family the very best on the occasion of his 80th birthday. My distinguished colleague from my home State of Georgia (Mr. LEWIS) deserves commendation from all Members for extending these birthday wishes to President Carter on behalf of the House of Representatives.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to recognize a milestone in the extraordinary life of one of America's distinguished statesmen, former President Jimmy Carter, who celebrated his 80th birthday last Friday, October 1.

In the aftermath of Watergate, America yearned for a leader with honesty and integrity to lead our country. We found that man in Jimmy Carter, a farmer from Georgia with dreams of a better day for America, and we elected him as our 39th President.

□ 2300

As President, Jimmy Carter achieved great distinction for his mediation of the Camp David Accords, a historic alliance between Israel and Egypt. President Carter succeeded in obtaining ratification of the Panama Canal treaties, established full diplomatic relations with the People's Republic of China, and completed the negotiation of the SALT II nuclear limitation treaty with the Soviet Union.

Perhaps what many find most admirable about Jimmy Carter is his 24 years of continued service as one of the world's great humanitarians. In 1982, Jimmy Carter founded the Carter Center, a nonprofit, nonpartisan center that is dedicated to the promotion of democracy, human rights, and conflict resolution throughout the world. The center's work has been extraordinary. The Carter Center has fought to eradicate Guinea worm disease, to ease tensions in Haiti, and to help free political prisoners throughout the world. Through these achievements, Jimmy Carter has earned the respect of this Nation as one of the most active humane and generous former Presidents in American history.

In 2002, Jimmy Carter's achievements as a Middle East diplomat and as the driving force behind the Carter Center earned him the Nobel Peace Prize. The Nobel Committee awarded the prize to Jimmy Carter ''for his decades of untiring effort to find peaceful solutions to international conflicts, to advance democracy and human rights, and to promote economic and social development.''

Now 80, the steadfast and courageous advocate for peace and justice continues to represent the very best of American values.

I am honored and pleased to thank Jimmy Carter for his selfless work and to wish him a happy birthday.

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

Mr. DEAL of Georgia. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. LEWIS), who brings us to this point.

Mr. LEWIS of Georgia. Mr. Speaker, I thank the gentleman from Illinois (Mr. DAVIS) for yielding me this time. I thank the gentleman from Georgia (Mr. DEAL) for speaking on behalf of this legislation and being here tonight.

Mr. Speaker, I rise today to recognize a fellow Georgian, a man whom I am proud to call a friend, former President Jimmy Carter. It is fitting that we honor President Carter on the occasion of his 80th birthday, which was celebrated just a few days ago.

President Carter has spent the better part of his life in public service, serving honorably as an officer of the United States Navy, as a Georgia State senator, as Governor of Georgia, and as the 39th President of the United States.

During his Presidency, he was a steadfast champion on human rights. Jimmy Carter established human rights as a tenet of American foreign policy and pressed nations to uphold basic standards. In the foreign policy arena, he successfully negotiated both the SALT II and Panama Canal treaties. However, his greatest achievement was the Camp David Accord. President Carter was instrumental in brokering the long-sought-after peace agreement between Israel and Egypt.

I have known Jimmy Carter for more than 40 years. He is a truly dedicated, committed human being. Considered the most successful ex-President of our time, President Carter has used his position not to earn a lot of money but to do good. He has used his position to continue his commitment to peace by going around the world doing good, monitoring elections, and fighting for health care and eradication of diseases that afflict humankind the world over.

In addition, he has been influential in mediating international crises around the world, including those in North Korea, Somalia, and Haiti.

A true man of peace, Jimmy Carter serves as a living international symbol of what is right, of what is good and what is compassionate. In 2002, President Carter's effort to promote peace earned him recognition by the Norwegian Nobel Committee, which awarded him the Nobel Peace Prize.

Now, Mr. Speaker, it is our turn to recognize his tireless efforts to improve the human condition and to bring peace to a world in need of peace.

So tonight I ask all of my colleagues to join us in extending the birthday wishes of the House to former President Jimmy Carter.

Mr. DEAL of Georgia. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. BISHOP) from the Albany area of Georgia.

Mr. BISHOP of Georgia. Mr. Speaker, I thank the gentleman from Illinois for yielding me this time. And I thank my colleagues for bringing this resolution.

I am very proud to represent President Carter. Plains, Georgia, and Sumter County are in the Second Congressional District. So it is a very proud moment for me to be here to today to help celebrate his 80th birthday.

Today, we certainly honor and give recognition to a man who truly serves as a living international symbol of American compassion and integrity. But his integrity did not begin with winning the Nobel Peace Prize in 2002 or when he brokered peaceful solutions to international conflict. Rather, his humanity stems from a foundation of values laid in rural Georgia years ago, where church and school heavily influenced his early life. Those values, infused in the noble profession of peanut farming, shaped his character, influenced his political ideologies, and added to his commitment to democracy, to freedom, and to peace.

His commitment to humankind carried him through his early years of public service, on the school board, State senator, governor, and through election as the 39th President of the United States.

President Carter negotiated the Panama Canal treaties. He conceived the Camp David Accords, which laid a foundation for settling disputes in the Middle East, a feat that eluded peacemakers, I guess, for decades and decades, and he was behind the second Strategic Arms Limitation Talks with the then-Soviet Union.

But President Carter's success was not limited to just foreign policy. On the American home front, he worked on developing programs for harnessing alternative sources of energy such as solar, nuclear, and geothermal power. He created new departments of education and energy. His environmental track record included passage of legislation to preserve the wilderness and the vast natural resources in Alaska.

President Carter's deep commitment to social justice and human rights continued even after he left office. In 1984, he started the Jimmy Carter Work Project with Habitat for Humanity. Through this project volunteers built thousands of houses, raising the awareness of the need for affordable housing.

And today he remains loyal to his roots in rural Georgia and has worked to create job opportunities through State and local partnerships, which has stimulated economic growth and tourism.

President Carter has served his Nation and the world as the best example of American service. His actions always bring to mind dedication, statesmanship, and above all, honor.

□ 2310

I am privileged to recognize and to commend President Carter, my role model, my constituent in the Second District of Georgia, and my friend, on the occasion of his 80th birthday.

The late Dr. Benjamin Elijah Mays, President Emeritus of Moorehouse College, said, ''You make your living by what you get; you make your life by what you give.'' We are all pleased because of the life that President and Mrs. Carter have made.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Illinois for yielding me time, and I welcomed hearing my colleagues from Georgia. It is interesting to think of President Carter as having deep roots down in the heart of Texas, but he does.

Let me say to my colleagues that my daughter's first political experience was as a 7-month-old at a rally for President Carter in Houston, Texas. I think that made an indelible mark on her and began her own journey of concern and interest in the needs of others.

So I rise today to honor the 39th President of the United States, Jimmy Carter, as he celebrates his 80th birthday. Truly this is a man worthy of commendation and the recognition of this entire body.

It is rare when a man can achieve the position of President, but it is even rarer when the same man can continue to do public service long after his political career is long over. That is President Jimmy Carter.

I can see his smiling face even now as he has traveled around the world touching the lives of people in the United States and around the world. He has championed safe and affordable housing, human rights and disease prevention. His fight for those who are underprivileged and often overlooked earned him the 2002 Nobel Peace Prize for his decades of untiring efforts to find peaceful solutions to international conflicts, to advance democracy and human rights and to promote economic and social development.

I wonder if there is a place around the world where there has been hostility, divisiveness over elections and the search for democracy that President Carter and his lovely bride have not gone to count the votes and to ensure the integrity of the process and to help promote democracy.

President Carter loved this Nation, and, by doing so, by loving it, he has continued his work or the new work of his life in seeking to bring peace and reconciliation around the world.

I had the privilege, as I said, of having my 7-month-old daughter with me in a rally for President Carter. I am glad it was her first introduction to politics. I then had the honor of having President Carter alongside of us, many volunteers, as we worked in a project in my Congressional district for Habitat for Humanity, some 30 or so homes, families now living with integrity and dignity in the project that President Carter and his wife adopted in the aftermath of their presidential responsibilities. What President we know spent these long years of service to his community and to his Nation and to the world way after, way after, his tenure in office?

I am reminded of the words of President Carter when he said, ''Globalization as defined by rich people like us is a very nice thing. You are talking about the Internet, you are talking about cell phones, you are talking about computers. This doesn't affect two-thirds of the people of the world.''

This is a simple testament to what President Carter understood and what he believed in, and that is helping the least of those.

As I conclude my remarks on President Carter, let me make mention of another one of his friends that has since gone on, and that was Congressman Mickey Leland. There lies the nexus of the additional connection of President Carter to Texas, because in the last years of President Carter's tenure as president Mickey Leland was elected to the office of Congressperson of the 18th Congressional District representing Texas, and he became a good friend of the President.

Mickey Leland became a very good friend to President Carter, which leads me to make mention of another individual that was honored today. I was not able to arrive on the floor of the House at the time of the redesignation of the Kingwood Post Office facility to be named the Congressman Jack Fields Post Office facility, and I would like to briefly add my words and commendation to Congressman Jack Fields, who was a very, very strong friend of Mickey Leland and his family.

We have many fond memories of that friendship, and I have fond memories of the 2 years that I had the privilege of working with Congressman Fields, an individual who loved his country as well and worked with Democrats and Republicans. The great work that he did on restructuring the telecommunications industry, he did it in an enormously bipartisan way.

I cannot imagine a greater tribute to a great American, a great Houstonian and great Texan than Jack Fields, a friend of Mickey Leland, one who laughed frequently about the relationship they had on the basketball court.

Let me conclude by saying, Mr. Speaker, that these two individuals are joined by their knowledge and their great love of America and joined by their friendship with my friend and colleague Mickey Leland. I ask support of this legislation.

I rise today to honor the 39th President of the United States, Jimmy Carter, as he celebrates his 80th birthday. Truly, this is a man worthy of commendation and the recognition of this entire body. It is rare when a man can achieve the position of President, but it is even rarer when that same man can continue to do public service long after his political career is over.

Even after leaving office, President Carter has continued to touch the lives of people here in the United States and around the world. As he did during his Presidency, he has championed safe and affordable housing, human rights, and disease prevention. His fight for those who are underprivileged and often overlooked earned him the 2002 Nobel Peace Prize for "his decades of untiring effort to find peaceful solutions to international conflicts, to advance democracy and human rights, and to promote economic and social development." It was President Carter who reminded us of our responsibilities as a nation and as individuals when he said:

> A strong nation, like a strong person, can afford to be gentle, firm, thoughtful, and restrained. It can afford to extend a helping hand to others. It's a weak nation, like a weak person, that must behave with bluster and boasting and rashness and other signs of insecurity.

It was President Carter who made human rights and compassion a staple of American foreign policy. At a time of increasing violence and international unrest it was President Carter who offered a calm and decisive approach to American foreign policy. It was President Carter who simply stated: "America did not invent human rights. In a very real sense human rights invented America." It was President Carter who was instrumental in the negotiation and signing of the Camp David Accord between Israel and Egypt, which gave hope to those around the world that even the most entrenched of adversaries could make peace.

It was President Carter who successfully negotiated both the Panama Canal and SALT II

Treaties, which to this day hold such great importance. It was also President Carter who inaugurated diplomatic relations with the People's Republic of China. In these difficult diplomatic situations President Carter never backed down because he knew that the price for a lack of international cooperation was far greater than any price he would pay simply for trying. Even today, it is President Jimmy Carter who remains actively committed to promoting peace and democracy abroad, supervising elections in fledgling democracies, and helping to defuse international crises in North Korea, Somalia, and Haiti. There are many men of rhetoric about how the world should be, but there are only a few men like President Carter who take the time to make their noble vision into reality.

I want to conclude my remarks by quoting the words of President Carter when he said:

> Globalization, as defined by rich people like us, is a very nice thing . . . you are talking about the Internet, you are talking about cell phones, you are talking about computers. This doesn't affect two-thirds of the people of the world.

This simple statement is a testament to the selflessness that has defined President Carter's life. Time after time when he could have used circumstances for his own advantage, he instead chose to take the more difficult path and use those circumstances to aid the less fortunate. It is that great spirit that defines the noble intentions of our nation and the future we hope to obtain. Again, I wish President Carter a happy 80th birthday and may God bless him in all his future endeavors.

Mr. DAVIS of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we conclude this debate on this resolution, I again thank my colleague, the gentleman from Georgia (Mr. LEWIS), for introducing the resolution as we honor our native son, a man that the State of Georgia is indeed proud of, our 39th President, and truly wish to President Carter and his family the best wishes of this body.

I urge my colleagues to adopt and support H. Res. 798.

Ms. MAJETTE. Mr. Speaker, I rise today to recognize former President Jimmy Carter who celebrated his 80th birthday last week. President Carter continues to show us by his example and by his spirit of service what it means to be an American and a world citizen.

President Carter served our country as a naval officer; he then served the people of Georgia both in State government and as Governor.

As President, he served this Nation during challenging times. He opened the door of opportunity to women, African Americans and Hispanics by appointing them to many jobs in the Federal Government. He created the Department of Education, worked to improve the environment, and expanded the National Park System protection of the Alaskan wilderness. He worked hard to battle inflation and unemployment during his administration and was able to increase jobs by nearly 8 million and to decrease the budget deficit. During the energy crisis he had a comprehensive energy program.

In foreign affairs, his accomplishments include the Panama Canal treaties, the Camp David Accords, the treaty of peace between Egypt and Israel, the SALT II treaty with the Soviet Union, and the establishment of U.S. diplomatic relations with the People's Republic of China. He championed human rights throughout the world.

Since leaving the White House, President Carter has dedicated his life to peace, democracy, human rights, and the elimination of human suffering, touching the lives of millions of people around the world. Through his exceptional work at the Carter Center, he has all but eliminated Guinea worm disease in Africa, and has treated millions who suffer from river blindness and trachoma. President Carter was awarded the Nobel Peace Prize for 2002 "for his decades of untiring effort to find peaceful solutions to international conflicts, to advance democracy and human rights, and to promote economic and social development."

He is a leader in the fight against poverty nationwide, and particularly in Georgia, through his Atlanta Project, which addresses the many social problems that come with poverty. He and Mrs. Carter are also regular volunteers for Habitat for Humanity, a charitable organization dedicated to ending homelessness.

President Carter is a man of faith and a man who loves his country. He has succeeded in making this world a better place than he found it. He is an inspiration for those of us who serve our communities and our Nation.

I am proud to call him a fellow Georgian and in celebration of his 80th birthday, I extend my thanks and best wishes to President Jimmy Carter and his family.

Mr. DEAL of Georgia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART of Florida.). The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and agree to the resolution, H. Res. 798, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

HIGHER EDUCATION EXTENSION ACT OF 2004

Mr. BOEHNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5185) to temporarily extend the programs under the Higher Education Act of 1965, as amended.

The Clerk read as follows:

H.R. 5185

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Higher Education Extension Act of 2004".

SEC. 2. EXTENSION OF PROGRAMS.

(a) EXTENSION OF DURATION TO INCLUDE FISCAL YEAR 2005.—The authorization of appropriations for, and the duration of, each program authorized under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) shall be extended through fiscal year 2005.

(b) PERFORMANCE OF REQUIRED AND AUTHORIZED FUNCTIONS.—If the Secretary of Education, a State, an institution of higher education, a guaranty agency, a lender, or another person or entity—

(1) is required, in or for fiscal year 2004, to carry out certain acts or make certain determinations or payments under a program under the Higher Education Act of 1965, such acts, determinations, or payments shall be required to be carried out, made, or continued during the period of the extension under this section; or

(2) is permitted or authorized, in or for fiscal year 2004, to carry out certain acts or make certain determinations or payments under a program under the Higher Education Act of 1965, such acts, determinations, or payments are permitted or authorized to be carried out, made, or continued during the period of the extension under this section.

(c) EXTENSION AT CURRENT LEVELS.—The amount authorized to be appropriated for a program described in subsection (a) during the period of extension under this section shall be the amount authorized to be appropriated for such program for fiscal year 2004, or the amount appropriated for such program for such fiscal year, whichever is greater. Except as provided in any amendment to the Higher Education Act of 1965 enacted during fiscal year 2005, the amount of any payment required or authorized under subsection (b) in or for fiscal year 2005 shall be determined in the same manner as the amount of the corresponding payment required or authorized in or for fiscal year 2004.

(d) ADVISORY COMMITTEES AND OTHER ENTITIES CONTINUED.—Any advisory committee, interagency organization, or other entity that was, during fiscal year 2004, authorized or required to perform any function under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), or in relation to programs under that Act, shall continue to exist and is authorized or required, respectively, to perform such function during fiscal year 2005.

(e) ADDITIONAL EXTENSION NOT PERMITTED.—Section 422 of the General Education Provisions Act (20 U.S.C. 1226a) shall not apply to further extend the authorization of appropriations for any program described in subsection (a) on the basis of the extension of such program under this section.

(f) EXCEPTION.—The programs described in subsection (a) for which the authorization of appropriations, or the duration of which, is extended by this section include provisions applicable to institutions in, and students in or from, the Freely Associated States, except that those provisions shall be applicable with respect to institutions in, and students in or from, the Federated States of Micronesia and the Republic of the Marshall Islands only to the extent specified in Public Law 108–188.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5185.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, each year millions of Americans, young and old, participate in higher education programs at this Nation's colleges and universities. Higher education has become more important than ever, with a changing marketplace and increasing international competition. That is why the Federal investment in the Higher Education Act is so important.

For 2 years, my colleagues and I have been working to strengthen and renew the Higher Education Act so that we can better serve the millions of low and middle income students aspiring for college education. We have made great progress, but, unfortunately, we were not able to complete our work.

Today I stand in support of the Higher Education Extension Act so we can ensure these vital programs continue to serve American students. Yet I regret we were not able to accomplish a full reauthorization.

In May, the gentleman from California (Mr. MCKEON) and I introduced the College Access and Opportunity Act to complete the Higher Education Act reauthorization. That bill was the final piece of our comprehensive effort to expand the college access by focusing on fairness, accountability, affordability, and quality. That bill contained a number of reforms that I had hoped would be enacted by today.

The College Access and Opportunity Act would have realigned our student aid programs to place first priority back where it belongs, on the millions of low and middle income students who have not yet received a higher education.

□ 2320

The bill would have strengthened Pell grants, college access programs, and campus-based student aid. It would have broken down barriers and eliminated outdated regulations that are preventing nontraditional students from achieving their higher education goals. It would have significantly realigned the multibillion dollar student loan programs to extend access for current and future students, and restore fairness so that all student borrowers could be treated equally. Consumer protections for borrowers would have been strengthened, and red tape would have been reduced. And because accountability is the cornerstone of education reform, colleges and universities would have been held more accountable to the students, parents, and taxpayers they serve through increased sunshine and transparency.

Yet, none of these reforms will be enacted today because partisan politics got in the way of student-focused reforms. The bill before us is critically important. We cannot allow programs under the Higher Education Act to expire. Too many students depend on this assistance as they strive for a higher education. Yet, it is equally important that we remain committed to comprehensive reforms that will build upon these programs, strengthening them to expand college access.

Mr. Speaker, I strongly support the extension of the Higher Education Act. Millions of American students depend on these programs, and we must not let our commitment to higher education lapse. But it is equally important that we remain focused on the ultimate goal of enacting comprehensive reforms that will strengthen and renew the Higher Education Act so we can meet the needs of current and future students. I encourage my colleagues to support this bill and work with us in the coming year to complete a comprehensive reform package so that we can better serve American students pursuing the dream of a college education.

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

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill extends our higher education program for one year. We need to do this because Congress has not completed its work in reauthorizing the Higher Education Act this session.

While I support this legislation, it represents a missed opportunity. Students are facing some of the worst tuition increases in decades. Families have struggled to find ways to pay for college. Unfortunately, the bipartisan cooperation has not been as helpful as it was back in 1998, and the administration has neglected its role.

The Congress and the Bush administration have frozen the maximum Pell grant over the last 3 years. Indeed, Republican higher education legislation which failed to move would have jeopardized college affordability for millions of students by eliminating the ability of students to lock in low, fixed interest rates when they consolidate their student loans, by reducing student choice in how they can repay their student loans, and by increasing the ability of students to go further into debt.

If we did reauthorize the Higher Education Act, we could have addressed the critical needs of students, including allowing student borrowers to refinance their consolidation loans and lock in today's low interest rates. This increases the long-term affordability of college. We could have provided incentives to help colleges hold down increases in tuition. Recent tuition increases have hit American families and students especially hard. We could have allowed working students to keep more of the funding they earn than having it used to calculate their student aid. Unfortunately, today, we are not going to be improving our student aid programs. Instead, we are keeping the status quo.

While this bill is necessary, we have lost an opportunity. I look forward to working with my colleagues as we did in 1998, hopefully in a bipartisan fashion in the next Congress, to improve our higher education programs.

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

Mr. BOEHNER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. MCKEON), the chairman of the Subcommittee on 21st Century Competitiveness.

Mr. MCKEON. Mr. Speaker, I thank the chairman for yielding me this time. I appreciate the opportunity.

I rise in strong support of H.R. 5185, the Higher Education Extension Act of 2004. This legislation will provide for the continuation of all of the programs authorized within the Higher Education Act for a period of 1 year. This extension will allow Congress to finish its work on the reauthorization of the Higher Education Act to provide more streamlined, flexible, cost-effective, and student-friendly programs for the future.

The House has done a great deal of work to move forward on the Higher Education Act reauthorization. We passed four bills from this chamber that unfortunately received no further consideration in the other body. There have been bills introduced by my friends on the other side of the aisle, and the majority has also introduced several other bills, including H.R. 4283, the College Access and Opportunity Act. This most recent comprehensive legislative package provides for a great many benefits for current students, while holding institutions of higher education, accrediting agencies, and participants in the student loan programs more accountable. The bill maintains two student loan programs and equal benefits for all student loan borrowers, regardless of the program in which their school participates. Unfortunately, both the calendar and election-year politics stood in the way of the legislative process moving forward in its entirety.

This extension will allow all programs to run without interruption and ensure student financial aid will be available to all eligible students. It is a clean, straight-line extension, meaning that this bill has not been weighed down with other amendments, but does strictly what it was intended to do, extend all current programs.

The majority has continued to attempt to work with our colleagues on several pieces of legislation. However, many of those attempts failed. Now there is a deadline approaching. No one in this chamber wants to see these programs expire, nor do we want to instill any sort of concern on the part of students, institutions, or student loan providers. It is time to put politics aside, pass this legislation and get it to the President for his immediate signature.

I have every confidence that the Committee on Education and the Workforce will come together early in the 109th session and move quickly to enact a comprehensive, bipartisan higher education reauthorization bill. I

look forward to working with my colleagues to do so, and I urge the passage of H.R. 5185 today.

Mr. KILDEE. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time.

Mr. Speaker, while I support this temporary extension of the Higher Education Act, I am very disappointed that we have not passed the full Higher Education Act reauthorization.

The committee chair is correct. Higher education is more important than ever to ensure America's economic prosperity, security, and health. Just as college has become essential to both individuals and society's success, college tuition has risen dramatically, causing students to take on high loan debt, $17,000, on average; to work long hours that interfere with academic success sometimes; or to forgo college altogether. Yet, Congress has failed to pass the Higher Education Act.

Now, one party controls the White House, the Senate, and the House; the same party. Yet, they have failed to pass a Higher Education Act. Where are the priorities? Congress seems to have no trouble passing tax cuts for the wealthy, but to provide opportunities for students to attend college does not seem to be a priority.

Mr. Speaker, the failure of the House to pass a higher education reauthorization is emblematic of this ineffective Congress. In past years, the Higher Education Act was one of the easiest to pass, one of the most bipartisan, a bill we could count on. And with this temporary extension, we have missed many opportunities today. We could have increased the Pell grant and provided it year-round. We could have significantly increased aid to minority-serving institutions. We could have increased assistance to low-income and first-generation college students. We could have increased loan forgiveness. We could have eliminated origination fees on student loans. We could have provided child care for parents who are attempting to go back to college. We could have changed the student aid formulas for working students. But, today, we pass a temporary extension. We have failed to do any of those things, and American college students and their parents are paying for Congress' failure.

□ 2330

Mr. KILDEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Let me thank my colleague on the other side of the aisle. We have been locked in a really difficult situation trying to come to an agreement on the reauthorization of this bill. But it is not just here. I think we could have overcome our differences, but clearly there was no action in the other body, and we have no choice but to extend the Higher Education Act, which the underlying bill here today does.

This is important to millions of low- and middle-income American students who depend on Pell grants and student loans to achieve their dream of a college education. I ask my colleagues to support the bill.

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

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART of Florida). The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER) that the House suspend the rules and pass the bill, H.R. 5185, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

TAXPAYER-TEACHER PROTECTION ACT OF 2004

Mr. BOEHNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5186) to reduce certain special allowance payments and provide additional teacher loan forgiveness on Federal student loans, as amended.

The Clerk read as follows:

H.R. 5186

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Taxpayer-Teacher Protection Act of 2004''.

SEC. 2. REDUCTION OF SPECIAL ALLOWANCE PAYMENTS FOR LOANS FROM THE PROCEEDS OF TAX EXEMPT ISSUES.

Section 438(b)(2)(B) (20 U.S.C. 1087–1(b)(2)(B)) is amended—

(1) in clause (i), by striking ''this division'' and inserting ''this clause'';

(2) in clause (ii), by striking ''division (i) of this subparagraph'' and inserting ''clause (i) of this subparagraph'';

(3) in clause (iv), by inserting ''or refunded after September 30, 2004, and before January 1, 2006,'' after ''October 1, 1993,''; and

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

''(v) Notwithstanding clauses (i) and (ii), the quarterly rate of the special allowance shall be the rate determined under subparagraph (A), (E), (F), (G), (H), or (I) of this paragraph, or paragraph (4), as the case may be, for a holder of loans that—

''(I) were made or purchased with funds—

''(aa) obtained from the issuance of obligations the income from which is excluded from gross income under the Internal Revenue Code of 1986 and which obligations were originally issued before October 1, 1993; or

''(bb) obtained from collections or default reimbursements on, or interest or other income pertaining to, eligible loans made or purchased with funds described in division (aa), or from income on the investment of such funds; and

''(II) are—

''(aa) financed by such an obligation that, after September 30, 2004, and before January 1, 2006, has matured or been retired or defeased;

''(bb) refinanced after September 30, 2004, and before January 1, 2006, with funds obtained from a source other than funds described in subclause (I) of this clause; or

''(cc) sold or transferred to any other holder after September 30, 2004, and before January 1, 2006.''.

SEC. 3. LOAN FORGIVENESS FOR TEACHERS.

(a) IMPLEMENTING HIGHLY QUALIFIED TEACHER REQUIREMENTS.—

(1) AMENDMENTS.—

(A) FFEL LOANS.—Section 428J(b)(1) of the Higher Education Act of 1965 (20 U.S.C. 1078–10(b)(1)) is amended—

(i) in subparagraph (A), by inserting ''and'' after the semicolon; and

(ii) by striking subparagraphs (B) and (C) and inserting the following:

''(B) if employed as an elementary school or secondary school teacher, is highly qualified as defined in section 9101 of the Elementary Secondary Education Act of 1965; and''.

(B) DIRECT LOANS.—Section 460(b)(1)(A) of such Act (20 U.S.C. 1087j(b)(1)(A)) is amended—

(i) in clause (i), by inserting ''and'' after the semicolon; and

(ii) by striking clauses (ii) and (iii) and inserting the following:

''(ii) if employed as an elementary school or secondary school teacher, is highly qualified as defined in section 9101 of the Elementary and Secondary Education Act of 1965; and''.

(2) TRANSITION RULE.—

(A) RULE.—The amendments made by paragraph (1) of this subsection to sections 428J(b)(1) and 460(b)(1)(A) of the Higher Education Act of 1965 shall not be applied to disqualify any individual who, before the date of enactment of this Act, commenced service that met and continues to meet the requirements of such sections as such sections were in effect on the day before the date of enactment of this Act.

(B) RULE NOT APPLICABLE TO INCREASED QUALIFIED LOAN AMOUNTS.—Subparagraph (A) of this paragraph shall not apply for purposes of obtaining increased qualified loan amounts under sections 428J(c)(3) and 460(c)(3) of the Higher Education Act of 1965 as added by subsection (b) of this section.

(b) ADDITIONAL AMOUNTS ELIGIBLE TO BE REPAID.—

(1) FFEL LOANS.—Section 428J(c) of the Higher Education Act of 1965 (20 U.S.C. 1078–10(c)) is amended by adding at the end the following:

''(3) ADDITIONAL AMOUNTS FOR TEACHERS IN MATHEMATICS, SCIENCE, OR SPECIAL EDUCATION.—Notwithstanding the amount specified in paragraph (1), the aggregate amount that the Secretary shall repay under this section shall be not more than $17,500 in the case of—

''(A) a secondary school teacher—

''(i) who meets the requirements of subsection (b); and

''(ii) whose qualifying employment for purposes of such subsection is teaching mathematics or science on a full-time basis; and

''(B) an elementary school or secondary school teacher—

''(i) who meets the requirements of subsection (b);

''(ii) whose qualifying employment for purposes of such subsection is as a special education teacher whose primary responsibility is to provide special education to children with disabilities (as those terms are defined in section 602 of the Individuals with Disabilities Education Act); and

''(iii) who, as certified by the chief administrative officer of the public or non-profit private elementary school or secondary school in which the borrower is employed, is teaching children with disabilities that correspond with the borrower's special education training and has demonstrated knowledge and teaching skills in the content areas

of the elementary school or secondary school curriculum that the borrower is teaching.''.

(2) DIRECT LOANS.—Section 460(c) of the Higher Education Act of 1965 (20 U.S.C. 1087j(c)) is amended by adding at the end the following:

''(3) ADDITIONAL AMOUNTS FOR TEACHERS IN MATHEMATICS, SCIENCE, OR SPECIAL EDUCATION.—Notwithstanding the amount specified in paragraph (1), the aggregate amount that the Secretary shall cancel under this section shall be not more than $17,500 in the case of—

''(A) a secondary school teacher—

''(i) who meets the requirements of subsection (b)(1); and

''(ii) whose qualifying employment for purposes of such subsection is teaching mathematics or science on a full-time basis; and

''(B) an elementary school or secondary school teacher—

''(i) who meets the requirements of subsection (b)(1);

''(ii) whose qualifying employment for purposes of such subsection is as a special education teacher whose primary responsibility is to provide special education to children with disabilities (as those terms are defined in section 602 of the Individuals with Disabilities Education Act); and

''(iii) who, as certified by the chief administrative officer of the public or non-profit private elementary school or secondary school in which the borrower is employed, is teaching children with disabilities that correspond with the borrower's special education training and has demonstrated knowledge and teaching skills in the content areas of the elementary school or secondary school curriculum that the borrower is teaching.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply only with respect to eligible individuals who are new borrowers (as such term is defined in 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) on or after October 1, 1998, and before October 1, 2005.

(c) INFORMATION ON BENEFITS TO RURAL SCHOOL DISTRICTS.—The Secretary shall—

(1) notify local educational agencies eligible to participate in the Small Rural Achievement Program authorized under subpart 1 of part B of title VI of the Elementary and Secondary Education Act of 1965 of the benefits available under the amendments made by this section; and

(2) encourage such agencies to notify their teachers of such benefits.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5186.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House has an opportunity to pass a bill that will protect taxpayers, support school teachers and help poor schools ensure every student has the opportunity to learn from a qualified teacher.

I want to particularly thank my colleague, the gentleman from California (Mr. MCKEON) and the gentleman from South Carolina (Mr. WILSON) for the vital roles they have played for bringing this bill to the floor.

For more than 10 years, a complex Federal policy known as the 9.5 percent ''special allowance'' has resulted in excess taxpayer subsidies for some student loan providers. This policy was adopted under the Clinton administration, and while some would call it a loophole, the loan providers were told by the Clinton administration that it was perfectly legal and legitimate.

The excess taxpayer subsidies being paid under this policy have in recent years begun to balloon, and if we fail to act, billions of dollars in excess taxpayer subsidies will be paid to student loan providers legally.

Now, this may be technically legal but I think it is unfair to taxpayers and unfair to students, and it is unfair to the schools, people who should be the beneficiaries of this funding. When you boil it down, it is just plain bad policy.

Eight months ago President Bush called on Congress to pass legislation to shut down these excess taxpayer subsidies. The Bush administration noted that ending the excess subsidies without legislation was likely to take at least 2 years. Because of the precedents established under the previous administration, it would take the administration 2 years to end the policy without legislation. Two years is too long to wait.

So the President asked Congress to pass legislation this year that would allow the 9.5 percent subsidies to be stopped now.

The legislation before us should be a no-brainer. It is called the Taxpayer-Teacher Protection Act because that is exactly what it will do. The bill will protect taxpayers by shutting down the excess subsidies to lenders, as the President has asked, and it will use the money to help teachers and poor schools across the country.

Rural and urban schools are confronting a shortage of qualified teachers in key subjects. This shortage is very serious and particularly hurts schools in our poorest communities.

According to the most recent data available from the National Center for Education Statistics, 67 percent of our public middle and high schools have vacancies in special education, 70 percent had vacancies in mathematics, 61 percent had vacancies in biological or life sciences. And according to the Committee For Economic Development, almost a third of high school math classes are taught by teachers who did not major or even minor in mathematics. For biology it is 45 percent, and in life sciences the percentage rises to 60 percent.

President Bush has repeatedly asked Congress to create new incentives for good teachers to teach in our poorest schools. The President has asked that we increase the amount of loan forgiveness that is available to qualified teachers in these key subjects who agree to teach for at least 5 years in our poorest schools. The President wants us to increase loan relief for the teachers from the current maximum of $5,000 to a new maximum of $17,500, more than triple the amount that is currently available.

The President asked us to do this after the No Child Left Behind Act became law. And he asked for it again last week in Springfield, Ohio, where I was with him at an education event.

Under this bill we will shut down the excess subsidies for now and use the money to provide loan relief for highly qualified teachers in high-needs schools, helping our schools deal with the teacher shortage.

The House last year overwhelmingly passed legislation written by the gentleman from South Carolina (Mr. WILSON) that called for similar teacher loan relief. Shutting off these excess subsidies now via this bill will also pave the way for us to devote billions of dollars over the next several years to college access programs for low- and middle-income students.

This was the original intent of the bill introduced by the gentleman from California (Mr. MCKEON) and I back in May. And that bill, the College Access and Opportunity Act, would permanently shut down the excess subsidies as part of a comprehensive reauthorization of the Higher Education Act.

We continue to believe a long-term, multiyear reauthorization of the Higher Education Act is the proper vehicle for ensuring that the 9.5 percent subsidies stay shut down, because it would ensure that billions of dollars are used to expand college access for low- and middle-income students.

Let us make no mistake about this. We are closing the loophole, and once it is closed, it is not coming back. The only question today is whether Democrats and Republicans can agree on how the money should be used within the Higher Education Act.

We could not find an agreement on the big question of the reauthorizing the bill this year, and unfortunately, this looks like that debate will continue into next year. But in the meantime this bill gives us the chance to close down the subsidies now and use the money for something we can all agree is a worthy cause.

Now, there are some who say this bill does not go far enough. They contend it should shut down subsidies retroactively. Let me say, here is the problem with that.

Shutting the 9.5 percent subsidies down retroactively will not just affect the big kids on the block, those in the student loan business who do it for a profit. It will affect smaller, nonprofit student aid providers all across America, nonprofit organizations that were told years ago by the Federal Government that this practice is 100 percent legal and legitimate. And as we will see

as this debate goes on, we are talking about nonprofit student aid organizations from all over the country, whether it be the big student aid organization in California, where 85 percent of their effort is aimed at minority children, and Texas, Arizona, all across the country.

Over the past few days Congress has heard an earful from nonprofit student aid providers warning that retroactive cuts would hurt students and families that need help paying for college. We have heard from Chela in California and we have heard from a provider in South Texas. Half of their loans go to Hispanic students, all needy students.

We have heard from nonprofit providers in New Mexico, Rhode Island, Oklahoma. ''Cuts in these subsidies, especially retroactive cuts, would immediately cause a negative impact to Iowa students,'' warned a nonprofit organization in Iowa.

Now, we need to shut down the subsidies, but we need to make sure that we are not shutting down nonprofit student aid organizations in the process. And if we go any further than what we propose in this bill, I think we are going to hurt the very families and students that we are actually trying to help.

So I would urge my colleagues to support the measure on the floor today. It is the right thing to do for our taxpayers, teachers and American students.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 3 minutes.

Let me say at the outset, that the Members on this side of the aisle enthusiastically support this legislation brought to the floor by the chairman of the committee and the chairman of the subcommittee. We only ask, what has been holding it up? Why were you not here earlier? But you are here now and we will celebrate the fact that you are here now.

I must say that we were excited when the gentleman from Maryland (Mr. VAN HOLLEN) and the gentleman from Michigan (Mr. KILDEE) were able to get an amendment this past September onto the floor of the House so we could get this issue in front of the House, get it out into the daylight and let the Members work the will of the House, something that does not happen too often in this Chamber. The will is quite stifled most of the time.

But when this issue is put before the House by the gentleman from Maryland (Mr. VAN HOLLEN) and the gentleman from Michigan (Mr. KILDEE), and the House got a chance to look at it, Republicans and Democrats, conservatives from the North, East, South, West, around the country, 414 to 3, they said, get rid of this loophole. It is unjustified, it is unconscionable, it is expensive and it is killing the credibility of this program.

Tonight, we answer that call by the House of Representatives to get rid of this program. But tragically tonight we only answer a part of that call because we do not deal with those provisions in this program that continue these unconscionable profits at the 9.5 percent loans due to the recycling. We are going to stop this loophole for this year, and we ought to stop the recycling.

This is not retroactive. But when you do not stop the recycling, the good purposes for which our colleagues across the aisle are going to put this money to use, and that is to help those teachers, provide loan forgiveness for those teachers in difficult districts who are making the special efforts, some 10,000 additional teachers, who could have access to loan forgiveness, now will not have access to that loan forgiveness.

All it would require is to close the loophole. That is what the House voted on when they voted on the Kildee-Van Hollen amendment. They voted to close a loophole, not sort of close a loophole, not part way close a loophole, but close a loophole. Maybe only for 1 year now, and that is the best we can do under these circumstances, but the entire loophole.

The difference is billions of dollars. The difference is 10,000 teachers in need of loan forgiveness. That is the choice.

I heard this was held up because we had all this power. We would like to use our power now to tell you and persuade you to join with us and close the entire loophole and get those other 10,000 teachers that are eligible. Power to the people, to the Democrats, because apparently that is why you have not done it now for 2 years. So we want to join with you. We can have a manager's amendment tonight to close the loophole like 414 of our colleagues urge.

I want to thank the gentleman from Michigan (Mr. KILDEE) and the gentleman from Maryland (Mr. VAN HOLLEN) for their creativity and tenacity in getting this before the House of Representatives, getting it into the full Chamber where the Members on a bipartisan basis have overwhelmingly repudiated this program. I am sorry we cannot go the whole way.

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

Mr. MCKEON. Mr. Speaker, I yield myself 4½ minutes.

Mr. Speaker, the Taxpayer-Teacher Protection Act is a straightforward plan to shut down excess subsidies for student loan providers and direct the savings to expanded student loan relief for teachers. There is a sense of urgency in the bill before us, and I agree that these reforms should be sent to the President for his signature as soon as possible. Yet I find it troubling that we are here today when these reforms could have been enacted months ago, if not for the partisan foot-dragging on the other side of the aisle.

The fact is, President Bush called on Congress to shut down these subsidies 8 months ago in his fiscal year 2005 budget request. Unfortunately, Democrats chose not to address the issue in any of their Higher Education Act reauthorization plans, and they refused to work with us to enact our legislation that would have shut down the 9.5 percent floor.

Let us be clear on this point. The reason we are here today is because those on the other side of the aisle did nothing to shut down these subsidies in their own legislation and they have stonewalled our efforts to cut off the subsidies as part of a larger reauthorization bill.

What is worse, our Democratic colleagues who have finally belatedly joined us in calling for an end to the excess subsidies are advocating for changes that would cut student loan benefits.

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This runs counter to the very principle that is driving these reforms, that Federal student aid should be directed to student benefits.

The bill before us is the first step to permanently ending the 9.5 percent special allowance subsidy. Make no mistake, by approving this bill, the Congress will have taken the first step to ensuring a permanent end to the excess subsidy payments.

We have always maintained that the best solution is to provide a permanent legislative fix that will direct these resources to student benefits. We proposed that type of permanent solution earlier this year, and we will fight for its enactment next year. In the meantime, this bill is the right answer today.

Prospective changes like those in the bill before us will ensure the loophole is shut down without jeopardizing student benefits. The GAO recently recommended Congress put an end to the excess loan provider benefits with prospective changes. That is because the GAO recognizes that retroactive changes would harm students by reducing borrower benefits.

The recipients of the 9.5 percent special allowance subsidy are largely nonprofit State secondary markets. These organizations are required to use the proceeds of the 9.5 percent subsidy to provide student benefits.

Many of the nonprofit State organizations have told us that retroactive changes would force cuts to programs that forgive loans for nurses, reduce loan fees and interest rates for students, provide alternative loans for needy students and families, and help high school students and families plan for college and find financial aid. These are just a few of the student benefits that would be cut under the misguided Democratic plans to make retroactive changes.

We wish our Democratic friends had understood the importance of this issue sooner so that these reforms would already be enacted. In February, President Bush called on the Congress to shut down the excess subsidies. In May, the gentleman from Ohio (Chairman

BOEHNER) and I introduced a bill that would do just that. At the same time, Democratic leaders attacked that proposal and prevented us from enacting comprehensive reforms that would expand college access, all the while offering proposals of their own that ignored the excess subsidy payments. We are pleased that the Democrats have finally come around, but we wish they had realized the importance of this issue sooner.

Shutting down these excess subsidies is important, and so is the need for the expanded loan forgiveness this bill will provide. The Republican plan to permanently end the excess subsidies for student loan providers is hinged on the idea that these resources must be used for student benefits in the Federal student loan program. That is why the Taxpayer-Teacher Protection Act takes the savings generated by shutting down excess loan provider profits and targets them to student loan relief for teachers.

K–12 schools in high poverty areas, including rural and urban schools, are facing severe shortages of teachers in key subjects. The House has already approved a similar expansion of student loan relief. That bill, authorized by the gentleman from South Carolina (Mr. WILSON) received widespread support among Republicans and Democrats alike, and I expect similar support today.

President Bush has led efforts to expand loan forgiveness for teachers of math, science and special education who commit to teaching at least 5 years in disadvantaged schools. The current loan forgiveness of $5,000 will be more than tripled, to $17,500, under the bill, providing a valuable tool for disadvantaged schools seeking to place a highly qualified teacher in every classroom.

I hope we can all work together now to pass this bill and get it to the President for his signature.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. KILDEE), one of the sponsors of the original amendment to get this in front of the House.

Mr. KILDEE. Mr. Speaker, let me make it clear that the Kildee-Van Hollen efforts to end this subsidy have never gone after existing loans. Both the Kildee-Van Hollen amendment and H.R. 5113 affect prospective loans.

Mr. Speaker, I am going to support this bill today despite some glaring inadequacies.

H.R. 5186 makes an improvement over current law which has been providing lenders excessive subsidies, but it also fails to address a large share of this subsidy and only enacts this change for about 1 year.

The loophole, which this bill only partially closes, has increased lender profits by nearly $1 billion in fiscal year 2004. Under this antiquated loophole, lenders presently receive an additional 5.5 percent return, compared to subsidies on regular student loans. That is free money. Worse, this loophole has reduced resources that should be used to make college cheaper for students.

The gentleman from Maryland (Mr. VAN HOLLEN) and I became concerned about this issue in October of last year when we asked the General Accountability Office to investigate how lenders were exploiting this loophole. This report produced alarming results including:

The Federal subsidy provided under this loophole has grown nearly five times from $200 million in fiscal year 2001 to $1 billion in fiscal year 2004.

The volume of loans carrying this subsidy has grown from $11 billion in fiscal year 1995 to over $17 billion at the end of the third quarter in 2004.

Clearly, these facts demand immediate action.

The GAO's report on this matter called for such action by the Bush administration. Unfortunately, they failed to answer that charge. Due to this refusal, Congress now has to take steps to deal with this issue. I am pleased that the gentleman from Ohio (Chairman BOEHNER) and the gentleman from California (Mr. MCKEON) have now responded to our calls to close this loophole.

Today's effort is especially timely considering that all committee Democratic members called for a markup on the gentleman from Maryland's (Mr. VAN HOLLEN) and my legislation to eliminate this lender loophole.

However, it is important that Members understand that this bill has two major deficiencies. First of all, it does not completely close the loophole which lenders have been exploiting. It keeps on ''recycling.'' Cyclists pedal through the Tour de France for handsome profits; recyclists pedal through the U.S. Treasury for even greater profits.

This is free money and it should be stopped. Under this legislation, lenders will continue to receive sizeable and excessive subsidies, perpetuating this taxpayer ripoff.

Second, this bill does not close this loophole permanently. Instead, it opts for about a 1-year fix. This loophole should be permanently and completely closed, and the savings should be used to make college cheaper for needy students.

Failing to completely and permanently close this loophole is a lost opportunity to create more aid for needy students.

Permanently and completely closing this loophole would enable us to increase the bill's loan forgiveness provisions even more, or enact other means to make college more affordable. Students are bearing the brunt of rising college costs and shrinking aid.

It is unfortunate that we cannot completely and permanently address this problem and provide more help. I would hope that passage of this legislation does not end our efforts to fully and permanently close this loophole.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

I would remind my colleagues that we are less than 4 weeks from a Presidential election and an election for all of us who serve here in the House. We all know what happens when we get to the eve of election. We all find religion.

Now, the President called for the elimination of this 9.5 percent subsidy back in February. I have been working on this for a year. It was in the gentleman from California's (Mr. MCKEON) and my bill that we introduced back in May, and my colleagues on the other side want to criticize us for not acting sooner. Yet, the substitute, or their own higher education reauthorization, never even addressed this very subject.

Now, I would say to my colleagues it takes two to tango, and they all know how things get done around here. We need to work together.

The criticism about this bill not going far enough, I think, is well understood by Members on both sides of the aisle. While, in fact, it may shut down some subsidies that go to for-profit lenders, the problem we have is those lenders in the nonprofit sector who use that money to aid students and needy students will be burned in the process, and I think we take a great risk in going down that path today.

That is why the bill that we have before us shuts these things down, these 9.5 percent loans, for the next year and allows us, in the reauthorization of the Higher Education Act, to make sure that when we shut these 9.5 percent loans down permanently, we do so in a way that we do not hurt the nonprofit community that helped many low-income and needy students around the country.

Mr. Speaker, I yield 2 minutes to the gentleman from Nevada (Mr. PORTER).

Mr. PORTER. Mr. Speaker, I rise in support of the Taxpayer-Teacher Protection Act, and I strongly encourage my colleagues on both sides of the aisle to join me in voting for this commonsense bill.

The reforms before us are straightforward, even simple, but they are also incredibly important. I was proud to cosponsor this legislation and look forward to the benefits it provides our teachers.

This bill addresses two pressing issues within the Federal higher education programs. First, it will shut down excess subsidies being paid to certain student loan providers. Second, it will direct these dollars so that we can increase student loan relief for teachers.

In February, President Bush called on Congress to put an end to excess subsidies paid to certain student loan providers. Republicans answered the President's call by introducing legislation in May that would shut this practice down and direct the resources back

to where they belong, to student benefits within the Higher Education Act.

This bill will finally allow us to enact that important reform and will direct the savings to increased loan relief for teachers.

The second piece of this bill will provide critical support for our Nation's classrooms, and I would like to commend my colleague, the gentleman from South Carolina (Mr. WILSON), for his leadership in this area.

The loan relief provider in this bill will increase loan forgiveness for teachers of math, science and special education who serve in disadvantaged schools. I know firsthand how rural and urban school districts are struggling to find highly qualified teachers in these key subjects, and that is why I am so proud to support this bill. In Clark County, Nevada, alone, we are required to hire, on average, 2,000 new teachers a year.

Currently, the Higher Education Act provides loan forgiveness of up to $5,000 for teachers who teach for at least 5 years in Title I schools. These schools, which serve larger shares of disadvantaged students, often struggle to recruit and retain the teachers they need.

Although the current loan forgiveness is valuable, we have discovered particular shortages in math, science and special education. To help schools recruit teachers in these high-demand subject areas, we must target our resources where they are needed most.

I appreciate and urge my colleagues to join me in supporting this bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. VAN HOLLEN), who again was the spark plug for getting this legislation before the full House and getting this bill to the floor.

Mr. VAN HOLLEN. Mr. Speaker, I want to join with my colleagues, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Michigan (Mr. KILDEE) in thanking the gentleman from Ohio (Chairman BOEHNER) and the subcommittee chairmen and the others on that side for joining us in addressing a problem that we all agree has allowed lenders to pocket billions of dollars of taxpayer money at the expense of our students.

The good news is that this bill begins to address the problem. The bad news is it does not do the job fully or permanently.

As the chairman knows, the gentleman from Michigan (Mr. KILDEE), the gentleman from California (Mr. GEORGE MILLER) and I introduced an earlier bill after the passage of the amendment that would close the 9.5 percent loophole permanently, completely, immediately and prospectively, not retroactively, and would redirect the proceeds, the savings, to the students that we were intending to benefit all along.

Unfortunately, we have not had an opportunity in committee or on this floor to deal with that bill that would address the problem fully and permanently; and when I heard there was going to be a bill introduced on the other side of the aisle, I thought this is a good thing, it does not matter who has got their name on it. It does not matter whether it is Republican leadership or Democratic leadership. The important thing is to get the job done for the American people.

But when we take a look at the bill, it has two very serious problems. One is it does not deal with the issue permanently. Why not? We could do it this year. We could do it now.

Secondly, it does leave a big part of the loophole in place. It would continue to permit lenders to make new 9.5 percent-eligible loans using the proceeds from existing 9.5 percent-eligible loans through a scheme or process called recycling.

Now, the Government Accountability Office has told all of us that that portion of the loophole accounts for 40 percent of the loss of taxpayers' dollars, and here is what the GAO says about closing the loophole, and I quote from their September report:

''Industry experts acknowledge that the government could take action to eliminate the 9.5 percent yield for loans made or purchased in the future without compromising the ability of lenders to meet their obligations with respect to their pre-October 1, 1993, tax exempt bonds.''

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That is what the Miller-Kildee-Van Hollen legislation does. It shuts it down prospectively. And as the GAO report says, without government action, the taxpayers remain exposed to additional special allowance payments that can easily and rapidly escalate into billions of dollars.

Now, when you close a loophole, my idea is you take care of the problem all at once. You do not just shut down 60 percent of the hole, allowing 40 percent to continue to drain taxpayer dollars at the expense of students. And that is what the other bill does.

If you were talking about just protecting nonprofits, you would have crafted your bill to deal with just nonprofits. The GAO report makes it absolutely clear that the great bulk of lenders involved in recycling are for-profits.

Secondly, if you address the problem the way we do, you will be sure the students directly benefit from the savings, 100 percent of the savings, from closing the loophole, not just a portion of the savings of closing the loophole.

I would remind my friends on the other side of the aisle that the original purpose of the Higher Education Act was to help America's students afford college. It was not to provide government-guaranteed profits to a few lenders and bond investors. We are missing, unfortunately, a golden opportunity to deal with this once and for all.

Mr. BOEHNER. Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART of Florida). The gentleman from California has 9 minutes remaining.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise to discuss H.R. 5186, introduced by a number of Republican Members to address a billion dollar and growing windfall subsidy for student loan lenders. Like my Democratic colleagues, I will support H.R. 5186, because it is certainly better than current law. But on this issue, that is a pretty low bar.

I believe that families who are struggling to pay college tuition deserve to know exactly how low my Republican colleagues have set that bar. Lenders recently have taken increased advantage of a provision in the Higher Education Act that guarantees them 9.5 percent in returns on certain loans. That is almost triple the rate of return on most student loans.

In fiscal year 2004, that meant that $1 billion that could have helped hardworking Americans pay for college instead went into lenders' pockets. Democrats have been working to close this loophole for the last year, but Republicans did virtually nothing until public outrage reached the boiling point.

Even now, the Republican bill would leave 40 percent of the billion dollar loophole open. They would rather that $400 million go to the lender profits than to Pell Grants or low-income students or to the teacher loan forgiveness that they include in 5186, and we all support.

I do not agree. The Bush administration also has refused to close the loophole administratively, even though the nonpartisan Government Accountability Office found the administration has the authority to absolutely do so.

Democrats have a better response: H.R. 5113. I am proud to be a cosponsor of H.R. 5113, because it would fully and permanently close this loophole and put the savings into Pell Grants. That is the kind of help that hardworking men and women deserve to put themselves and their children through college so that they can better their lives.

That is the kind of help I wish we were offering here today. Unfortunately, we are not. But because a half loaf is better than none, I will support H.R. 5186.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. GINGREY), a member of our committee.

Mr. GINGREY. Mr. Speaker, I want to thank the chairman, the gentleman from Ohio (Mr. BOEHNER), for bringing H.R. 5186, the Taxpayer Teacher Protection Act, to the floor this evening.

As a sponsor of H.R. 2211, the Ready to Teach Act, I believe it is important

to permanently end excess student loan subsidies and to redirect savings to expanding loan relief for teachers of key subject areas in high-poverty, K–12 schools. The Ready to Teach Act was designed to benefit efforts in recruiting and training the best teachers to fill much-needed vacancies in subject areas such as math, science, foreign language and special ed.

Every child deserves an opportunity to achieve a quality education, and I believe H.R. 5186 will aid these efforts so that every child is given a chance to succeed to the best of his or her ability. The Taxpayer Teacher Protection Act redirects the excess loan provider profits to student loan relief for teachers.

High-poverty schools are struggling to find highly qualified math, science, and special education teachers. This bill would more than triple loan forgiveness for teachers of these key subjects who agree to teach in title I schools for at least 5 years. The expanded loan relief for math, science, and special education teachers will help States and schools recruit and retain the teachers they desperately need. This bill will help schools place a highly qualified teacher in every public school classroom, as called for by the bipartisan No Child Left Behind bill.

President Bush called on Congress 8 months ago to shut down the excess lender earnings received through the 9.5 percent floor. I support President Bush in his commitment to finding commonsense solutions to our education problems. Removing the 9.5 percent subsidy will help our most stressed schools fill vacancies with much-needed quality instruction, and I ask my colleagues to pass this bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS), a member of the committee

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support of H.R. 5186, but I also know that much more needs to be done. I agree with all of those who suggest and predict that there is a tremendous need to provide loan forgiveness for math, science and special education teachers. But there is also a tremendous need to recruit teachers for disadvantaged communities where it is very difficult to get specialized teachers to come.

There is also a tremendous need to recruit male teachers for early childhood in elementary education. Many, many school boys do not see a male teacher until they reach eighth grade. So many of them grow up with the idea that education is not for them; that it is a girl-female thing.

So I support this legislation, but, of course, it falls short of the mark, and I look forward to the day when we will have a real loan forgiveness program that provides us with the teachers we need for America's children.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for yielding me this time, and I rise with enthusiasm to support this legislation and to make comment on the legislation authored by the gentleman from California, the gentleman from Maryland (Mr. VAN HOLLEN) and the gentleman from Michigan (Mr. KILDEE).

I hope, as we move forward, that we will find our way to telling America's mothers and fathers and those who support young people going to college that we permanently have closed the loophole that now earns nearly $1 billion in excess subsidies from this loophole.

Mr. Speaker, I come to the floor because I have been inundated by students around the country, and particularly, just Monday, a young man stood up in a town hall meeting and said he was from LaSalle University, and he pleaded not for issues dealing with war and peace, but he said, you know what, there are students in my college dropping out by the wayside because they cannot afford to pay for college.

In my own hometown in Houston, I am talking to students working at Burger King and McDonalds because they have no opportunity to go to college. This is a good start. We need to help our students. I ask support for this bill, but I hope we will go further.

Mr. Speaker, I am pleased to be here today to support this bill, which both sides of the Education and the Workforce Committee can agree upon—despite it having several tragic flaws. Under an antiquated provision in the Higher Education Act, lenders are guaranteed a 9.5 percent rate of return on student loans originally backed by non-taxable securities issued before 1993. This rate of return is 6 percent higher than the return which lenders receive on regular student loans.

In 2004, it is estimated that lenders earned nearly $1 billion in excess subsidies from this loophole. While this bill is an improvement over current law, it fails to fully address this problem, as Democratic proposals have done. This bill doesn't close the loophole allowing a practice which has created up to 40 percent of the current loans receiving this wasteful subsidy to continue. The bill continues a current lender practice typically referred to as "recycling." Recycling involves lenders using the interest payments from student borrowers and the excessive subsidies paid by the Federal government to make new loans which also receive a guaranteed 9.5 percent rate of return. Recycling alone is responsible for 40 percent of the current loan volume which is guaranteed this 9.5 percent rate of return. Allowing this practice to continue will allow lenders to collect hundreds of millions of dollars in profits.

This bill fails to provide a permanent fix to this problem. It partially closes this loophole for only a year, rather than permanently ending this abusive practice. This loophole should be permanently and completely closed and the savings should be used to make college cheaper for needy students.

This bill fails to even do what President Bush called for in his last Budget. President Bush called for ending this loophole, yet the Republicans fail to fully close it.

Republicans only introduced legislation which they actually intended to move once public outcry on this issue grew. The Republican Higher Education reauthorization bill has floundered for several months, never having even been marked up in Committee. As the outcry over this wasteful subsidy increased, Republicans decided to move last minute legislation. This contrasts with over a year-long effort by Democratic Members on this issue.

The Bush Administration has refused to act on this issue. Despite a recent GAO report calling on the Department of Education to close this loophole administratively, the Bush Department of Education has refused to act, claiming they do not have the authority and cannot overcome bureaucratic hurdles. The GAO report strongly disagrees with this view.

Democratic Members have a better response. H.R. 5113 (introduced by Representatives KILDEE, VAN HOLLEN and GEORGE MILLER) would permanently and completely close this wasteful lender subsidy. We should be focusing now on legislative initiatives that will truly help those seeking an education, rather than creating more hurdles and obstacles.

Finally, I also support H.R. 5185, which extends the much-needed Higher Education Act—but only temporarily. This bill also helps teachers in loan forgiveness. But this is not enough—our students are losing higher education opportunities because there is no opportunity and no money. Shame on us!

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the ranking member on the Committee on Education and the Workforce for yielding me this time.

We are talking about education, so maybe we should take a moment for a textbook example of euphemism, Taxpayer Teacher Protection Act. Now, one would think this would mean to save the taxpayers money. In fact, what we are doing is allowing lending institutions to continue to get a guaranteed exorbitant rate of return and make a killing.

Let me just review what this bill does. I rise in support of H.R. 5186. It is an improvement over current law. But it fails to address the problem. It ignores the Government Accountability Office's recommendation to immediately stop lenders from issuing new loans at 9.5 percent. It ignores the GAO's recommendation to close the loophole permanently.

It allows hundreds of millions of dollars in new loans to be issued at the bloated rates of 9.5 percent. It denies additional loan forgiveness to 10,000 teachers working in the Nation's most needy public schools. It chooses special interests over taxpayers by allowing the loophole to continue for up to 40 percent of the 9.5 percent loans.

As the outcry around the country over this wasteful subsidy increased, the Republicans decided to move last-minute, half-baked, barely adequate

legislation. It contrasts sharply with the year-long efforts by the gentleman from Michigan, Maryland, and California, the Kildee-Van Hollen-Miller bill, H.R. 5113, which would permanently and completely close this wasteful lender subsidy.

Mr. GEORGE MILLER of California. Mr. Speaker, could you advise the time remaining?

The SPEAKER pro tempore. The gentleman from California has 3 minutes remaining.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself the balance of my time.

Again, Mr. Speaker, we support this legislation. But it is interesting, you know, with the 10-year T-bill rate at 4 percent and the 2-year bill or the 3-year bill at about 1.5 to 2 percent, that a very select group of lenders can get 9.5 percent, the only place in the world you can get a return of 9.5 percent on your money, or the difference between the margin there. It is the only place in the world you can go to get this money, unless you are borrowing from the Mafia.

But what happens with this legislation is, while hiding behind a legitimate claim by nonprofits, they keep open the recycling loophole that is overwhelmingly used, according to the General Accountability Office, by for-profit lenders. Nothing to do with retroactivity, because we stop this practice in the future, and we can stop recycling in the future.

But they have chosen not to do it. They said, if the Democrats had cooperated, they would have done this earlier. Well, we are cooperating, so do it. It is earlier. Do it now. We have this newfound power bestowed upon us by the chairman of the committee. We want it now.

You said you did not do it because we did not cooperate. The more I think about it, it was a brilliant strategy because we did not have to take all that other stuff in your legislation, where these kids were going to lose their rights to low-interest loans and be able to lock in low-interest loans in repayments. We did not have to take all that, which would have punished millions of young people, and we are going to get this loophole closed, too.

Sounds like a brilliant piece of strategy. And here we are at the end of the session with the Republicans implementing, talk about bipartisanship, the Republicans are now implementing this Democratic strategy. It is a wonderful evening to be here at midnight to finally see where the Republicans are saying the Democrats made us do it.

Mr. Speaker, we enthusiastically support this bill. We hope that the Republicans next year will go the full steps to closing the loophole in its entirety.

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

Mr. BOEHNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I never cease to be amazed at what happens during political silly season here in the Nation's Capital.

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Here we are on the eve of an election and we are going to have a virtual unanimous vote on this bill. Even though my colleagues on the other side have criticized it so much, for a bill that sounds as bad as they have criticized it, I am wondering why they are going to vote for it.

But I want to say, Welcome. Welcome. They are taking credit for stumbling across this billion-dollar excess subsidies when we have been working on this for about a year to try to shut this down in a reasonable and responsible way. And while I know that people want to go all the way and shut it down and be really tough, what about those nonprofit student aid organizations around the country who have these loans, who use those excess profits to help low-income students and mostly minority students all over the country?

Let us stop the nonsense. Let us get on to do the people's work. By passage of this bill today, we will end this practice for the most part for the next year, use those savings to help expand the need for high quality teachers in title I schools in math, science and special ed, and help more students get a better chance at an education.

Mr. CASTLE. Mr. Speaker, I rise in support of H.R. 5186, and thank the gentleman from Ohio (Mr. BOEHNER) for bringing this measure to the floor today. The bill represents responsible use of the taxpayers' dollars, and will go a long way in giving our Nation's math, science, and special education teachers much needed support.

What we are talking about today is a special category of student loans for which the government guarantees the lenders a return of 9.5 percent, even though the prevailing rate charged to students may be much lower. The 9.5 percent loans, backed by tax-exempt bonds, were established when interest rates were high in the 1980's to keep lenders in the college loan business. As interest rates declined over the past several years lenders have essentially been able to find a loophole ensuring the subsidy will continue. This is appalling, and according to a recent GAO report, the subsidy payments for 9.5 percent loans have risen from $209 million in fiscal year 2001 to $556 million in fiscal year 2003 and hit $634 million in the first three quarters of fiscal year 2004.

In the past year the President and the vast majority of this House have called for an elimination of the subsidy. Despite attempts to phase out the subsidy, we have not been successful until today. As Members of Congress we have a duty to responsibly spend the taxpayers' money. This is clearly a case where we were in the wrong, and we must now act to remedy the situation. This is especially true when you consider the fact that the savings from closing the loophole will provide additional loan forgiveness to address teacher shortages in key subjects.

Loan forgiveness will be expanded from the current maximum of $5,000 to a new maximum of $17,500 for highly-qualified math, science, and special education teachers who agree to teach for five or more years in high-poverty schools. Teachers in low income schools across the country currently receive loan forgiveness. While I wish we could find a way to increase assistance to more teachers, the fact is that a crisis exists with our math, science, and special education teachers. In the wake of No Child Left Behind's requirement to have a highly qualified teacher in every classroom, this assistance will go a long way in helping to meet the requirement.

Today's measure is a combination of sound fiscal responsibility and an effort to help students across the country. A mixture of the two things I work toward every day. I urge my colleagues to support the bill.

Mr. WILSON of South Carolina. Mr. Speaker, I rise in support of H.R. 5186, the Taxpayer-Teacher Protection Act. In doing so, I'd like to thank Chairmen BOEHNER and MCKEON for their leadership on this issue, supported by Majority Leader TOM DELAY.

H.R. 5186 moves efficiently and effectively to end unfair subsidies for lenders in the student loan program and redirects those funds to assist the teachers of this country. What could be better? While it took some time for my colleagues on the other side of the aisle to agree with us on the need to stop the excess subsidies for student loan providers, I'm confident that today, we all recognize the importance of the measure before us. I'm also certain they agree with us on the need to assist teachers, given their past votes of overwhelming support on similar teacher loan forgiveness bills.

This bill is straightforward and increases the amount of loan forgiveness for secondary math and science teachers and for K–12 special education teachers to a maximum of $17,500 from the $5,000 currently provided in the Higher Education Act for all teachers in high-poverty schools.

This bill is similar to legislation I introduced, H.R. 438, which passed the House with strong bipartisan support by a margin of 417–7 on July 9, 2003.

The purpose of the bill is to ensure our future workforce is scientifically literate and competent, skills that the Committee for Economic Development and the American Society of Mechanical Engineers have identified as keys to our country's ability to compete in the global marketplace. Unfortunately, our high school students consistently test toward the bottom in math and science compared to the rest of the world.

Teachers working in schools that face the greatest difficulty in recruiting math, science and special-ed teachers will be eligible for the increased amount of loan forgiveness after teaching for five years. This commitment to these schools and the students they serve is well worth the recognition and support of this Congress. To further assist children in low-income schools, eligible teachers must be highly qualified as required by the No Child Left Behind Act.

I look forward to the day when a group of math, science and special-ed teachers begins teaching in our Nation's neediest schools inspired by the incentives of this bill. Those teachers will clearly know they are part of a national program designed to ensure all American children are equipped with the life skills necessary to contribute and succeed in a technologically driven world economy.

The goal with this bill, and the bill I was proud to sponsor earlier in this session, is to ensure our Nation remains a competitive force in the world. I hope a secondary effect will be to send a strong signal that America honors and respects those who accept the calling to teach. I am proud that my wife Roxanne has been a teacher in Lexington County encouraging young people to reach their highest fulfillment. This bill provides a common sense solution that shuts down excess profits for loan providers, and directs the resources to one of our Nation's most valuable resources—teachers, professional educators who make a difference in children's lives.

I urge my colleagues to support passage of H.R. 5186.

May God bless our troops, and we will never forget September 11th.

Mr. Speaker, I want to thank you for all of your efforts in bringing forward this very important piece of legislation. It will serve to provide a much-needed benefit to highly qualified teachers teaching in title I schools. The benefits provided in this legislation will increase loan forgiveness for those teachers in the high shortage subject areas of math, science and special education. In addition to the important role that special education teachers play in the lives of students with disabilities, I would also like to recognize the importance of the many related service providers that help children with disabilities every day. Speech-language pathologists and audiologists provide the single largest component of related services under IDEA and are key to providing a quality education to children with disabilities. A number of independent studies conducted by the U.S. Department of Education and other organizations have concluded that we must do more to attract people into these professions, or we will be faced with a chronic shortage of such personnel in our schools within the next decade. I am pleased with the efforts we are making today to address these shortages, and I look forward to working with you in the future to do even more.

Mr. EHLERS. Mr. Speaker, I rise today in support of H.R. 5186. This legislation ends the loophole that allowed some tax-exempt student loan providers to reap high rates of return on certain loans. The savings would be used to fund increased loan forgiveness for urgently needed math, science and special education teachers in Title I schools.

Jobs of the future will require workers who understand the basic concepts and principles of math and science. However, studies show that our students lack even the basic math and science skills and rank near-last in international comparisons. Our country urgently needs to improve our math and science education in order to ensure our workers can compete in the workplace.

Research has shown that a highly-qualified teacher with an extensive background in subject matter and teaching skills is a very important factor in improving student learning, especially in science, technology, engineering and mathematics. Unfortunately, as school districts struggle to find, train and keep qualified math and science teachers, many have had to resort to hiring out-of-field teachers, particularly in high schools.

Often, those with an interest in science, technology, engineering and mathematics select college majors outside of teaching due to the possibility of higher salaries. Increasing loans forgiveness for math and science teachers should attract more college students to teaching careers.

This legislation meets an urgent need, and I ask my colleagues to support it.

Mr. BOEHNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART of Florida). The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER) that the House suspend the rules and pass the bill, H.R. 5186, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MAKING IN ORDER MOTIONS TO SUSPEND THE RULES FOR THE REMAINDER OF THIS LEGISLATIVE DAY

Mr. BOEHNER (during consideration of H.R. 5186). Mr. Speaker, I ask unanimous consent that the Speaker be authorized to entertain motions to suspend the rules for the remainder of this legislative day.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

SUPPORTING EFFORTS TO PROMOTE AWARENESS OF EFFECTIVE RUNAWAY YOUTH PREVENTION PROGRAMS

Mr. PORTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 805) supporting efforts to promote greater public awareness of effective runaway youth prevention programs and the need for safe and productive alternatives, resources, and supports for youth in high-risk situations.

The Clerk read as follows:

H. RES. 805

Whereas preventing young people from running away and supporting youth in high-risk situations is a family, community, and national concern;

Whereas the prevalence of runaway and homeless youth in the Nation is staggering, with studies suggesting that between 1,600,000 and 2,800,000 young people live on the streets of the United States each year;

Whereas running away from home is widespread, with 1 out of every 7 children in the United States running away before the age of 18;

Whereas youth that end up on the streets are often those who have been ''thrown out'' of their homes by their families; who have been physically, sexually, or emotionally abused at home; who have been discharged by State custodial systems without adequate transition plans; who have lost their parents through death or divorce; and who are too poor to secure their own basic needs;

Whereas the celebration of National Runaway Prevention Month will encourage all sectors of society to develop community-based solutions to prevent runaway and homeless episodes among the Nation's youth;

Whereas effective programs that support runaway youth and assist young people in remaining at home succeed because of partnerships created among families, community-based human service agencies, law enforcement agencies, schools, faith-based organizations, and businesses;

Whereas the future well-being of the Nation is dependent on the value placed on young people and the opportunities provided for youth to acquire the knowledge, skills, and abilities necessary to develop into safe, healthy, and productive adults;

Whereas Congress supports an array of community-based support services that address the critical needs of runaway and homeless youth, including street outreach, emergency shelters, and transitional living programs;

Whereas Congress supports programs that provide crisis intervention and referrals to reconnect runaway youth to their families and to link young people to local resources that provide positive alternatives to running away; and

Whereas the purpose of National Runaway Prevention Month in November 2004 is to increase public awareness of the life circumstances of youth in high-risk situations and the need for safe and productive alternatives, resources, and supports for youth, their families, and their communities: Now, therefore, be it

Resolved, That the House of Representatives supports efforts to promote greater public awareness of effective runaway youth prevention programs and the need for safe and productive alternatives, resources, and supports for youth in high-risk situations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. PORTER) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. PORTER).

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Res. 805.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. PORTER. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H. Res. 805 which seeks to promote greater public awareness of effective runaway youth prevention programs and the need for safe and productive alternatives, resources and supports for youth in high-risk situations. I would like to thank the leadership for allowing this resolution to come to the House floor as it highlights a very tragic and important issue.

Runaway and thrownaway episodes among our Nation's youth are serious and widespread, with one out of every seven children and youth in the United States running away or being turned

out of the home before the age of 18. A recent study by the Federal Office of Juvenile Justice and Delinquency Prevention estimates that nearly 1.7 million youth experienced a runaway or thrownaway episode in a single year. The prevalence of runaway and homeless youth in the Nation is astounding, with studies suggesting that between 1.6 million and 2.8 million young people live on the streets of the United States each year. The primary factors of running away or being thrown away are severe family conflict, abuse and neglect, and parental abuse of alcohol and drugs.

In the district that I represent in southern Nevada, the statistics are similar. In the year 2003, the Las Vegas Metropolitan Police Department reported 4,527 runaways. There were approximately 3,500 children who required emergency shelter. 1,800 of these children were placed in foster care. In addition to that, the Clark County School District reported that 3,011 of our students were homeless. These astonishing statistics highlight the need for our support of those important programs that seek to prevent these types of incidents.

Many of the conditions that lead young people to leave or be turned out of their homes are preventable through interventions that can strengthen families and support youth in high-risk situations. Successful interventions are grounded in partnerships among families, community-based human service agencies, law enforcement agencies, schools, faith-based organizations and businesses.

The National Network For Youth and the National Runaway Switchboard have collaborated since 2002 in cosponsoring National Runaway Prevention Month during the month of November. National Runaway Prevention Month is a public education initiative aimed at increasing the awareness of issues facing runaways as well as making the public aware of the role they play in preventing youth from running away. As a result of this collaboration, communities across the country have undertaken a range of activities to commemorate National Runaway Prevention Month.

Preventing young people from running away and supporting youth in high-risk situations is a family, community and national concern. Please join us in encouraging all Americans to play a role in supporting the millions of young people who have run away and who are at risk of doing so each year. H.R. 805 supports efforts to promote greater public awareness of effective runaway youth prevention programs and the need for safe and productive alternatives, resources and supports for youth in high-risk situations.

Mr. Speaker, I urge my colleagues to support this resolution.

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

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution. H. Res. 805 promotes the need for greater public awareness of effective runaway youth prevention programs and the increasing need for safe and productive alternatives, resources and supports for youth in high-risk situations.

Mr. Speaker, let me first applaud the hard work of the front line workers who are on the ground working with runaway and homeless youth every day. For many youth, these workers represent the only responsible and caring adults they will have contact with during their time on the streets. Many of these workers are volunteers who make themselves available 24 hours a day. They venture into dangerous situations, providing a lifeline to these young people. They should be acknowledged for their efforts.

Mr. Speaker, the youth who come to these programs represent a lost generation. Most of them are not runaways. They have been thrown away, thrown away by their parents and by society. When they come to these programs, they do so out of a need for security, shelter and comfort they cannot find at home. These programs provide that comfort. They provide basic life skills, training, job preparation and placement, health referrals and services.

As of this fall, youth who visit these programs will be automatically eligible for school nutrition programs and will be able to receive meals and snacks through shelter programs. The reauthorization of child nutrition programs enacted this summer made this possible and ensures that these youth can get a nutritious meal even if they are on the street. Nearly 150,000 youth are served at basic centers and through transitional living programs. Yet as this resolution points out, many more runaways and homeless youth find themselves without these critical community services.

It is appropriate, Mr. Speaker, that Congress take time out to promote greater public awareness of the needs of these young people and the services that are available to them in the community.

In closing, I urge my colleagues to support this resolution.

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

Mr. PORTER. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I want to thank my colleague from Nevada and the gentleman from Michigan for introducing House Resolution 805 to bring awareness and express support for runaway youth prevention programs. As the author of H.R. 1925, the Runaway, Homeless, and Missing Children Protection Act, which was signed into law by President Bush almost a year ago today, I believe it is important to protect our children from early tragedy. As some of my colleagues may remember, H.R. 1925 reauthorizes and amends the Runaway and Homeless Youth Act and the Missing Children's Assistance Act and extends the National Center For Missing and Exploited Children and other program activities annual funding through the year 2008.

As an OB/GYN physician for almost 30 years and as a legislator, I have made it a priority to protect and defend children. The future well-being of the Nation is dependent on the value placed on young people and the opportunities provided for youth to acquire the knowledge, the skills and the abilities necessary to develop into safe, healthy and productive adults. I care about the safety of all youth and I want to end the vicious cycle that creates broken families and unwanted children.

With statistics indicating that one out of seven children run away from home before the age of 18, I believe we need to work to promote and encourage organizations that help children vacate dangerous homes and prevent others from making hasty and, oftentimes, unsafe decisions to leave.

Mr. Speaker, with November being National Runaway Prevention Month, I believe it is important for Congress to recognize effective runaway youth prevention programs so we can save lives and prevent tragedy. National Runaway Prevention Month will educate young people about the risks associated with running away from home and the resources available to them should they run away or be expelled from home. During the month of November, communities across the country will sponsor activities to celebrate National Runaway Prevention Month. Planned activities include inviting lawmakers, media, community leaders and others to visit programs that serve youth, organizing community service events and developing materials and presentations to educate youth, parents, teachers, law enforcement officials, businesses and other community members about local resources available to youths in crisis.

With the future well-being of our children at stake, I ask my colleagues to pass this resolution and support National Runaway Prevention Month.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today as one of the original cosponsors of H. Res. 805. According to the second National Incidence Studies of Missing, Abducted, Runaway and Throwaway Children released in October of 2002, it is estimated that there is approximately 800,000 children reported missing each year, which is more than 2,000 children each day. This legislation, in a way, honors the individuals and organizations who work so hard to reach out to our young people that are in some of the most desperate situations.

As we can all imagine, the situation on the streets for these young people is desperate and incredibly rough. Half of the HIV cases in the United States are in the youth population—homeless and runaway youth are two to ten times higher than non-homeless teens to have HIV and the Centers for Disease Control and Prevention report that 94% of homeless youth are sexual active. We unfortunately

can not make street life disappear or even reach a level of utopia—but we can ensure that there are services available to help with the daily street life, whether it is trying to find a bed, a warm meal or some safe, genuine companionship.

Mr. Speaker, I support this legislation and again commend the individuals who have dedicated their lives to helping the lives of young people in need.

Mr. GRIJALVA. Mr. Speaker, I rise today in strong support of H. Res. 805, a bill that supports efforts to promote greater public awareness of effective runaway youth prevention programs and the need for safe and productive alternatives, resources, and supports for youth in high-risk situations.

Studies suggest that somewhere between 1.6 and 2.8 million youth live on the streets of America, with one in seven youth running away at least once before their eighteenth birthday. 43 percent of runaway youth reports being abused by their caretaker, and over a quarter have been sexually assaulted. They face disproportionately high rates of sexually transmitted diseases, HIV/AIDS, and teen pregnancy. Tragically, two-thirds of these youth have attempted suicide. To survive on the street, many youth turn to illegal activities such as drugs, theft, prostitution, and pornography.

Runaways are not throwaways. Passing this important bipartisan resolution is an important step towards Congress' full recognition of this problem as a national crisis. Our children are this Nation's greatest resource, and none should be considered expendable. I urge my colleagues to not just support this resolution, but to also continue our strong support of Runaway and Homeless Youth (Basic Center) Grant Program, The Transitional Living Program (TLP), and The Sexual Abuse Prevention (Street Outreach) Program.

I would like to take a moment to recognize the important contributions made by Our Town Family Center in Tucson, Arizona. Volunteers at this facility assist in outreach efforts to runaway youth, missing children, and homeless street youth in case management, advocacy, phone intake, and administrative support, and help the mobile outreach team cruise the streets to make contact with street youth in need of food, clothing, shelter, and medical information.

It is the responsibility of Congress to support these valuable community contributions to America's most troubled youth. This resolution rightfully recognizes the problem that this country faces, and the important role that community action plays in working towards real solutions. Mr. Speaker, I urge my colleagues to support this bipartisan statement of support.

Mr. KILDEE. Mr. Speaker, I yield back the balance of my time.

Mr. PORTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and agree to the resolution, H. Res. 805.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS REGARDING STUDENT TRAVEL

Mr. PORTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 131) expressing the sense of the Congress that student travel is a vital component of the educational process, as amended.

The Clerk read as follows:

H. CON. RES. 131

Whereas travel is a vital component of the educational experience for Americans of all ages;

Whereas the area of Washington, D.C., is rich in American history and is visited by students from across the Nation;

Whereas student trips to Washington, D.C., and other historic areas have decreased due to the attacks on the World Trade Center, Washington, D.C., and Pennsylvania and the fear of additional attacks;

Whereas many students in the United States will not be able to experience landmarks and monuments celebrating the Nation's democracy, political figures, and scientific achievement;

Whereas the absence of student travel to the Nation's historic sites will leave a vital gap in the education of America's youth; and

Whereas America's youth must be cognizant of American history to understand fully the concepts and responsibilities of democracy and citizenship: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that student travel is a vital component of the educational process and should be encouraged so that Americans, young and old, can participate in travel, the perfect freedom.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. PORTER) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. PORTER).

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Con. Res. 131.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. PORTER. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H. Con. Res. 131 offered by the gentlewoman from the District of Columbia (Ms. NORTON). House Concurrent Resolution 131 recognizes the critical role that student travel plays in the educational process.

I support this resolution because I agree we should recognize the unique value that educational travel can provide to our Nation's students. It can be very worthwhile to extend the educational experience outside of the classroom in order to give students the opportunity to gain valuable skills through experience and direct interaction. I also agree that in the wake of September 11, we should encourage students and their families to continue taking advantage of the rich history that exists in Washington, D.C. I firmly believe that students who are given the chance to travel to Washington, D.C. will have a unique opportunity to deepen their understanding of American history, culture, government and politics.

I commend the gentlewoman from the District of Columbia for her leadership in authoring this resolution to recognize the importance and value of student travel and urge my colleagues to adopt this measure.

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

□ 0030

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman for his words of encouragement on H. Con. Res. 131, and I begin by thanking, as well, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER), the chairman and ranking member of the Committee on Education and the Workforce, respectively, for working with me to introduce and schedule this resolution in a timely manner.

I rise this evening to speak to an issue that we all care deeply about, the education of the Nation's children not only from the perspective of the classroom, but about activities outside the classroom that also enrich a student's educational experience, including field trips and traveling to the Nation's historic sites, many of which are located here in the Nation's capital. This resolution acknowledges that student travel is an integral component of the educational process today.

H. Con. Res. 131 has application to districts in every State of the Union. However, the attacks of September 11 and subsequent security alerts have made us all more watchful, particularly here in the District of Columbia where so many of the symbols of democracy are located. For the months following the 9/11 attacks, visits to our Nation's monuments were down more than 30 percent. The Smithsonian Museums reported a similar decline in attendance. I am pleased that these numbers appear to have since reversed and tourism to the District has been rebounding since 2003. According to the Washington, D.C., Convention and Tourism Corporation, close to 1 million students have traveled to the Nation's capital since 9/11.

The District of Columbia showcases symbols of freedom that are recognized worldwide. Students can come to see the Declaration of Independence, see the flag that flew over the Pentagon on September 11, view exhibitions that trace the history of our country from its inception to the present, and learn how this country, the great experiment, has grown and fared over the past 228 years. The educational experience that students receive in visiting this city, above even others in our country, enhances what they are learning in our Nation's classrooms and inspires the next generation of leaders.

Therefore, I urge Members to join with me in encouraging student travel

to the Nation's capital and to other tourist sites throughout the United States, realizing the educational value and inspirational impact that such visits have on the lives of the Nation's youth.

I thank them again for their support and urge agreement to H. Con. Res. 131.

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

Mr. PORTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART of Florida). The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 131, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

LIGHTS ON AFTERSCHOOL

Mr. PORTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 809) supporting the goals and ideals of ''Lights On Afterschool!'', a national celebration of after-school programs, as amended.

The Clerk read as follows:

H. RES. 809

Whereas high-quality after-school programs provide safe, challenging, engaging, and fun learning experiences to help children and youth develop their social, emotional, physical, cultural, and academic skills;

Whereas high-quality after-school programs support working families by ensuring that their children are safe and productive after the regular school day ends;

Whereas high-quality after-school programs build stronger communities by involving the Nation's students, parents, business leaders, and adult volunteers in the lives of the Nation's young people, thereby promoting positive relationships among children, youth, families, and adults;

Whereas high-quality after-school programs engage families, schools, and diverse community partners in advancing the well-being of the Nation's children;

Whereas ''Lights On Afterschool!'', a national celebration of after-school programs on October 14, 2004, promotes the critical importance of high-quality after-school programs in the lives of children, their families, and their communities;

Whereas more than 28,000,000 children in the United States have parents who work outside the home, and 14,300,000 children have no place to go after school; and

Whereas many after-school programs across the Nation are struggling to keep their doors open and their lights on: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of ''Lights On Afterschool!'', a national celebration of after-school programs; and

(2) requests that the President issue a proclamation calling on the communities of the Nation to engage in innovative after-school programs and activities that ensure the doors stay open and the lights stay on for all children after school.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. PORTER) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. PORTER).

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 809.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. PORTER. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H. Res. 809, offered by the gentleman from Michigan (Mr. KILDEE). This resolution seeks to support the goals and ideals of ''Lights On Afterschool!'', a national celebration of after-school programs.

On October 14, 2004, more than 6,000 communities across the country will rally for after-school programs by participating in the fifth anniversary of ''Lights On Afterschool!'' This nationwide event is aimed at bringing attention to the need for high-quality after-school programs that keep kids safe, help working families, and improve academic achievement.

I support this resolution because after-school programs are an important part of many American students' lives. High-quality after-school programs provide safe, challenging, and fun learning experiences that help children and youth develop their social, emotional, physical, cultural, and academic skills. I am pleased that we are able to help bring attention to the critical importance of after-school programs in the lives of children, their families, and their communities.

This resolution is simple and straightforward. It supports the goals and ideals of ''Lights On Afterschool!'', a nationwide celebration of after-school programs and requests that the President issue a proclamation calling on the communities to engage in innovative after-school programs and activities that ensure the doors stay open and the lights stay on for children after school.

I commend the gentleman (Mr. KILDEE) for his leadership in offering H. Res. 809 and urge my colleagues' support.

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

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 809. This resolution supports the goals and ideals of ''Lights On Afterschool!'', a national celebration of after-school programs.

All of us know the value of high-quality after-school programs. These programs help reduce crime in our communities and provide children a safe and nurturing environment when the school day ends. In addition, after-school programs play key roles in the social and educational development of our children. This helps improve their academic achievements and ensures that they become contributing, positive members of society.

The importance of after-school programs, especially to parents who work, is undeniable. H. Res. 809 recognizes the efforts of ''Lights On Afterschool!''. Organized by the Afterschool Alliance, this is the fifth annual ''Lights On Afterschool!'' Day. This day will bring together educators, community leaders, lawmakers, parents, business and religious leaders, and youth for the Nation's largest annual rally for after-school programs on October 14. The event will call attention to after-school programs and the resources needed to keep their lights on and their doors open.

''Lights On Afterschool!'' was launched in October, 2000. That year more than 1,200 events were held across the country. But last year more than half a million people rallied at more than 5,000 events to show their support for after-school programs. The After-school Alliance expects this year's event to be even larger.

This resolution is only a small part of our effort to thank and support those involved with after-school programs. The Afterschool Alliance and its executive director, Judy Samelson, deserve a great deal of credit for spearheading the drive to expand after-school programs and get the resources they need.

I hope Members will join me in recognizing their efforts and the importance of after-school programs by supporting this program.

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

Mr. PORTER. Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise in support of H. Res. 809, a bipartisan resolution introduced by the gentleman from Michigan (Mr. KILDEE) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) to raise the awareness of ''Lights On Afterschool!'', a national celebration of after-school programs.

Children need after-school programs for many reasons. Most of us think of these programs, first, as offering children critical opportunities to develop their social, emotional, physical, cultural, and academic skills. And good programs do. But after-school programs are especially indispensable to the majority of families in which parents are in the workforce. For these families, after-school programs mean that they will not have to worry nearly as much about where their children are and what their children are doing between the school bell and the dinner bell. That is the time when most teenagers, by the way, are involved in crime or when pregnancy occurs because there is nothing for these children to do after school.

After-school programs build strong communities by involving a wide range of parents and teachers and business leaders, community organization volunteers in the lives of young people.

Mr. Speaker, of the more than 28 million children in the United States whose parents work outside the home, more than half have no place to go after school. That is why the ''Lights On Afterschool!'' effort is so important and deserves our commemoration. That is also why it is critical for Congress and the President to address the fact that, as noted in this resolution, many after-school programs across the Nation are being forced to shut down for lack of funding.

So I ask my colleagues to join me in supporting not only this resolution, but also in efforts to increase Federal funding for after-school programs so that our children receive the services that they need, the services that they deserve.

Finally, I would note that after-school programs are an essential, but not the only component to help working parents address the many challenges in providing for their families in the 21st century economy. That is why I have introduced H.R. 3780, the Balancing Act, as a comprehensive response to these challenges, and I encourage all of my colleagues to join me when I reintroduce the Balancing Act next Congress because the Balancing Act includes after-school programs.

I also encourage my colleagues to vote for H. Res. 809.

Mr. KILDEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PORTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and agree to the resolution, H. Res. 809, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

RELATING TO EARLY ORGANIZATION OF THE HOUSE OF REPRESENTATIVES FOR THE 109TH CONGRESS

Mr. NEY. Mr. Speaker, I offer a resolution (H. Res. 824) relating to early organization of the House of Representatives for the One Hundred Ninth Congress, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. LARSON of Connecticut. Mr. Speaker, reserving the right to object, I want to thank the chairman for his timely handling of this matter.

I also wanted to ensure that the legislative purposes of this resolution are clear.

One purpose of this resolution is to continue the practice of allowing the House party leaders to call an early organizing caucus of their respective party members, and to do so before the statutorily established date of December 1st. Each party leader can schedule the caucus to begin on any date of his or her choosing after the date of the election. While it is customary to schedule the caucuses to begin at the same time, it is up to each party leader to make that decision for his or her party caucus. If the House has adjourned sine die, then each incumbent Members-elect, and a designated staff person, can be paid for their transportation expenses to attend the caucus. If the House has not adjourned sine die, then there are no travel expenses paid for incumbent Members-elect or their staff. New Members-elect, and a designated staff person from the district, can also attend with all attendance expenses paid by the House.

The resolution also has the purpose of continuing the practice of allowing the House Leadership's orientation program(s), hosted by the Committee on House Administration, to be conducted at any time, or at multiple times, after the date of the election, and allows each Member-elect, and a designated staff person, to be reimbursed for the expenses of attendance. The orientation program has usually been conducted as a part of, and during the same time period as the party caucuses. However if the caucuses are conducted at different times, then the orientation program could be conducted before, during, or after each caucus, with the Member-elect's, and designated staff person's expenses of attendance paid by the House.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 824

Resolved,

SECTION 1. TIMING OF ORGANIZATIONAL CAUCUSES AND CONFERENCES FOR ONE HUNDRED NINTH CONGRESS.

Any organizational caucus or conference in the House of Representatives for the One Hundred Ninth Congress may begin on or after November 3, 2004.

SEC. 2. APPLICABILITY OF CERTAIN PROVISIONS TO ATTENDANCE OF MEMBERS AT ORIENTATION PROGRAMS.

(a) IN GENERAL.—With the approval of the majority leader (in the case of a Member or Member-elect of the majority) or the minority leader (in the case of a Member or Member-elect of the minority), the provisions of law described in subsection (b) shall apply with respect to the attendance of a Member or Member-elect at a program conducted by the Committee on House Administration for the orientation of new members of the One Hundred Ninth Congress in the same manner as such provisions apply to the attendance of the Member or Member-elect at the organizational caucus or conference.

(b) PROVISIONS DESCRIBED.—The provisions of law described in this subsection are as follows:

(1) Subsections (b) and (c) of section 202 of House Resolution 988, Ninety-third Congress, agreed to on October 8, 1974, and enacted into permanent law by chapter III of title I of the Supplemental Appropriations Act, 1975 (2 U.S.C. 29a).

(2) Section 1 of House Resolution 10, Ninety-fourth Congress, agreed to on January 14, 1975, and enacted into permanent law by section 201 of the Legislative Branch Appropriations Act, 1976 (2 U.S.C. 43b–2).

SEC. 3. DEFINITION.

As used in this resolution, the term ''organizational caucus or conference'' means a party caucus or conference authorized to be called under section 202(a) of House Resolution 988, Ninety-third Congress, agreed to on October 8, 1974, and enacted into permanent law by chapter III of title I of the Supplemental Appropriations Act, 1975 (2 U.S.C. 29a(a)).

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of the resolution, H. Res. 824.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AMENDING CONGRESSIONAL ACCOUNTABILITY ACT TO PERMIT SECOND TERM FOR BOARD OF DIRECTORS OF OFFICE OF COMPLIANCE

Mr. NEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5122) to amend the Congressional Accountability Act of 1995 to permit members of the Board of Directors of the Office of Compliance to serve for 2 terms, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Page 2, line 11, strike out ''the date of the enactment of this Act'' and insert ''September 30, 2004''.

□ 0045

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. LARSON of Connecticut. Reserving the right to object, Mr. Speaker, I want to thank the chairman for his expeditious handling of this matter.

Mr. Speaker, as I indicated during earlier debate on this bill, I believe that the Members of the Board of Directors of the Office of Compliance should be eligible for a second term of service. The current Board has constructively served Legislative Branch employees, the Members of this body, and the public, by applying the same workplace laws to the Legislative Branch, and to the Congress, that are applied to the private sector. The Board has promoted educational opportunities for both employees and managers, and has undertaken outreach efforts to promote life-safety awareness, and to raise workplace consciousness.

The Board should be congratulated for taking a positive approach to the tasks of education and enforcement. A Government Accountability Office audit has confirmed that the Board, and the Office of Compliance, are operating efficiently and consistent with their statutory mandate.

However, the GAO audit also found that the efficiency of the Office would be greatly impaired by the loss of institutional memory and operational continuity. To remedy this situation, the GAO recommended that both the board, and the four statutory executive officers of the Office, each of whom is appointed by the Board, be eligible for an additional term of service. By allowing the Board an additional term, but denying the Board the opportunity to reappoint their executive staff, much of the efficiency and continuity recognized by the GAO may be lost.

It is my continued hope that a way can be found allow the Board to reappoint their management team to a second term of service. I do not know what concerns led the drafters of the Congressional Accountability Act to limit the Compliance Office's executives to a single 5 year term of service, but it now appears that dropping that limit will make for a better and more efficient Office. So I hope that we will consider implementing the GAO's full recommendation, and lift the term limit on the executive officers, as we are lifting the term limit on the Members of the Board.

Again, I want to recognize my chairman, and thank him for his cooperation in taking this first step to maintaining the efficiency and continuity of the Office of Compliance.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Ohio?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5122.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

RECOGNIZING AND SUPPORTING EFFORTS TO PROMOTE GREATER CIVIC AWARENESS AMONG PEOPLE OF UNITED STATES

Mr. NEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 796) recognizing and supporting all efforts to promote greater civic awareness among the people of the United States.

The Clerk read as follows:

H. RES. 796

Whereas the Constitution of the United States establishes a representative form of government in which the people of the United States elect Members of the House of Representatives and Senators of the Senate, and each of the States appoint electors who, based on the popular vote of the State, select the President and the Vice-President;

Whereas the 15th, 19th, 24th, and 26th amendments to the Constitution establish that the right of citizens of the United States to vote shall not be denied or abridged on account of race, color, or previous condition of servitude; on account of sex; by reason of failure to pay any poll tax or other tax; and on account of age for those 18 years of age and older;

Whereas the right of citizens of the United States to vote is fundamental to our representative form of government;

Whereas many eligible citizens do not exercise the right to vote;

Whereas numerous civic awareness organizations and advocacy groups at the Federal, State, and local level actively promote voter registration and voter participation; and

Whereas many communities and schools have instituted civic awareness programs: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes and supports all efforts to promote greater civic awareness among the people of the United States, including civic awareness programs such as candidate forums and voter registration drives; and

(2) encourages local communities and elected officials at all levels of government to promote greater awareness among the electorate of civic responsibility and the importance of participating in these elections.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from Illinois (Mr. COSTELLO) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank again our ranking member, the gentleman from Connecticut, for this important measure.

Mr. Speaker, I rise today in support of House Resolution 796, which recognizes and supports all efforts to promote greater civic awareness among the people of the United States.

Mr. Speaker, today our soldiers are fighting in Afghanistan and Iraq to build and protect democracy. This Saturday, Afghanistan will hold a historic election. Reports indicate that more than 10 million Afghans have registered to vote and will participate in the election—despite threats and violence by the opponents of democracy. Iraq is scheduled to hold elections in January, an event that will forever alter the direction of that country and, hopefully, forever separate it from its despotic past.

While we fight abroad to build democracy, unfortunately, here at home, too many of our citizens take our rights for granted and fail to exercise them. Mr. Speaker, no matter what side of the aisle you sit on, we all agree that the election coming up on November 2 will be an extremely important one—one that all eligible citizens should participate in. This resolution encourages that participation because the right to elect our leaders should be exercised and never taken for granted.

When terrorists attacked us three years ago on September 11th, they were attacking not only innocent civilians, but also the very ideals and freedoms that we celebrate as fundamental human rights in this country. Those rights and freedoms are what the terrorists fear and hate most.

Now, more than ever before, it is imperative that every American participate by exercising the precious gift each citizen has been given, the freedom to choose our leaders.

Recently, the House of Representatives passed a resolution expressing the sense of Congress that the actions of terrorists will never cause the delay of any national election.

We need our citizens to mirror that same resolve and show terrorists that we cherish our democracy and will not be deterred from exercising the rights we have.

There have been a number of reports about how voter registrations have increased dramatically in the past year. State and local elections officials are working hard to process those registrations and make sure that all eligible voters are able to cast a vote on Election Day. I would encourage our citizens to do what they can to help this election run smoothly. Confirm that you are properly registered and find out where your polling place is. This can be done by contacting your local board of elections office, or, in many cases, just visiting their Web site. Doing these things in advance, instead of waiting until Election Day, can protect your right to vote and will make things go much smoother for everyone on Election Day.

While voters need to do their part, we should note that over a million, perhaps as many as 2 million, people will volunteer to serve as poll workers this year. Without them, we simply could not have elections in this country. We should recognize that our democracy survives only through the hard work and participation of millions of our citizens—both as voters and poll workers. I encourage others to volunteer to help at the polls as a poll worker or assistant.

I sincerely hope that every citizen of this great Nation will participate in the 2004 election, and will also do what they can to see that it goes smoothly. Whether it be through early voting, absentee ballots, or visiting the polls on election day, it is our great privilege to live in a country where we have the right to choose our leaders, and it is our responsibility to exercise this right. I thank the gentleman from Texas for introducing this resolution and encourage my colleagues to support it.

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

Mr. LARSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to concur with the chairman of our distinguished committee, and thank the gentleman from Arkansas (Mr. ROSS) and the gentleman from Texas (Mr. HALL) for bringing forth this most important piece of legislation, and from the bottom of my heart I want to thank especially those members who worked tirelessly for us in the Clerk's office and recognize Mr. Trandahl and Gigi Kelaher and the distinguished Mr. Paul Hayes and so many members who come here day in and day out and carry on these duties, considering the lateness of the hour.

Mr. Speaker, I rise today in support of a resolution that aims to support the very core of our democracy: voting. The resolution, H. Res. 796, recognizes efforts to promote greater civic awareness in this country.

With this in mind, it is important to reference the words that embody our democratic right that are written in the Constitution. This document establishes that "citizens of the United

States shall not be denied or abridged their right to vote on account of race, color, or previous condition of servitude; on account of sex; by reason of failure to pay any poll tax or other tax; and on account of age for those 18 years of age and older.''

This election is arguably one of the most important in our Nation's history. It is too important to sit on the sidelines. I call on all citizens to participate in our democracy by casting a ballot on November second. I would also urge citizens to think about other ways they can use their civic spirit to assist their communities. For example, maybe they could volunteer to drive other voters to the polls or donate their time to assist at local polling places. The friendly, dedicated individuals that help us as we head to the polling booth are often taken for granted. However, the pool of these volunteers has been severely reduced over the years. This year, millions of poll workers are needed on Election Day.

These volunteers are the backbone of the election process, sometimes working up to 16-hour days with little, if any pay. In most cases, volunteers are needed for such long hours simply because there are not enough of them. In addition, the majority of those who do volunteer to be poll workers continue to be older citizens. We need to inspire a younger generation of poll workers to continue to carry the torch of democracy.

I call on colleges and universities to offer college credit to students who serve as poll workers, and corporations to offer paid leave to employees who volunteer as poll workers. Voters should go to the Election Assistance Commission's Web site at *www.eac.gov,* to learn how they can become poll workers in their state.

Yesterday, I sent a letter to 43 presidents of public and private higher education institutions in my home state of Connecticut. I reminded these academic leaders that the Higher Education Act Amendments of 1998 require that they make a good-faith effort to distribute voter-registration materials to their students prior to elections. I urged them to review their compliance with this federal law.

For many students, the first time they have the opportunity to vote is during their college career. Therefore, it is imperative that institutions of higher learning do all they can to help young people get into the habit of voting while they are young.

States can do their part by offering better training to poll workers. Many of the problems associated with this year's primaries have been attributed to poor poll worker training. I hope we do not see a repeat of these mistakes during the general election.

Several newspapers have reported that there are a record number of new voters registered for this coming election. I urge election officials to be mindful of these first-time voters so they will have the opportunity to participate in the election process without a repeat of past frustrations, or misinterpretation of voting laws, including the Help America Vote Act.

I am extremely concerned about voter intimidation, and I ask all citizens to be mindful of voters who may be denied their right to vote at the polls. Should an eligible voter be afraid to cast a ballot, I urge them to call the Department of Justice's Civil Rights Division or civil rights groups to ensure these circumstances are documented.

These concerns are not unwarranted. In South Dakota's June 2004 special election, Native American voters were prevented from voting after they were challenged to provide photo IDs, which they were not required to present under State or Federal law. In 2003 in Philadelphia, voters in African-American areas were systematically challenged by men carrying clipboards, driving a fleet of some 300 sedans with magnetic signs designed to look like law enforcement insignia. These are just two examples in a report by the NAACP and the People for the American Way Foundation.

Our Nation has certainly tried to respect the democratic wishes of the framers of our Constitution through ongoing efforts to ensure that all citizens are inspired to vote. Voting is a powerful act. The simple act of pulling a lever, or checking a box or touching a screen indicates to policy makers that the voices of those they represent must not be ignored. It also gives citizens an instant sense of community, and that alone is certainly worth recognizing and supporting.

I urge my colleagues to support this resolution and to continue to expand voter participation.

[From the San Jose Mercury News, Oct. 5, 2004]

POLL WATCHERS TO ENSURE EVERY VOTE COUNTS

(By L.A. Chung)

Nancy Frishberg remembers helping her father register people to vote when Adlai Stevenson mounted his second doomed campaign against Dwight D. Eisenhower. She was ''clean for Gene'' in 1968, before Hubert Humphrey beat Eugene McCarthy for the Democratic nomination.

In other words, the Redwood City woman is familiar with being on the losing side of presidential campaigns. Even so, her belief in the democratic process was undiminished until she heard the infamous reports about voter disenfranchisement in 2000 and problems during the primaries this year.

So Frishberg, 55, has decided to become a poll monitor Nov. 2. She and about 19,000 others have signed up with the Election Protection Coalition, a nonpartisan group, to fan out across the country to watch for problems at the polls.

''I'm trained as a scientist and in observational research,'' said Frishberg, a linguist and contributor to Stanford's Human-Computer Interface program. ''The difference here is I'm willing to intervene.'' That means alerting the coalition's network of lawyers, who will file injunctions if there are violations. She's spending her own money to fly to Phoenix, one of the cities where past problems at the polls have been identified. Her commitment comes, she says, from her intensely non-partisan desire that every vote counts.

Bigger than expected ''We've been stunned by the amount of energy we're seeing,'' said Michael Kieschnick, president of Working Assets, a socially progressive company that is recruiting volunteers for the coalition. The country may be highly polarized, but the coalition has been attracting people who are primarily concerned about the integrity of the election.

''It's not who won or lost in Florida,'' Kieschnick said, referring to the state that has come to symbolize problems at the polls. Rather, ''for the first time, people realized not all the votes get counted—and which ones get counted sometimes depends on elected officials. People looked in the mirror of Florida and didn't seem to like that.''

Working Assets, a long-distance and credit card services company, has worked hard to promote voter registration, Kieschnick said. But more new voters means more potential problems—from learning where to vote to figuring out how to work the various voting machines. Plus, there were troubling reports of election officials who seemed ready to make it harder for new voters.

The secretary of state in Ohio, for example, just retreated from his directive last month that voter registration forms must be printed on 80-pound paper stock, potentially disenfranchising those who had filled out forms on lighter paper. He also faces a lawsuit challenging state guidelines that would prevent voters from casting provisional ballots if they mistakenly went to the wrong polling places.

Keeping the trust in fact, election experts predict a huge number of provisional ballots, which could determine a close race.

We're not at the point where we want overseas election monitors to come. That's something Jimmy Carter and Sen. RICHARD LUGAR have done from the Phillipines to South Africa.

Still, the outpouring of volunteers for the Election Protection Coalition is important and useful. At least 35 cities in nine states —Arizona, Colorado, Florida, Illinois, Michigan, New Mexico, Ohio, Pennsylvania and Wisconsin—will be monitored. In each place there was some kind of trigger—past voting rights violations, accusations of voter intimidation or problems with people going to the polls and finding their names don't appear.

''In no case are we predicting there will be a problem,'' Kieschnick said. ''In all these cases there is some reason to believe the odds are higher that there could be problems.''

I'm just hoping that Frishberg and other volunteers are surprised at what they find in the field. Pleasantly surprised.

That would be the bigger victory for democracy in these times.

[From the Washington Post, Oct, 1, 2004]

ENSURING THAT VOTING'S SANCTITY WINS OUT

(By Donna Britt)

Cuddling her fluffy white Maltese dog in her Silver Spring living room, Joan Biren explains why on Election Day, she and five friends will be in Philadelphia doing something that most Americans believe happens only in corrupt foreign governments:

Watching a polling place to ensure that registered voters are allowed to cast their ballots for the candidates of their choice.

It isn't just that Biren sees the bitterly contested presidential election of 2000 as an event ''as threatening to our democracy as anything that has happened in my lifetime,'' or even that ''suppression and intimidation of voters, particularly minorities, has a very long history in this country,'' she says.

As with others who've volunteered to be poll-watchers through the nonpartisan Election Protection coalition—which tomorrow will sponsor orientation-trainings in the District—Biren knows of several recent disturbing incidents:

Last year in Philadelphia, voters in black neighborhoods were challenged by unauthorized men carrying clipboards and driving sedans with magnetic signs designed to look like law enforcement insignia, according to a recent report by the NAACP and People for the American Way, ''The Long Shadow of Jim Crow: Voter Intimidation and Suppression in America.''

In South Dakota's primary in June, some Native American voters complained that they were prevented from casting ballots when they couldn't provide photo IDs and weren't informed that they could have signed personal affidavits instead.

In Michigan, state Rep. John Pappapgeorge (R) actually was quoted in July in the Detroit Free Press as saying, ''If we do not suppress the Detroit vote, we're going to have a tough time in this election.''

More than 80 percent of Detroit's population is black.

It's no wonder that on Nov. 2, hundreds of volunteers, ''including many people like me—white, middle-class,'' Biren says, ''are feeling moved to go into areas that are principally black and Latino to ensure that . . . people who are registered to vote and who want to vote are not disenfranchised.

''It's not about Bush or Kerry or about Democrats or Republicans,'' Biren insists. ''I'm working for democracy.''

Working for democracy—for the grand, noble notion of free and fair elections—is just one reason why Americans from every political party are casting their votes by absentee ballots and traveling to sometimes-distant locations to act as poll monitors. Another pressing reason is expressed by Washington attorney J.E. McNeil:

''Every time I hear either [presidential] candidate's voice on the radio, I turn it off, count to 20, then turn it back on—I'm stressed,'' says McNeil, 53, who will monitor polls in Philadelphia. Sitting in front of a TV, following election returns, would make her ''flip out,'' she says. ''. . . I'd rather be doing something helpful and concrete.

''Something that keeps me from having to watch it.''

Of course, watching it, in the most up-close-and-personal way, is exactly what 10,735 volunteers—one-quarter of whom already have trained and received their Election Day assignments—plan to do. Volunteers include ''people who are not activists in daily life . . . who really want to make sure this is a fair election,'' says Becky Bond of Working Assets, the long-distance provider that's helping the Election Protection coalition of civil rights groups organize the effort.

(Saturday's three two-hour orientation trainings are at 9 a.m., noon and 3 p.m. at National City Christian Church in Northwest Washington. For more info, log on to *electionprotection.org*).

Election Protection hopes to monitor ''every precinct where there's a danger of voter suppression or where it's already happened,'' says Bond, 34, places where voters ''have been asked for unnecessary ID or to sign affidavits, or where they've needed language assistance and couldn't get it.'' She cites the Latino mother with four children in Florida who was told by a poll worker, ''You can't bring those kids in here.''

''In fact,'' Bond says, ''she could.''

Volunteers choose among 38 sites where monitors have been deemed necessary. They receive initial training either in person or by conference call from representatives of civil rights organizations and learn about their duties as poll monitors and the voting laws in various jurisdictions. On election eve, they'll receive more detailed information and copies of their designated state's Voters' Bill of Rights so ''if there's a dispute, they can go in and say, 'I've got the Voters' Bill of Rights right here,' which can quickly resolve the problem,'' Bond says.

They'll also have all cell phones to connect them to a lawyer hotline for instant advice or, if necessary, ''to tell a lawyer to 'Get over here right now,' '' Bond says.

''In the past . . . so many problems at the poll were documented after an election—when it's too late. If people don't have their vote counted again . . .''

Bond's voice trails off at the prospect. Finally, she continues. ''There's so much at stake. People's faith in elections is on the line.''

Former middle school teacher Noel Tieszen says that when the last presidential election ''made it clear that the electoral system doesn't work for everyone,'' she decided that such a ''debacle'' shouldn't be repeated. She and her boyfriend, a lawyer, will monitor polls in Allentown, PA.

''More important than who we vote for is that we have a right to be involved in the process,'' says Tieszen, 29, of the District. When that right is denied ''through incompetence or discrimination in a government that's supposedly of the people, by the people and for the people, it's the responsibility of the people to do something.

''I'd rather the wrong guy win than the right guy win through an unfair electoral process,'' she says.

Denyse Brown of Richmond is a self-employed nurse-practitioner who insists that it's worth ''giving up five days of pay'' to travel to Raleigh, NC, to monitor polls there. Election Protection's mission reminded her of Jewish women in Israel who daily monitored and documented the abuse of Palestinian women by Israeli border guards. Because the women were watching, abuses were reduced.

''I've never been involved in politics in a big way,'' Brown, 58, says. ''But it's my philosophy that everything happens for a reason. . . . Thanks to the 2000 election, lots of people who'd never been involved are jumping up saying, 'Enough is enough.' ''

In her high-backed chair, Biren is stroking her Maltese and explaining something she has learned in her 61 years: In tumultuous times, ''you have to do some kind of action to keep from falling into despair,'' she says. Taking action, ''helps more than sitting around and worrying, even if what you're doing is a small thing.''

She pauses.

''Making every vote count is not a small thing.''

[From the New Yorker, Spet. 20, 2004]

POLL POSITION

(By Jeffrey Toobin)

On March 7, 1965, John Lewis, the twenty-five-year-old chairman of the Student Nonviolent Coordinating Committee, let about six hundred marchers across the Edmund Pettus Bridge, in Selma, Alabama. When they reached the crest of the bridge, the protesters were set upon by helmeted Alabama state troopers and local sheriff's posses, who were swinging clubs and firing tear gas. One of the first troopers on the bridge slammed his nightstick into the left side of Lewis's head, fracturing his skull. ''I remember how strangely calm I felt as I thought, 'This is it,' '' Lewis wrote years later in his autobiography. '' 'People are going to die here. I'm going to die here.' '' As it turned out, more than fifty marchers were treated for injuries, but no one died.

The attack on the unarmed protesters shocked the country, and President Johnson used the events of what became known as Bloody Sunday to advance an essential part of his civil-rights program. On March 15th, Johnson addressed a Joint Session of Congress to demand that legislators pass, at long last, the Voting Rights Act. Adopting the great anthem of the civil-rights movement, the President concluded his speech with the words ''. . . and we shall overcome.'' Five months later, on August 6th, Johnson signed the bill into law, and invited Lewis to the Oval Office to celebrate the occasion. Toward the end of their meeting, as Lewis recalled, Johnson told him, ''Now, John, you've got to go back and get all those folks registered. You've got to go back and get those boys by the balls. Just like a bull gets on top of a cow. You've got to get 'em by the balls and you've got to squeeze, squeeze 'em till they hurt.''

Thirty-seven years later, in 2002, Lewis was called on by a federal court to answer a charge that he had violated the Voting Rights Act by discriminating against African-Americans. Lewis was an eight-term member of Congress by then, and a pillar of the Georgia Democratic Party. In the nearly four decades since the act's passage, it had revolutionized the franchise in the South. The literacy tests that were still in effect throughout the region were immediately suspended. Federal registrars replaced local officials who refused to register blacks. And the Attorney General was authorized to eliminate poll taxes wherever they remained. Amended and expanded in 1970, 1975, and 1982, the act also prohibited the kind of racial gerrymandering that allowed white state legislators to draw district lines that prevented African-Americans from winning elective office. It was this provision which Lewis was charged with violating.

During most of that time, the Justice Department's Voting Section, which consists of three dozen or so lawyers who are responsible for enforcing the Voting Rights Act, had insisted that states in the South draw some legislative districts with heavy minority populations, so that African-Americans could be assured of representation. But in the redistricting that followed the 2000 census Lewis and the Democrats, who then controlled Georgia's General Assembly, decided that this process had become counter-productive to black interests and they spread the largely Democratic African-American vote around to more districts. ''My congressional district was probably sixty or sixty-five per cent black,'' Lewis told me recently. ''Now it's barely fifty-two per cent. That's fine, I can win, and I'm running unopposed this year.'' As Lewis testified in the voting-rights trial, Georgia is ''not the same state that it was . . . in 1965 or in 1975 or even in 1980 or 1990. We've changed. We have come a great distance. It's not just in Georgia but in the American South. I think people are preparing to lay down the burden of race.''

The Justice Department argued that the Georgia plan violated the rights of African-Americans in several of the redrawn districts, a contention that outraged Lewis. ''For them to suggest that someone who almost lost his life to get the Voting Rights Act passed wanted to violate it, that was just unbelievable,'' he told me.

But the government's position wasn't frivolous. The Georgia plan did make it somewhat less certain that blacks would win in several legislative districts. That could be seen as a ''retrogression'' of African-American rights, which is prohibited by the Voting Rights Act. The fight went all the way to the United States Supreme Court, which last year upheld Georgia's redistricting plan by a margin of just five to four. As it turned out, the five more conservative justices supported the Georgia plan, while the more liberal justices dissented, saying, in effect, that the Voting Rights Act had been designed to help black voters—not to serve the shifting agendas of incumbent politicians, Africa-American or otherwise. ''If one appreciates irony, it is a wonderful case,'' Daniel Lowenstein, a professor of law at U.C.L.A., says. ''Here you have the standard five so-called conservatives on the Court deciding in favor of John Lewis and the Democratic Party of Georgia, and the so-called liberals in favor of the Republicans in Georgia.''

The Georgia controversy also raised a question that once seemed unthinkable: Is the Voting Rights Act obsolete? The question has special salience because key provisions of the law expire in 2007, and it's not clear how, or whether, Congress will reauthorize them. ''The Voting Rights Act was a transformation statute,'' Samuel Issacharoff, a professor at Columbia Law School, says. ''It's hard to think of any civil-rights law in any walk of life that has been

as dramatically effective.'' In more recent years, the law has gone far beyond such basic issues as eliminating the poll tax; it has, for instance, stopped cities from annexing suburbs to dilute the importance of the minority vote, and the law has made sure that city councils are elected by neighborhood, rather than in at-large citywide races, which had been another way to limit the number of minority candidates who would win seats. As a result of all its changes, according to Issacharoff, ''The act created a black political class that is now deeply embedded and politically savvy.'' The civil-rights establishment—which includes interlocking networks of public-interest organizations, legal academics, and social scientists—is now conducting a sober and uncertain appraisal of the law, but doing so with little momentum and unclear goals.

It is a vacuum that the Justice Department, under John Ashcroft, has moved quickly to fill. As 2007 approaches and liberal activists cautiously explore their options, conservative—including those in the Justice Department—are using the traditional language of voting rights to recast the issues, invariably in ways that help Republican candidates. The results of this quiet rightward revolution within the Justice Department may be apparent as soon as the November election.

On October 8, 2002, Attorney General Ashcroft stood before an invited audience in the Great Hall of the Justice Department to outline his vision of voting rights, in words that owed much to the rhetoric used by L.B.J. and Lincoln. ''The right of citizens to vote and have their vote count is the cornerstone of our democracy—the necessary precondition of government of the people, by the people, and for the people,'' Ashcroft told the group, which included several veteran civil-rights lawyers.

The Attorney General had come forward to launch the Voting Access and Integrity Initiative, whose name refers to the two main traditions in voting-rights law. Voter-access efforts, which has long been associated with Democrats, seek to remove barriers that discourage poor and minority voters; the Voting Rights Act itself is the paradigmatic voter-access policy. The voting-integrity movement, which has traditionally been favored by Republicans, targets fraud in the voting process, from voter registration to voting and ballot counting. Despite the title, Ashcroft's proposal favored the ''integrity'' side of the ledger, mainly by assigning a federal prosecutor to watch for election crimes in each judicial district. These lawyers, Ashcroft said, would ''deter and detect discrimination, prevent electoral corruption, and bring violators to justice.''

Federal law gives the Justice Department the flexibility to focus on either voter access or voting integrity under the broad heading of voting rights, but such shifts of emphasis may have a profound impact on how votes are cast and counted. In the abstract, no one questions the goal of eliminating voting fraud, but the idea of involving federal prosecutors in election supervision troubles many civil-rights advocates, because few assistant United States attorneys have much familiarity with the laws protecting voter access. That has traditionally been the province of the lawyers in the Voting Section of the Civil Rights Division, whose role is defined by the Voting Rights Act. In a subtle way, the Ashcroft initiative nudged some of these career civil-rights lawyers toward the sidelines.

Addressing the real but uncertain dimensions of voter fraud means risking potentially greater harm to legitimate voters. ''There is no doubt that there has been fraud over the years—people voting twice, immigrants voting, unregistered people voting—but no one knows how bad the problem is,'' Lowestein says. ''It is a very hard subject for an academic or anyone else to study, because by definition it takes place under the table.'' And, despite its neutral-sounding name, ''voting-integrity'' has had an incendiary history. ''It's one of those great euphemisms,'' Pamela S. Karlan, a professor at Stanford Law School, says. ''By and large, it's been targeted at minority voters.'' During the Senate hearings on William Rehnquist's nomination as Chief justice, in 1986, a number of witnesses testified that in the early nineteen-sixties Rehnquist, then a lawyer in private practice and a Republican political activist, had harassed black and Latino voters at Arizona polling places, demanding to know if they were ''qualified to vote.'' (Rehnquist denied doing so.) In the 1981 governor's race in New Jersey, the Republican Party hired armed off-duty police officers to work in a self-described National Ballot Security Task Force, which posted signs at polling places in minority neighborhoods reading, ''Warning, This Area Is Being Patrolled by the National Ballot Security Task Force. It Is a Crime to Falsify a Ballot or to Violate Election Laws.''

As recently as last year's gubernatorial election in Kentucky, Republicans placed ''challengers'' who may query a voter's eligibility, in poling places in Louisville's predominantly black neighborhoods, an act that many Democrats regarded as an attempt at racial intimidation. An emphasis on voting integrity, whatever the motivations behind it, often helps Republicans at the polls.

The person in over-all charge of the Administration's voting-rights portfolio is R. Alexander Acosta, the Assistant Attorney General for the Civil Rights Division. On May 4th, Acosta invited representatives of many leading traditional civil-rights organization, such as the N.A.A.C.P. Legal Defense and Educational Fund and the Leadership Conference on Civil Rights, to the seventh-floor conference room in the Justice Department Building to talk about his plans for the upcoming election. Acosta, who is a thirty-five-year-old Cuban-American from Miami, served first as a top political appointee in the Civil Rights Division, where he was known for his close attention to the rights of Spanish-speaking minorities. After the 2000 census, Acosta asked the Census Bureau to make data available before the 2002 elections, hoping to locate Spanish-speaking communities and provide bilingual ballots. ''Alex was very helpful in making sure that the bureau got the data on a timely basis, so jurisdictions could make all aspects of voting accessible,'' says Marisa Demeo, who was then a lawyer with the Mexican-American Legal Defense and Education Fund, which gave Acosta its 2003 Excellence in Government Service Award.

The May 4th meeting addressed issues that related more to the traditional voting-rights concerns of African-Americans than to those of Latinos. Acosta opened the session with an unusual request: that no one takes notes on what he had to say. The meeting was a courtesy, he said, but he didn't want to have his exact words thrown back at him later. (Acosta has declined repeated requests to be interviewed.) According to several people present at the meeting, Acosta described how Voting Section lawyers will monitor ballot access at the polls while federal prosecutors will be on call to respond to allegations of fraud. He informed the group that ninety-three federal prosecutors would travel to Washington in July for a two-day training session, and that they would all be on duty on Election Day. Acosta said that the changes were being made in good faith and asked those assembled to keep an open mind.

The idea of placing prosecutors on call on Election Day created misgivings both inside and outside the Voting Section. ''A lot of assistant U.S. attorneys are going to be more interested in voting integrity than in voter protection,'' Jon Greenbaum, a lawyer who recently left the Voting Section, after nearly seven years, to join the progressive Lawyers' Committee for Civil Rights Under Law, told me. ''How many people are scared off from voting because you ask them a question at a polling place? There is no way to know.'' As another civil-rights lawyer puts it, ''Voting is kind of an irrational act anyway. It's easy to discourage people from doing it.'' Justice officials insist that they don't want to keep anyone from legitimately voting. ''I understand that, historically, intimidation is something that could be used as a method to get people not to vote,'' Luis Reyes, who is counsellor to Acosta, says. ''But intimidation is antithetical to our mission with this initiative.''

By most accounts, Ashcroft's Access and Integrity Initiative came too late to make much difference in the 2002 elections, which followed his announcement by about a month. Civil-rights advocates note, however, that the only major fraud investigation that came out of that election concerned Native Americans in South Dakota, who generally vote overwhelmingly for Democrats.

The spectre of the vote-counting controversy in Florida after the 2000 election still haunts most discussions of voting-rights law, and gives everything about voting rights a partisan slant. This is especially true of the government's most direct response to the 2000 election—the legislation that became known as the Help America Vote Act, or HAVA, which Congress passed in 2002 and which is only now having widespread practical effect. Though HAVA is often described as Congress's answer to the Florida imbroglio, some of its original inspiration, according to Kit Bond, a Missouri Republican who was one of its principal sponsors in the Senate, was a voting controversy in Missouri that same year. ''I don't believe we had anywhere near an honest election in St. Louis in 2000,'' Bond told me. ''They kept the polls open late and let all kinds of people vote who shouldn't have—people who registered from vacant lots, dead people on the rolls, even a springer spaniel. After what I saw, I said we are going to make it easier to vote but harder to cheat.'' (On November 7, 2000, Democrats in St. Louis persuaded a local judge to extend voting hours, arguing that high voter turnout had caused lines to back up at polling places; Republicans charged that the maneuver was an illegal attempt to gain partisan advantage.)

At the time HAVA was passed, it was generally portrayed as a compromise between voter access and voting integrity: Democrats got more money for the states to invest in modern voting technology, and Republicans won new and tighter restrictions on fraud. So far, though, implementation of the law seems to have favored Republicans. HAVA authorized the government to spend up to $3.9 billion over three years on new registration systems and voting machines, but states have received less than half of the original amount. The law requires each state to create a computerized list of all registered voters, but forty states have been granted waivers of this obligation until 2006. The anti-fraud provisions, however, are expected to take effect in time for the November elections. This is what Bond intended. ''There is nothing like the fear of jail time to get people to stop messing with elections,'' he told me. HAVA also requires states to allow people who claim they are wrongly denied the right to vote at the polls the chance to cast ''provisional'' ballots. The recent history of

provisional ballots is not promising, though. For example, in Chicago during this year's primary, 5,498 of 5,914 provisional ballots were ultimately disqualified. The question of how and whether provisional votes will be counted in 2004 is unsettled in many states and could delay the posting of results on Election Night.

One of the more controversial parts of the new law requires, in most circumstances, voters who have registered by mail to provide their driver's license or Social Security numbers, and to produce an official photo I.D. at the polls, or a utility bill. Hans A. von Spakovsky, a counsel to Acosta and the main Justice Department interpreter of HAVA, wrote to Judith A. Arnold, an assistant attorney general in Maryland, that the Justice Department believed states must ''verify'' the Social Security numbers that people submit on their registration forms. For most states, this requirement won't apply until 2006, but it may be a major hurdle for both the states and newly registered voters. ''What D.O.J. is saying is clearly contrary to the statute in our view,'' Armold says.

Von Spakovsky, a longtime activist in the voting-integrity cause, has emerged as the Administration's chief operative on voting rights. Before going to Washington, he was a lawyer in private practice and a Republican appointee to the Fulton County Registration and Election Board, which runs elections in Atlanta. He belonged to the Federalist Society, a prominent organization of conservative lawyers, and had also joined the board of advisers of a lesser-known group called the Voting Integrity Project.

The V.I.P. was founded by Deborah Phillips, a former county official of the Virginia Republican Party, as an organization devoted principally to fighting voting fraud and promoting voter education. In 1997, von Spakovsky wrote an article for the Georgia Public Policy Foundation, a conservative research group, that called for an aggressive campaign to ''purge'' the election rolls of felons. Within months of that article's publication, the V.I.P. helped put von Spakovsky's idea into action. Phillips met with the company that designed the process for the removal of alleged felons from the voting rolls in Florida, a process that led, notoriously, to the mistaken disenfranchisement of thousands of voters, most of them Democratic, before the 2000 election. (This year, Florida again tried to purge its voting rolls of felons, but the method was found to be so riddled with errors that it had to be abandoned.) During the thirty-six-day recount in Florida, von Spakovsky worked there as a volunteer for the Bush campaign. After the Inauguration, he was hired as an attorney in the Voting Section and was soon promoted to be counsel to the Assistant Attorney General, in what is known as the ''front office'' of the Civil Rights Division. In that position, von Spakovsky, who is forty-five years old, has become an important voice in the Voting Section. (Von Spakovsky, citing Justice Department policy, has also declined repeated requests to be interviewed.)

In a recent speech at Georgetown University, von Spakovsky suggested that voting integrity will remain a focus for the Justice Department, and that voter access might best be left to volunteers. ''Frankly, the best thing that can happen is when both parties and candidates have observers in every single polling place, wherever the votes are collected and tabulated, because that helps make sure that nothing happens that shouldn't happen, that the votes are counted properly, and that there is transparency to maintain public confidence in elections,'' he said. ''Not enough people volunteer to be poll-watchers. They ought to do that so that there are poll-watchers everywhere in the country throughout the whole election process.'' The Bush-Cheney campaign has announced plans to place lawyers on call for as many as thirty thousand precincts on Election Day, to monitor for vote fraud. Democratic lawyers also plan to be out in force.

Since Ashcroft took office, traditional enforcement of the Voting Rights Act has declined. The Voting Section has all but stopped filing lawsuits against communities alleged to have engaged in discrimination against minority voters. ''D.O.J. is a very bureaucratic institution,'' Jon Greenbaum, the former Voting Section lawyer, said, ''and it's hard to get cases filed under any Administration, but we were filing cases in the Clinton years.'' As even civil-rights advocates acknowledge, there are fewer vote-discrimination cases to bring than there have been in the past. The Justice Department's Web site says that ''several lawsuits of this nature are filed every year,'' but since Bush was sworn in the Voting Section has filed just one contested radical vote-discrimination case, in rural Colorado, which it lost. Justice Department sources say the Voting Section is also considering whether to sue a Mississippi locality that has an African-American majority. Such a lawsuit would be the first use of a key section of the Voting Rights Act to protect the rights of white voters.

The main business of the Voting Section is still passing judgment on legislative redistricting in areas that have a history of discrimination. Under Ashcroft, its actions have consistently favored Republicans—for instance, in Georgia, where the department challenged the Democrats' gerrymander, and in Mississippi, where the Voting Section stalled the redistricting process for so long that a pro-Republican redistricting plan went into effect by default. The Voting Section's role in the controversial redistricting of Texas was more direct and, ultimately, more significant. After the 2000 census, Texas, like most states, put through a new redistricting plan. Then, after the midterm elections, Tom DeLay, the House Majority Leader, who is from Houston, engineered passage of a revised congressional redistricting plan through the state legislature, which may mean a shift of as many as seven seats from the Democrats to the Republicans. It was unprecedented for a state to make a second redistricting plan after a post-census plan had been adopted. When the DeLay plan was submitted to the Justice Department for approval, career officials in the Voting Section producted an internal legal opinion of seventy-three pages, with seventeen hundred and fifty pages of supporting documents, arguing that the plan should be rejected as a retrogression of minority rights. However, according to people familiar with the deliberations, the political staff of the Voting Section exercised its right to overrule that decision and approved the DeLay plan, which is now in effect for the 2004 elections.

Far from Washington, and even farther from the reigning ideology there, some civil-rights advocates have begun to sketch the beginnings of an alternative scenario for voting rights. At a conference at Harvard Law School on May 10th, under the direction of Christopher Edley, who is also a member of the United States Commission on Civil Rights, about forty litigators, law professors, and social scientists started debating key moves for the reauthorization of the Voting Rights Act in 2007.

''Mostly, we concentrated on trying to identify the right questions,'' Edley, who recently became the dean of Boalt Hall, the law school of the University of California at Berkeley, said. ''You can't be utopian. This was not an exercise in how to reinvent democracy. But we were trying to figure out what could one plausibly argue for.'' Decades removed from the struggles of the nineteen-sixties, Edley and his colleagues faced a complex set of issues. How should the government draw multiethnic districts, where Hispanics or Asians lay claim to seats held by whites or even by African-Americans? ''Who speaks for the African-American community?'' Edley asked. ''Is it the African-American incumbents, or do we discount their testimony, because of their self-interest?''

For Edley and his colleagues, the lessons of the Florida recount suggest possible reforms of the Voting Rights Act. Some of the more lurid allegations of racial discrimination in Florida during the 2000 election, like racial profiling at roadblocks near polling places in black neighborhoods, were never proved, but there is little doubt that African-Americans faced disproportionate difficulties at the polls. In Jacksonville, for example, apparently because of a confusing ballot design, more than twenty-five thousand votes—nine per cent of all ballots cast—were rendered invalid. Nearly nine thousand of these invalid votes were concentrated in African-American precincts. Gadsden County had the highest percentage of black voters in the state and the highest rate of disqualified ballots, with one in eight votes not counted. In its current form, the Voting Rights Act offers no specific redress for these problems. Perhaps, Edley suggested, the law should be expanded to include such things as the quality of voting machines. ''In Florida, we saw tremendous geographic disparities in spoilage rates for ballots,'' Edley said. ''We don't accept those kinds of disparities when it comes to the standards for drinking water. Why do we accept them when it comes to the quality of the voting process?'' Still, Edley recognizes that control of the Justice Department may matter as much as the precise words of the laws on the books. ''Obviously, the effectiveness of it is going to be greatly diminished if enforcement takes on a pronounced ideological tilt,'' he says.

Under Ashcroft, the Justice Department has also changed its method of hiring lawyers, who are supposed to be apolitical, and often go on to spend their careers working for the government. The department, which employs close to four thousand attorneys, hires junior-level lawyers through a program known as the Attorney General's Honors Program, which brings in about a hundred and fifty new lawyers each year. In the past,

the program was run by mid-level career officials, who were known for their political independence. Since 2002, the Honors Program has been run by political appointees. ''It's called the Attorney General's Honors Program, and when Attorney General Ashcroft signed the first batch of appointments he said, 'I'm the Attorney General. How come I don't know anything about this?' '' Mark Corallo, Ashcroft's spokesman, says. ''He said he wanted the top people in the department getting involved. He said he wanted greater outreach, different law schools approached, reaching out not just for racial minorities but for economic minorities as well.'' Corallo dismisses complaints about the changes as coming from malcontents. ''A bunch of mid-level people here had their boondoggle taken away from them, going on these recruiting trips for weeks at a time, wining and dining at great hotels on the government's dime,'' he said.

Lawyers inside and outside the department say that the change in the Honors Program has already had an effect, especially in politically sensitive places like the Voting Section. ''The front office disbanded the hiring committee and took over all hiring,'' one lawyer who recently left the Voting Section told me. ''That was a huge deal. Under previous Republican Administrations, that hadn't happened. They even took it over for summer volunteer clerks.'' Thanks to these changes, some in the department believe, it's only a matter of time before tensions in the Voting Section disappear. As a current employee puts it, ''Soon, there won't be any difference between the career people and the political people. The front office is replicating itself. Everyone here will be on the same page.''

[From the Washington Post, October 6, 2004]

INDIAN HEALTH AGENCY BARRED NEW-VOTER DRIVE

(By Jo Becker)

Officials at a federal program that runs hospitals and clinics serving Native Americans this summer prohibited employees from using those facilities to sign up new voters, saying that even nonpartisan voter registration was prohibited on federal property.

Staff members at several Indian Health Service hospitals and clinics in New Mexico, a presidential battleground state where about one-tenth of the population is Native American, were trying to register employees, patients and family members who use the facilities.

In a July e-mail, Ronald C. Wood, executive officer of the program's regional Navajo office, told his hospital and clinic directors that ''we are in a very sensitive political season'' and outlined a policy that he said came from Indian Health Service headquarters.

''There have been recent questions about whether we can do non-partisan voter registration drives in our IHS facilities during non-duty hours,'' Wood wrote. ''The guidance from HQs staff is that we should not allow voter registration in our facilities or on federal property.''

Several of those involved in the registration effort questioned what they saw as a double standard, given that the federal government encourages registration on military bases, where voters traditionally have favored Republicans.

Democrats and civil rights groups yesterday said they had been unaware of the directive and were concerned that the motive was partisan. Native Americans have become an important constituency for Democrats.

''Why should it be permissible to conduct voter registration on one type of federal facility—military bases—but not on another? asked Elliott Mincberg, legal director at the People for the American Way Foundation.

The Indian Health Service, a program under the Department of Health and Human Services, said in a statement yesterday that outside groups are not prohibited to register voters at IHS facilities. As to Wood's instruction to the program's employees, the statement said: ''No IHS employee will be registering voters as part of his or her official duties.''

Wood did not return phone calls, but in his e-mail he referred employees' questions to Jeanelle Raybon, director of the IHS office on integrity and ethics. Raybon declines to clarify the agency's statement or answer questions about whether Wood's instructions reflected IHS policy.

She would say only that employees are expected to follow the Hatch Act. That law restricts partisan activity by federal workers but does not speak to nonpartisan registration drives. A 1992 memo by the General Services Administration, which controls federal buildings, authorizes voter registration on federal property.

Defense Department spokesman Glenn Flood said that service members must comply with the Hatch Act but that the military encourages them to take part in registering others ''on or off-base,'' so long as the activity is nonpartisan and does not interfere with official duties.

Joseph E. Sandler, general counsel for the Democratic National Committee, said that the Hatch Act does not apply in this case and that he plans to investigate the matter.

Also yesterday, the DNC outlined an aggressive legal strategy it says is needed to protect minority voters from intimidation at the polls.

It unveiled an ad to air on African American radio stations implying that President Bush cares only about getting white voters to the polls. Lt. Gov. Michael S. Steele, the first black Republican elected statewide in Maryland, rebutted that charge. Both the GOP and the administration want to get out the vote, he said, ''black or white.''

Several Bush administration agencies have been criticized after taking steps to block or question other registration efforts.

The Homeland Security Department sought to block a nonpartisan group from registering new citizens outside a Miami naturalization ceremony in August.

The Justice Department has launched inquiries into new registrations submitted by Democratic leaning groups in several key states. Democrats say the probes are politically motivated.

[From the Washington Post, October 6, 2004]

ELECTION DAY ANTI-TERRORISM PLANS DRAW CRITICISM

(By Spencer S. Hsu and Jo Becker)

A push by the 50 states to coordinate anti-terrorism activities before Election Day is drawing warnings from Democrats, civil rights groups and election officials, who say excessive measures could suppress turnout among urban and minority voters.

They contend that an elevated national threat warning—and any actions in response—could scare away voters, intentionally or not, especially in cities, which tend to vote Democratic. Voting rights advocates worry that fear of terrorism could lead to federal agents and local police being posted at polling places, a tactic that has historically been used in some places to intimidate minority citizens.

Such generalized threats ''could have the consequence of discouraging people that may otherwise be motivated to vote,'' said Jeff Fischer, senior adviser to IFES, a Washington-based organization that promotes democratic elections.

''There is a fine line that public officials must walk,'' weighing the specifics of the threat, communicating openly with voters and reacting judiciously, he said.

Citing the March 11 bombings in Madrid before elections in Spain, Department of Homeland Security officials have warned that terrorists might try a similar assault here before the Nov. 2 elections. In recent weeks there has been a focus on Election Day, although the government has said it has no intelligence about the timing, status or target of a possible attack.

State and federal officials issued a security planning bulletin last week urging governors, state homeland security advisers and election officials to coordinate preparations and contingency plans. The document advised officials to think through how they would handle threat information, secure or change polling places and ballot-counting centers, guard members of the electoral college, and communicate to the public.

In interviews, the bulletin's authors said they were aware of the political minefield surrounding the issue. But they said that if there were an attack and elections and homeland security officials were unprepared, the consequences could be more disruptive.

''There is no doubt that the threat that is posed nationwide prior to the election here in this country is very real,'' said Bryan Sierra, spokesman for the Justice Department. ''We have an absolute responsibility to provide that information to state and local governments, who are charged with protecting their citizens.''

Sensitivity over the political fallout of the warnings is especially high because of the narrow partisan divide in the country and bitter memories of the 2000 presidential race, which turned on tiny vote margins in some states and partly on decisions made by Florida election officials.

Analysts say that regardless of intent, terrorism warnings have shaped voter attitudes, an influence that could grow if the warnings are extended to polling sites. Kathleen Hall Jamieson, director of the Annenberg Public Policy Center at the University of Pennsylvania, said people who oppose President Bush ''see a clear pattern to scare the electorate,'' while his supporters see ''an administration vigilantly protecting the country.'' As for undecided or swing voters, ''raising the public's anxiety level helps the candidacy of George Bush, because at the moment the polls suggest the public feels it's safer to have George Bush as president,'' she said.

Critics of the warnings point to Minnesota Secretary of State Mary Kiffmeyer's effort to raise terrorism awareness as an example of how election security measures could chill turnout. Kiffmeyer (R) gave local election officials fliers that warned voters to watch for unattended packages, vehicles ''riding low on springs'' and ''homicide bombers.''

Bombers may have a ''shaved head or short hair,'' ''smell of unusual herbal/flower water or perfume,'' wear baggy clothes or appear to be whispering to themselves, the flier warned.

Several local election officials were outraged over what they saw as an attempt to discourage voting with excessively dire warnings and stereotyping descriptions that could single out voters from specific religious, racial or ethnic groups for harassment. They refused to distribute the fliers.

Kiffmeyer said the language of the bulletin was taken from Minnesota's homeland security agency, which developed it with federal guidance. ''What if something happens? I don't want to say, 'I didn't want to scare people, so I didn't pass out this information,' '' Kiffmeyer said. ''And do people really think this isn't on the minds of the public when they saw what happened in Madrid and in Russia?''

But Oregon Deputy Secretary of State Paddy J. McGuire (D) said he believes the intent of such a message is not to protect the homeland but to ''scare people away from the polls.''

Some Democrats are suspicious of the timing of the announcements, noting that warnings about an election-season threat came on April 19, when Bush was close to his low in the polls; on Aug. 1, right after the Democratic National Convention; and last week, as the president's post-National Republican Convention bounce ebbed.

In a statement last week, Sen. Edward M. Kennedy (Mass.), the ranking Democrat on the Senate Judiciary Committee, warned that it is possible for terrorism response plans created in the name of election security to discourage voting and ''become a thinly veiled partisan tactic to tilt the elections.''

Spokesmen for Ashcroft and Ridge emphasized that the effort to secure the election was initiated and led by the states, which administer elections. Federal law normally prohibits the presence of armed federal agents near polling sites. They also noted that the effort is supported by the National Governors Association, chaired by Virginia Gov. Mark R. Warner (D), whose aides have said it is vital to address the issue of election security in a post-Sept. 11, 2001, era.

''We do not do politics at Homeland Security,'' Ridge spokesman Brian Roehrkasse said.

Nevertheless, partisan tensions were apparent as officials of the NGA and the National Association of Secretaries of State and homeland security experts sparred last week over the timing and content of a public announcement.

Rebecca Vigil-Giron (D), New Mexico secretary of state and president of the secretaries of state association, said the directive sent out by her organization to the states to step up preparations to safeguard national balloting has been ''blown way out of proportion.'' She said election officials must plan a coordinated response to an election disrupted by a terrorist attack, but she said, ''I want to make very sure that these plans don't look anything like voter suppression.''

Still, civil rights organizations are worried. People for the American Way Foundation issued a report concluding that various efforts in the name of combating voter fraud have replaced Jim Crow-era laws restricting ballot access as a way to hold down minority voting.

Elliott Mincberg, the foundation's legal director, said he suspected that efforts to protect against terrorism, could have the same effect. ''The devil is in the details,'' he said, ''and I want to be sure that this is not done in a way that scares people away from the polls.''

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support of this resolution to promote greater civic awareness among all people of the United States. This issue is particularly important at a time when voter participation has been decreasing. The Census Bureau found that only 46% of eligible voters participated in the 2002 elections.

This is not acceptable. Full participation in the electoral process by all Americans is truly a bipartisan concern. We are a society that values democracy. One of the most basic of all rights in a free and democratic society is the right to participate. Exercising the right to vote makes us productive members of society and contributes to the substance of our laws and character. The fact of the matter is clear; the right to vote is the most basic constitutional act of citizenship.

As a society, we must take steps to raise civic awareness and to develop strategies to promote civic responsibility. Too many people have shed blood and died for us to have this right. While promoting civic awareness, we must also ensure that there are no barriers to the process. In 2000, a number of people went to the polls, but their votes were not counted due to faulty equipment and human error. This must never happen in the world's greatest democracy.

Again, I rise in support of this legislation because it represents progress in addressing voter complacency.

Mr. LARSON of Connecticut. Mr. Speaker, I yield back the balance of my time.

Mr. NEY. Mr. Speaker, I just want to again thank the gentleman from Texas (Mr. HALL) and the gentleman from Arkansas (Mr. ROSS) for their introduction and support of this resolution.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and agree to the resolution, H. Res. 796.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 796.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

LAKE PONTCHARTRAIN RESTORATION PROGRAM AUTHORIZATION

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4470) to amend the Federal Water Pollution Control Act to extend the authorization of appropriations for the Lake Pontchartrain Basin Restoration Program from fiscal year 2005 to 2010, as amended.

The Clerk read as follows:

H.R. 4470

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

SECTION 1. LAKE PONTCHARTRAIN RESTORATION PROGRAM.

(a) STAKEHOLDERS CONFERENCE.—For purposes of carrying out section 121 of the Federal Water Pollution Control Act (33 U.S.C. 1273), the Lake Pontchartrain, Louisiana, basin stakeholders conference convened on February 25, 2002, shall be treated as being a management conference convened under section 320 of such Act (33 U.S.C. 1330).

(b) AUTHORIZATION OF APPROPRIATIONS.—The first sentence of section 121(f)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1273(f)(1)) is amended by inserting before the period at the end the following: '', $19,000,000 for fiscal year 2006, and $20,000,000 for each of fiscal years 2007 through 2010''.

SEC. 2. TECHNICAL CORRECTION.

The second section 121 of the Federal Water Pollution Control Act (33 U.S.C. 1274; relating to wet weather watershed projects) is redesignated as section 122.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Illinois (Mr. COSTELLO) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4470, to reauthorize the Lake Pontchartrain Basin Program. Working with the gentleman from Louisiana (Mr. JEFFERSON), the gentleman from Louisiana (Mr. BAKER) and other Members, the gentleman from Louisiana (Mr. VITTER) developed legislation during his very first year in the Congress to authorize EPA to help people in Louisiana and Mississippi address pollution problems affecting Lake Pontchartrain.

Their legislation, the Lake Pontchartrain Basin Restoration Act, was enacted into law as title V of the Estuaries and Clean Water Act of 2000. Now, 4 years later, it is now time to reauthorize Lake Pontchartrain Basin Program.

H.R. 4470, introduced by the gentleman from Louisiana (Mr. VITTER), the gentleman from Louisiana (Mr. JEFFERSON) the gentleman from Louisiana (Mr. BAKER) and the gentleman from Louisiana (Mr. TAUZIN), would reauthorize the Lake Pontchartrain Basin Restoration Program for an addition will 5 years.

I want to commend all of the sponsors for their efforts to restore the ecological health of Lake Pontchartrain, and I urge all Members to support this legislation.

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

Mr. COSTELLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4470, a bill that would reauthorize appropriations for the Environmental Protection Agency Lake Pontchartrain Basin Restoration Program.

Since its authorization in 2000, this program has been helpful in coordinating restoration work for Lake Pontchartrain, located in Southeastern Louisiana. This legislation would extend the authorization of $20 million annually through 2010 for restoration projects and studies recommended by the Lake Pontchartrain Management Conference, as well as public education projects to inform the local community of public health concerns and

practical ways to help clean up the lake.

Mr. Speaker, I support the efforts to clean up Lake Pontchartrain and urge all of my colleagues to join me in supporting this bipartisan legislation.

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

Mr. LATOURETTE. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Louisiana (Mr. VITTER), the author and champion of the legislation and, again, in his very first year in Congress.

Mr. VITTER. Mr. Speaker, I rise in strong support of my legislation, H.R. 4470. In 2000, Congress passed the Lake Pontchartrain Basin Restoration Act by an overwhelming margin. The purpose of the legislation was to give Lake Pontchartrain the same status as the Great Lakes and the Florida Everglades in their restoration efforts.

In addition, this legislation also created a real and innovative partnership between the Federal Government and local Louisiana stakeholders to further efforts to clean up the lake. This was the first step in achieving the ultimate goal of fully restoring the lake.

The basin is a 5,000 square mile watershed encompassing 16 parishes in the State of Louisiana as well as four counties in the State of Mississippi. It is the second largest lake in the United States after the Great Lakes, and its 1.5 million residents in the whole basin make it the most populated part of Louisiana.

Since we first passed this legislation in 2000, a great deal has been done. There has been real and clearly monitored improvement in water clarity in Lake Pontchartrain. ''No swimming'' signs are coming down as water quality improves and beaches are reopened. But more work remains to be done.

We have come so far. Various water quality studies have been conducted. These studies provide keys to solutions, pointing us in the right direction in the future. But now we must continue that work and also move on to the next stage of that vital work, which includes actual construction of key projects.

Mr. Speaker, this legislation would move on to that next phase with the reauthorization of the program for fiscal years 2005 to 2010. It was reported unanimously from both the subcommittee and the committee with bipartisan support. I urge all of my colleagues to vote in favor of it.

Mr. Speaker, I thank all of the Members of the committee, particularly the chairman, the ranking member, and also the chair and ranking member of the relevant subcommittee, for all of their work in passing this bill.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 4470. The bill extends the authorization of appropriations for the Environmental Protection Agency's (EPA) Lake Pontchartrain Basin Restoration Program. Since its establishment in 2000, this program has helped coordinate restoration work for Lake Pontchartrain, in southeastern Louisiana.

This legislation authorizes $99 million through 2010 for restoration projects and studies recommended by the Lake Pontchartrain Management Conference, public education projects to inform the local community of public health concerns, and practical ways to help clean up the Lake. It also clarifies the status of the Management Conference so that protection of Lake Pontchartrain can proceed expeditiously.

I support the bill, and urge all Members to join me in that support.

Mr. LATOURETTE. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 4470, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

TIJUANA RIVER VALLEY ESTUARY AND BEACH SEWAGE CLEANUP ACT OF 2000 AMENDMENT

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4794) to amend the Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000 to extend the authorization of appropriations, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4794

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

SECTION 1. ACTIONS TO BE TAKEN.

(a) SECONDARY TREATMENT.—Section 804(a)(1) of the Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000 (22 U.S.C. 277d–44(a)(1); 114 Stat. 1978) is amended by striking ''Subject to'' and all that follows through ''of this Act,'' and inserting ''Pursuant to Treaty Minute 311 to the Treaty for the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, dated February 3, 1944,''.

(b) CONTRACT.—Section 804(c) of such Act is amended as follows:

(1) By striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Notwithstanding any provision of Federal procurement law, the Commission may enter into a multiyear fee-for-services contract with the owner of a Mexican facility in order to carry out the secondary treatment requirements of subsection (a) and make payments under such contract, subject to the availability of appropriations and subject to the terms of paragraph (2).''.

(2) In paragraph (2)(I) by striking '', with such annual payment'' and all that follows through the period at the end and inserting '', including costs associated with the purchase of any insurance or other financial instrument under subparagraph (K). Costs associated with the purchase of such insurance or other financial instrument may be amortized over the term of the contract.''.

(3) In paragraph (2) by redesignating subparagraphs (J) through (P) as subparagraphs (L) through (R), respectively, and by inserting after subparagraph (I) the following:

''(J) Neither the Commission nor the United States Government shall be liable for payment of any cancellation fees if the Commission cancels the contract.

''(K) The owner of the Mexican facility may purchase insurance or other financial instrument to cover the risk of cancellation of the contract by the Commission. Any such insurance or other financial instrument shall not be provided or guaranteed by the United States Government, and the Government may reserve the right to validate independently the reasonableness of the premium when negotiating the annual service fee with the owner.''.

(4) By striking paragraphs (2)(L) and (2)(M) (as redesignated by paragraph (3) of this subsection) and inserting the following:

''(L) Transfer of ownership of the Mexican facility to an appropriate governmental entity, other than the United States, if the Commission cancels the contract.

''(M) Transfer of ownership of the Mexican facility to an appropriate governmental entity, other than the United States, if the owner of the Mexican facility fails to perform under the contract.''.

(5) In paragraph (2)(N) (as redesignated by paragraph (3) of this subsection) by inserting after ''competitive procedures'' the following: ''under applicable law''.

SEC. 2. IMPLEMENTATION OF NEW TREATY MINUTE.

Section 805 of the Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000 (22 U.S.C. 277d–45; 114 Stat. 1980) is amended—

(1) in the section heading striking ''**negotiation of**''; and

(2) by adding at the end the following:

''(c) IMPLEMENTATION.—In light of the continuing threat to the environment and to public health and safety within the United States as a result of the river and ocean pollution in the San Diego-Tijuana border region, the Commission is requested to give the highest priority to the implementation of Treaty Minute 311 to the Treaty for the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, dated February 3, 1944, which establishes a framework for the siting of a treatment facility in Mexico to provide for the secondary treatment of effluent from the IWTP at the Mexican facility, to provide for additional capacity for advanced primary and secondary treatment of additional sewage emanating from the Tijuana River area, Mexico, and to meet the water quality standards of Mexico, the United States, and the State of California consistent with the provisions of this title, in order that the other provisions of this title to address such pollution may be implemented as soon as possible.''.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 806 of the Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000 (22 U.S.C. 277d–46; 114 Stat. 1981) is amended by striking ''a total of $156,000,000 for fiscal years 2001 through 2005'' and inserting ''such sums as may be necessary''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Illinois (Mr. COSTELLO) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4794, to amend the Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000.

For years the United States Congress has been trying to address a public health and environmental problem that exists along the U.S.-Mexican border. Raw or partially treated sewage from the Tijuana, Mexico area flows spot United States and ends up on California beaches.

In 2000, Congress addressed this problem by authorizing the United States to contract with a plant in Mexico for waste water treatment services that would meet the clean water standards. That law required the United States and Mexico to negotiate a new treaty. That negotiation was completed in February of this year. Now the United States must negotiate a contract.

It is my understanding that those negotiations are finally underway, but before a contract can be signed, the Tijuana Valley Estuary and Beach Sewage Cleanup Act authorization must be extended and updated. H.R. 4794 provides that authority.

I want to congratulate and commend the gentleman from California (Mr. HUNTER), the gentleman from California (Mr. FILNER), the gentleman from California (Mr. CUNNINGHAM), the gentleman from California (Mr. ISSA) and the gentlewoman from California (Mrs. DAVIS) for their persistence. This is a good piece of legislation. I urge my colleagues to support it.

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

Mr. COSTELLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4794. This critical bipartisan bill would reauthorize and update legislation to address the ongoing problem of sewage that migrates across the U.S.-Mexican border into the waters off of San Diego, California. In light of recent efforts of the International Boundary Water Commission to successfully negotiate a treaty minute on this issue, the Committee on Transportation and Infrastructure, working with the gentleman from California (Mr. FILNER) and the gentleman from California (Mr. HUNTER), developed this legislation to amend existing law to reflect the terms of the new treaty minute.

Other than annual appropriations, this legislation should be the last legislative hurdle necessary for the construction of the treatment facilities to protect the public and the ecological health of the San Diego region.

I commend our committee colleague the gentleman from California (Mr. FILNER) who first brought this issue to our committee's attention in the 106th Congress, as well as my friend the gentleman from California (Mr. HUNTER) for their efforts in pursuing this legislation.

Mr. Speaker, time is of the essence for this legislation. The United States will face court-ordered sanctions unless we get about the business of cleaning up this sewage. But even more importantly, every day's delay is another day that the United States citizens are faced with raw sewage in the river and off the California coast. It is time for our work to begin and for this project to move forward.

Mr. Speaker, I strongly urge this legislation and urge my colleagues to support it.

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

Mr. LATOURETTE. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from California (Mr. HUNTER), one of the champions of this legislation

Mr. HUNTER. Mr. Speaker, I want to thank the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Illinois (Mr. COSTELLO) for managing this bill. I think they have described it very well, the problem that we have with pollution that sweeps north on to California beaches. Not only is it a public health hazard and one that accrues to the detriment of thousands and thousands of families in the San Diego region, but also has a major impact on our economy. This situation of polluted beaches from raw sewage costs us in excess of some $15 million a year.

In an attempt to look for a better way to address this border sewage problem, the House and the Tijuana River Estuary and Beach Cleanup Act, P.L. 106–457, authorized what we thought was a cutting edge concept involving a public-private partnership approach that will save taxpayer money and ensure that a wastewater treatment facility is brought online as quickly as possible and in complete compliance with the U.S. Clean Water Act regulations.

OMB has certified, incidentally, that the public-private partnership approach will save significant funds over a similar plant built and operated by the Federal Government.

So this is a new approach, Mr. Speaker, but we think it is going to work and work very effectively.

Since the passage of P.L. 106–457, the IBWC, the International Boundary and Water Commission, has completed treaty minute negotiations with Mexico and has begun the process of addressing this decades old problem. As a result, in order to ensure that the project continues to move forward expeditiously, all of us in the San Diego congressional delegation introduced H.R. 4794, which has been well described as the Tijuana River Estuary and Beach Cleanup Reauthorization Act.

This legislation will make necessary technical corrections to the base law to address changing circumstances and bring the law into line with the binational treaty that was negotiated. So this is what we need to get this project moving.

We want to thank all of our friends and good colleagues who have worked on this, including the gentleman from Alaska (Chairman YOUNG) and the subcommittee chairman, the gentleman from Tennessee (Mr. DUNCAN), as well as the ranking members, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Illinois (Mr. COSTELLO), for their help and guidance with this very important bipartisan legislation. The bill represents a real victory for the citizens of San Diego and for the taxpayers.

Mr. Speaker, I urge all my colleagues to strongly support its passage and, again, to the gentlemen managing the bill, I thank them very much for their support.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 4794. The bill amends legislation enacted in 2000 to address the continuing problem of untreated or partially treated sewage that migrates across the U.S.-Mexican border into the waters off San Diego, California.

Since the original legislation in 2000, the United States, acting through the International Boundary Waters Commission (IBWC), has successfully negotiated an agreement with Mexico on implementing a bi-national effort to address this problem. The bill makes minor changes to reflect those discussions, and provides an updated authorization level to allow for the construction of the wastewater treatment facility, as contemplated in 2000. It also addresses an interpretation by the Office of Management and Budget that was contrary to the original intent of the Committee on Transportation and Infrastructure when the bill was first developed.

When this bill is enacted, it should create all the authority necessary for the construction of treatment facilities to protect the public and the ecological health of the San Diego region.

I commend our Committee colleague, Mr. FILNER, who first brought this issue to the Committee's attention in the 106th Congress, for his efforts in pursuing this legislation.

I support the bill and urge an "aye" vote.

Mrs. DAVIS of California. Mr. Speaker, I rise in strong support of H.R. 4794, which will amend the Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000 to bring it up to date to include the International Boundary and Water Commission Treaty Minute No. 311 between the United States and Mexico. Reauthorization will pave the way for an ultimate solution to the long-standing problem of sewage outfall that pollutes the Tijuana River Valley Estuary and the precious beaches of Imperial Beach.

Located on the southwest corner of the United States, Imperial Beach offers its residents and visitors an exceptional coastal experience situated as it is between the wonderful Tijuana Estuary natural wetlands and bird habitat and the mighty Pacific Ocean.

Unfortunately, the metropolitan area of Tijuana and San Diego has grown well beyond the existing capacity to provide for the current sewage volume and allow a healthy and safe environment for the population along the border.

The 2000 Act provided the framework for improving the existing South Bay International Wastewater Treatment Plant, which was constructed by the International Boundary and Water Commission following authorization in a 1987 Water Quality Act. However, the plant was only built to advanced primary standards and not to the required secondary treatment standard as required by the law.

Since that time, the rapid growth in the metropolitan region has resulted in a frequent flow

of untreated or partially treated sewage through the Tijuana River, which flows north from Tijuana across the border to the Pacific Ocean at Imperial Beach. This pollution is a public health threat as well as an environmental danger.

This reauthorization addresses a multitude of details to implement a privately built and operated plant in Tijuana. Although the realization of the new Minute in February took a very long time, I hope that with new leadership now in place on the Commission and with this authorization in place there will be rapid progress toward the fulfillment of this desperately needed public safety facility.

I want to thank my colleague from San Diego, Representative HUNTER, for taking the leadership in the time-consuming process of bringing agreement on the details from numerous administration entities.

I urge your support for this measure, which has been co-sponsored by the bipartisan San Diego delegation.

Mr. CUNNINGHAM. Mr. Speaker, in 2002, the City of San Diego declared a local emergency regarding the flow of sewage across the border from Tijuana to San Diego. It is estimated that 70 million gallons per day of sewage is released into the Tijuana River Valley and flows into the Pacific Ocean.

It is imperative that something be done to stop the flow of sewage from Tijuana into the Pacific. This legislation is a positive and significant step forward in ensuring that the requirements of the Clean Water Act are met. It makes the necessary changes that would effectively allow for the building of a waster water sewage treatment facility in Mexico that will process 50+ million gallons of water per day in compliance with the Clean Water Act.

I have been working for years now to ensure a solution to this problem, and I believe the proposal to construct a treatment plant in Mexico is the most cost-effective solution. This bill will enable that to occur, and to eliminate the potential threat to the quality of water in the San Diego-Tijuana border at zero cost to taxpayers. This bill will ensure major environmental benefits for California and is the best option to address this serious public health and safety concern for San Diego.

OMB certified that the public-private partnership approach will save significant funds. The International Boundary and Water Commission (IBWC) has completed treaty minute negotiations with Mexico. This process has taken years, and I would like to thank the IBWC for working on the issue. I would like to thank DUNCAN HUNTER, DARREL ISSA and SUSAN DAVIS for all their hard work. H.R. 4794's introduction by this delegation makes technical corrections to the base law. I would like to thank Chairman DON YOUNG, the Ranking Member JAMES OBERSTAR and JERRY COSTELLO for all their help. This bill is a victory for San Diego, Mexico and the environment.

Mr. FILNER. Mr. Speaker, I rise in strong support of H.R. 4794, the bipartisan bill to amend the Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000. The House and Senate passed this bill four years ago in an effort to resolve an enormous health problem in my district. Fifty million gallons of raw sewage flow through the Tijuana River from Mexico into San Diego beaches everyday. Most Americans cannot imagine the environmental and health impacts caused by this problem.

Eleven years ago, the San Diego city council declared a state of emergency in the Tijuana River Valley because of sewage from Mexico flowing over the border and spoiling our beaches and waterways. Every two weeks since then, the city council has continued to declare a state of emergency.

I worked with my colleagues to establish a bipartisan plan for a public-private partnership to solve this problem, but the crisis continues. And four years after the signing of the bill nothing has been done. The International Boundary and Water Commission has failed to take the steps necessary to build the wastewater treatment plant that Congress authorized and that families in San Diego deserve.

The IBWC has a new Commissioner who, I believe, recognizes the responsibility that the IBWC has been given from Congress: To end the flow of raw sewage into southern California. That is why I have joined my Congressional colleagues from San Diego in offering this bill to continue the authorization for this project, so we can make sure that this environmental nightmare comes to an end.

Mr. COSTELLO. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 4794, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 0100

NORMAN Y. MINETA RESEARCH AND SPECIAL PROGRAMS IMPROVEMENT ACT

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5163) to amend title 49, United States Code, to provide the Department of Transportation a more focused research organization with an emphasis on innovative technology, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5163

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Norman Y. Mineta Research and Special Programs Improvement Act''.

SEC. 2. PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION.

(a) IN GENERAL.—Section 108 of title 49, United States Code, is amended to read as follows:

''§ 108. Pipeline and Hazardous Materials Safety Administration

''(a) IN GENERAL.—The Pipeline and Hazardous Materials Safety Administration shall be an administration in the Department of Transportation.

''(b) SAFETY AS HIGHEST PRIORITY.—In carrying out its duties, the Administration shall consider the assignment and maintenance of safety as the highest priority, recognizing the clear intent, encouragement, and dedication of Congress to the furtherance of the highest degree of safety in pipeline transportation and hazardous materials transportation.

''(c) ADMINISTRATOR.—The head of the Administration shall be the Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be an individual with professional experience in pipeline safety, hazardous materials safety, or other transportation safety. The Administrator shall report directly to the Secretary of Transportation.

''(d) DEPUTY ADMINISTRATOR.—The Administration shall have a Deputy Administrator who shall be appointed by the Secretary. The Deputy Administrator shall carry out duties and powers prescribed by the Administrator.

''(e) CHIEF SAFETY OFFICER.—The Administration shall have an Assistant Administrator for Pipeline and Hazardous Materials Safety appointed in the competitive service by the Secretary. The Assistant Administrator shall be the Chief Safety Officer of the Administration. The Assistant Administrator shall carry out the duties and powers prescribed by the Administrator.

''(f) DUTIES AND POWERS OF THE ADMINISTRATOR.—The Administrator shall carry out—

''(1) duties and powers related to pipeline and hazardous materials transportation and safety vested in the Secretary by chapters 51, 57, 61, 601, and 603; and

''(2) other duties and powers prescribed by the Secretary.

''(g) LIMITATION.—A duty or power specified in subsection (f)(1) may be transferred to another part of the Department of Transportation or another government entity only if specifically provided by law.''.

(b) TRANSFER OF DUTIES AND POWERS OF RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION.—The authority of the Research and Special Programs Administration exercised under chapters 51, 57, 61, 601, and 603 of title 49, United States Code, is transferred to the Administrator of the Pipeline and Hazardous Materials Safety Administration.

(c) CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The analysis for chapter 1 of title 49, United States Code, is amended by striking the item relating to section 108 and inserting the following:

''108. Pipeline and Hazardous Materials Safety Administration.''.

(2) DOT INSPECTORS.—Section 5118(b)(3)(A) of title 49, United States Code, is amended by striking ''Research and Special Programs Administration'' and inserting ''Pipeline and Hazardous Materials Safety Administration''.

(3) NTSB SAFETY RECOMMENDATIONS.—Section 19(a) of the Pipeline Safety Improvement Act of 2002 (49 U.S.C 1135 note; 116 Stat. 3009) is amended by striking ''Research and Special Program Administration'' and inserting ''Pipeline and Hazardous Materials Safety Administration''.

(4) NATIONAL MARITIME ENHANCEMENTS INSTITUTES.—Section 8(f)(2) of Public Law 101–115 (46 U.S.C. App. 1121–2(f)(2)) is amended by striking ''Research and Special Programs Administration'' and inserting ''Research and Innovative Technology Administration''.

(5) OIL POLLUTION RESEARCH AND DEVELOPMENT PROGRAM.—Section 7001 of the Oil Pollution Act of 1990 (33 U.S.C. 2761) is amended—

(A) in subsection (a)(3) by striking ''Research and Special Projects Administration'' and inserting ''Pipeline and Hazardous Materials Safety Administration''; and

(B) in subsection (c)(11) by striking ''Research and Special Programs Administration'' and inserting ''Pipeline and Hazardous Materials Safety Administration''.

(6) PENALTIES.—Section 844(g)(2)(B) of title 18, United State Code, is amended by striking ''Research and Special Projects Administration'' and inserting ''Pipeline and Hazardous Materials Safety Administration''.

(d) EXECUTIVE SCHEDULE PAY RATE.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

''Administrator, Pipeline and Hazardous Materials Safety Administration.''.

SEC. 3. BUREAU OF TRANSPORTATION STATISTICS.

(a) ESTABLISHMENT.—Section 111(a) of title 49, United States Code, is amended by striking ''in the Department of Transportation'' and inserting ''in the Research and Innovative Technology Administration''.

(b) APPOINTMENT OF DIRECTOR.—Section 111(b) of title 49, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) APPOINTMENT.—The Bureau shall be headed by a Director who shall be appointed in the competitive service by the Secretary.''; and

(2) by striking paragraphs (3) and (4).

(c) EXECUTIVE SCHEDULE PAY RATE.—Section 5316 of title 5, United States Code, is amended by striking the undesignated paragraph relating to the Director, Bureau of Transportation Statistics.

SEC. 4. RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION.

(a) IN GENERAL.—Section 112 of title 49, United States Code, is amended—

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

''§ 112. Research and Innovative Technology Administration'';

(2) by striking subsection (a) and inserting the following:

''(a) ESTABLISHMENT.—The Research and Innovative Technology Administration shall be an administration in the Department of Transportation.'';

(3) by striking subsection (d) and inserting the following:

''(d) POWERS AND DUTIES OF THE ADMINISTRATOR.—The Administrator shall carry out—

''(1) powers and duties prescribed by the Secretary for—

''(A) coordination, facilitation, and review of the Department's research and development programs and activities;

''(B) advancement, and research and development, of innovative technologies, including intelligent transportation systems;

''(C) comprehensive transportation statistics research, analysis, and reporting;

''(D) education and training in transportation and transportation-related fields; and

''(E) activities of the Volpe National Transportation Center; and

''(2) other powers and duties prescribed by the Secretary.''; and

(4) by striking subsection (e).

(b) CLARIFICATION.—

(1) IN GENERAL.—Nothing in this Act shall grant any authority to the Research and Innovative Technology Administration over research and other programs, activities, standards, or regulations administered by the Secretary of Transportation through the National Highway Traffic Safety Administration.

(2) APPLICABILITY.—Paragraph (1) shall not apply to the research and other programs, activities, standards, or regulations provided for in highway and traffic safety programs, administered by the Secretary through the National Highway Traffic Safety Administration, in title 23, United States Code, and chapter 303 of title 49, United States Code, as in effect on the date of enactment of this Act.

(c) OFFICE OF INTERMODALISM.—Section 5503(a) of title 49, United States Code, is amended to read as follows:

''(a) ESTABLISHMENT.—There is established in the Research and Innovative Technology Administration an Office of Intermodalism.''.

(d) TRANSFER OF POWERS AND DUTIES OF RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION.—The authority of the Research and Special Programs Administration, other than authority exercised under chapters 51, 57, 61, 601, and 603 of title 49, United States Code, is transferred to the Administrator of the Research and Innovative Technology Administration.

(e) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 49, United States Code, is amended by striking the item relating to section 112 and inserting the following:

''112. Research and Innovative Technology Administration.''.

(f) EXECUTIVE SCHEDULE PAY RATE.—Section 5314 of title 5, United States Code, is amended by striking the undesignated paragraph relating to the Administrator, Research and Special Programs Administration and inserting the following:

''Administrator, Research and Innovative Technology Administration.''.

(g) REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Administrator of the Research and Innovative Technology Administration shall submit to the Committee on Transportation and Infrastructure and the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the research activities of the Department of Transportation.

(2) CONTENTS.—The report shall include—

(A) a summary of the mission and strategic goals of the Administration;

(B) a prioritized list of the research and development activities that the Department intends to pursue over the next 5 years;

(C) a description of the primary purposes for conducting such research and development activities, such as reducing traffic congestion, improving mobility, and promoting safety;

(D) an estimate of the funding levels needed to implement such research and development activities for the current fiscal year; and

(E) any additional information the Administrator considers appropriate.

(3) DEVELOPMENT.—In developing the report, the Administrator shall—

(A) solicit input from a wide range of stakeholders;

(B) take into account how the research and development activities of other Federal, State, private sector, and not-for-profit institutions contribute to the achievement of the purposes identified under paragraph (2)(C); and

(C) address methods to avoid unnecessary duplication of efforts in achieving such purposes.

SEC. 5. SAVINGS PROVISIONS.

(a) TRANSFER OF ASSETS AND PERSONNEL.—Personnel, property, and records employed, used, held, available, or to be made available in connection with functions transferred within the Department of Transportation by this Act shall be transferred for use in connection with the functions transferred, and unexpended balances of appropriations, allocations, and other funds (including funds of any predecessor entity) shall also be transferred accordingly.

(b) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, settlements, agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by any officer or employee, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred by this Act; and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date),

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Department, any other authorized official, a court of competent jurisdiction, or operation of law.

(c) PROCEEDINGS.—The provisions of this Act shall not affect any proceedings, including administrative enforcement actions, pending before this Act takes effect, insofar as those functions are transferred by this Act; but such proceedings, to the extent that they relate to functions so transferred, shall proceed in accordance with applicable law and regulations. Nothing in this subsection shall be deemed to prohibit the conclusion or modification of any proceeding described in this subsection under the same terms and conditions and to the same extent that such proceeding could have been concluded or modified if this Act had not been enacted. The Secretary of Transportation is authorized to provide for the orderly transfer of pending proceedings.

(d) SUITS.—

(1) IN GENERAL.—This Act shall not affect suits commenced before the date of enactment of this Act, except as provided in paragraphs (2) and (3). In all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(2) SUITS BY OR AGAINST DEPARTMENT.—Any suit by or against the Department begun before the date of enactment of this Act, shall proceed in accordance with applicable law and regulations, insofar as it involves a function retained and transferred under this Act.

(3) PROCEDURES FOR REMANDED CASES.—If the court in a suit described in paragraph (1) remands a case, subsequent proceedings related to such case shall proceed under procedures that are in accordance with applicable law and regulations as in effect at the time of such subsequent proceedings.

(e) CONTINUANCE OF ACTIONS AGAINST OFFICERS.—No suit, action, or other proceeding commenced by or against any officer in his or her official capacity shall abate by reason of the enactment of this Act.

(f) EXERCISE OF AUTHORITIES.—An officer or employee of the Department, for purposes of performing a function transferred by this Act, may exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer of the function by this Act.

(g) REFERENCES.—A reference relating to an agency, officer, or employee affected by this Act in any Federal law, Executive order, rule, regulation, or delegation of authority, or in any document pertaining to an officer or employee, is deemed to refer, as appropriate, to the agency, officer, or employee who succeeds to the functions transferred by this Act.

(h) DEFINITION.—In this section, the term ''this Act'' includes the amendments made by this Act.

SEC. 6. REPORTS.

(a) REPORTS BY THE INSPECTOR GENERAL.—Not later than 30 days after the date of enactment of this Act, the Inspector General of the Department of Transportation shall submit to the Secretary of Transportation and the Administrator of the Pipeline and Hazardous Materials Safety Administration a report containing the following:

(1) A list of each statutory mandate regarding pipeline safety or hazardous materials safety that has not been implemented.

(2) A list of each open safety recommendation made by the National Transportation Safety Board or the Inspector General regarding pipeline safety or hazardous materials safety.

(b) REPORTS BY THE SECRETARY.—

(1) STATUTORY MANDATES.—Not later than 90 days after the date of enactment of this Act, and every 180 days thereafter until each of the mandates referred to in subsection (a)(1) has been implemented, the Secretary shall transmit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the specific actions taken to implement such mandates.

(2) NTSB AND INSPECTOR GENERAL RECOMMENDATIONS.—Not later than January 1st of each year, the Secretary shall transmit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing each recommendation referred to in subsection (a)(2) and a copy of the Department of Transportation response to each such recommendation.

SEC. 7. DEADLINE FOR TRANSFERS.

The Secretary shall provide for the orderly transfer of duties and powers under this Act, including the amendments made by this Act, as soon as practicable but not later than 90 days after the date of enactment of this Act.

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART of Florida). Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Illinois (Mr. COSTELLO) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Norman Y. Mineta Research and Special Programs Improvement Act Reorganizes the current Research and Special Programs Administration to two new administrations: the Research and Innovative Technologies Administration, and the Pipeline and Hazardous Materials Safety Administration.

The new Research and Innovative Technologies Administration will have the research authority currently exercised by the Research and Special Programs Administration. This includes the coordination, facilitation, and review of the department's research and development programs and activities; the advancement of innovative technologies and intelligent transportation systems; and any other research authority that the Secretary deems appropriate.

The new Pipeline and Hazardous Material Safety Administration will hold the authority currently exercised by the Research and Special Programs Administration with regard to pipeline safety and will also include all current law hazardous materials authority exercised by the Office of Hazardous Materials.

As the caption of the bill indicates, Mr. Speaker, I would say that, when I was first elected in 1995, Norm Mineta was the ranking Democrat on the Committee on Transportation and Infrastructure. I found him to be, and he continues to be a wonderful, was a wonderful Member of Congress, a true leader in transportation. He is now, of course, the current Secretary of the Department of Transportation, and I can think of no more fitting honor than to name this new administration in his honor. I urge all of our colleagues to pass the bill.

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

Mr. COSTELLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 5163, the Norman Y. Mineta Research and Special Programs Improvement Act. This bill will achieve long overdue improvements in the U.S. Transportation Department's handling of pipeline and hazardous materials transportation safety programs and DOT's transportation research programs. Under this bill, the department would reorganize the current Research and Special Programs Administration into two administrations: the Pipeline and Hazardous Material Safety Administration and the Research and Innovative Technology Administration.

Creating this agency will elevate the profile of pipeline transportation and hazardous materials transportation within the department. Importantly, the bill declares that safety will be the highest priority of the Pipeline and Hazardous Material Safety Administration and creates a position of chief safety officer within the PHMSA.

We know from experience that accidents in the pipeline or hazardous materials transportation can be devastating. In 1999 and in 2000, two separate pipeline accidents occurred, resulting in the deaths of 15 people. Additionally, over the past 10 years, accidents involving hazardous materials have accounted for more than 220 deaths, 3,500 injuries, and well over $500 million in damage.

Mr. Speaker, this bill is a direct response to these tragic incidents, and the creation of this administration is an important first step to ensure the safety of pipeline and hazardous materials transportation is at the forefront of DOT's regulation and supervision of these activities.

This bill also creates a new research administration that will better focus DOT's transportation research activities and helps ensure that Federal dollars are invested in research and innovative technologies that help address our Nation's most pressing transportation problems.

The Research and Innovative Technology Administration will help coordinate and facilitate the department's research activities. This bill transfers the department's Bureau of Transportation Statistics and Office of Intermodalism to RITA.

Finally, Mr. Speaker, this bill is appropriately named after Secretary of Transportation Norm Mineta. Throughout his service as the chairman of the Committee on Transportation and Infrastructure in this body and his service as Secretary of Transportation for the Nation, Norm Mineta has devoted himself to the betterment of our Nation's transportation system. This bill does just that, and I urge Members to support it.

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

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

At this point I will insert into the RECORD an exchange of letters between the chairman of our full committee, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Virginia (Mr. TOM DAVIS) regarding H.R. 5163.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, October 6, 2004.

Hon. Don Young,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR MR. YOUNG: I am writing regarding H.R. 5163, ''Norman Y. Mineta Research and Special Programs Improvement Act.'' As you know, the bill includes provisions within the jurisdiction of the Committee on Government Reform. Specifically, the Committee has jurisdiction over the Executive Schedule Pay Rate in Title 5 of the U.S. Code.

In the interests of moving this important legislation forward, I will agree to waive sequential consideration of this bill by the Committee on Government Reform. However, I do so only with the understanding that this procedural route should not be construed to prejudice the Committee on Government Reform's jurisdictional interest and prerogatives on this bill or other similar legislation. I respectfully request your support for the appointment of outside conferees from the Committee on Government Reform should this bill or a similar Senate bill be considered in conference with the Senate.

Finally, I would ask that you include a copy of our exchange of letters on this matter in the committee report and in the Congressional Record during floor consideration. Thank you for your assistance and cooperation in this matter.

Sincerely,

TOM DAVIS
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, October 6, 2004.

Hon. TOM DAVIS, CHAIRMAN, COMMITTEE ON GOVERNMENT REFORM, RAYBURN BUILDING, WASHINGTON, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of October 6, 2004 regarding H.R. 5163, the Norman Y. Mineta Research and Special Programs Reorganization Act, and for your willingness to waive consideration of provisions in the bill that falls within your Committee's jurisdiction under House Rules.

I agree that your waiving consideration of these provisions of H.R. 5163 does not waive your Committee's jurisdiction over the bill. I also acknowledge your right to seek conferees on any provisions that are under your Committee's jurisdiction during any House-Senate conferees on such provisions.

As you request, your letter and this response will be included in the Committee report on the legislation and the Congressional Record.

Thank you for your cooperation in moving this legislation to the House Floor.

Sincerely,

DON YOUNG,
Chairman.

Mr. DINGELL. Mr. Speaker, I support H.R. 5163, the "Norman Y. Mineta Research and Special Programs Reorganization Act." I thank my good friend Secretary Mineta for his leadership on this issue, and I thank Chairman Young and Ranking Member Oberstar for working cooperatively with Committee on Energy and Commerce Chairman Barton and me to ensure an acceptable outcome for all.

The legislation we consider today accomplishes many worthy objectives. My remarks, however, will focus on one particular provision with respect to the National Highway Traffic Safety Administration (NHTSA). The NHTSA administers many programs, including research and development, that improve the safety and fuel economy of motor vehicles in the United States. The authors of this legislation worked with Chairman Barton and me to ensure that these programs were not affected by the legislation before us today. Specifically, section 4(b) of the bill clearly states that the newly formed Research and Innovative Technology Administration will have no authority over the programs, activities, standards, and regulations of NHTSA over which the Committee on Energy and Commerce has jurisdiction, including motor vehicle safety and fuel economy.

I urge all my colleagues to support this legislation.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 5163, the Norman Y. Mineta Research and Special Programs Improvement Act. I believe this bill is appropriately named—as my good friend, Norm Mineta, has dedicated a lifetime to improving transportation and strengthening safe in this country.

Last year, the Department of Transportation (DOT) approached the Transportation Committee with a proposal to reorganize the DOT. The proposal was, first, to abolish the Research and Special Programs Administration (RSPA) and reinvent it as the Research and Technology Innovation Administration, and then to transfer the pipeline program, which is housed under RSPA, to the Federal Railroad Administration. That proposal raised serious concerns that pipeline safety would not get adequate attention in an agency focused solely on railroads. The Committee, on a bipartisan basis, directed the DOT to go back to the drawing board, and they have now come back to us with a much better proposal. This bill will restructure the Research and Special Programs Administration by splitting its functions into two separate, more-focused agencies within the Department of Transportation: the new Research and Innovative Technology Administration (RITA) and the new Pipeline and Hazardous Materials Safety Administration (PHMSA).

Mr. Speaker, I've had 20 years experience with the Office of Pipeline Safety (OPS), and I believe that this Act is a good "first step" toward helping the Department raise pipeline and hazardous materials safety to the level of significance they deserve, and need.

Our nation's pipeline system consists of more than two million miles of pipe moving millions of gallons of hazardous liquids and more than 55 billion cubic feet of natural gas daily. Although moving commodities such as crude oil, diesel fuel, gasoline, and natural gas through pipelines may be safer than moving the same commodities on other transportation modes, pipeline incidents can have catastrophic consequences, such as the deadly explosions in Bellingham, Washington, and Carlsbad, New Mexico, in which a total of 15 people were killed.

This past June, DOT Inspector General Kenneth Mead released an audit report that found severe deficiencies in the government's pipeline safety program. The Inspector General found: Of the 31 mandates from legislation enacted in 1992 and 1996, six mandates have yet to be implemented, and all of these are over eight years past due. For example, two such mandates, which are a decade overdue, require defining "natural gas and hazardous liquid gathering lines" in order to determine which lines can and should be regulated. Separately, seven NTSB safety recommendations remain open, two of which were identified in an Inspector General report issued in March 2000. This is unacceptable, and it is my hope that this bill will set OPS on a path toward finalizing all mandated and recommendations in a timely fashion, while ensuring that the agency is working effectively to promote safety as its highest priority.

To accomplish this, we included safeguards in this bill, which are modeled after the safety functions of the Federal Aviation Administration and the Federal Motor Carrier Safety Administration. First, we require PHMSA to consider the assignment and maintenance of safety as the highest priority. Second, we require PHMSA to hire a Chief Safety Officer who will help keep the agency focused on its new safety mission. Third, we require the Inspector General to transmit to the Secretary of Transportation and to Congress periodic reports on the progress PHMSA has or has not made on implementing the outstanding statutory mandates and recommendations.

Pipeline security must also receive more focused attention. The Department of Transportation and the Department of Homeland Security have just finalized a Memorandum of Understanding that seeks to improve the Departments' cooperation and coordination in promoting the safe, secure, and efficient movement of people and goods throughout our vast transportation network. However, no such agreement exists to specifically address the unique challenge of securing our Nation's pipelines. The Committee report therefore directs the Departments of Transportation and Homeland Security and the Departments of Transportation and Energy to execute separate Memorandums of Understanding governing the roles, responsibilities, and resources of the Departments in addressing pipeline and hazardous materials transportation security.

With respect to hazardous materials transportation, from 1994 to 2003 (the most recent information available), more than 157,000 hazardous materials incidents and accidents have occurred. These accidents have accounted for more than 220 deaths, 3,500 injuries, and well over $500 million in damages. Yet responsibility for the hazardous materials transportation safety has bounced around the Department and is now buried deep within RSPA. Unless the office has a higher profile within the Department and the federal hazmat program itself is significantly improved, there will surely be more deaths and injuries.

We have included long-needed improvements to federal hazmat law in H.R. 3550 and I support enactment of those provisions through the comprehensive surface transportation reauthorization bill. But for now, let us begin the strengthening of our hazmat laws with the creation of this new Administration and a renewed focus on pipeline and hazardous materials safety.

Furthermore, this bill creates a new Administration to focus on DOT's research and development activities: the Research and Innovative Technology Administration. By creating a separate Administration to manage these important activities, this bill goes a long way to move transportation research forward and to ensure that federal dollars are invested in research and innovative technologies that help address our Nation's pressing transportation needs.

This bill also places the Bureau of Transportation Statistics and the Office of Intermodalism within RITA. I championed the creation of the Office of Intermodalism. Yet, regrettably, since its creation it has not fulfilled its original mission. This bill will help give the Office new direction, and help contribute and perhaps improve upon DOT's intermodal programs and activities.

I'd like to thank Secretary Mineta for spearheading this reform, an thank him for his continued commitment to transportation safety. I support this bill, and I urge all Members vote for it.

Mr. EHLERS. Mr. Speaker, I rise today in strong support of H.R. 5163, the Norman Y. Mineta Research and Special Programs Improvement Act. The goal of this legislation is to align and strengthen the planning of research and development activities at the Department of Transportation.

As chairman of the Environment, Technology, and Standards Subcommittee of the Science Committee, I have spent the past two years examining surface transportation research programs and identifying ways to improve the coordination, planning and implementation of this important research. I developed a comprehensive bill to achieve these goals, most of which was included in the House version of the larger transportation reauthorization bill. Unfortunately, we have not yet been able to reconcile our differences with the Senate to pass the larger bill.

However, I am pleased that Secretary Mineta had the personal vision and commitment to seek to reorganize the Department to begin efforts to reform and strengthen research programs. Mr. Mineta, in addition to being Secretary of Transportation (and previously Secretary of Commerce), was a leader on transportation issues in the House of Representatives for 20 years. Specifically, he has always made sure that research played a strong role in developing transportation policy and programs. This legislation is a perfect example of his commitment to that goal.

This bill is a good first step in reforming and strengthening research at the Department of Transportation. The chief responsibility of the new Administration created by this bill, the Research and Innovative Technology Administration, is to coordinate research across the Department. This is to ensure that we are getting the maximum out of our research dollars by funding research that contributes directly towards the goals of the transportation system and is not unnecessarily duplicative of other research efforts. But we have much to do to improve research at the Department, and I look forward to completing the job early next year as we pass the larger reauthorization bill.

Mr. Speaker, I want to thank Chairman YOUNG and his staff for working with me and my staff to incorporate our views into this legislation. I urge my colleagues to support the Norman Y. Mineta Research and Special Programs Improvement Act.

Mr. COSTELLO. Mr. Speaker, we have no further speakers, and I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 5163, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ECONOMIC DEVELOPMENT ADMINISTRATION REAUTHORIZATION ACT OF 2004

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1134) to reauthorize and improve the program authorized by the Public Works and Economic Development Act of 1965.

The Clerk read as follows:

S. 1134

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Economic Development Administration Reauthorization Act of 2004''.

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

Sec. 1. Short title; table of contents.

TITLE I—GENERAL PROVISIONS

Sec. 101. Findings and declarations.
Sec. 102. Definitions.
Sec. 103. Establishment of Economic Development partnerships.
Sec. 104. Coordination.

TITLE II—GRANTS FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT

Sec. 201. Grants for planning.
Sec. 202. Cost sharing.
Sec. 203. Supplementary grants.
Sec. 204. Regulations on relative needs and allocations.
Sec. 205. Grants for training, research, and technical assistance.
Sec. 206. Prevention of unfair competition.
Sec. 207. Grants for economic adjustment.
Sec. 208. Use of funds in projects constructed under projected cost.
Sec. 209. Special impact areas.
Sec. 210. Performance awards.
Sec. 211. Planning performance awards.
Sec. 212. Direct expenditure or redistribution by recipient.
Sec. 213. Brightfields demonstration program.

TITLE III—COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES

Sec. 301. Eligibility of areas.
Sec. 302. Comprehensive Economic Development strategies.

TITLE IV—ECONOMIC DEVELOPMENT DISTRICTS

Sec. 401. Incentives.
Sec. 402. Provision of comprehensive Economic Development strategies to Regional Commissions.

TITLE V—ADMINISTRATION

Sec. 501. Economic Development information clearinghouse.
Sec. 502. Businesses desiring Federal contracts.
Sec. 503. Performance evaluations of grant recipients.
Sec. 504. Conforming amendments.

TITLE VI—MISCELLANEOUS

Sec. 601. Annual report to Congress.
Sec. 602. Relationship to assistance under other law.
Sec. 603. Brownfields redevelopment report.
Sec. 604. Savings clause
Sec. 605. Sense of Congress regarding Economic Development Representatives.

TITLE VII—FUNDING

Sec. 701. Authorization of appropriations.
Sec. 702. Funding for grants for planning and grants for administrative expenses.

TITLE I—GENERAL PROVISIONS

SEC. 101. FINDINGS AND DECLARATIONS.

Section 2 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121) is amended to read as follows:

''SEC. 2. FINDINGS AND DECLARATIONS.

''(a) FINDINGS.—Congress finds that—

''(1) there continue to be areas of the United States experiencing chronic high unemployment, underemployment, outmigration, and low per capita incomes, as well as areas facing sudden and severe economic dislocations because of structural economic changes, changing trade patterns, certain Federal actions (including environmental requirements that result in the removal of economic activities from a locality), and natural disasters;

''(2) economic growth in the States, cities, and rural areas of the United States is produced by expanding economic opportunities, expanding free enterprise through trade, developing and strengthening public infrastructure, and creating a climate for job creation and business development;

''(3) the goal of Federal economic development programs is to raise the standard of living for all citizens and increase the wealth and overall rate of growth of the economy by encouraging communities to develop a more competitive and diversified economic base by—

''(A) creating an environment that promotes economic activity by improving and expanding public infrastructure;

''(B) promoting job creation through increased innovation, productivity, and entrepreneurship; and

''(C) empowering local and regional communities experiencing chronic high unemployment and low per capita income to develop private sector business and attract increased private sector capital investment;

''(4) while economic development is an inherently local process, the Federal Government should work in partnership with public and private State, regional, tribal, and local organizations to maximize the impact of existing resources and enable regions, communities, and citizens to participate more fully in the American dream and national prosperity;

''(5) in order to avoid duplication of effort and achieve meaningful, long-lasting results, Federal, State, tribal, and local economic development activities should have a clear focus, improved coordination, a comprehensive approach, and simplified and consistent requirements; and

''(6) Federal economic development efforts will be more effective if the efforts are coordinated with, and build upon, the trade, workforce investment, transportation, and technology programs of the United States.

''(b) DECLARATIONS.—In order to promote a strong and growing economy throughout the United States, Congress declares that—

''(1) assistance under this Act should be made available to both rural- and urban-distressed communities;

''(2) local communities should work in partnership with neighboring communities, the States, Indian tribes, and the Federal Government to increase the capacity of the local communities to develop and implement comprehensive economic development strategies to alleviate economic distress and enhance competitiveness in the global economy;

''(3) whether suffering from long-term distress or a sudden dislocation, distressed communities should be encouraged to support entrepreneurship to take advantage of the development opportunities afforded by technological innovation and expanding newly opened global markets; and

''(4) assistance under this Act should be made available to promote the productive reuse of abandoned industrial facilities and the redevelopment of brownfields.''.

SEC. 102. DEFINITIONS.

(a) ELIGIBLE RECIPIENT.—Section 3(4)(A) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3122(4)(A)) is amended—

(1) by striking clause (i) and redesignating clauses (ii) through (vii) as clauses (i) through (vi), respectively; and

(2) in clause (iv) (as redesignated by paragraph (1)) by inserting '', including a special purpose unit of a State or local government engaged in economic or infrastructure development activities,'' after ''State''.

(b) REGIONAL COMMISSIONS; UNIVERSITY CENTER.—Section 3 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3122) is amended—

(1) by redesignating paragraphs (8), (9), and (10) as paragraphs (9), (10), and (11), respectively;

(2) by inserting after paragraph (7) the following:

''(8) REGIONAL COMMISSIONS.—The term 'Regional Commissions' means—

''(A) the Appalachian Regional Commission established under chapter 143 of title 40, United States Code;

''(B) the Delta Regional Authority established under subtitle F of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa et seq.);

''(C) the Denali Commission established under the Denali Commission Act of 1998 (42 U.S.C. 3121 note; 112 Stat. 2681–637 et seq.); and

''(D) the Northern Great Plains Regional Authority established under subtitle G of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009bb et seq.).''; and

(3) by adding at the end the following:

''(12) UNIVERSITY CENTER.—The term 'university center' means an institution of higher education or a consortium of institutions of higher education established as a University Center for Economic Development under section 207(a)(2)(D).''.

SEC. 103. ESTABLISHMENT OF ECONOMIC DEVELOPMENT PARTNERSHIPS.

Section 101 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3131) is amended—

(1) in subsection (b), by striking ''and multi-State regional organizations'' and inserting ''multi-State regional organizations, and nonprofit organizations''; and

(2) in subsection (d)(1), by striking ''adjoining'' each place it appears.

SEC. 104. COORDINATION.

Section 103 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3132) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The Secretary'';

(2) in subsection (a) (as designated by paragraph (1)), by inserting ''Indian tribes,'' after ''districts,''; and

(3) by adding at the end the following:

''(b) MEETINGS.—To carry out subsection (a), or for any other purpose relating to economic development activities, the Secretary may convene meetings with Federal agencies, State and local governments, economic development districts, Indian tribes, and other appropriate planning and development organizations.''.

TITLE II—GRANTS FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT

SEC. 201. GRANTS FOR PLANNING.

Section 203(d) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3143(d)) is amended—

(1) in paragraph (1), by inserting '', to the maximum extent practicable,'' after ''developed'' the second place it appears;

(2) by striking paragraph (3) and inserting the following:

''(3) COORDINATION.—Before providing assistance for a State plan under this section, the Secretary shall consider the extent to which the State will consider local and economic development district plans.''; and

(3) in paragraph (4)—

(A) by striking ''and'' at the end of subparagraph (C);

(B) by redesignating subparagraph (D) as subparagraph (F); and

(C) by adding after subparagraph (C) the following:

''(D) assist in carrying out the workforce investment strategy of a State;

''(E) promote the use of technology in economic development, including access to high-speed telecommunications; and''.

SEC. 202. COST SHARING.

(a) FEDERAL SHARE.—Section 204 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3144) is amended by striking subsection (a) and inserting the following:

''(a) FEDERAL SHARE.—Except as provided in subsection (c), the Federal share of the cost of any project carried out under this title shall not exceed—

''(1) 50 percent; plus

''(2) an additional percent that—

''(A) shall not exceed 30 percent; and

''(B) is based on the relative needs of the area in which the project will be located, as determined in accordance with regulations promulgated by the Secretary.''.

(b) NON-FEDERAL SHARE.—Section 204(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3144(b)) is amended by inserting ''assumptions of debt,'' after ''equipment,''.

(c) INCREASE IN FEDERAL SHARE.—Section 204 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3144) is amended by adding at the end the following:

''(c) INCREASE IN FEDERAL SHARE.—

''(1) INDIAN TRIBES.—In the case of a grant to an Indian tribe for a project under this title, the Secretary may increase the Federal share above the percentage specified in subsection (a) up to 100 percent of the cost of the project.

''(2) CERTAIN STATES, POLITICAL SUBDIVISIONS, AND NONPROFIT ORGANIZATIONS.—In the case of a grant to a State, or a political subdivision of a State, that the Secretary determines has exhausted the effective taxing and borrowing capacity of the State or political subdivision, or in the case of a grant to a nonprofit organization that the Secretary determines has exhausted the effective borrowing capacity of the nonprofit organization, the Secretary may increase the Federal share above the percentage specified in subsection (a) up to 100 percent of the cost of the project.

''(3) TRAINING, RESEARCH, AND TECHNICAL ASSISTANCE.—In the case of a grant provided under section 207, the Secretary may increase the Federal share above the percentage specified in subsection (a) up to 100 percent of the cost of the project if the Secretary determines that the project funded by the grant merits, and is not feasible without, such an increase.''.

SEC. 203. SUPPLEMENTARY GRANTS.

(a) IN GENERAL.—Section 205 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3145) is amended by striking subsection (b) and inserting the following:

''(b) SUPPLEMENTARY GRANTS.—Subject to subsection (c), in order to assist eligible recipients in taking advantage of designated Federal grant programs, on the application of an eligible recipient, the Secretary may make a supplementary grant for a project for which the recipient is eligible but for which the recipient cannot provide the required non-Federal share because of the economic situation of the recipient.''.

(b) REQUIREMENTS APPLICABLE TO SUPPLEMENTARY GRANTS.—Section 205(c) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3145(c)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

''(1) AMOUNT OF SUPPLEMENTARY GRANTS.—The share of the project cost supported by a supplementary grant under this section may not exceed the applicable Federal share under section 204.

''(2) FORM OF SUPPLEMENTARY GRANTS.—The Secretary shall make supplementary grants by—

''(A) the payment of funds made available under this Act to the heads of the Federal agencies responsible for carrying out the applicable Federal programs; or

''(B) the award of funds under this Act, which will be combined with funds transferred from other Federal agencies in projects administered by the Secretary.''; and

(2) by striking paragraph (4).

SEC. 204. REGULATIONS ON RELATIVE NEEDS AND ALLOCATIONS.

Section 206 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3146) is amended—

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

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

(3) by adding at the end the following:

''(3)(A) rural and urban economically distressed areas are not harmed by the establishment or implementation by the Secretary of a private sector leveraging goal for a project under this title;

''(B) any private sector leveraging goal established by the Secretary does not prohibit or discourage grant applicants under this title from public works in, or economic development of, rural or urban economically distressed areas; and

''(C) the relevant Committees of Congress are notified prior to making any changes to any private sector leveraging goal; and

''(4) grants made under this title promote job creation and will have a high probability of meeting or exceeding applicable performance requirements established in connection with the grants.''.

SEC. 205. GRANTS FOR TRAINING, RESEARCH, AND TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Section 207(a)(2) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3147(a)(2)) is amended—

(1) by striking ''and'' at the end of subparagraph (F);

(2) by redesignating subparagraph (G) as subparagraph (I); and

(3) by inserting after subparagraph (F) the following:

''(G) studies that evaluate the effectiveness of coordinating projects funded under this Act with projects funded under other Acts;

''(H) assessment, marketing, and establishment of business clusters; and''.

(b) COOPERATION REQUIREMENT.—Section 207(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3147(a)) is amended by striking paragraph (3) and inserting the following:

''(3) COOPERATION REQUIREMENT.—In the case of a project assisted under this section that is national or regional in scope, the Secretary may waive the provision in section 3(4)(A)(vi) requiring a nonprofit organization or association to act in cooperation with officials of a political subdivision of a State.''.

SEC. 206. PREVENTION OF UNFAIR COMPETITION.

(a) IN GENERAL.—Section 208 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3148) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 note) is amended by striking the item relating to section 208.

SEC. 207. GRANTS FOR ECONOMIC ADJUSTMENT.

(a) ASSISTANCE TO MANUFACTURING COMMUNITIES.—Section 209(c) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)) is amended—

(1) in paragraph (3), by striking ''or'';

(2) in paragraph (4), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(5) the loss of manufacturing jobs, for reinvesting in and diversifying the economies of the communities.''.

(b) DIRECT EXPENDITURE OR REDISTRIBUTION BY RECIPIENT; SPECIAL PROVISIONS RELATING TO REVOLVING LOAN FUND GRANTS.—Section 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149) is amended by striking subsection (d) and inserting the following:

''(d) SPECIAL PROVISIONS RELATING TO REVOLVING LOAN FUND GRANTS.—

''(1) IN GENERAL.—The Secretary shall promulgate regulations to maintain the proper operation and financial integrity of revolving loan funds established by recipients with assistance under this section.

''(2) EFFICIENT ADMINISTRATION.—The Secretary may—

''(A) at the request of a grantee, amend and consolidate grant agreements governing revolving loan funds to provide flexibility with respect to lending areas and borrower criteria;

''(B) assign or transfer assets of a revolving loan fund to third party for the purpose of liquidation, and the third party may retain assets of the fund to defray costs related to liquidation; and

''(C) take such actions as are appropriate to enable revolving loan fund operators to sell or securitize loans (except that the actions may not include issuance of a Federal guaranty by the Secretary).

''(3) TREATMENT OF ACTIONS.—An action taken by the Secretary under this subsection with respect to a revolving loan fund shall not constitute a new obligation if all grant funds associated with the original grant award have been disbursed to the recipient.

''(4) PRESERVATION OF SECURITIES LAWS.—

''(A) NOT TREATED AS EXEMPTED SECURITIES.—No securities issued pursuant to paragraph (2)(C) shall be treated as exempted securities for purposes of the Securities Act of 1933 (15 U.S.C. 77a et seq.) or the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), unless exempted by rule or regulation of the Securities and Exchange Commission.

''(B) PRESERVATION.—Except as provided in subparagraph (A), no provision of this subsection or any regulation promulgated by the Secretary under this subsection supersedes or otherwise affects the application of the securities laws (as the term is defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))) or the rules, regulations, or orders of the Securities and Exchange Commission or a self-regulatory organization under that Commission.''.

SEC. 208. USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECTED COST.

Section 211 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3151) is amended to read as follows:

''SEC. 211. USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECTED COST.

''(a) IN GENERAL.—In the case of a grant to a recipient for a construction project under section 201 or 209, if the Secretary determines, before closeout of the project, that the cost of the project, based on the designs and specifications that were the basis of the grant, has decreased because of decreases in costs, the Secretary may approve, without further appropriation, the use of the excess funds (or a portion of the excess funds) by the recipient—

''(1) to increase the Federal share of the cost of a project under this title to the maximum percentage allowable under section 204; or

''(2) to improve the project.

''(b) OTHER USES OF EXCESS FUNDS.—Any amount of excess funds remaining after application of subsection (a) may be used by the Secretary for providing assistance under this Act.

''(c) TRANSFERRED FUNDS.—In the case of excess funds described in subsection (a) in projects using funds transferred from other Federal agencies pursuant to section 604, the Secretary shall—

''(1) use the funds in accordance with subsection (a), with the approval of the originating agency; or

''(2) return the funds to the originating agency.

''(d) REVIEW BY COMPTROLLER GENERAL.—

''(1) REVIEW.—The Comptroller General of the United States shall regularly review the implementation of this section.

''(2) REPORT.—Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the Comptroller General on implementation of this subsection.''.

SEC. 209. SPECIAL IMPACT AREAS.

(a) IN GENERAL.—Title II of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141 et seq.) is amended by adding at the end the following:

''SEC. 214. SPECIAL IMPACT AREAS.

''(a) IN GENERAL.—On the application of an eligible recipient that is determined by the Secretary to be unable to comply with the requirements of section 302, the Secretary may waive, in whole or in part, the requirements of section 302 and designate the area represented by the recipient as a special impact area.

''(b) CONDITIONS.—The Secretary may make a designation under subsection (a) only after determining that—

''(1) the project will fulfill a pressing need of the area; and

''(2) the project will—

''(A) be useful in alleviating or preventing conditions of excessive unemployment or underemployment; or

''(B) assist in providing useful employment opportunities for the unemployed or underemployed residents in the area.

''(c) NOTIFICATION.—At the time of the designation under subsection (a), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a written notice of the designation, including a justification for the designation.''.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 note) is amended by inserting after the item relating to section 213 the following:

''Sec. 214. Special impact areas.''.

SEC. 210. PERFORMANCE AWARDS.

(a) IN GENERAL.—Title II of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141 et seq.) (as amended by section 209) is amended by adding at the end the following:

''SEC. 215. PERFORMANCE AWARDS.

''(a) IN GENERAL.—The Secretary may make a performance award in connection with a grant made, on or after the date of enactment of this section, to an eligible recipient for a project under section 201 or 209.

''(b) PERFORMANCE MEASURES.—

''(1) REGULATIONS.—The Secretary shall promulgate regulations to establish performance measures for making performance awards under subsection (a).

''(2) CONSIDERATIONS.—In promulgating regulations under paragraph (1), the Secretary shall consider the inclusion of performance measures that assess—

''(A) whether the recipient meets or exceeds scheduling goals;

''(B) whether the recipient meets or exceeds job creation goals;

''(C) amounts of private sector capital investments leveraged; and

''(D) such other factors as the Secretary determines to be appropriate.

''(c) AMOUNT OF AWARDS.—

''(1) IN GENERAL.—The Secretary shall base the amount of a performance award made under subsection (a) in connection with a grant on the extent to which a recipient meets or exceeds performance measures established in connection with the grant.

''(2) MAXIMUM AMOUNT.—The amount of a performance award may not exceed 10 percent of the amount of the grant.

''(d) USE OF AWARDS.—A recipient of a performance award under subsection (a) may use the award for any eligible purpose under this Act, in accordance with section 602 and such regulations as the Secretary may promulgate.

''(e) FEDERAL SHARE.—Notwithstanding section 204, the funds of a performance award may be used to pay up to 100 percent of the cost of an eligible project or activity.

''(f) TREATMENT IN MEETING NON-FEDERAL SHARE REQUIREMENTS.—For the purposes of meeting the non-Federal share requirements under this, or any other, Act the funds of a performance award shall be treated as funds from a non-Federal source.

''(g) TERMS AND CONDITIONS.—In making performance awards under subsection (a), the Secretary shall establish such terms and conditions as the Secretary considers to be appropriate.

''(h) FUNDING.—The Secretary shall use any amounts made available for economic development assistance programs to carry out this section.

''(i) REPORTING REQUIREMENT.—The Secretary shall include information regarding performance awards made under this section in the annual report required under section 603.

''(j) REVIEW BY COMPTROLLER GENERAL.—

''(1) REVIEW.—The Comptroller General shall regularly review the implementation of this section.

''(2) REPORT.—Not later than 1 year after the date of enactment of this section, the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the Comptroller on implementation of this subsection.''.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 note) is amended by inserting after the item relating to section 214 the following:

''Sec. 215. Performance awards.''.

SEC. 211. PLANNING PERFORMANCE AWARDS.

(a) IN GENERAL.—Title II of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141 et seq.) (as amended by section 210) is amended by adding at the end the following:

''SEC. 216. PLANNING PERFORMANCE AWARDS.

''(a) IN GENERAL.—The Secretary may make a planning performance award in connection with a grant made, on or after the date of enactment of this section, to an eligible recipient for a project under this title located in an economic development district.

''(b) ELIGIBILITY.—The Secretary may make a planning performance award to an eligible recipient under subsection (a) in connection with a grant for a project if the Secretary determines before closeout of the project that—

''(1) the recipient actively participated in the economic development activities of the economic development district in which the project is located;

''(2) the project is consistent with the comprehensive economic development strategy of the district;

''(3) the recipient worked with Federal, State, and local economic development entities throughout the development of the project; and

''(4) the project was completed in accordance with the comprehensive economic development strategy of the district.

''(c) MAXIMUM AMOUNT.—The amount of a planning performance award made under subsection (a) in connection with a grant may not exceed 5 percent of the amount of the grant.

''(d) USE OF AWARDS.—A recipient of a planning performance award under subsection (a) shall use the award to increase the Federal share of the cost of a project under this title.

''(e) FEDERAL SHARE.—Notwithstanding section 204, the funds of a planning performance award may be used to pay up to 100 percent of the cost of a project under this title.

''(f) FUNDING.—The Secretary shall use any amounts made available for economic development assistance programs to carry out this section.''.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 note) is amended by inserting after the item relating to section 215 the following:

''Sec. 216. Planning performance awards.''.

SEC. 212. DIRECT EXPENDITURE OR REDISTRIBUTION BY RECIPIENT.

(a) IN GENERAL.—Title II of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141 et seq.) (as amended by section 211) is amended by adding at the end the following:

''SEC. 217. DIRECT EXPENDITURE OR REDISTRIBUTION BY RECIPIENT.

''(a) IN GENERAL.—Subject to subsection (b), a recipient of a grant under section 201, 203, or 207 may directly expend the grant funds or may redistribute the funds in the form of a subgrant to other eligible recipients to fund required components of the scope of work approved for the project.

''(b) LIMITATION.—A recipient may not redistribute grant funds received under section 201 or 203 to a for-profit entity.

''(c) ECONOMIC ADJUSTMENT.—Subject to subsection (d), a recipient of a grant under section 209 may directly expend the grant funds or may redistribute the funds to public and private entities in the form of a grant, loan, loan guarantee, payment to reduce interest on a loan guarantee, or other appropriate assistance.

''(d) LIMITATION.—Under subsection (c), a recipient may not provide any grant to a private for-profit entity.''.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 note) is amended by inserting after the item relating to section 216 the following:

''Sec. 217. Direct expenditure or redistribution by recipient.''.

SEC. 213. BRIGHTFIELDS DEMONSTRATION PROGRAM.

(a) IN GENERAL.—Title II of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141 et seq.) (as amended by section 212) is amended by adding at the end the following:

''SEC. 218. BRIGHTFIELDS DEMONSTRATION PROGRAM.

''(a) DEFINITION OF BRIGHTFIELD SITE.—In this section, the term 'brightfield site' means a brownfield site that is redeveloped through the incorporation of 1 or more solar energy technologies.

''(b) DEMONSTRATION PROGRAM.—On the application of an eligible recipient, the Secretary may make a grant for a project for the development of a brightfield site if the Secretary determines that the project will—

''(1) use 1 or more solar energy technologies to develop abandoned or contaminated sites for commercial use; and

''(2) improve the commercial and economic opportunities in the area in which the project is located.

''(c) SAVINGS CLAUSE.—To the extent that any portion of a grant awarded under subsection (b) involves remediation, the remediation shall be subject to section 612.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2004 through 2008, to remain available until expended.''.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 note) is amended by inserting after the item relating to section 217 (as added by section 212(b)) the following:

''Sec. 218. Brightfields demonstration program.''.

TITLE III—COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES

SEC. 301. ELIGIBILITY OF AREAS.

Section 301(c)(1) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161(c)(1)) is amended by inserting after ''most recent Federal data available'' the following: ''(including data available from the Bureau of Economic Analysis, the Bureau of Labor Statistics, the Census Bureau, the Bureau of Indian Affairs, or any other Federal source determined by the Secretary to be appropriate)''.

SEC. 302. COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES.

(a) IN GENERAL.—Section 302(a)(3)(A) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3162(a)(3)(A)) is amended by inserting ''maximizes effective development and use of the workforce consistent with any applicable State or local workforce investment strategy, promotes the use of technology in economic development (including access to high-speed telecommunications),'' after ''access,''.

(b) APPROVAL OF OTHER PLAN.—Section 302(c) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3162(c)) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(2) by adding at the end the following:

''(2) EXISTING STRATEGY.—To the maximum extent practicable, a plan submitted under this paragraph shall be consistent and coordinated with any existing comprehensive economic development strategy for the area.''.

TITLE IV—ECONOMIC DEVELOPMENT DISTRICTS

SEC. 401. INCENTIVES.

(a) IN GENERAL.—Section 403 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3173) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 note) is amended by striking the item relating to section 403.

SEC. 402. PROVISION OF COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES TO REGIONAL COMMISSIONS.

(a) IN GENERAL.—Section 404 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3174) is amended to read as follows:

''SEC. 404. PROVISION OF COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES TO REGIONAL COMMISSIONS.

''If any part of an economic development district is in a region covered by 1 or more of the Regional Commissions, the economic development district shall ensure that a copy of the comprehensive economic development strategy of the district is provided to the affected Regional Commission.''.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 note) is amended by striking the item relating to section 404 and inserting the following:

''Sec. 404. Provision of comprehensive economic development strategies to Regional Commissions.''.

TITLE V—ADMINISTRATION

SEC. 501. ECONOMIC DEVELOPMENT INFORMATION CLEARINGHOUSE.

Section 502 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3192) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) maintain a central information clearinghouse on the Internet with—

''(A) information on economic development, economic adjustment, disaster recovery, defense conversion, and trade adjustment programs and activities of the Federal Government;

''(B) links to State economic development organizations; and

''(C) links to other appropriate economic development resources;'';

(2) by striking paragraph (2) and inserting the following:

''(2) assist potential and actual applicants for economic development, economic adjustment, disaster recovery, defense conversion, and trade adjustment assistance under Federal and State laws in locating and applying for the assistance;'';

(3) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(4) by adding at the end the following:

''(4) obtain appropriate information from other Federal agencies needed to carry out the duties under this Act.''.

SEC. 502. BUSINESSES DESIRING FEDERAL CONTRACTS.

(a) IN GENERAL.—Section 505 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3195) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 note) is amended by striking the item relating to section 505.

SEC. 503. PERFORMANCE EVALUATIONS OF GRANT RECIPIENTS.

(a) IN GENERAL.—Section 506(c) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3196(c)) is amended by striking ''after the effective date of the Economic Development Administration Reform Act of 1998''.

(b) EVALUATION CRITERIA.—Section 506(d)(2) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3196(d)(2)) is amended by inserting ''program performance,'' after ''applied research,''.

SEC. 504. CONFORMING AMENDMENTS.

Section 602 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3212) is amended—

(1) in the first sentence, by striking ''in accordance with'' and all that follows before the period at the end and inserting ''in accordance with subchapter IV of chapter 31 of title 40, United States Code''; and

(2) in the third sentence, by striking ''section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c)'' and inserting ''section 3145 of title 40, United States Code''.

TITLE VI—MISCELLANEOUS

SEC. 601. ANNUAL REPORT TO CONGRESS.

Section 603 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3213) is amended—

(1) by striking ''Not later'' and inserting the following:

''(a) IN GENERAL.—Not later''; and

(2) by adding at the end the following:

''(b) INCLUSIONS.—Each report required under subsection (a) shall—

''(1) include a list of all grant recipients by State, including the projected private sector dollar to Federal dollar investment ratio for each grant recipient;

''(2) include a discussion of any private sector leveraging goal with respect to grants awarded to—

''(A) rural and urban economically distressed areas; and

''(B) highly distressed areas; and

''(3) after the completion of a project, include the realized private sector dollar to Federal dollar investment ratio for the project.''.

SEC. 602. RELATIONSHIP TO ASSISTANCE UNDER OTHER LAW.

Section 609 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3219) is amended—

(1) by striking subsection (a); and

(2) by striking ''(b) ASSISTANCE UNDER OTHER ACTS.—''.

SEC. 603. BROWNFIELDS REDEVELOPMENT REPORT.

(a) IN GENERAL.—Title VI of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3171 et seq.) is amended by adding at the end the following:

''SEC. 611. BROWNFIELDS REDEVELOPMENT REPORT.

''(a) DEFINITION OF BROWNFIELD SITE.—In this section, the term 'brownfield site' has the meaning given the term in section 101(39) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(39)).

''(b) REPORT.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Comptroller General shall prepare a report that evaluates the grants made by the Economic Development Administration for the economic development of brownfield sites.

''(2) CONTENTS.—The report shall—

''(A) identify each project conducted during the previous 10-year period in which grant funds have been used for brownfield sites redevelopment activities; and

''(B) include for each project a description of —

''(i) the type of economic development activities conducted;

''(ii) if remediation activities were conducted—

''(I) the type of remediation activities; and

''(II) the amount of grant money used for those activities in dollars and as a percentage of the total grant award;

''(iii) the economic development and environmental standards applied, if applicable;

''(iv) the economic development impact of the project;

''(v) the role of Federal, State, or local environmental agencies, if any; and

''(vi) public participation in the project.

''(3) SUBMISSION OF REPORT.—The Comptroller General shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a copy of the report.''.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 note) is amended by inserting after the item relating to section 610 the following:

''Sec. 611. Brownfields redevelopment report.''.

SEC. 604. SAVINGS CLAUSE.

(a) IN GENERAL.—Title VI of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3171 et seq.) (as amended by section 603(a)) is amended by adding at the end the following:

''SEC. 612. SAVINGS CLAUSE.

''To the extent that any portion of grants made under this Act are used for an economic development project that involves remediation, the remediation shall be conducted in compliance with all applicable Federal, State, and local laws and standards.''.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 note) is amended by inserting after the item relating to section 611 (as added by section 603(b)) the following:

''Sec. 612. Savings clause.''.

SEC. 605. SENSE OF CONGRESS REGARDING ECONOMIC DEVELOPMENT REPRESENTATIVES.

(a) FINDINGS.—Congress finds that—

(1) planning and coordination among Federal agencies, State and local governments, Indian tribes, and economic development districts is vital to the success of an economic development program;

(2) economic development representatives of the Economic Development Administration provide distressed communities with the technical assistance necessary to foster this planning and coordination; and

(3) in the 5 years preceding the date of enactment of this Act, the number of economic development representatives has declined by almost 25 percent.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary should maintain a sufficient number of economic development representatives to ensure that the Economic Development Administration is able to provide effective assistance to distressed communities and foster economic growth and development among the States.

TITLE VII—FUNDING

SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

Section 701 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3231) is amended to read as follows:

''SEC. 701. GENERAL AUTHORIZATION OF APPROPRIATIONS.

''(a) ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS.—There are authorized to be appropriated for economic development assistance programs to carry out this Act, to remain available until expended—

''(1) $400,000,000 for fiscal year 2004;

''(2) $425,000,000 for fiscal year 2005;

''(3) $450,000,000 for fiscal year 2006;

''(4) $475,000,000 for fiscal year 2007; and

''(5) $500,000,000 for fiscal year 2008.''

''(b) SALARIES AND EXPENSES.—There are authorized to be appropriated for salaries and expenses of administering this Act, to remain available until expended—

''(1) $33,377,000 for fiscal year 2004; and

''(2) such sums as are necessary for each fiscal year thereafter.''.

SEC. 702. FUNDING FOR GRANTS FOR PLANNING AND GRANTS FOR ADMINISTRATIVE EXPENSES.

(a) IN GENERAL.—Title VII of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3231 et seq.) is amended by adding at the end the following:

''SEC. 704. FUNDING FOR GRANTS FOR PLANNING AND GRANTS FOR ADMINISTRATIVE EXPENSES.

''Of the amounts made available under section 701 for each fiscal year, not less than $27,000,000 shall be made available for grants provided under section 203.''.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 note) is amended by inserting after the item relating to section 703 the following:

''Sec. 704. Funding for grants for planning and grants for administrative expenses''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Illinois (Mr. COSTELLO) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1134, the Economic Development Reauthorization Act of 2004, which was passed by the Senate last night, reflects the bipartisan, bicameral work of the Committee on Transportation and Infrastructure and the Environment and Public Works Committee of the Senate. This bill is virtually identical to H.R. 2535 which passed the House by a voice vote on October 21 of last year.

The changes that were made to the bill in the Senate, I believe, are very straightforward, and while we may not agree with all of them, were agreed to in the spirit of compromise.

This legislation will provide the important resources in these economically distressed areas to support the revitalization of communities through public works projects, creation of business incubators, support for business clusters, as well as a number of other important programs.

I encourage our colleagues to support this legislation.

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

Mr. COSTELLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of S. 1134, a bill to reauthorize the programs authorized by the Public Works and Economic Development Act of 1965. This is a consensus bill worked out with Members of the other body on both sides of the aisle. It reauthorizes the time-tested, successful programs of the Economic Development Administration.

I know EDA works because I have seen it work; providing jobs, job training, infrastructure investment, and creating real economic opportunities in distressed communities in my district and across the country.

Since the 1998 EDA Reauthorization Act, EDA has been able to further document its truly impressive performance. According to a series of Rutgers University studies, EDA capital projects are on time and under budget. These projects produce private-sector employment in 96 to 98 percent of the cases. Moreover, EDA capital projects create jobs at a cost of approximately $3,000 to $8,000 per job, and EDA's revolving loan projects create jobs at a lower rate. For every $1 million spent by EDA and public works funding, 325 direct permanent jobs are created, $10 million is leveraged in private sector investment, and the local tax base is increased by $10 million.

EDA's job creation and leveraging of private sector investment is critical for our struggling economy. Under this administration, our economy has lost 1.6 million private sector jobs in the last 4 years. EDA, the only Federal agency specifically tasked with the mission of supporting economic development in distressed and rural areas,

must continue to identify opportunities for future economic growth, using its expertise and proven excellence.

The bill authorizes EDA programs for 5 years and provides the agency with the funding levels necessary to effect real growth and development in economically distressed communities. The bill builds upon the 1998 act and establishes several new innovative programs. For example, the bill authorizes EDA to provide performance incentive awards to high performing grantees. Grantees can use these performance grants in any manner consistent with the act.

In addition, the bill authorizes a Brightfields Demonstration program to establish solar energy projects on redeveloped brownfields sites.

Finally, the bill continues EDA's focus on planning and its vital importance to economic development. In many States, small and underserved communities are often unable to invest the necessary resources to maintain the professional and technical capacity needed to develop and implement effective, comprehensive economic development strategies. Economic Development Districts, which are multicounty public economic development planning entities, serve as a cost-effective and efficient method to ensure that local communities have the resources needed to pursue new economic development opportunities.

This legislation provides that a minimum of $27 million be available each year for planning purposes. In addition, the legislation assumes that EDA will continue to protect and preserve the role of EDDs in the planning program as currently practiced and administered by EDA. Planning is critical to continuing to provide important support to economically distressed rural and urban communities that are often unable to afford and maintain the professional and technical capacity necessary to implement comprehensive economic development strategies. It is essential that this program continue to function consistent with current policies and practices.

This bill was worked out, as I mentioned, with the other body in a bipartisan way. I extend my thanks to the chairman of the full committee, the gentleman from Alaska (Mr. YOUNG), the gentleman from Minnesota (Ranking Member OBERSTAR), to the chairman of the subcommittee, my friend, the gentleman from Ohio (Mr. LATOURETTE) for his hard work on this bill as well, and the Ranking Member of the subcommittee, the gentlewoman from the District of Columbia (Ms. NORTON).

Mr. Speaker, I strongly support this legislation and ask my colleagues to support it.

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

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank my friend, the gentleman from Illinois (Mr. COSTELLO), who was the ranking member in our subcommittee in the last Congress and is a great bipartisan partner. I want to congratulate the gentlewoman from the District of Columbia (Ms. NORTON) for working with us on this bill. I want to thank not only our staff on the Republican side, but also the staff on the Democratic side for making this be a truly bipartisan, good piece of legislation. I want to thank Dr. Sampson who is the Assistant Secretary for shepherding this bill through both chambers and achieving a successful result. Lastly, I want to thank Danielle from the Majority Leader's office for making sure we could speak tonight and get this good piece of legislation taken care of.

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

Mr. COSTELLO. Mr. Speaker, we have no further speakers, and I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the Senate bill, S. 1134.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LATOURETTE. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4470, H.R. 4794, H.R. 5163, and S. 1134.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AMENDING THE LEASE LOT CONVEYANCE ACT OF 2002 TO PROVIDE THAT AMOUNTS RECEIVED BY THE UNITED STATES UNDER THAT ACT SHALL BE DEPOSITED IN THE RECLAMATION FUND

Mr. POMBO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1791) to amend the Lease Lot Conveyance Act of 2002 to provide that the amounts received by the United States under that Act shall be deposited in the reclamation fund, and for other purposes.

The Clerk read as follows:

S. 1791

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

SECTION 1. LEASE LOT CONVEYANCE.

Section 4(b) of the Lease Lot Conveyance Act of 2002 (116 Stat. 2879) is amended—

(1) by striking ''As consideration'' and inserting the following:

''(1) IN GENERAL.—As consideration''; and

(2) by adding at the end the following:

''(2) USE.—Amounts received under paragraph (1) shall be—

''(A) deposited by the Secretary, on behalf of the Rio Grande Project, in the reclamation fund established under the first section of the Act of June 17, 1902 (43 U.S.C. 391); and

''(B) made immediately available to the Irrigation Districts, to be credited in accordance with section 4(I) of the Act of December 5, 1924 (43 U.S.C. 501).''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. POMBO) and the gentleman from Texas (Mr. RODRIGUEZ) each will control 20 minutes.

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

Mr. POMBO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1791, authored by our Senate colleague PETE DOMENICI of New Mexico, amends the Lease Lot Conveyance Act of 2002 to provide that the amounts received by the United States under the act shall be deposited by the Secretary of the Interior in the reclamation fund for the benefit of the Elephant Butte Irrigation District and El Paso County Water Improvement District.

I urge adoption of the bill.

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

Mr. RODRIGUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have no objection to the consideration of this measure.

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

Mr. POMBO. Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Speaker, I am pleased to rise in support of S. 1791, a bill to amend the Lease Lot Conveyance Act of 2002.

The Lease Lot Conveyance Act of 2002 directed the Secretary of the Interior to convey property to 403 cabin sites to the Elephant Butte/Caballo Leaseholders Association at fair market value. The necessary appraisals are almost done, and this land will be conveyed to the association in accordance to the 2002 act.

The need for the amendment has arisen because the 2002 act was unclear and did not state specifically what the Bureau of Reclamation should do with the receipts.

□ 0115

The original agreement was for the money to be derived from the sale of this property to be deposited into the Reclamation Fund for immediate use by the applicable irrigation districts to help with their annual operations and maintenance costs. Because of a drafting oversight, the Bureau of Reclamation cannot fulfill the responsibilities of the original agreement of the 2002

act. This bill simply corrects the oversight.

According to the Congressional Budget Office, S. 1791 would have no effect on Federal revenues.

Mr. Speaker, I urge adoption of the bill.

Mr. RODRIGUEZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. POMBO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. POMBO) that the House suspend the rules and pass the Senate bill, S. 1791.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

CHIMAYO WATER SUPPLY SYSTEM AND ESPANOLA FILTRATION FACILITY ACT OF 2004

Mr. POMBO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2511) to direct the Secretary of the Interior to conduct a feasibility study of a Chimayo water supply system, to provide for the planning, design, and construction of a water supply, reclamation, and filtration facility for Espanola, New Mexico, and for other purposes.

The Clerk read as follows:

S. 2511

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Chimayo Water Supply System and Espanola Filtration Facility Act of 2004''.

TITLE I—CHIMAYO WATER SUPPLY SYSTEM

SEC. 101. DEFINITIONS.

In this title:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) STUDY AREA.—The term ''study area'' means the Santa Cruz River Valley in the eastern margin of the Espanola Basin.

(3) SYSTEM.—The term ''system'' means a water supply system described in section 102(a).

(4) TOWN.—The term ''Town'' means the town of Chimayo, New Mexico, located in Rio Arriba County and Santa Fe County, New Mexico.

SEC. 102. CHIMAYO WATER SUPPLY SYSTEM FEASIBILITY STUDY.

(a) IN GENERAL.—The Secretary, in cooperation with appropriate State and local authorities, shall conduct a study to determine the feasibility of constructing a water supply system for the Town in the study area that includes potable water transmission lines, pump stations, and storage reservoirs.

(b) SCOPE OF STUDY.—In conducting the study under subsection (a), the Secretary shall—

(1) consider operating the system in connection with the Espanola Water Filtration Facility;

(2) consider various options for supplying water to the Town, including connection to a regional water source, local sources, sources distributed throughout the Town, and sources located on adjacent Bureau of Land Management land;

(3) consider reusing or recycling water from local or regional sources;

(4) consider using alternative water supplies such as surface water, brackish water, nonpotable water, or deep aquifer groundwater; and

(5) determine the total lifecycle costs of the system, including—

(A) long-term operation, maintenance, replacement, and treatment costs of the system; and

(B) management costs (including personnel costs).

(c) DEADLINE FOR STUDY.—As soon as practicable, but not later than 3 years after the date of enactment of this Act, the Secretary shall complete the study.

(d) COST SHARING.—The Federal share of the cost of the study shall be 75 percent.

(e) COORDINATION.—The Secretary shall coordinate activities of the Bureau of Reclamation, the Bureau of Land Management, and the United States Geological Survey in the furtherance of the study, including—

(1) accessing any Bureau of Land Management land adjacent to the study area that is necessary to carry out this section; and

(2) the drilling of any exploratory wells on Bureau of Land Management land adjacent to the study area that are necessary to determine water resources available for the Town.

(f) REPORT.—The Secretary shall submit to Congress a report on the results of the feasibility study not later than the earlier of—

(1) the date that is 1 year after the date of completion of the feasibility study; or

(2) the date that is 4 years after the date of enactment of this Act.

SEC. 103. EMERGENCY WATER SUPPLY DEVELOPMENT ASSISTANCE.

(a) IN GENERAL.—The Secretary may enter into contracts with water authorities in the study area to provide emergency water supply development assistance to any eligible person or entity, as the Secretary determines to be appropriate.

(b) ELIGIBLE ACTIVITIES.—The Secretary may provide assistance under subsection (a) for—

(1) hauling water;

(2) the installation of water purification technology at the community wells or individual point-of-use;

(3) the drilling of wells;

(4) the installation of pump stations and storage reservoirs;

(5) the installation of transmission and distribution pipelines to bring water to individual residential service connections;

(6) the engineering, design, and installation of an emergency water supply system; and

(7) any other eligible activity, as the Secretary determines to be appropriate.

(c) COST SHARING.—The Federal share of the cost of any activity under this section shall be 75 percent.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated—

(1) to carry out section 102, $2,000,000 for the period of fiscal years 2005 through 2008; and

(2) to carry out section 103, $3,000,000 for the period of fiscal years 2005 through 2010.

(b) LIMITATION.—Amounts made available under subsection (a)(1) shall not be available for the construction of water infrastructure for the system.

TITLE II—ESPANOLA WATER FILTRATION FACILITY

SEC. 201. DEFINITIONS.

In this title:

(1) COMPONENT.—The term ''component'' means a water delivery infrastructure development described in section 202(b).

(2) FACILITY.—The term ''facility'' means the Espanola water filtration facility described in section 202(a).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation.

SEC. 202. ESPANOLA WATER FILTRATION FACILITY.

(a) IN GENERAL.—The Secretary shall provide financial assistance to the city of Espanola, New Mexico, for the construction of an Espanola water filtration facility consisting of projects—

(1) to divert and fully use imported water to meet future demands in the greater Espanola, New Mexico region, including construction of—

(A) presedimentation basins for removal of sediments;

(B) an influent pump station to supply water into treatment facilities;

(C) a pretreatment facility;

(D) filtration facilities;

(E) finished water storage facilities;

(F) a finished water booster pump station;

(G) sludge dewatering facilities; and

(H) potable water transmission lines to connect into the water distribution facilities of the city of Espanola, New Mexico; and

(2) to use reclaimed water to enhance groundwater resources and surface water supplies.

(b) PARTICIPATION.—The Secretary may provide financial assistance to the Santa Clara and San Juan Pueblos of New Mexico and the non-Federal sponsors of the facility for the study, planning, design, and construction of a water delivery infrastructure development for the Santa Clara and San Juan Pueblos as a component of the facility.

(c) COST SHARING.—The Federal share of the total cost of the facility and the component shall not exceed 25 percent.

(d) LIMITATION ON USE OF FUNDS.—Funds provided by the Secretary may not be used for the operation or maintenance of the facility or the component.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the construction of the facility $3,000,000 for the period of fiscal years 2005 through 2009.

The SPEAKER pro tempore (Mr. PEARCE). Pursuant to the rule, the gentleman from California (Mr. POMBO) and the gentleman from Texas (Mr. RODRIGUEZ) each will control 20 minutes.

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

Mr. POMBO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2511, authored by Senator DOMENICI of New Mexico, directs the Secretary of Interior to study the feasibility of constructing a potable water supply system for the town of Chimayo, New Mexico, in the Santa Cruz River Valley. The bill also directs the Secretary to plan, design, and construct a water filtration system for the city of Espanola, New Mexico.

I urge adoption of the bill.

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

Mr. RODRIGUEZ. Mr. Speaker, I yield myself such time as I may consume. We have no objection to this consideration of this measure.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in support of S. 2511, the Chimayo

Water Supply System and Española Filtration Facility Act of 2004. Both of these communities located in my district are in dire need of improvements to their water facilities and I am pleased that the House is acting today to address the needs.

The unincorporated community of Chimayo, home to 3,000 citizens and the world-famous Santuario de Chimayo, currently relies on individual wells for their potable water. They also are forced to rely on largely deteriorated septic systems to dispose of wastewater. The absence or deterioration of sewer and water infrastructure in the region results in 75% of well samples taken having significant contamination. Also, because of the unreliability of the well water, some residents use free-flowing water from irrigation ditches for drinking, also containing high levels of different types of contamination. This situation is so badly in need of remedy, that in 2001 the region was declared an emergency area and required National Guard tanker trucks to bring potable water to the area. Still today Chimayo remains an emergency area.

To address this situation, S. 2511 directs the Secretary of the Interior, in cooperation with State and local authorities to conduct a feasibility study of constructing a water supply system for Chimayo. In conducting the feasibility study, the Secretary is to consider various options for supplying water, long-term operation and maintenance costs, and local water resources. The bill would also direct the Secretary to provide emergency water assistance to Chimayo, which may include water treatment, installation of an emergency water supply system and installation of transmission and distribution lines.

Similarly in need of improved water infrastructure is the City of Española. Currently the City's water system produces approximately 1,000 gallons per minute less than is needed to provide for its current population. This production shortfall has resulted in inadequate water pressure throughout the city. The chronic lack of pressure is prevalent especially in the portion of the City where the Española Hospital is located. The City has twice declared a state of emergency due to lack of adequate water and water pressure, and has been forced to call on the National Guard to supply water to the hospital.

S. 2511 authorizes the Secretary of the Interior to provide financial assistance to the City of Española for the construction of a water filtration facility, and to the nearby Pueblos of Santa Clara and San Juan for related infrastructure.

Mr. Speaker, both of these communities will greatly benefit from this legislation. I urge my colleagues to support passage of this bill, and I would like to thank the two New Mexico Senators for their work on this bill.

Mr. RODRIGUEZ. Mr. Speaker, I yield back the balance of my time.

Mr. POMBO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. POMBO) that the House suspend the rules and pass the Senate bill, S. 2511.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

NATIONAL PARK SYSTEM LAWS TECHNICAL AMENDMENTS ACT OF 2004

Mr. POMBO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2178) to make technical corrections to laws relating to certain units of the National Park System and to National Park programs.

The Clerk read as follows:

S. 2178

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Park System Laws Technical Amendments Act of 2004''.

SEC. 2. LACKAWANNA VALLEY HERITAGE AREA.

Section 106 of the Lackawanna Valley National Heritage Area Act of 2000 (16 U.S.C. 461 note; Public Law 106–278) is amended by striking subsection (a) and inserting the following:

''(a) AUTHORITIES OF MANAGEMENT ENTITY.—For purposes of preparing and implementing the management plan, the management entity may—

''(1) make grants to, and enter into cooperative agreements with, the State and political subdivisions of the State, private organizations, or any person; and

''(2) hire and compensate staff.''.

SEC. 3. HAWAI'I VOLCANOES NATIONAL PARK.

Section 5 of the Act of June 20, 1938 (16 U.S.C. 392c) is amended by striking ''Hawaii Volcanoes'' each place it appears and inserting ''Hawai'i Volcanoes''.

SEC. 4. "I HAVE A DREAM" PLAQUE AT LINCOLN MEMORIAL.

Section 2 of Public Law 106–365 (114 Stat. 1409) is amended by striking ''and expand contributions'' and inserting ''and expend contributions''.

SEC. 5. WILD AND SCENIC RIVERS.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

(1) by redesignating paragraph (162) (relating to White Clay Creek, Delaware and Pennsylvania) as paragraph (163);

(2) by designating the second paragraph (161) (relating to the Wekiva River, Wekiwa Springs Run, Rock Springs Run, and Black Water Creek, Florida) as paragraph (162);

(3) by designating the undesignated paragraph relating to the Wildhorse and Kiger Creeks, Oregon, as paragraph (164);

(4) by redesignating the third paragraph (161) (relating to the Lower Delaware River and associated tributaries, New Jersey and Pennsylvania) as paragraph (165) and by indenting appropriately; and

(5) by redesignating the undesignated paragraph relating to the Rivers of Caribbean National Forest, Puerto Rico, as paragraph (166).

SEC. 6. ROSIE THE RIVETER/WORLD WAR II HOME FRONT NATIONAL HISTORICAL PARK.

The Rosie the Riveter/World War II Home Front National Historical Park Establishment Act of 2000 (16 U.S.C. 410ggg et seq.) is amended—

(1) in section 2(b), by striking ''numbered 963/80000'' and inserting ''numbered 963/80,000''; and

(2) in section 3—

(A) in subsection (a)(1), by striking ''August 35'' and inserting ''August 25'';

(B) in subsection (b)(1), by striking ''the World War II Child Development Centers, the World War II worker housing, the Kaiser-Permanente Field Hospital, and Fire Station 67A'' and inserting ''the Child Development Field Centers (Ruth C. Powers) (Maritime), Atchison Housing, the Kaiser-Permanente Field Hospital, and Richmond Fire Station 67A''; and

(C) in subsection (e)(2), by striking ''the World War II day care centers, the World War II worker housing, the Kaiser-Permanente Field Hospital, and Fire Station 67,'' and inserting ''the Child Development Field Centers (Ruth C. Powers) (Maritime), Atchison Housing, the Kaiser-Permanente Field Hospital, and Richmond Fire Station 67A,''.

SEC. 7. VICKSBURG CAMPAIGN TRAIL BATTLEFIELDS.

The Vicksburg Campaign Trail Battlefields Preservation Act of 2000 (114 Stat. 2202) is amended—

(1) in section 2(a)(1), by striking ''and Tennessee'' and inserting ''Tennessee, and Kentucky''; and

(2) in section 3—

(A) in paragraph (1), by striking ''and Tennessee,'' and inserting ''Tennessee, and Kentucky,''; and

(B) in paragraph (2)—

(i) in subparagraph (R), by striking ''and'' at the end;

(ii) by redesignating subparagraph (S) as subparagraph (T); and

(iii) by inserting after subparagraph (R) the following:

''(S) Fort Heiman in Calloway County, Kentucky, and resources in and around Columbus in Hickman County, Kentucky; and''.

SEC. 8. HARRIET TUBMAN SPECIAL RESOURCE STUDY.

Section 3(c) of the Harriet Tubman Special Resource Study Act (Public Law 106–516; 114 Stat. 2405) is amended by striking ''Public Law 91–383'' and all that follows through ''(P.L. 105–391; 112 Stat. 3501)'' and inserting ''section 8 of Public Law 91–383 (16 U.S.C. 1a–5)''.

SEC. 9. PUBLIC LAND MANAGEMENT AGENCY FOUNDATIONS.

Employees of the foundations established by Acts of Congress to solicit private sector funds on behalf of Federal land management agencies shall qualify for General Service Administration contract airfares.

SEC. 10. SHORT TITLES.

(a) NATIONAL PARK SERVICE ORGANIC ACT.—The Act of August 25, 1916 (commonly known as the ''National Park Service Organic Act'') (16 U.S.C. 1 et seq.) is amended by adding at the end the following:

''SEC. 5. SHORT TITLE.

''This Act may be cited as the 'National Park Service Organic Act'.''.

(b) NATIONAL PARK SYSTEM GENERAL AUTHORITIES ACT.—Public Law 91–383 (commonly known as the ''National Park System General Authorities Act'') (16 U.S.C. 1a–1 et seq.) is amended by adding at the end the following:

''SEC. 14. SHORT TITLE.

''This Act may be cited as the 'National Park System General Authorities Act'.''.

SEC. 11. PARK POLICE INDEMNIFICATION.

Section 2(b) of Public Law 106–437 (114 Stat. 1921) is amended by striking ''the Act'' and inserting ''of the Act''.

SEC. 12. BOSTON HARBOR ISLANDS NATIONAL RECREATION AREA.

Section 1029 of division I of the Omnibus Parks and Public Lands Management Act of 1996 (110 Stat. 4233) is amended—

(1) in subsection (c)(2)(B)(i), by striking ''reference'' and inserting ''referenced''; and

(2) in subsection (d)(4), by inserting a period after ''plans''.

SEC. 13. NATIONAL HISTORIC PRESERVATION ACT.

Section 5(a)(8) of the National Historic Preservation Act Amendments of 2000 (Public Law 106–208; 114 Stat. 319) is amended by

striking ''section 110(1)'' and inserting ''section 110(*l*)''.

SEC. 14. NATIONAL TRAILS SYSTEM ACT.

The National Trails System Act (16 U.S.C. 1241 et seq.) is amended—

(1) in section 5—

(A) in subsection (c)—

(i) in paragraph (19), by striking ''Kissimme'' and inserting ''Kissimmee'';

(ii) in paragraph (40)(D) by striking ''later that'' and inserting ''later than''; and

(iii) by designating the undesignated paragraphs relating to the Metacoment-Monadnock-Mattabesett Trail and The Long Walk Trail as paragraphs (41) and (42), respectively; and

(B) in the first sentence of subsection (d), by striking ''establishment.''; and

(2) in section 10(c)(1), by striking ''The Ice Age'' and inserting ''the Ice Age''.

SEC. 15. VICKSBURG NATIONAL MILITARY PARK.

Section 3(b) of the Vicksburg National Military Park Boundary Modification Act of 2002 (16 U.S.C. 430h–11) is amended by striking ''the Secretary add it'' and inserting ''the Secretary shall add the property''.

SEC. 16. ALLEGHENY PORTAGE RAILROAD NATIONAL HISTORIC SITE.

Section 2(2) of the Allegheny Portage Railroad National Historic Site Boundary Revision Act (Public Law 107–369; 116 Stat. 3069) is amended by striking ''NERO 423/80,014 and dated May 01'' and inserting ''NERO 423/80,014A and dated July 02''.

SEC. 17. TALLGRASS PRAIRIE NATIONAL PRESERVE.

Section 1006(b) of division I of the Omnibus Parks and Public Lands Management Act of 1996 (110 Stat.
4208) is amended by striking ''subsection (a)(1)'' and inserting ''subsection (a)''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. POMBO) and the gentleman from Texas (Mr. RODRIGUEZ) each will control 20 minutes.

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

Mr. POMBO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2178, introduced by Senator DOMENICI of New Mexico, simply makes technical corrections to 15 National Park-related laws passed during the 106th and 107th Congresses. The bill corrects errors in spelling and format, but does not make changes in any of the affected laws.

I urge adoption of the bill.

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

Mr. RODRIGUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have no objection to consideration of this measure.

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

Mr. POMBO. Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. POMBO) that the House suspend the rules and pass the Senate bill, S. 2178.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

NORTHERN RIO GRANDE NATIONAL HERITAGE AREA ACT

Mr. POMBO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 211) to establish the Northern Rio Grande National Heritage Area in the State of New Mexico, and for other purposes, as amended.

The Clerk read as follows:

S. 211

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

TITLE I—NORTHERN RIO GRANDE NATIONAL HERITAGE AREA

SECTION 101. SHORT TITLE.

This Act may be cited as the ''Northern Rio Grande National Heritage Area Act''.

SEC. 102. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) northern New Mexico encompasses a mosaic of cultures and history, including eight Pueblos and the descendants of Spanish ancestors who settled in the area in 1598;

(2) the combination of cultures, languages, folk arts, customs, and architecture make northern New Mexico unique;

(3) the area includes spectacular natural, scenic, and recreational resources;

(4) there is broad support from local governments and interested individuals to establish a National Heritage Area to coordinate and assist in the preservation and interpretation of these resources;

(5) in 1991, the National Park Service study Alternative Concepts for Commemorating Spanish Colonization identified several alternatives consistent with the establishment of a National Heritage Area, including conducting a comprehensive archaeological and historical research program, coordinating a comprehensive interpretation program, and interpreting a cultural heritage scene; and

(6) establishment of a National Heritage Area in northern New Mexico would assist local communities and residents in preserving these unique cultural, historical and natural resources.

SEC. 103. DEFINITIONS.

As used in this Act—

(1) the term ''heritage area'' means the Northern Rio Grande Heritage Area; and

(2) the term ''Secretary'' means the Secretary of the Interior.

SEC. 104. NORTHERN RIO GRANDE NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Northern Rio Grande National Heritage Area in the State of New Mexico.

(b) BOUNDARIES.—The heritage area shall include the counties of Santa Fe, Rio Arriba, and Taos.

(c) MANAGEMENT ENTITY.—

(1) The Northern Rio Grande National Heritage Area, Inc., a non-profit corporation chartered in the State of New Mexico, shall serve as the management entity for the heritage area.

(2) The Board of Directors for the management entity shall include representatives of the State of New Mexico, the counties of Santa Fe, Rio Arriba and Taos, tribes and pueblos within the heritage area, the cities of Santa Fe, Espanola and Taos, and members of the general public. The total number of Board members and the number of Directors representing State, local and tribal governments and interested communities shall be established to ensure that all parties have appropriate representation on the Board.

SEC. 105. AUTHORITY AND DUTIES OF THE MANAGEMENT ENTITY.

(a) MANAGEMENT PLAN.—

(1) Not later than 3 years after the date of enactment of this Act, the management entity shall develop and forward to the Secretary a management plan for the heritage area.

(2) The management entity shall develop and implement the management plan in cooperation with affected communities, tribal and local governments and shall provide for public involvement in the development and implementation of the management plan.

(3) The management plan shall, at a minimum—

(A) provide recommendations for the conservation, funding, management, and development of the resources of the heritage area;

(B) identify sources of funding;

(C) include an inventory of the cultural, historical, archaeological, natural, and recreational resources of the heritage area;

(D) provide recommendations for educational and interpretive programs to inform the public about the resources of the heritage area; and

(E) include an analysis of ways in which local, State, Federal, and tribal programs may best be coordinated to promote the purposes of this Act.

(4) If the management entity fails to submit a management plan to the secretary as provided in paragraph (1), the heritage area shall no longer be eligible to receive Federal funding under this Act until such time as a plan is submitted to the Secretary.

(5) The Secretary shall approve or disapprove the management plan within 90 days after the date of submission. If the Secretary disapproves the management plan, the Secretary shall advise the management entity in writing of the reasons therefore and shall make recommendations for revisions to the plan.

(6) The management entity shall periodically review the management plan and submit to the Secretary any recommendations for proposed revisions to the management plan. Any major revisions to the management plan must be approved by the Secretary.

(b) AUTHORITY.—The management entity may make grants and provide technical assistance to tribal and local governments, and other public and private entities to carry out the management plan.

(c) DUTIES.—The management entity shall—

(1) give priority in implementing actions set forth in the management plan;

(2) encourage by appropriate means economic viability in the heritage area consistent with the goals of the management plan; and

(3) assist local and tribal governments and non-profit organizations in—

(A) establishing and maintaining interpretive exhibits in the heritage area;

(B) developing recreational resources in the heritage area;

(C) increasing public awareness of, and appreciation for, the cultural, historical, archaeological and natural resources and sits in the heritage area;

(D) the restoration of historic structures related to the heritage area; and

(E) carrying out other actions that the management entity determines appropriate to fulfill the purposes of this Act, consistent with the management plan.

(d) PROHIBITION ON ACQUIRING REAL PROPERTY.—The management entity may not use Federal funds received under this Act to acquire real property or an interest in real property.

(e) PUBLIC MEETINGS.—The management entity shall hold public meetings at least annually regarding the implementation of the management plan.

(f) ANNUAL REPORTS AND AUDITS.—

(1) For any year in which the management entity receives Federal funds under this Act,

the management entity shall submit an annual report to the Secretary setting forth accomplishments, expenses and income, and each entity to which any grant was made by the management entity.

(2) The management entity shall make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds. The management entity shall also require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organization make available to the Secretary for audit all records concerning the expenditure of those funds.

SEC. 106. DUTIES OF THE SECRETARY.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may, upon request of the management entity, provide technical and financial assistance to develop and implement the management plan.

(b) PRIORITY.—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(1) the conservation of the significant natural, cultural, historical, archaeological, scenic, and recreational resources of the heritage area; and

(2) the provision of educational, interpretive, and recreational opportunities consistent with the resources and associated values of the heritage area.

SEC. 107. PRIVATE PROPERTY PROTECTIONS; SAVINGS PROVISIONS.

(a) PRIVATE PROPERTY PROTECTION.—

(1) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation or promotion to the management entity.

(2) LANDOWNER WITHDRAWAL.—Any owner of private property included within the boundary of the heritage area, shall have their property immediately removed from within the boundary by submitting a written request to the management entity.

(3) ACCESS TO PRIVATE PROPERTY.—Nothing in this Act shall be construed to require any private property owner to permit public access (including Federal, State, or local government access) to such private property. Nothing in this Act shall be construed to modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

(4) LIABILITY.—Designation of the heritage area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(5) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this Act shall be construed to modify any authority of Federal, State, or local governments to regulate land use.

(6) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this Act shall be construed to require the owner of any private property located within the boundaries of the heritage area to participate in or be associated with the heritage area.

(b) EFFECT OF ESTABLISHMENT.—The boundaries designated for the heritage area represent the area within which Federal funds appropriated for the purpose of this Act shall be expended. The establishment of the heritage area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the heritage area or its viewshed by the Secretary, the National Park Service, or the management entity.

(c) TRIBAL LANDS.—Nothing in this Act shall restrict or limit a tribe from protecting cultural or religious sites on tribal lands.

(d) TRUST RESPONSIBILITIES.—Nothing in this Act shall diminish the Federal Government's trust responsibilities or government-to-government obligations to any federally recognized Indian tribe.

SEC. 108. SUNSET.

The authority of the Secretary to provide assistance under this Act terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act $10,000,000, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.

(b) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity assisted under this Act shall be not more than 50 percent.

TITLE II—NATIONAL AVIATION HERITAGE AREA

SEC. 201. SHORT TITLE.

This title may be cited as the ''National Aviation Heritage Area Act''.

SEC. 202. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Few technological advances have transformed the world or our Nation's economy, society, culture, and national character as the development of powered flight.

(2) The industrial, cultural, and natural heritage legacies of the aviation and aerospace industry in the State of Ohio are nationally significant.

(3) Dayton, Ohio, and other defined areas where the development of the airplane and aerospace technology established our Nation's leadership in both civil and military aeronautics and astronautics set the foundation for the 20th Century to be an American Century.

(4) Wright-Patterson Air Force Base in Dayton, Ohio, is the birthplace, the home, and an integral part of the future of aerospace.

(5) The economic strength of our Nation is connected integrally to the vitality of the aviation and aerospace industry, which is responsible for an estimated 11,200,000 American jobs.

(6) The industrial and cultural heritage of the aviation and aerospace industry in the State of Ohio includes the social history and living cultural traditions of several generations.

(7) The Department of the Interior is responsible for protecting and interpreting the Nation's cultural and historic resources, and there are significant examples of these resources within Ohio to merit the involvement of the Federal Government to develop programs and projects in cooperation with the Aviation Heritage Foundation, Incorporated, the State of Ohio, and other local and governmental entities to adequately conserve, protect, and interpret this heritage for the educational and recreational benefit of this and future generations of Americans, while providing opportunities for education and revitalization.

(8) Since the enactment of the Dayton Aviation Heritage Preservation Act of 1992 (Public Law 102–419), partnerships among the Federal, State, and local governments and the private sector have greatly assisted the development and preservation of the historic aviation resources in the Miami Valley.

(9) An aviation heritage area centered in Southwest Ohio is a suitable and feasible management option to increase collaboration, promote heritage tourism, and build on the established partnerships among Ohio's historic aviation resources and related sites.

(10) A critical level of collaboration among the historic aviation resources in Southwest Ohio cannot be achieved without a congressionally established national heritage area and the support of the National Park Service and other Federal agencies which own significant historic aviation-related sites in Ohio.

(11) The Aviation Heritage Foundation, Incorporated, would be an appropriate management entity to oversee the development of the National Aviation Heritage Area.

(12) Five National Park Service and Dayton Aviation Heritage Commission studies and planning documents: ''Study of Alternatives: Dayton's Aviation Heritage'', ''Dayton Aviation Heritage National Historical Park Suitability/Feasibility Study'', ''Dayton Aviation Heritage General Management Plan'', ''Dayton Historic Resources Preservation and Development Plan'', and Heritage Area Concept Study, demonstrated that sufficient historical resources exist to establish the National Aviation Heritage Area.

(13) With the advent of the 100th anniversary of the first powered flight in 2003, it is recognized that the preservation of properties nationally significant in the history of aviation is an important goal for the future education of Americans.

(14) Local governments, the State of Ohio, and private sector interests have embraced the heritage area concept and desire to enter into a partnership with the Federal government to preserve, protect, and develop the Heritage Area for public benefit.

(15) The National Aviation Heritage Area would complement and enhance the aviation-related resources within the National Park Service, especially the Dayton Aviation Heritage National Historical Park, Ohio.

(b) PURPOSE.—The purpose of this title is to establish the Heritage Area to—

(1) encourage and facilitate collaboration among the facilities, sites, organizations, governmental entities, and educational institutions within the Heritage Area to promote heritage tourism and to develop educational and cultural programs for the public;

(2) preserve and interpret for the educational and inspirational benefit of present and future generations the unique and significant contributions to our national heritage of certain historic and cultural lands, structures, facilities, and sites within the National Aviation Heritage Area;

(3) encourage within the National Aviation Heritage Area a broad range of economic opportunities enhancing the quality of life for present and future generations;

(4) provide a management framework to assist the State of Ohio, its political subdivisions, other areas, and private organizations, or combinations thereof, in preparing and implementing an integrated Management Plan to conserve their aviation heritage and in developing policies and programs that will preserve, enhance, and interpret the cultural, historical, natural, recreation, and scenic resources of the Heritage Area; and

(5) authorize the Secretary to provide financial and technical assistance to the State of Ohio, its political subdivisions, and private organizations, or combinations thereof, in preparing and implementing the private Management Plan.

SEC. 203. DEFINITIONS.

For purposes of this title:

(1) BOARD.—The term ''Board'' means the Board of Directors of the Foundation.

(2) FINANCIAL ASSISTANCE.—The term ''financial assistance'' means funds appropriated by Congress and made available to

the management entity for the purpose of preparing and implementing the Management Plan.

(3) HERITAGE AREA.—The term ''Heritage Area'' means the National Aviation Heritage Area established by section 104 to receive, distribute, and account for Federal funds appropriated for the purpose of this title.

(4) MANAGEMENT PLAN.—The term ''Management Plan'' means the management plan for the Heritage Area developed under section 106.

(5) MANAGEMENT ENTITY.—The term ''management entity'' means the Aviation Heritage Foundation, Incorporated (a nonprofit corporation established under the laws of the State of Ohio).

(6) PARTNER.—The term ''partner'' means a Federal, State, or local governmental entity, organization, private industry, educational institution, or individual involved in promoting the conservation and preservation of the cultural and natural resources of the Heritage Area.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(8) TECHNICAL ASSISTANCE.—The term ''technical assistance'' means any guidance, advice, help, or aid, other than financial assistance, provided by the Secretary.

SEC. 204. NATIONAL AVIATION HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the States of Ohio and Indiana, the National Aviation Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall include the following:

(1) A core area consisting of resources in Montgomery, Greene, Warren, Miami, Clark, Champaign, Shelby, and Auglaize Counties in Ohio.

(2) The Neil Armstrong Air & Space Museum, Wapakoneta, Ohio.

(3) Sites, buildings, and districts within the core area recommended by the Management Plan.

(c) MAP.—A map of the Heritage Area shall be included in the Management Plan. The map shall be on file in the appropriate offices of the National Park Service, Department of the Interior.

(d) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Aviation Heritage Foundation.

SEC. 205. AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.

(a) AUTHORITIES.—For purposes of implementing the Management Plan, the management entity may use Federal funds made available through this title to—

(1) make grants to, and enter into cooperative agreements with, the State of Ohio and political subdivisions of that State, private organizations, or any person;

(2) hire and compensate staff; and

(3) enter into contracts for goods and services.

(b) DUTIES.—The management entity shall—

(1) develop and submit to the Secretary for approval the proposed Management Plan in accordance with section 106;

(2) give priority to implementing actions set forth in the Management Plan, including taking steps to assist units of government and nonprofit organizations in preserving resources within the Heritage Area;

(3) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area in developing and implementing the Management Plan;

(4) maintain a collaboration among the partners to promote heritage tourism and to assist partners to develop educational and cultural programs for the public;

(5) encourage economic viability in the Heritage Area consistent with the goals of the Management Plan;

(6) assist units of government and nonprofit organizations in—

(A) establishing and maintaining interpretive exhibits in the Heritage Area;

(B) developing recreational resources in the Heritage Area;

(C) increasing public awareness of and appreciation for the historical, natural, and architectural resources and sites in the Heritage Area; and

(D) restoring historic buildings that relate to the purposes of the Heritage Area;

(7) conduct public meetings at least quarterly regarding the implementation of the Management Plan;

(8) submit substantial amendments to the Management Plan to the Secretary for the approval of the Secretary; and

(9) for any year in which Federal funds have been received under this title—

(A) submit an annual report to the Secretary that sets forth the accomplishments of the management entity and its expenses and income;

(B) make available to the Secretary for audit all records relating to the expenditure of such funds and any matching funds; and

(C) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of such funds.

(c) USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—The management entity shall not use Federal funds received under this title to acquire real property or an interest in real property.

(2) OTHER SOURCES.—Nothing in this title precludes the management entity from using Federal funds from other sources for authorized purposes.

SEC. 206. MANAGEMENT PLAN.

(a) PREPARATION OF PLAN.—Not later than 3 years after the date of the enactment of this title, the management entity shall submit to the Secretary for approval a proposed Management Plan that shall take into consideration State and local plans and involve residents, public agencies, and private organizations in the Heritage Area.

(b) CONTENTS.—The Management Plan shall incorporate an integrated and cooperative approach for the protection, enhancement, and interpretation of the natural, cultural, historic, scenic, and recreational resources of the Heritage Area and shall include the following:

(1) An inventory of the resources contained in the core area of the Heritage Area, including the Dayton Aviation Heritage Historical Park, the sites, buildings, and districts listed in section 202 of the Dayton Aviation Heritage Preservation Act of 1992 (Public Law 102–419), and any other property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, or maintained because of its significance.

(2) An assessment of cultural landscapes within the Heritage Area.

(3) Provisions for the protection, interpretation, and enjoyment of the resources of the Heritage Area consistent with the purposes of this title.

(4) An interpretation plan for the Heritage Area.

(5) A program for implementation of the Management Plan by the management entity, including the following:

(A) Facilitating ongoing collaboration among the partners to promote heritage tourism and to develop educational and cultural programs for the public.

(B) Assisting partners planning for restoration and construction.

(C) Specific commitments of the partners for the first 5 years of operation.

(6) The identification of sources of funding for implementing the plan.

(7) A description and evaluation of the management entity, including its membership and organizational structure.

(c) DISQUALIFICATION FROM FUNDING.—If a proposed Management Plan is not submitted to the Secretary within 3 years of the date of the enactment of this title, the management entity shall be ineligible to receive additional funding under this title until the date on which the Secretary receives the proposed Management Plan.

(d) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—The Secretary, in consultation with the State of Ohio, shall approve or disapprove the proposed Management Plan submitted under this title not later than 90 days after receiving such proposed Management Plan.

(e) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a proposed Management Plan, the Secretary shall advise the management entity in writing of the reasons for the disapproval and shall make recommendations for revisions to the proposed Management Plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.

(f) APPROVAL OF AMENDMENTS.—The Secretary shall review and approve substantial amendments to the Management Plan. Funds appropriated under this title may not be expended to implement any changes made by such amendment until the Secretary approves the amendment.

SEC. 207. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—Upon the request of the management entity, the Secretary may provide technical assistance, on a reimbursable or nonreimbursable basis, and financial assistance to the Heritage Area to develop and implement the management plan. The Secretary is authorized to enter into cooperative agreements with the management entity and other public or private entities for this purpose. In assisting the Heritage Area, the Secretary shall give priority to actions that in general assist in—

(1) conserving the significant natural, historic, cultural, and scenic resources of the Heritage Area; and

(2) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(b) DUTIES OF OTHER FEDERAL AGENCIES.—Any Federal agency conducting or supporting activities directly affecting the Heritage Area shall—

(1) consult with the Secretary and the management entity with respect to such activities;

(2) cooperate with the Secretary and the management entity in carrying out their duties under this title;

(3) to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

(4) to the maximum extent practicable, conduct or support such activities in a manner which the management entity determines will not have an adverse effect on the Heritage Area.

SEC. 208. COORDINATION BETWEEN THE SECRETARY AND THE SECRETARY OF DEFENSE AND THE ADMINISTRATOR OF NASA.

The decisions concerning the execution of this title as it applies to properties under the control of the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration shall be made by such Secretary or such Administrator, in consultation with the Secretary of the Interior.

SEC. 209. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 210. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

SEC. 211. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—To carry out this title there is authorized to be appropriated $10,000,000, except that not more than $1,000,000 may be appropriated to carry out this title for any fiscal year.

(b) FIFTY PERCENT MATCH.—The Federal share of the cost of activities carried out using any assistance or grant under this title shall not exceed 50 percent.

SEC. 212. SUNSET PROVISION.

The authority of the Secretary to provide assistance under this title terminates on the date that is 15 years after the date that funds are first made available for this title.

TITLE III—WRIGHT COMPANY FACTORY STUDY

SEC. 301. STUDY AND REPORT.

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a special resource study updating the study required under section 104 of the Dayton Aviation Heritage Preservation Act of 1992 (Public Law 102–419) and detailing alternatives for incorporating the Wright Company factory as a unit of Dayton Aviation Heritage National Historical Park.

(2) CONTENTS.—The study shall include an analysis of alternatives for including the Wright Company factory as a unit of Dayton Aviation Heritage National Historical Park that detail management and development options and costs.

(3) CONSULTATION.—In conducting the study, the Secretary shall consult with the Delphi Corporation, the Aviation Heritage Foundation, State and local agencies, and other interested parties in the area.

(b) REPORT.—Not later than 3 years after funds are first made available for this section, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the results of the study conducted under this section.

TITLE IV—STEEL INDUSTRY NATIONAL HISTORIC SITE

SEC. 401. SHORT TITLE.

This title may be cited as the ''Steel Industry National Historic Site Act''.

SEC. 402. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) Certain sites and structures in the Commonwealth of Pennsylvania symbolize in physical form the heritage of the steel industry of the United States.

(2) Certain buildings and other structures in the Commonwealth of Pennsylvania are nationally significant historical resources, including the United States Steel Homestead Works, the Carrie Furnace complex, and the Hot Metal Bridge.

(3) Despite substantial efforts for cultural preservation and historical interpretation by the Commonwealth of Pennsylvania and by individuals and public and private entities in the Commonwealth, these buildings and other structures may be lost without the assistance of the Federal Government.

(b) PURPOSES.—The purposes of this title are to ensure the preservation, interpretation, visitor enjoyment, and maintenance of the nationally significant historical and cultural sites and structures described in subsection (a) for the benefit and inspiration of present and future generations.

SEC. 403. STEEL INDUSTRY NATIONAL HISTORIC SITE, PENNSYLVANIA.

(a) ESTABLISHMENT.—The Steel Industry National Historic Site is hereby established as a unit of the National Park System in the Commonwealth of Pennsylvania.

(b) DESCRIPTION.—

(1) INCLUSION OF CERTAIN PROPERTY.—Subject to paragraph (2), the historic site shall consist of the following properties, each of which relate to the former United States Steel Homestead Works, as depicted on the map entitled ''Steel Industry National Historic Site'', dated November 2003, and numbered 80,000:

(A) The historic location of the Battle of Homestead site in the borough of Munhall, Pennsylvania, consisting of approximately 3 acres of land, including the pumphouse and water tower and related structures, within the property bounded by the Monongahela River, the CSX railroad, Waterfront Drive, and the Damascus-Marcegaglia Steel Mill.

(B) The historic location of the Carrie Furnace complex in the boroughs of Swissvale and Rankin, Pennsylvania, consisting of approximately 35 acres of land, including blast furnaces 6 and 7, the ore yard, the cast house, the blowing engine house, the AC power house, and related structures, within the property bounded by the proposed southwesterly right-of-way line needed to accommodate the Mon/Fayette Expressway and the relocated CSX railroad right-of-way, the Monongahela River, and a property line drawn northeast to southwest approximately 100 yards east of the AC power house.

(C) The historic location of the Hot Metal Bridge, consisting of the Union railroad bridge and its approaches, spanning the Monongahela River and connecting the mill sites in the boroughs of Rankin and Munhall, Pennsylvania.

(2) AVAILABILITY OF MAP.—The map referred to in paragraph (1) shall be available for public inspection in an appropriate office of the National Park Service.

(c) ACQUISITION OF PROPERTY.—To further the purposes of this section, the Secretary of the Interior may acquire, only by donation, property for inclusion in the historic site as follows:

(1) Any land or interest in land with respect to the property identified in subsection (b)(1).

(2) Up to 10 acres of land adjacent to or in the general proximity of the property identified in such subsection, for the development of visitor, administrative, museum, curatorial, and maintenance facilities.

(3) Personal property associated with, and appropriate for, the interpretation of the historic site.

(d) PRIVATE PROPERTY PROTECTIONS.—Nothing in this title shall be construed—

(1) to require any private property owner to permit public access (including Federal, State, or local government access) to the private property; or

(2) to modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(e) ADMINISTRATION.—The Secretary of the Interior shall administer the historic site in accordance with this title and the provisions of law generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(f) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—Until such time as the Secretary of the Interior has acquired the property identified in subsection (b)(1), as depicted on the map referred to in such subsection, the Secretary may enter into a cooperative agreement with any interested individual, public or private agency, organization, or institution to further the purposes of the historic site.

(2) CONTRARY PURPOSES.—Any payment made by the Secretary pursuant to a cooperative agreement under this subsection shall be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purpose of the historic site, as determined by the Secretary, shall result in a right of the United States to reimbursement of all funds made available to such a project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

(g) TECHNICAL ASSISTANCE.—The Secretary of the Interior may provide technical assistance to any person for—

(1) the preservation of historic structures within the historic site; and

(2) the maintenance of the natural and cultural landscape of the historic site.

(h) GENERAL MANAGEMENT PLAN.—

(1) PREPARATION.—Not later than three years after the date on which funds are first made available to carry out this title, the Secretary of the Interior shall prepare a general management plan for the historic site that will incorporate or otherwise address substantive comments made during the consultation required by paragraph (2).

(2) CONSULTATION.—The Secretary shall prepare the general management plan in consultation with—

(A) an appropriate official of each appropriate political subdivision of the Commonwealth of Pennsylvania that has jurisdiction over all or a portion of the lands included in the historic site;

(B) an appropriate official of the Steel Industry Heritage Corporation; and

(C) private property owners in the vicinity of the historic site.

(3) SUBMISSION OF PLAN TO CONGRESS.—Upon the completion of the general management plan, the Secretary shall submit a copy of the plan to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

SEC. 404. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the purposes of this title $25,000,000.

TITLE V—ST. CROIX NATIONAL HERITAGE AREA STUDY

SEC. 501. ST. CROIX NATIONAL HERITAGE AREA STUDY.

(a) SHORT TITLE.—This section may be cited as the ''St. Croix National Heritage Area Study Act''.

(b) STUDY.—The Secretary of the Interior, in consultation with appropriate State historic preservation officers, States historical societies, and other appropriate organizations, shall conduct a study regarding the suitability and feasibility of designating the island of St. Croix as the St. Croix National Heritage Area. The study shall include analysis, documentation, and determination regarding whether the island of St. Croix—

(1) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(2) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(3) provides outstanding recreational and educational opportunities;

(4) contains resources important to the identified theme or themes of the island of St. Croix that retain a degree of integrity capable of supporting interpretation;

(5) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government), and have demonstrated support for the concept of a national heritage area;

(6) has a potential management entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity; and

(7) has a conceptual boundary map that is supported by the public.

(c) PRIVATE PROPERTY.—In conducting the study required by this section, the Secretary of the Interior shall analyze the potential impact that designation of the area as a national heritage area is likely to have on land within the proposed area or bordering the proposed area that is privately owned at the time that the study is conducted.

(d) REPORT.—Not later than 3 fiscal years after the date on which funds are first made available for this section, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations as the Secretary deems appropriate.

TITLE VI—ARABIA MOUNTAIN NATIONAL HERITAGE AREA

SEC. 601. SHORT TITLE.

This title may be cited as the ''Arabia Mountain National Heritage Area Act''.

SEC. 602. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The Arabia Mountain area contains a variety of natural, cultural, historical, scenic, and recreational resources that together represent distinctive aspects of the heritage of the United States that are worthy of recognition, conservation, interpretation, and continuing use.

(2) The best methods for managing the resources of the Arabia Mountain area would be through partnerships between public and private entities that combine diverse resources and active communities.

(3) Davidson-Arabia Mountain Nature Preserve, a 535-acre park in DeKalb County, Georgia—

(A) protects granite outcrop ecosystems, wetland, and pine and oak forests; and

(B) includes federally-protected plant species.

(4) Panola Mountain, a national natural landmark, located in the 860-acre Panola Mountain State Conservation Park, is a rare example of a pristine granite outcrop.

(5) The archaeological site at Miners Creek Preserve along the South River contains documented evidence of early human activity.

(6) The city of Lithonia, Georgia, and related sites of Arabia Mountain and Stone Mountain possess sites that display the history of granite mining as an industry and culture in Georgia, and the impact of that industry on the United States.

(7) The community of Klondike is eligible for designation as a National Historic District.

(8) The city of Lithonia has 2 structures listed on the National Register of Historic Places.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To recognize, preserve, promote, interpret, and make available for the benefit of the public the natural, cultural, historical, scenic, and recreational resources in the area that includes Arabia Mountain, Panola Mountain, Miners Creek, and other significant sites and communities.

(2) To assist the State of Georgia and the counties of DeKalb, Rockdale, and Henry in the State in developing and implementing an integrated cultural, historical, and land resource management program to protect, enhance, and interpret the significant resources within the heritage area.

SEC. 603. DEFINITIONS.

For the purposes of this title, the following definitions apply:

(1) HERITAGE AREA.—The term ''heritage area'' means the Arabia Mountain National Heritage Area established by section 504.

(2) MANAGEMENT ENTITY.—The term ''management entity'' means the Arabia Mountain Heritage Area Alliance or a successor of the Arabia Mountain Heritage Area Alliance.

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the heritage area developed under section 506.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) STATE.—The term ''State'' means the State of Georgia.

SEC. 604. ARABIA MOUNTAIN NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Arabia Mountain National Heritage Area in the State.

(b) BOUNDARIES.—The heritage area shall consist of certain parcels of land in the counties of DeKalb, Rockdale, and Henry in the State, as generally depicted on the map entitled ''Arabia Mountain National Heritage Area'', numbered AMNHA/80,000, and dated October, 2003.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) MANAGEMENT ENTITY.—The Arabia Mountain Heritage Area Alliance shall be the management entity for the heritage area.

SEC. 605. AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.

(a) AUTHORITIES.—For purposes of developing and implementing the management plan, the management entity may—

(1) make grants to, and enter into cooperative agreements with, the State, political subdivisions of the State, and private organizations;

(2) hire and compensate staff; and

(3) enter into contracts for goods and services.

(b) DUTIES.—

(1) MANAGEMENT PLAN.—

(A) IN GENERAL.—The management entity shall develop and submit to the Secretary the management plan.

(B) CONSIDERATIONS.—In developing and implementing the management plan, the management entity shall consider the interests of diverse governmental, business, and nonprofit groups within the heritage area.

(2) PRIORITIES.—The management entity shall give priority to implementing actions described in the management plan, including assisting units of government and nonprofit organizations in preserving resources within the heritage area.

(3) PUBLIC MEETINGS.—The management entity shall conduct public meetings at least quarterly on the implementation of the management plan.

(4) ANNUAL REPORT.—For any year in which Federal funds have been made available under this title, the management entity shall submit to the Secretary an annual report that describes the following:

(A) The accomplishments of the management entity.

(B) The expenses and income of the management entity.

(5) AUDIT.—The management entity shall—

(A) make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds; and

(B) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of those funds.

(c) USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—The management entity shall not use Federal funds made available under this title to acquire real property or an interest in real property.

(2) OTHER SOURCES.—Nothing in this title precludes the management entity from using Federal funds made available under other Federal laws for any purpose for which the funds are authorized to be used.

SEC. 606. MANAGEMENT PLAN.

(a) IN GENERAL.—The management entity shall develop a management plan for the heritage area that incorporates an integrated and cooperative approach to protect, interpret, and enhance the natural, cultural, historical, scenic, and recreational resources of the heritage area.

(b) BASIS.—The management plan shall be based on the preferred concept in the document entitled ''Arabia Mountain National Heritage Area Feasibility Study'', dated February 28, 2001.

(c) CONSIDERATION OF OTHER PLANS AND ACTIONS.—The management plan shall—

(1) take into consideration State and local plans; and

(2) involve residents, public agencies, and private organizations in the heritage area.

(d) REQUIREMENTS.—The management plan shall include the following:

(1) An inventory of the resources in the heritage area, including—

(A) a list of property in the heritage area that—

(i) relates to the purposes of the heritage area; and

(ii) should be preserved, restored, managed, or maintained because of the significance of the property; and

(B) an assessment of cultural landscapes within the heritage area.

(2) Provisions for the protection, interpretation, and enjoyment of the resources of the heritage area consistent with the purposes of this title.

(3) An interpretation plan for the heritage area.

(4) A program for implementation of the management plan that includes—

(A) actions to be carried out by units of government, private organizations, and public-private partnerships to protect the resources of the heritage area; and

(B) the identification of existing and potential sources of funding for implementing the plan.

(5) A description and evaluation of the management entity, including the membership and organizational structure of the management entity.

(e) SUBMISSION TO SECRETARY FOR APPROVAL.—

(1) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the management entity shall submit the management plan to the Secretary for approval.

(2) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in paragraph (1), the Secretary shall not provide any additional funding under this title until such date as a management plan for the heritage area is submitted to the Secretary.

(f) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under subsection (e), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(2) ACTION FOLLOWING DISAPPROVAL.—

(A) REVISION.—If the Secretary disapproves a management plan submitted under paragraph (1), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) allow the management entity to submit to the Secretary revisions to the management plan.

(B) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on which a revision is submitted under subparagraph (A)(iii), the Secretary shall approve or disapprove the revision.

(g) REVISION OF MANAGEMENT PLAN.—

(1) IN GENERAL.—After approval by the Secretary of a management plan, the management entity shall periodically—

(A) review the management plan; and

(B) submit to the Secretary, for review and approval by the Secretary, the recommendations of the management entity for any revisions to the management plan that the management entity considers to be appropriate.

(2) EXPENDITURE OF FUNDS.—No funds made available under this title shall be used to implement any revision proposed by the management entity under paragraph (1)(B) until the Secretary approves the revision.

SEC. 607. TECHNICAL AND FINANCIAL ASSISTANCE.

(a) IN GENERAL.—At the request of the management entity, the Secretary may provide technical and financial assistance to the heritage area to develop and implement the management plan.

(b) PRIORITY.—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(1) the conservation of the significant natural, cultural, historical, scenic, and recreational resources that support the purposes of the heritage area; and

(2) the provision of educational, interpretive, and recreational opportunities that are consistent with the resources and associated values of the heritage area.

SEC. 608. EFFECT ON CERTAIN AUTHORITY.

(a) OCCUPATIONAL, SAFETY, CONSERVATION, AND ENVIRONMENTAL REGULATION.—Nothing in this title—

(1) imposes an occupational, safety, conservation, or environmental regulation on the heritage area that is more stringent than the regulations that would be applicable to the land described in section 504(b) but for the establishment of the heritage area by section 504; or

(2) authorizes a Federal agency to promulgate an occupational, safety, conservation, or environmental regulation for the heritage area that is more stringent than the regulations applicable to the land described in section 504(b) as of the date of enactment of this Act, solely as a result of the establishment of the heritage area by section 504.

(b) LAND USE REGULATION.—Nothing in this title—

(1) modifies, enlarges, or diminishes any authority of the Federal Government or a State or local government to regulate any use of land as provided for by law (including regulations) in existence on the date of enactment of this Act; or

(2) grants powers of zoning or land use to the management entity.

SEC. 609. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 610. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

SEC. 611. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this title $10,000,000, to remain available until expended, of which not more than $1,000,000 may be used in any fiscal year.

(b) FEDERAL SHARE.—The Federal share of the cost of any project or activity carried out using funds made available under this title shall not exceed 50 percent.

SEC. 612. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this title terminates on the date that is 15 years after the date that funds are first made available for this title.

TITLE VII—UPPER HOUSATONIC VALLEY NATIONAL HERITAGE AREA

SEC. 701. SHORT TITLE.

This title may be cited as the ''Upper Housatonic Valley National Heritage Area Act''.

SEC. 702. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The upper Housatonic Valley, encompassing 29 towns in the hilly terrain of western Massachusetts and northwestern Connecticut, is a singular geographical and cultural region that has made significant national contributions through its literary, artistic, musical, and architectural achievements, its iron, paper, and electrical equipment industries, and its scenic beautification and environmental conservation efforts.

(2) The upper Housatonic Valley has 139 properties and historic districts listed on the National Register of Historic Places including—

(A) five National Historic Landmarks—

(i) Edith Wharton's home, The Mount, Lenox, Massachusetts;

(ii) Herman Melville's home, Arrowhead, Pittsfield, Massachusetts;

(iii) W.E.B. DuBois' Boyhood Homesite, Great Barrington, Massachusetts;

(iv) Mission House, Stockbridge, Massachusetts; and

(v) Crane and Company Old Stone Mill Rag Room, Dalton, Massachusetts; and

(B) four National Natural Landmarks—

(i) Bartholomew's Cobble, Sheffield, Massachusetts, and Salisbury, Connecticut;

(ii) Beckley Bog, Norfolk, Connecticut;

(iii) Bingham Bog, Salisbury, Connecticut; and

(iv) Cathedral Pines, Cornwall, Connecticut.

(3) Writers, artists, musicians, and vacationers have visited the region for more than 150 years to enjoy its scenic wonders, making it one of the country's leading cultural resorts.

(4) The upper Housatonic Valley has made significant national cultural contributions through such writers as Herman Melville, Nathaniel Hawthorne, Edith Wharton, and W.E.B. DuBois, artists Daniel Chester French and Norman Rockwell, and the performing arts centers of Tanglewood, Music

Mountain, Norfolk (Connecticut) Chamber Music Festival, Jacob's Pillow, and Shakespeare & Company.

(5) The upper Housatonic Valley is noted for its pioneering achievements in the iron, paper, and electrical generation industries and has cultural resources to interpret those industries.

(6) The region became a national leader in scenic beautification and environmental conservation efforts following the era of industrialization and deforestation and maintains a fabric of significant conservation areas including the meandering Housatonic River.

(7) Important historical events related to the American Revolution, Shays' Rebellion, and early civil rights took place in the upper Housatonic Valley.

(8) The region had an American Indian presence going back 10,000 years and Mohicans had a formative role in contact with Europeans during the seventeenth and eighteenth centuries.

(9) The Upper Housatonic Valley National Heritage Area has been proposed in order to heighten appreciation of the region, preserve its natural and historical resources, and improve the quality of life and economy of the area.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To establish the Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts.

(2) To implement the national heritage area alternative as described in the document entitled ''Upper Housatonic Valley National Heritage Area Feasibility Study, 2003''.

(3) To provide a management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the upper Housatonic Valley region to conserve the region's heritage while continuing to pursue compatible economic opportunities.

(4) To assist communities, organizations, and citizens in the State of Connecticut and the Commonwealth of Massachusetts in identifying, preserving, interpreting, and developing the historical, cultural, scenic, and natural resources of the region for the educational and inspirational benefit of current and future generations.

SEC. 703. DEFINITIONS.

In this title:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Upper Housatonic Valley National Heritage Area, established in section 604.

(2) MANAGEMENT ENTITY.—The term ''Management Entity'' means the management entity for the Heritage Area designated by section 604(d).

(3) MANAGEMENT PLAN.—The term ''Management Plan'' means the management plan for the Heritage Area specified in section 606.

(4) MAP.—The term ''map'' means the map entitled ''Boundary Map Upper Housatonic Valley National Heritage Area'', numbered P17/80,000, and dated February 2003.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) STATE.—The term ''State'' means the State of Connecticut and the Commonwealth of Massachusetts.

SEC. 704. UPPER HOUSATONIC VALLEY NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Upper Housatonic Valley National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall be comprised of—

(1) part of the Housatonic River's watershed, which extends 60 miles from Lanesboro, Massachusetts to Kent, Connecticut;

(2) the towns of Canaan, Colebrook, Cornwall, Kent, Norfolk, North Canaan, Salisbury, Sharon, and Warren in Connecticut; and

(3) the towns of Alford, Becket, Dalton, Egremont, Great Barrington, Hancock, Hinsdale, Lanesboro, Lee, Lenox, Monterey, Mount Washington, New Marlboro, Pittsfield, Richmond, Sheffield, Stockbridge, Tyringham, Washington, and West Stockbridge in Massachusetts.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

(d) MANAGEMENT ENTITY.—The Upper Housatonic Valley National Heritage Area, Inc. shall be the management entity for the Heritage Area.

SEC. 705. AUTHORITIES, PROHIBITIONS AND DUTIES OF THE MANAGEMENT ENTITY.

(a) DUTIES OF THE MANAGEMENT ENTITY.—To further the purposes of the Heritage Area, the management entity shall—

(1) prepare and submit a management plan for the Heritage Area to the Secretary in accordance with section 606;

(2) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(A) carrying out programs and projects that recognize, protect and enhance important resource values within the Heritage Area;

(B) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(C) developing recreational and educational opportunities in the Heritage Area;

(D) increasing public awareness of and appreciation for natural, historical, scenic, and cultural resources of the Heritage Area;

(E) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with heritage area themes;

(F) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and

(G) promoting a wide range of partnerships among governments, organizations and individuals to further the purposes of the Heritage Area;

(3) consider the interests of diverse units of government, businesses, organizations and individuals in the Heritage Area in the preparation and implementation of the management plan;

(4) conduct meetings open to the public at least semi-annually regarding the development and implementation of the management plan;

(5) submit an annual report to the Secretary for any fiscal year in which the management entity receives Federal funds under this title, setting forth its accomplishments, expenses, and income, including grants to any other entities during the year for which the report is made;

(6) make available for audit for any fiscal year in which it receives Federal funds under this title, all information pertaining to the expenditure of such funds and any matching funds, and require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for such audit all records and other information pertaining to the expenditure of such funds; and

(7) encourage by appropriate means economic development that is consistent with the purposes of the Heritage Area.

(b) AUTHORITIES.—The management entity may, for the purposes of preparing and implementing the management plan for the Heritage Area, use Federal funds made available through this title to—

(1) make grants to the State of Connecticut and the Commonwealth of Massachusetts, their political subdivisions, nonprofit organizations and other persons;

(2) enter into cooperative agreements with or provide technical assistance to the State of Connecticut and the Commonwealth of Massachusetts, their subdivisions, nonprofit organizations, and other interested parties;

(3) hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resources protection, and heritage programming;

(4) obtain money or services from any source including any that are provided under any other Federal law or program;

(5) contract for goods or services; and

(6) undertake to be a catalyst for any other activity that furthers the purposes of the Heritage Area and is consistent with the approved management plan.

(c) PROHIBITIONS ON THE ACQUISITION OF REAL PROPERTY.—The management entity may not use Federal funds received under this title to acquire real property, but may use any other source of funding, including other Federal funding outside this authority, intended for the acquisition of real property.

SEC. 706. MANAGEMENT PLAN.

(a) IN GENERAL.—The management plan for the Heritage Area shall—

(1) include comprehensive policies, strategies and recommendations for conservation, funding, management and development of the Heritage Area;

(2) take into consideration existing State, county, and local plans in the development of the management plan and its implementation;

(3) include a description of actions that governments, private organizations, and individuals have agreed to take to protect the natural, historical and cultural resources of the Heritage Area;

(4) specify the existing and potential sources of funding to protect, manage, and develop the Heritage Area in the first 5 years of implementation;

(5) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area related to the themes of the Heritage Area that should be preserved, restored, managed, developed, or maintained;

(6) describe a program of implementation for the management plan including plans for resource protection, restoration, construction, and specific commitments for implementation that have been made by the management entity or any government, organization, or individual for the first 5 years of implementation; and

(7) include an interpretive plan for the Heritage Area.

(b) DEADLINE AND TERMINATION OF FUNDING.—

(1) DEADLINE.—The management entity shall submit the management plan to the Secretary for approval within 3 years after funds are made available for this title.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this subsection, the management entity shall not qualify for Federal funding under this title until such time as the management plan is submitted to the Secretary.

SEC. 707. DUTIES AND AUTHORITIES OF THE SECRETARY.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may, upon the request of the management entity, provide technical assistance on a reimbursable or non-reimbursable basis and financial assistance to the Heritage Area to develop and implement the approved management plan. The Secretary is authorized to enter into cooperative agreements with the management entity and

other public or private entities for this purpose. In assisting the Heritage Area, the Secretary shall give priority to actions that in general assist in—

(1) conserving the significant natural, historical, cultural, and scenic resources of the Heritage Area; and

(2) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(b) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary shall approve or disapprove the management plan not later than 90 days after receiving the management plan.

(2) CRITERIA FOR APPROVAL.—In determining the approval of the management plan, the Secretary shall consider whether—

(A) the management entity is representative of the diverse interests of the Heritage Area including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(B) the management entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan;

(C) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, historical, and cultural resources of the Heritage Area; and

(D) the management plan is supported by the appropriate State and local officials whose cooperation is needed to ensure the effective implementation of the State and local aspects of the management plan.

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan, the Secretary shall advise the management entity in writing of the reasons therefore and shall make recommendations for revisions to the management plan. The Secretary shall approve or disapprove a proposed revision within 60 days after the date it is submitted.

(4) APPROVAL OF AMENDMENTS.—Substantial amendments to the management plan shall be reviewed by the Secretary and approved in the same manner as provided for the original management plan. The management entity shall not use Federal funds authorized by this title to implement any amendments until the Secretary has approved the amendments.

SEC. 708. DUTIES OF OTHER FEDERAL AGENCIES.

Any Federal agency conducting or supporting activities directly affecting the Heritage Area shall—

(1) consult with the Secretary and the management entity with respect to such activities;

(2) cooperate with the Secretary and the management entity in carrying out their duties under this title and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and,

(3) to the maximum extent practicable, conduct or support such activities in a manner which the management entity determines will not have an adverse effect on the Heritage Area.

SEC. 709. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 710. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

SEC. 711. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated for the purposes of this title not more than $1,000,000 for any fiscal year. Not more than a total of $10,000,000 may be appropriated for the Heritage Area under this title.

(b) MATCHING FUNDS.—Federal funding provided under this title may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this title.

SEC. 712. SUNSET.

The authority of the Secretary to provide assistance under this title shall terminate on the day occurring 15 years after funds are first made available for this title.

TITLE VIII—OIL REGION NATIONAL HERITAGE AREA

SEC. 801. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This title may be cited as the ''Oil Region National Heritage Area Act''.

(b) DEFINITIONS.—For the purposes of this title, the following definitions shall apply:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Oil Region National Heritage Area established in section 703(a).

(2) MANAGEMENT ENTITY.—The term ''management entity'' means the Oil Heritage Region, Inc., or its successor entity.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 802. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The Oil Region of Northwestern Pennsylvania, with numerous sites and districts listed on the National Register of Historic Places, and designated by the Governor of Pennsylvania as one of the State Heritage Park Areas, is a region with tremendous physical and natural resources and possesses a story of State, national, and international significance.

(2) The single event of Colonel Edwin Drake's drilling of the world's first successful oil well in 1859 has affected the industrial, natural, social, and political structures of the modern world.

(3) Six national historic districts are located within the State Heritage Park boundary, in Emlenton, Franklin, Oil City, and Titusville, as well as 17 separate National Register sites.

(4) The Allegheny River, which was designated as a component of the national wild and scenic rivers system in 1992 by Public Law 102–271, traverses the Oil Region and connects several of its major sites, as do some of the river's tributaries such as Oil Creek, French Creek, and Sandy Creek.

(5) The unspoiled rural character of the Oil Region provides many natural and recreational resources, scenic vistas, and excellent water quality for people throughout the United States to enjoy.

(6) Remnants of the oil industry, visible on the landscape to this day, provide a direct link to the past for visitors, as do the historic valley settlements, riverbed settlements, plateau developments, farmlands, and industrial landscapes.

(7) The Oil Region also represents a cross section of American history associated with Native Americans, frontier settlements, the French and Indian War, African Americans and the Underground Railroad, and immigration of Swedish and Polish individuals, among others.

(8) Involvement by the Federal Government shall serve to enhance the efforts of the Commonwealth of Pennsylvania, local subdivisions of the Commonwealth of Pennsylvania, volunteer organizations, and private businesses, to promote the cultural, national, and recreational resources of the region in order to fulfill their full potential.

(b) PURPOSE.—The purpose of this title is to enhance a cooperative management framework to assist the Commonwealth of Pennsylvania, its units of local government, and area citizens in conserving, enhancing, and interpreting the significant features of the lands, water, and structures of the Oil Region, in a manner consistent with compatible economic development for the benefit and inspiration of present and future generations in the Commonwealth of Pennsylvania and the United States.

SEC. 803. OIL REGION NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Oil Region National Heritage Area.

(b) BOUNDARIES.—The boundaries of the Heritage Area shall include all of those lands depicted on a map entitled ''Oil Region National Heritage Area'', numbered OIRE/20,000 and dated October, 2000. The map shall be on file in the appropriate offices of the National Park Service. The Secretary of the Interior shall publish in the Federal Register, as soon as practical after the date of the enactment of this Act, a detailed description and map of the boundaries established under this subsection.

(c) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Oil Heritage Region, Inc., the locally based private, nonprofit management corporation which shall oversee the development of a management plan in accordance with section 705(b).

SEC. 804. COMPACT.

To carry out the purposes of this title, the Secretary shall enter into a compact with the management entity. The compact shall include information relating to the objectives and management of the area, including

a discussion of the goals and objectives of the Heritage Area, including an explanation of the proposed approach to conservation and interpretation and a general outline of the protection measures committed to by the Secretary and management entity.

SEC. 805. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITY.

(a) AUTHORITIES OF THE MANAGEMENT ENTITY.—The management entity may use funds made available under this title for purposes of preparing, updating, and implementing the management plan developed under subsection (b). Such purposes may include—

(1) making grants to, and entering into cooperative agreements with, States and their political subdivisions, private organizations, or any other person;

(2) hiring and compensating staff; and

(3) undertaking initiatives that advance the purposes of the Heritage Area.

(b) MANAGEMENT PLAN.—The management entity shall develop a management plan for the Heritage Area that—

(1) presents comprehensive strategies and recommendations for conservation, funding, management, and development of the Heritage Area;

(2) takes into consideration existing State, county, and local plans and involves residents, public agencies, and private organizations working in the Heritage Area;

(3) includes a description of actions that units of government and private organizations have agreed to take to protect the resources of the Heritage Area;

(4) specifies the existing and potential sources of funding to protect, manage, and develop the Heritage Area;

(5) includes an inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its natural, cultural, historic, recreational, or scenic significance;

(6) describes a program for implementation of the management plan by the management entity, including plans for restoration and construction, and specific commitments for that implementation that have been made by the management entity and any other persons for the first 5 years of implementation;

(7) lists any revisions to the boundaries of the Heritage Area proposed by the management entity and requested by the affected local government; and

(8) includes an interpretation plan for the Heritage Area.

(c) DEADLINE; TERMINATION OF FUNDING.—

(1) DEADLINE.—The management entity shall submit the management plan to the Secretary within 2 years after the funds are made available for this title.

(2) TERMINATION OF FUNDING.—If a management plan is not submitted to the Secretary in accordance with this subsection, the management entity shall not qualify for Federal assistance under this title.

(d) DUTIES OF MANAGEMENT ENTITY.—The management entity shall—

(1) give priority to implementing actions set forth in the compact and management plan;

(2) assist units of government, regional planning organizations, and nonprofit organizations in—

(A) establishing and maintaining interpretive exhibits in the Heritage Area;

(B) developing recreational resources in the Heritage Area;

(C) increasing public awareness of and appreciation for the natural, historical, and architectural resources and sites in the Heritage Area;

(D) the restoration of any historic building relating to the themes of the Heritage Area;

(E) ensuring that clear signs identifying access points and sites of interest are put in place throughout the Heritage Area; and

(F) carrying out other actions that the management entity determines to be advisable to fulfill the purposes of this title;

(3) encourage by appropriate means economic viability in the Heritage Area consistent with the goals of the management plan;

(4) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area; and

(5) for any year in which Federal funds have been provided to implement the management plan under subsection (b)—

(A) conduct public meetings at least annually regarding the implementation of the management plan;

(B) submit an annual report to the Secretary setting forth accomplishments, expenses and income, and each person to which any grant was made by the management entity in the year for which the report is made; and

(C) require, for all agreements entered into by the management entity authorizing expenditure of Federal funds by any other person, that the person making the expenditure make available to the management entity for audit all records pertaining to the expenditure of such funds.

(e) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity may not use Federal funds received under this title to acquire real property or an interest in real property.

SEC. 806. DUTIES AND AUTHORITIES OF THE SECRETARY.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—

(A) OVERALL ASSISTANCE.—The Secretary may, upon the request of the management entity, and subject to the availability of appropriations, provide technical and financial assistance to the management entity to carry out its duties under this title, including updating and implementing a management plan that is submitted under section 705(b) and approved by the Secretary and, prior to such approval, providing assistance for initiatives.

(B) OTHER ASSISTANCE.—If the Secretary has the resources available to provide technical assistance to the management entity to carry out its duties under this title (including updating and implementing a management plan that is submitted under section 705(b) and approved by the Secretary and, prior to such approval, providing assistance for initiatives), upon the request of the management entity the Secretary shall provide such assistance on a reimbursable basis. This subparagraph does not preclude the Secretary from providing nonreimbursable assistance under subparagraph (A).

(2) PRIORITY.—In assisting the management entity, the Secretary shall give priority to actions that assist in the—

(A) implementation of the management plan;

(B) provision of educational assistance and advice regarding land and water management techniques to conserve the significant natural resources of the region;

(C) development and application of techniques promoting the preservation of cultural and historic properties;

(D) preservation, restoration, and reuse of publicly and privately owned historic buildings;

(E) design and fabrication of a wide range of interpretive materials based on the management plan, including guide brochures, visitor displays, audio-visual and interactive exhibits, and educational curriculum materials for public education; and

(F) implementation of initiatives prior to approval of the management plan.

(3) DOCUMENTATION OF STRUCTURES.—The Secretary, acting through the Historic American Building Survey and the Historic American Engineering Record, shall conduct studies necessary to document the industrial, engineering, building, and architectural history of the Heritage Area.

(b) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLANS.—The Secretary, in consultation with the Governor of Pennsylvania, shall approve or disapprove a management plan submitted under this title not later than 90 days after receiving such plan. In approving the plan, the Secretary shall take into consideration the following criteria:

(1) The extent to which the management plan adequately preserves and protects the natural, cultural, and historical resources of the Heritage Area.

(2) The level of public participation in the development of the management plan.

(3) The extent to which the board of directors of the management entity is representative of the local government and a wide range of interested organizations and citizens.

(c) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a management plan, the Secretary shall advise the management entity in writing of the reasons for the disapproval and shall make recommendations for revisions in the management plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.

(d) APPROVING CHANGES.—The Secretary shall review and approve amendments to the management plan under section 705(b) that make substantial changes. Funds appropriated under this title may not be expended to implement such changes until the Secretary approves the amendments.

(e) EFFECT OF INACTION.—If the Secretary does not approve or disapprove a management plan, revision, or change within 90 days after it is submitted to the Secretary, then such management plan, revision, or change shall be deemed to have been approved by the Secretary.

SEC. 807. DUTIES OF OTHER FEDERAL ENTITIES.

Any Federal entity conducting or supporting activities directly affecting the Heritage Area shall—

(1) consult with the Secretary and the management entity with respect to such activities;

(2) cooperate with the Secretary and the management entity in carrying out their duties under this title and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

(3) to the maximum extent practicable, conduct or support such activities in a manner that the management entity determines shall not have an adverse effect on the Heritage Area.

SEC. 808. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after the expiration of the 15-year period beginning on the date that funds are first made available for this title.

SEC. 809. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 810. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

SEC. 811. USE OF FEDERAL FUNDS FROM OTHER SOURCES.

Nothing in this title shall preclude the management entity from using Federal funds available under Acts other than this title for the purposes for which those funds were authorized.

SEC. 812. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title—

(1) not more than $1,000,000 for any fiscal year; and

(2) not more than a total of $10,000,000.

(b) 50 PERCENT MATCH.—Financial assistance provided under this title may not be used to pay more than 50 percent of the total cost of any activity carried out with that assistance.

TITLE IX—WESTERN RESERVE HERITAGE AREAS STUDY

SEC. 901. SHORT TITLE.

This Act may be cited as the ''Western Reserve Heritage Areas Study Act''.

SEC. 902. NATIONAL PARK SERVICE STUDY REGARDING THE WESTERN RESERVE, OHIO.

(a) FINDINGS.—The Congress finds the following:

(1) The area that encompasses the modern-day counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio with the rich history in what was once the Western Reserve, has made a unique contribution to the cultural, political and industrial development of the United States.

(2) The Western Reserve is distinctive as the land settled by the people of Connecticut after the Revolutionary War. The Western Reserve holds a unique mark as the original wilderness land of the West that many settlers migrated to in order to begin life outside of the original 13 colonies.

(3) The Western Reserve played a significant role in providing land to the people of Connecticut whose property and land was destroyed during the Revolution. These settlers were descendants of the brave immigrants who came to the Americas in the 17th century.

(4) The Western Reserve offered a new destination for those who moved west in search of land and prosperity. The agricultural and industrial base that began in the Western Reserve still lives strong in these prosperous and historical counties.

(5) The heritage of the Western Reserve remains transfixed in the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio. The people of these counties are proud of their heritage as shown through the unwavering attempts to preserve agricultural land and the industrial foundation that has been embedded in this region since the establishment of the Western Reserve. Throughout these counties, historical sites, and markers preserve the unique traditions and customs of its original heritage.

(6) The counties that encompass the Western Reserve continue to maintain a strong connection to its historic past as seen through its preservation of its local heritage, including historic homes, buildings, and centers of public gatherings.

(7) There is a need for assistance for the preservation and promotion of the significance of the Western Reserve as the natural, historic and cultural heritage of the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa and Ashland in Ohio.

(8) The Department of the Interior is responsible for protecting the Nation's cultural and historical resources. There are significant examples of such resources within these counties and what was once the Western Reserve to merit the involvement of the Federal Government in the development of programs and projects, in cooperation with the State of Ohio and other local governmental entities, to adequately conserve, protect, and interpret this heritage for future generations, while providing opportunities for education and revitalization.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall, in consultation with the State of Ohio, the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland, and other appropriate organizations, carry out a study regarding the suitability and feasibility of establishing the Western Reserve Heritage Area in these counties in Ohio.

(2) CONTENTS.—The study shall include analysis and documentation regarding whether the Study Area—

(A) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(B) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(C) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(D) provides outstanding recreational and educational opportunities;

(E) contains resources important to the identified theme or themes of the Study Area that retain a degree of integrity capable of supporting interpretation;

(F) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles for all participants, including the Federal Government, and have demonstrated support for the concept of a national heritage area;

(G) has a potential management entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity;

(H) has a conceptual boundary map that is supported by the public; and

(I) has potential or actual impact on private property located within or abutting the Study Area.

(c) BOUNDARIES OF THE STUDY AREA.—The Study Area shall be comprised of the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio.

TITLE X—GULLAH/GEECHEE CULTURAL HERITAGE

SEC. 1001. SHORT TITLE.

This Act may be cited as the ''Gullah/Geechee Cultural Heritage Act''.

SEC. 1002. PURPOSES.

The purposes of this Act are to—

(1) recognize the important contributions made to American culture and history by African-Americans known as the Gullah/Geechee who settled in the coastal counties of South Carolina and Georgia;

(2) assist State and local governments and public and private entities in the South Carolina and Georgia in interpreting the story of the Gullah/Geechee and preserving Gullah/Geechee folklore, arts, crafts, and music; and

(3) assist in identifying and preserving sites, historical data, artifacts, and objects associated with the Gullah/Geechee for the benefit and education of the public.

SEC. 1003. DEFINITIONS.

For the purposes of this Act, the following definitions apply:

(1) COMMISSION.—The term ''Commission'' means the Gullah/Geechee Cultural Heritage Corridor Commission established under this Act.

(2) HERITAGE CORRIDOR.—The term ''Heritage Corridor'' means the Gullah/Geechee Cultural Heritage Corridor established by this Act.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 1004. GULLAH/GEECHEE CULTURAL HERITAGE CORRIDOR.

(a) ESTABLISHMENT.—There is established the Gullah/Geechee Cultural Heritage Corridor.

(b) BOUNDARIES.—

(1) IN GENERAL.—The Heritage Corridor shall be comprised of those lands and waters generally depicted on a map entitled ''Gullah/Geechee Cultural Heritage Corridor'' numbered GGCHC/80,000, and dated September 2004. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and in an appropriate State office in each of the States included in the Heritage Corridor. The Secretary shall publish in the Federal Register, as soon as practicable after the date of enactment of this Act a detailed description and map of the boundaries established under this subsection.

(2) REVISIONS.—The boundaries of the heritage corridor may be revised if the revision is—

(A) proposed in the management plan developed for the Heritage Corridor;

(B) approved by the Secretary in accordance with this Act; and

(C) placed on file in accordance with paragraph (1).

(c) ADMINISTRATION.—The Heritage Corridor shall be administered in accordance with the provisions of this Act.

SEC. 1005. GULLAH/GEECHEE CULTURAL HERITAGE CORRIDOR COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as ''Gullah/Geechee Cultural Heritage Corridor Commission'' whose purpose shall be to assist Federal, State, and local authorities in the development and implementation of a management plan for those land and waters specified in section 4.

(b) MEMBERSHIP.—The Commission shall be composed of nine members appointed by the Secretary as follows:

(1) Four individuals nominated by the State Historic Preservation Officer of South Carolina and two individuals nominated by the State Historic Preservation Officer of Georgia and appointed by the Secretary.

(2) Two individuals from South Carolina and one individual from Georgia who are recognized experts in historic preservation, anthropology, and folklore, appointed by the Secretary.

(c) TERMS.—Members of the Commission shall be appointed to terms not to exceed 3 years. The Secretary may stagger the terms of the initial appointments to the Commission in order to assure continuity of operation. Any member of the Commission may serve after the expiration of their term until a successor is appointed. A vacancy shall be filled in the same manner in which the original appointment was made.

(d) TERMINATION.—The Commission shall terminate 10 years after the date of the enactment of this Act.

SEC. 1006. OPERATION OF THE COMMISSION.

(a) DUTIES OF THE COMMISSION.—To further the purposes of the Heritage Corridor, the Commission shall—

(1) prepare and submit a management plan to the Secretary in accordance with section 7;

(2) assist units of local government and other persons in implementing the Approved management plan by—

(A) carry out programs and projects that recognize, protect, and enhance important resource values within the Heritage Corridor;

(B) establishing and maintaining interpretive exhibits and programs within the Heritage Corridor;

(C) developing recreational and educational opportunities in the Heritage Corridor;

(D) increasing public awareness of and appreciation for the historical, cultural, natural, and scenic resources of the Heritage Corridor;

(E) protecting and restoring historic sites and buildings in the Heritage Corridor that are consistent with heritage corridor themes;

(F) ensuring that clear, consistent, and appropriate signs identifying points of public access and sites of interest are posted throughout the Heritage Corridor; and

(G) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Corridor;

(3) consider the interests of diverse units of government, business, organizations, and individuals in the Heritage Corridor in the preparation and implementation of the management plan;

(4) conduct meetings open to the public at least quarterly regarding the development and implementation of the management plan;

(5) submit an annual report to the Secretary for any fiscal year in which the Commission receives Federal funds under this Act, setting forth its accomplishments, expenses, and income, including grants made to any other entities during the year for which the report is made;

(6) make available for audit for any fiscal year in which it receives Federal funds under this Act, all information pertaining to the expenditure of such funds and any matching funds, and require all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organization make available for audit all records and other information pertaining to the expenditure of such funds; and

(7) encourage by appropriate means economic viability that is consistent with the purposes of the Heritage Corridor.

(b) AUTHORITIES.—The Commission may, for the purposes of preparing and implementing the management plan, use funds made available under this Act to—

(1) make grants to, and enter into cooperative agreements with the States of South Carolina and Georgia, political subdivisions of those States, a nonprofit organization, or any person;

(2) hire and compensate staff;

(3) obtain funds from any source including any that are provided under any other Federal law or program; and

(4) contract for goods and services.

SEC. 1007. MANAGEMENT PLAN.

(a) IN GENERAL.—The management plan for the Heritage Corridor shall—

(1) include comprehensive policies, strategies, and recommendations for conservation, funding, management, and development of the Heritage Corridor;

(2) take into consideration existing State, county, and local plans in the development of the management plan and its implementation;

(3) include a description of actions that governments, private organizations, and individuals have agreed to take to protect the historical, cultural, and natural resources of the Heritage Corridor;

(4) specify the existing and potential sources of funding to protect, manage, and develop the Heritage Corridor in the first 5 years of implementation;

(5) include an inventory of the historical, cultural, natural, resources of the Heritage Corridor related to the themes of the Heritage Corridor that should be preserved, restored, managed, developed, or maintained;

(6) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the Heritage Corridor's historical, cultural, and natural resources;

(7) describe a program for implementation of the management plan including plans for resources protection, restoration, construction, and specific commitments for implementation that have been made by the Commission or any government, organization, or individual for the first 5 years of implementation;

(8) include an analysis and recommendations for the ways in which Federal, State, or local programs may best be coordinated to further the purposes of this Act; and

(9) include an interpretive plan for the Heritage Corridor.

(b) SUBMITTAL OF MANAGEMENT PLAN.—The Commission shall submit the management plan to the Secretary for approval not later than 3 years after funds are made available for this Act.

(c) FAILURE TO SUBMIT.—If the Commission fails to submit the management plan to the Secretary in accordance with subsection (b), the Heritage Corridor shall not qualify for Federal funding until the management plan is submitted.

(d) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary shall approve or disapprove the management plan not later than 90 days after receiving the management plan.

(2) CRITERIA.—In determining whether to approve the management plan, the Secretary shall consider whether—

(A) the Commission has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan;

(B) the resource preservation and interpretation strategies contained in the management plan would adequately protect the cultural and historic resources of the Heritage Corridor; and

(C) the Secretary has received adequate assurances from appropriate State and local officials whose support is needed to ensure the effective implementation of the State and local aspects of the plan.

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan, the Secretary shall advise the Commission in writing of the reasons therefore and shall make recommendations for revisions to the management plan. The Secretary shall approve or disapprove a proposed revision not later than 60 days after the date it is submitted.

(4) APPROVAL OF AMENDMENTS.—Substantial amendments to the management plan shall be reviewed and approved by the Secretary in the same manner as provided in the original management plan. The Commission shall not use Federal funds authorized by this Act to implement any amendments until the Secretary has approved the amendments.

SEC. 1008. TECHNICAL AND FINANCIAL ASSISTANCE.

(a) IN GENERAL.—Upon a request of the Commission, the Secretary may provide technical and financial assistance for the development and implementation of the management plan.

(b) PRIORITY FOR ASSISTANCE.—In providing assistance under subsection (a), the Secretary shall give priority to actions that assist in—

(1) conserving the significant cultural, historical, and natural resources of the Heritage Corridor; and

(2) providing educational and interpretive opportunities consistent with the purposes of the Heritage Corridor.

(c) SPENDING FOR NON-FEDERAL PROPERTY.—

(1) IN GENERAL.—The Commission may expend Federal funds made available under this Act on nonfederally owned property that is—

(A) identified in the management plan; or

(B) listed or eligible for listing on the National Register for Historic Places.

(2) AGREEMENTS.—Any payment of Federal funds made pursuant to this Act shall be subject to an agreement that conversion, use, or disposal of a project so assisted for purposes contrary to the purposes of this Act, as determined by the Secretary, shall result in a right of the United States to compensation of all funds made available to that project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

SEC. 1009. DUTIES OF OTHER FEDERAL AGENCIES.

Any Federal agency conducting or supporting activities directly affecting the Heritage Corridor shall—

(1) consult with the Secretary and the Commission with respect to such activities;

(2) cooperate with the Secretary and the Commission in carrying out their duties under this Act and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

(3) to the maximum extent practicable, conduct or support such activities in a manner in which the Commission determines will not have an adverse effect on the Heritage Corridor.

SEC. 1010. COASTAL HERITAGE CENTERS.

In furtherance of the purposes of this Act and using the authorities made available under this Act, the Commission shall establish one or more Coastal Heritage Centers at appropriate locations within the Heritage Corridor in accordance with the preferred alternative identified in the Record of Decision for the Low Country Gullah Culture Special Resource Study and Environmental Impact Study, December 2003.

SEC. 1011. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this Act shall be construed to require any private property owner to permit public access (including Federal, State, or local government access) to such private property. Nothing in this Act shall be construed to modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

(b) LIABILITY.—Designation of the Heritage Corridor shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this Act shall be construed to modify any authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE CORRIDOR.—Nothing in this Act shall be construed to require the owner of any private property located within the boundaries of the Heritage Corridor to participate in or be associated with the Heritage Corridor.

(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the Heritage Corridor represent the area within which Federal funds appropriated for the purpose of this Act shall be expended. The establishment of the Heritage Corridor and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Corridor or its viewshed by the Secretary or the management entity.

(f) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Corridor until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(g) LANDOWNER WITHDRAWAL.—Any owner of private property included within the boundary of the Heritage Corridor shall have their property immediately removed from within the boundary by submitting a written request to the management entity.

SEC. 1012. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated for the purposes of this Act not more than $1,000,000 for any fiscal year. Not more than a total of $10,000,000 may be appropriated for the Heritage Corridor under this Act.

(b) COST SHARE.—Federal funding provided under this Act may not exceed 50 percent of the total cost of any activity for which assistance is provided under this Act.

(c) IN-KIND CONTRIBUTIONS.—The Secretary may accept in-kind contributions as part of the non-Federal cost share of any activity for which assistance is provided under this Act.

SEC. 1013. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this Act shall terminate on the day occurring 15 years after the date of the enactment of this Act.

TITLE XI—UTAH TEST AND TRAINING RANGE PROTECTION

SEC. 1101. SHORT TITLE.

This title may be cited as the ''Utah Test and Training Range Protection Act''.

SEC. 1102. DEFINITIONS.

In this title:

(1) The term ''covered wilderness'' means the wilderness area designated by this title and wilderness study areas located near lands withdrawn for military use and beneath special use airspace critical to the support of military test and training missions at the Utah Test and Training Range, including the Deep Creek, Fish Springs, Swasey Mountain, Howell Peak, Notch Peak, King Top, Wah Wah Mountain, and Conger Mountain units designated by the Department of the Interior.

(2) The term ''Tribe'' means the Skull Valley Band of Goshute Indians.

(3) The term ''Utah Test and Training Range'' means those portions of the military operating area of the Utah Test and Training Area located solely in the State of Utah. The term includes the Dugway Proving Ground.

(4) The term ''Wilderness Act'' means Public Law 88–577, approved September 3, 1964 (16 U.S.C. 1131 et seq.).

SEC. 1103. MILITARY OPERATIONS AND OVERFLIGHTS, UTAH TEST AND TRAINING RANGE.

(a) FINDINGS.—The Congress finds the following:

(1) The testing and development of military weapons systems and the training of military forces are critical to ensuring the national security of the United States.

(2) The Utah Test and Training Range in the State of Utah is a unique and irreplaceable national asset at the core of the test and training mission of the Department of Defense.

(3) The Cedar Mountain Wilderness Area designated by section 1105, as well as several wilderness study areas, are located near lands withdrawn for military use or are beneath special use airspace critical to the support of military test and training missions at the Utah Test and Training Range.

(4) The Utah Test and Training Range and special use airspace withdrawn for military uses create unique management circumstances for the covered wilderness in this title, and it is not the intent of Congress that passage of this title shall be construed as establishing a precedent with respect to any future national conservation area or wilderness designation.

(5) Continued access to the special use airspace and lands that comprise the Utah Test and Training Range, under the terms and conditions described in this section, is a national security priority and is not incompatible with the protection and proper management of the natural, environmental, cultural, and other resources of such lands.

(b) OVERFLIGHTS.—Nothing in this title or the Wilderness Act shall preclude low-level overflights and operations of military aircraft, helicopters, missiles, or unmanned aerial vehicles over the covered wilderness, including military overflights and operations that can be seen or heard within the covered wilderness.

(c) SPECIAL USE AIRSPACE AND TRAINING ROUTES.—Nothing in this title or the Wilderness Act shall preclude the designation of new units of special use airspace, the expansion of existing units of special use airspace, or the use or establishment of military training routes over the covered wilderness.

(d) COMMUNICATIONS AND TRACKING SYSTEMS.—Nothing in this title shall prevent any required maintenance of existing communications, instrumentation, or electronic tracking systems (or infrastructure supporting such systems) or prevent the installation of new communication, instrumentation, or other equipment necessary for effective testing and training to meet military requirements in wilderness study areas located beneath special use airspace comprising the Utah Test and Training Range, including the Deep Creek, Fish Springs, Swasey Mountain, Howell Peak, Notch Peak, King Top, Wah Wah Mountain, and Conger Mountain units designated by the Department of Interior, so long as the Secretary of the Interior, after consultation with the Secretary of the Air Force, determines that the installation and maintenance of such systems, when considered both individually and collectively, comply with section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

(e) EMERGENCY ACCESS AND RESPONSE.—Nothing in this title or the Wilderness Act shall preclude the continuation of the memorandum of understanding in existence as of the date of enactment of this title between the Department of the Interior and the Department of the Air Force with respect to emergency access and response.

(f) PROHIBITION ON GROUND MILITARY OPERATIONS.—Except as provided in subsections (d) and (e), nothing in this section shall be construed to permit a military operation to be conducted on the ground in covered wilderness in the Utah Test and Training Range unless such ground operation is otherwise permissible under Federal law and consistent with the Wilderness Act.

SEC. 1104. PLANNING PROCESS FOR FEDERAL LANDS IN UTAH TEST AND TRAINING RANGE.

(a) ANALYSIS OF MILITARY READINESS AND OPERATIONAL IMPACTS.—The Secretary of the Interior shall develop, maintain, and revise land use plans pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S. C. 1712) for Federal lands located in the Utah Test and Training Range in consultation with the Secretary of Defense. As part of the required consultation in connection with a proposed revision of a land use plan, the Secretary of Defense shall prepare and transmit to the Secretary of the Interior an analysis of the military readiness and operational impacts of the proposed revision within six months of a request from the Secretary of Interior.

(b) LIMITATION ON RIGHTS-OF-WAYS.—The Secretary of the Interior shall not grant or issue any authorizations for rights-of-way under section 501(a)(6) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761(a)(6)) upon Federal lands identified as inventory units UTU–020–086, UTU–020–088, UTU–020–095, UTU–020–096, UTU–020–100, UTU–020–101, UTU–020–103, UTU–020–104, UTU–020–105, and UTU–020–110, as generally depicted on the map entitled ''Wilderness Inventory, State of Utah'' and dated August 1979, until the later of the following:

(1) The completion of a full revision of the Pony Express Area Resource Management Plan, dated January 12, 1990, by the Salt Lake Field Office of the Bureau of Land Management.

(2) January 1, 2015.

SEC. 1105. DESIGNATION AND MANAGEMENT OF CEDAR MOUNTAIN WILDERNESS, UTAH.

(a) DESIGNATION.—Certain Federal lands in Tooele County, Utah, as generally depicted on the map entitled ''Cedar Mountain Wilderness'' and dated March 7, 2004, are hereby designated as wilderness and, therefore, as a component of the National Wilderness Preservation System to be known as the Cedar Mountain Wilderness Area.

(b) WITHDRAWAL.—Subject to valid existing rights, the Federal lands in the Cedar Mountain Wilderness Area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the United States mining laws, and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments to such laws.

(c) MAP AND DESCRIPTION.—(1) As soon as practicable after the date of the enactment of this title, the Secretary of the Interior shall transmit a map and legal description of the Cedar Mountain Wilderness Area to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) The map and legal description shall have the same force and effect as if included in this title, except that the Secretary of the Interior may correct clerical and typographical errors in the map and legal description.

(3) The map and legal description shall be on file and available for public inspection in the office of the Director of the Bureau of Land Management and the office of the State Director of the Bureau of Land Management in the State of Utah.

(d) ADMINISTRATION.—Subject to valid existing rights and this title, the Cedar Mountain Wilderness Area shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act, except that any reference in such provisions to the effective date of the Wilderness Act (or any similar reference) shall be deemed to be a reference to the date of the enactment of this title.

(e) LAND ACQUISITION.—Any lands or interest in lands within the boundaries of the Cedar Mountain Wilderness Area acquired by the United States after the date of the enactment of this Act shall be added to and administered as part of the Cedar Mountain Wilderness Area.

(f) FISH AND WILDLIFE MANAGEMENT.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this title shall be construed as affecting the jurisdiction of the State of Utah with respect to fish and wildlife on the Federal lands located in that State.

(g) GRAZING.—Within the Cedar Mountain Wilderness Area, the grazing of livestock, where established before the date of the enactment of this title, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary of the Interior considers necessary, as long as such regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas, as such intent is expressed in the Wilderness Act, section 101(f) of Public Law 101–628 (104 Stat. 4473), and appendix A of the Report of the Committee on Interior and Insular Affairs to accompany H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(h) BUFFER ZONES.—Congress does not intend for the designation of the Cedar Mountain Wilderness Area to lead to the creation of protective perimeters or buffer zones around the wilderness area. The fact that nonwilderness activities or uses can be seen or heard within the wilderness area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

(i) RELEASE FROM WILDERNESS STUDY AREA STATUS.—The lands identified as the Browns Spring Cherrystem on the map entitled ''Proposed Browns Spring Cherrystem'' and dated May 11, 2004, are released from their status as a wilderness study area, and shall no longer be subject to the requirements of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)) pertaining to the management of wilderness study areas in a manner that does not impair the suitability of those areas for preservation of wilderness.

SEC. 1106. IDENTIFICATION OF ADDITIONAL BUREAU OF LAND MANAGEMENT LAND IN UTAH AS TRUST LAND FOR SKULL VALLEY BAND OF GOSHUTES.

(a) IDENTIFICATION OF TRUST LAND.—The Secretary of the Interior shall identify approximately 640 additional acres of Bureau of Land Management land in the State of Utah to be administered in trust for the benefit of the Skull Valley Band of Goshutes.

(b) SPECIAL CONSIDERATIONS.—In identifying the land under subsection (a), the Secretary of the Interior shall—

(1) consult with leaders of the Tribe and the Governor of Utah; and

(2) ensure that the land has ready access to State or Federal highways and, in the judgment of the Secretary, provides the best opportunities for commercial economic development in closest proximity to other lands of the Tribe.

(c) PLACEMENT IN TRUST.—Not later than December 31, 2005, the Secretary of the Interior shall place the land identified pursuant to subsection (a) into trust for the purposes of economic development for the Tribe. At least 30 days before placing the land in trust for the Tribe, the Secretary shall publish in the Federal Register legal descriptions of the land to be placed in trust.

(d) MANAGEMENT OF TRUST LAND.—The land placed into trust for the Tribe under subsection (c) shall be administered in accordance with laws generally applicable to property held in trust by the United States for Indian Tribes, except that the land shall immediately revert to the administrative control of the Bureau of Land Management if the Tribe sells, or attempts to sell, any part of the land.

(e) EFFECT.—Nothing in this section—

(1) affects any valid right-of-way, lease, permit, mining claim, grazing permit, water right, or other right or interest of any person or entity (other than the United States) in or to the trust land that exists before the date on which the land is placed in trust for the Tribe under subsection (c);

(2) enlarges, impairs, or otherwise affects a right or claim of the Tribe to any land or interest in land based on Aboriginal or Indian title that exists before the date of the enactment of this title;

(3) constitutes an express or implied reservation of water or water right for any purpose with respect to the trust land; or

(4) affects any water right of the Tribe that exists before the date of the enactment of this title.

SEC. 1107. RELATION TO OTHER LANDS AND LAWS.

(a) OTHER LANDS.—Nothing in this title shall be construed to affect any Federal lands located outside of the covered wilderness or the management of such lands.

(b) CONFORMING REPEAL.—Section 2815 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 852) is amended by striking subsection (d).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. POMBO) and the gentleman from Texas (Mr. RODRIGUEZ) each will control 20 minutes.

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

Mr. POMBO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 211, introduced by Senator BINGAMAN of New Mexico, and as amended by the Committee on Resources, contains 11 titles; however, eight of the 11 have already once passed this House. Therefore, in the interest of brevity, I will focus on the two titles that have not yet been considered by the full House, titles I and XI of the bill.

Title I would establish the Northern Rio Grande National Heritage Area across three counties within the State of New Mexico to commemorate the unique combination of cultures, languages, folk arts, customs, and architecture associated with the Spanish colonization of New Mexico beginning in 1598.

Finally, title XI contains language that would ensure the continued availability of the Utah Test and Training Range in northwestern Utah to support the readiness and training needs of the United States Armed Forces. That title takes advantage of the opportunity to make permanent the terms of military access and use, while also taking an important step towards resolving the outstanding Bureau of Land Management wilderness recommendations in Utah.

I urge adoption of the bill.

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

Mr. RODRIGUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have no objection to consideration of this measure.

This bill, S. 211, authorizes a single new National Heritage Area in New Mexico. Over the course of this Congress, however, a number of Heritage Area proposals have moved forward, but unfortunately, few have actually been enacted into law. Therefore, consideration of Senate bill 211 provides an opportunity to combine several of these proposals.

Mr. Speaker, we have no objection to the consideration of this measure.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in support of S. 211, which includes language to establish the Northern Rio Grande National Heritage Area. I am pleased to have sponsored H.R. 505, companion legislation to S. 211 as introduced and passed in the Senate. That version of the Senate legislation only provided for establishment of the Northern Rio Grande National Heritage Area. The bill before us today, however, includes an additional 100 pages of legislative language pertaining to other heritage area designations. Nevertheless, I am pleased that we will be moving one step closer to making the Northern Rio Grande Heritage Area a reality.

The establishment of the Northern Rio Grande National Heritage Area is a citizen-driven effort to protect the remaining significant resources representative of the Spanish

and Pueblo colonial era in north-central New Mexico. The bill identifies the northern New Mexico counties of Rio Arriba, Santa Fe and Taos as a National Heritage Area—an elite designation from Congress reserved for areas regarded as a significant resource.

Northern New Mexico boasts many sites of historic and cultural significance. Our State is a blend of Pueblo and Hispanic cultures, making it a very unique and special place in our country. This legislation would identify many of the sites that tell northern New Mexico's story, help preserve them and, in the process, allow them to be more thoroughly enjoyed by New Mexicans and visitors to our State. Preservation would directly led to economic development of this area through enhanced tourism.

The legislation creates a non-profit corporation governed by a 15- to 25-member board of trustees charged with developing a management plan for the heritage area. The board will consist of representatives from the State, affected counties, tribes, cities and others. The corporation's plan would consist of recommendations for identifying, conserving and preserving cultural, historical and natural resources within the heritage area, along with strategies to promote tourism of the region's natural and cultural assets.

The Northern Rio Grande Heritage Area is supported by the city of Española, the city of Santa Fe, Santa Fe County, Rio Arriba County, Taos County, La Jicarita Enterprise Community, the Chimayo Cultural Preservation Association, and the Eight Northern Pueblos. I urge my colleagues to join me and these communities and organizations in support of this legislation by voting for its passage today.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of S. 211 to authorize a single new National Heritage Area in New Mexico. While the bill combines a number of Heritage Area in New Mexico. While the bill combines a number of Heritage Area proposals, I am particularly pleased to see my legislation, H.R. 1594, to provide for a study of the suitability and feasibility of establishing my home island of St. Croix as a National Heritage Area was also included in this package.

The island of St. Croix has a long, distinguished, and varied history, including being the site where Christopher Columbus first stepped onto what is now American soil. There is significant interest in preserving and enhancing the natural, historical and cultural resources of the island on a cooperative basis and such a study would provide guidance on how we can best achieve those purposes.

Even though each of the U.S. Islands can make a good case for designation as a National Heritage Area, the island of St. Croix with its two historic towns—Christiansted built in 1734 and Frederiksted built in 1752—is richly blessed with all of the attributes that would justify this designation.

The town's historic architecture matured over a 100-year period. The town of Christiansted is one of the finest examples of Danish architectural designs in this hemisphere. Its history can be traced back some 4,000 years to 2500 B.C.

In 1493 Columbus arrived at what is now the Salt River National Historic Park and Ecological Preserve, making it the only site under the American flag where his men went ashore, as well as the first recorded hostile encounter between Europeans and Native Americans.

Frederiksted has the distinction of having been the first jurisdiction to have raised its flag in salute of the new Republic of the U.S.A., and indeed the first designed flag was done by a resident of that Island.

Mr. Speaker, S. 211 as amended, also includes important legislation to conserve and interpret important cultural and historical resources in Pennsylvania, Ohio and South Carolina. Many of our colleagues, including MIKE DOYLE of Pennsylvania, JIM CLYBURN of South Carolina and a new Member of this Congress, TIM RYAN of Ohio, have worked long and hard to shepherd these measures through the legislative process.

In conclusion, Mr. Speaker, I want to thank Full Committee Chairman POMBO, Ranking Member RAHALL, as well as Subcommittee Chairman RADANOVICH for their efforts in moving S. 211 to the floor of the House today.

I urge our colleagues to support S. 211.

Mr. RODRIGUEZ. Mr. Speaker, I yield back the balance of my time.

Mr. POMBO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. POMBO) that the House suspend the rules and pass the Senate bill, S. 211, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

AMERICAN INDIAN PROBATE REFORM ACT OF 2004

Mr. POMBO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1721) to amend the Indian Land Consolidation Act to improve provisions relating to probate of trust and restricted land, and for other purposes.

The Clerk read as follows:

S. 1721

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''American Indian Probate Reform Act of 2004''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Act of February 8, 1887 (commonly known as the ''Indian General Allotment Act'') (25 U.S.C. 331 et seq.), which authorized the allotment of Indian reservations, did not permit Indian allotment owners to provide for the testamentary disposition of the land that was allotted to them;

(2) that Act provided that allotments would descend according to State law of intestate succession based on the location of the allotment;

(3) the reliance of the Federal Government on the State law of intestate succession with respect to the descent of allotments has resulted in numerous problems affecting Indian tribes, members of Indian tribes, and the Federal Government, including—

(A) the increasingly fractionated ownership of trust and restricted land as that land is inherited by successive generations of owners as tenants in common;

(B) the application of different rules of intestate succession to each interest of a decedent in or to trust or restricted land if that land is located within the boundaries of more than 1 State, which application—

(i) makes probate planning unnecessarily difficult; and

(ii) impedes efforts to provide probate planning assistance or advice;

(C) the absence of a uniform general probate code for trust and restricted land, which makes it difficult for Indian tribes to work cooperatively to develop tribal probate codes; and

(D) the failure of Federal law to address or provide for many of the essential elements of general probate law, either directly or by reference, which—

(i) is unfair to the owners of trust and restricted land (and heirs and devisees of owners); and

(ii) makes probate planning more difficult;

(4) a uniform Federal probate code would likely—

(A) reduce the number of fractionated interests in trust or restricted land;

(B) facilitate efforts to provide probate planning assistance and advice and create incentives for owners of trust and restricted land to engage in estate planning;

(C) facilitate intertribal efforts to produce tribal probate codes in accordance with section 206 of the Indian Land Consolidation Act (25 U.S.C. 2205); and

(D) provide essential elements of general probate law that are not applicable on the date of enactment of this Act to interests in trust or restricted land; and

(5) the provisions of a uniform Federal probate code and other forth in this Act should operate to further the policy of the United States as stated in the Indian Land Consolidated Act Amendments of 2000, Public Law 106–462, 102, November 7, 2000, 114 Stat. 1992.

SEC. 3. INDIAN PROBATE REFORM.

(a) NONTESTAMENTARY DISPOSITION.—Section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) is amended by striking subsection (a) and inserting the following:

''(a) NONTESTAMENTARY DISPOSITION.—

''(1) RULES OF DESCENT.—Subject to any applicable Federal law relating to the devise or descent of trust or restricted property, any trust or restricted interest in land or interest in trust personalty that is not disposed of by a valid will—

''(A) shall descend according to an applicable tribal probate code approved in accordance with section 206; or

''(B) in the case of a trust or restricted interest in land or interest in trust personalty to which a tribal probate code does not apply, shall descend in accordance with—

''(i) paragraphs (2) through (5); and

''(ii) other applicable Federal law.

''(2) RULES GOVERNING DESCENT OF ESTATE.—

''(A) SURVIVING SPOUSE.—If there is a surviving spouse of the decedent, such spouse shall receive trust and restricted land and trust personalty in the estate as follows:

''(i) If the decedent is survived by 1 or more eligible heirs described in subparagraph (B) (i), (ii), (iii), or (iv), the surviving spouse shall receive ⅓ of the trust personalty of the decedent and a life estate without regard to waste in the interests in trust or restricted lands of the decedent.

''(ii) If there are no eligible heirs described in subparagraph (B) (i), (ii), (iii), or (iv), the surviving spouse shall receive all of the trust personalty of the decedent and a life estate without regard to waste in the trust or restricted lands of the decedent.

''(iii) The remainder shall pass as set forth in subparagraph (B).

''(iv) Trust personalty passing to a surviving spouse under the provisions of this subparagraph shall be maintained by the Secretary in an account as trust personalty, but only if such spouse is Indian.

''(B) INDIVIDUAL AND TRIBAL HEIRS.—Where there is no surviving spouse of the decedent,

or there is a remainder interest pursuant to subparagraph (A), the trust or restricted estate or such remainder shall, subject to subparagraphs (A) and (D), pass as follows:

''(i) To those of the decedent's children who are eligible heirs (or if 1 or more of such children do not survive the decedent, the children of any such deceased child who are eligible heirs, by right of representation, but only if such children of the deceased child survive the decedent) in equal shares.

''(ii) If the property does not pass under clause (i), to those of the decedent's surviving great-grandchildren who are eligible heirs, in equal shares.

''(iii) If the property does not pass under clause (i) or (ii), to the decedent's surviving parent who is an eligible heir, and if both parents survive the decedent and are both eligible heirs, to both parents in equal shares.

''(iv) If the property does not pass under clause (i), (ii), or (iii), to those of the decedent's surviving siblings who are eligible heirs, in equal shares.

''(v) If the property does not pass under clause (i), (ii), (iii), or (iv), to the Indian tribe with jurisdiction over the interests in trust or restricted lands;

except that notwithstanding clause (v), an Indian co-owner (including the Indian tribe referred to in clause (v)) of a parcel of trust or restricted land may acquire an interest that would otherwise descend under that clause by paying into the estate of the decedent, before the close of the probate of the estate, the fair market value of the interest in the land; if more than 1 Indian co-owner offers to pay for such interest, the highest bidder shall acquire the interest.

''(C) NO INDIAN TRIBE.—

''(i) IN GENERAL.—If there is no Indian tribe with jurisdiction over the interests in trust or restricted lands that would otherwise descend under subparagraph (B)(v), then such interests shall be divided equally among co-owners of trust or restricted interests in the parcel; if there are no such co-owners, then to the United States, provided that any such interests in land passing to the United States under this subparagraph shall be sold by the Secretary and the proceeds from such sale deposited into the land acquisition fund established under section 216 (25 U.S.C. 2215) and used for the purposes described in subsection (b) of that section.

''(ii) CONTIGUOUS PARCEL.—If the interests passing to the United States under this subparagraph are in a parcel of land that is contiguous to another parcel of trust or restricted land, the Secretary shall give the owner or owners of the trust or restricted interest in the contiguous parcel the first opportunity to purchase the interest at not less than fair market value determined in accordance with this Act. If more than 1 such owner in the contiguous parcel request to purchase the parcel, the Secretary shall sell the parcel by public auction or sealed bid (as determined by the Secretary) at not less than fair market value to the owner of a trust or restricted interest in the contiguous parcel submitting the highest bid.

''(D) INTESTATE DESCENT OF SMALL FRACTIONAL INTERESTS IN LAND.—

''(i) GENERAL RULE.—Notwithstanding subparagraphs (A) and (B), and subject to any applicable Federal law, any trust or restricted interest in land in the decedent's estate that is not disposed of by a valid will and represents less than 5 percent of the entire undivided ownership of the parcel of land of which such interest is a part, as evidenced by the decedent's estate inventory at the time of the heirship determination, shall descend in accordance with clauses (ii) through (iv).

''(ii) SURVIVING SPOUSE.—If there is a surviving spouse, and such spouse was residing on a parcel of land described in clause (i) at the time of the decedent's death, the spouse shall receive a life estate without regard to waste in the decedent's trust or restricted interest in only such parcel, and the remainder interest in that parcel shall pass in accordance with clause (iii).

''(iii) SINGLE HEIR RULE.—Where there is no life estate created under clause (ii) or there is a remainder interest under that clause, the trust or restricted interest or remainder interest that is subject to this subparagraph shall descend, in trust or restricted status, to—

''(I) the decedent's surviving child, but only if such child is an eligible heir; and if 2 or more surviving children are eligible heirs, then to the oldest of such children;

''(II) if the interest does not pass under subclause (I), the decedent's surviving grandchild, but only if such grandchild is an eligible heir; and if 2 or more surviving grandchildren are eligible heirs, then to the oldest of such grandchildren;

''(III) if the interest does not pass under subclause (I) or (II), the decedent's surviving great grandchild, but only if such great grandchild is an eligible heir; and if 2 or more surviving great grandchildren are eligible heirs, then to the oldest of such great grandchildren;

''(IV) if the interest does not pass under subclause (I), (II), or (III), the Indian tribe with jurisdiction over the interest; or

''(V) if the interest does not pass under subclause (I), (II), or (III), and there is no such Indian tribe to inherit the property under subclause (IV), the interest shall be divided equally among co-owners of trust or restricted interests in the parcel; and if there are no such co-owners, then to the United States, to be sold, and the proceeds from sale used, in the same manner provided in subparagraph (C).

The determination of which person is the oldest eligible heir for inheritance purposes under this clause shall be made by the Secretary in the decedent's probate proceeding and shall be consistent with the provisions of this Act.

''(iv) EXCEPTIONS.—Notwithstanding clause (iii)—

''(I)(aa) the heir of an interest under clause (iii), unless the heir is a minor or incompetent person, may agree in writing entered into the record of the decedent's probate proceeding to renounce such interest, in trust or restricted status, in favor of—

''(AA) any other eligible heir or Indian person related to the heir by blood, but in any case never in favor of more than 1 such heir or person;

''(BB) any co-owner of another trust or restricted interest in such parcel of land; or

''(CC) the Indian tribe with jurisdiction over the interest, if any; and

''(bb) the Secretary shall give effect to such agreement in the distribution of the interest in the probate proceeding; and

''(II) the governing body of the Indian tribe with jurisdiction over an interest in trust or restricted land that is subject to the provisions of this subparagraph may adopt a rule of intestate descent applicable to such interest that differs from the order of decedent set forth in clause (iii). The Secretary shall apply such rule to the interest in distributing the decedent's estate, but only if—

''(aa) a copy of the tribal rule is delivered to the official designated by the Secretary to receive copies of tribal rules for the purposes of this clause;

''(bb) the tribal rule provides for the intestate inheritance of such interest by no more than 1 heir, so that the interest does not further fractionate;

''(cc) the tribal rule does not apply to any interest disposed of by a valid will;

''(dd) the decedent died on or after the date described in subsection (b) of section 8 of the American Indian Probate Act of 2004, or on or after the date on which a copy of the tribal rule was delivered to the Secretary pursuant to item (aa), whichever is later; and

''(ee) the Secretary does not make a determination within 90 days after a copy of the tribal rule is delivered pursuant to item (aa) that the rule would be unreasonably difficult to administer or does not conform with the requirements in item (bb) or (cc).

''(v) RULE OF CONSTRUCTION.—This subparagraph shall not be construed to limit a person's right to devise any trust or restricted interest by way of a valid will in accordance with subsection (b).

''(3) RIGHT OF REPRESENTATION.—If, under this subsection, all or any part of the estate of a decedent is to pass to children of a deceased child by right of representation, that part is to be divided into as many equal shares as there are living children of the decedent and pre-deceased children who left issue who survive the decedent. Each living child of the decedent, if any, shall receive 1 share, and the share of each pre-deceased child shall be divided equally among the pre-deceased child's children.

''(4) SPECIAL RULE RELATING TO SURVIVAL.—In the case of intestate succession under this subsection, if an individual fails to survive the decedent by at least 120 hours, as established by clear and convincing evidence—

''(A) the individual shall be deemed to have predeceased the decedent for the purpose of intestate succession; and

''(B) the heirs of the decedent shall be determined in accordance with this section.

''(5) STATUS OF INHERITED INTERESTS.—Except as provided in paragraphs (2) (A) and (D) regarding the life estate of a surviving spouse, a trust or restricted interest in land or trust personalty that descends under the provisions of this subsection shall vest in the heir in the same trust or restricted status as such interest was held immediately prior to the decedent's death.''.

(b) TESTAMENTARY DISPOSITION.—Section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) is amended by striking subsection (b) and inserting the following:

''(b) TESTAMENTARY DISPOSITION.—

''(1) GENERAL DEVISE OF AN INTEREST IN TRUST OR RESTRICTED LAND.—

''(A) IN GENERAL.—Subject to any applicable Federal law relating to the devise or descent of trust or restricted land, or a tribal probate code approved by the Secretary in accordance with section 206, the owner of a trust or restricted interest in land may devise such interest to—

''(i) any lineal descendant of the testator;

''(ii) any person who owns a preexisting undivided trust or restricted interest in the same parcel of land;

''(iii) the Indian tribe with jurisdiction over the interest in land; or

''(iv) any Indian;

in trust or restricted status.

''(B) RULES OF INTERPRETATION.—Any devise of a trust or restricted interest in land pursuant to subparagraph (A) to an Indian or the Indian tribe with jurisdiction over the interest shall be deemed to be a devise of the interest in trust or restricted status. Any devise of a trust or restricted interest in land to a person who is only eligible to be a devisee under clause (i) or (ii) of subparagraph (A) shall be presumed to be a devise of the interest in trust or restricted status unless language in such devise clearly evidences an intent on the part of the testator that the interest is to pass as a life estate or fee interest in accordance with paragraph (2)(A).

''(2) DEVISE OF TRUST OR RESTRICTED LAND AS A LIFE ESTATE OR IN FEE.—

''(A) IN GENERAL.—Except as provided under any applicable Federal law, any trust or restricted interest in land that is not devised in accordance with paragraph (1)(A) may be devised only—

''(i) as a life estate to any person, with the remainder being devised only in accordance with subparagraph (B) or paragraph (1); or

''(ii) except as provided in subparagraph (B), as a fee interest without Federal restrictions against alienation to any person who is not eligible to be a devisee under clause (iv) of paragraph (1)(A).

''(B) INDIAN REORGANIZATION ACT LANDS.—Any interest in trust or restricted land that is subject to section 4 of the Act of June 18, 1934 (25 U.S.C. 464), may be devised only in accordance with—

''(i) that section;

''(ii) subparagraph (A)(i); or

''(iii) paragraph (1)(A);

provided that nothing in this section or in section 4 of the Act of June 18, 1934 (25 U.S.C. 464), shall be construed to authorize the devise of any interest in trust or restricted land that is subject to section 4 of that Act to any person as a fee interest under subparagraph (A)(ii).

''(3) GENERAL DEVISE OF AN INTEREST IN TRUST PERSONALTY.—

''(A) TRUST PERSONALITY DEFINED.—The term 'trust personalty' as used in this section includes all funds and securities of any kind which are held in trust in an individual Indian money account or otherwise supervised by the Secretary.

''(B) IN GENERAL.—Subject to any applicable Federal law relating to the devise or descent of such trust personalty, or a tribal probate code approved by the Secretary in accordance with section 206, the owner of an interest in trust personalty may devise such an interest to any person or entity.

''(C) MAINTENANCE AS TRUST PERSONALTY.—In the case of a devise of an interest in trust personalty to a person or Indian tribe eligible to be a devisee under paragraph (1)(A), the Secretary shall maintain and continue to manage such interests as trust personalty.

''(D) DIRECT DISBURSEMENT AND DISTRIBUTION.—In the case of a devise of an interest in trust personalty to a person or Indian tribe not eligible to be a devisee under paragraph (1)(A), the Secretary shall directly disburse and distribute such personalty to the devisee.

''(4) INVALID DEVISES AND WILLS.—

''(A) LAND.—Any trust or restricted interest in land that is not devised in accordance with paragraph (1) or (2) or that is not disposed of by a valid will shall descend in accordance with the applicable law of intestate succession as provided for in subsection (a).

''(B) PERSONALTY.—Any trust personalty that is not disposed of by a valid will shall descend in accordance with the applicable law of intestate succession as provided for in subsection (a).''.

(c) JOINT TENANCY; RIGHT OF SURVIVORSHIP.—Section 207(c) of the Indian Land Consolidation Act (25 U.S.C. 2206(c)) is amended by striking all that follows the heading, ''Joint Tenancy; Right of Survivorship'', and inserting the following:

''(1) PRESUMPTION OF JOINT TENANCY.—If a testator devises trust or restricted interests in the same parcel of land to more than 1 person, in the absence of clear and express language in the devise stating that the interest is to pass to the devisees as tenants in common, the devise shall be presumed to create a joint tenancy with the right of survivorship in the interests involved.

''(2) EXCEPTION.—Paragraph (1) shall not apply to any devise of an interest in trust or restricted land where the will in which such devise is made was executed prior to the date that is 1 year after the date on which the Secretary publishes the certification required by section 8(a)(4) of the American Indian Probate Reform Act of 2004.''.

(d) RULE OF CONSTRUCTION.—Section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) is amended by adding at the end the following:

''(h) APPLICABLE FEDERAL LAW.—

''(1) IN GENERAL.—Any references in subsections (a) and (b) to applicable Federal law include—

''(A) Public Law 91–627 (84 Stat. 1874);

''(B) Public Law 92–377 (86 Stat. 530);

''(C) Public Law 92–443 (86 Stat. 744);

''(D) Public Law 96–274 (94 Stat. 537); and

''(E) Public Law 98–513 (98 Stat. 2411).

''(2) NO EFFECT ON LAWS.—Nothing in this Act amends or otherwise affects the application of any law described in paragraph (1), or any other Federal law that pertains to—

''(A) trust or restricted land located on 1 or more specific Indian reservations that are expressly identified in such law; or

''(B) the allotted lands of 1 or more specific Indian tribes that are expressly identified in such law.

''(i) RULES OF INTERPRETATION.—In the absence of a contrary intent, and except as otherwise provided under this Act, applicable Federal law, or a tribal probate code approved by the Secretary pursuant to section 206, wills shall be construed as to trust and restricted land and trust personalty in accordance with the following rules:

''(1) CONSTRUCTION THAT WILL PASSES ALL PROPERTY.—A will shall be construed to apply to all trust and restricted land and trust personalty which the testator owned at his death, including any such land or personalty acquired after the execution of his will.

''(2) CLASS GIFTS.—

''(A) NO DIFFERENTIATION BETWEEN RELATIONSHIP BY BLOOD AND RELATIONSHIP BY AFFINITY.—Terms of relationship that do not differentiate relationships by blood from those by affinity, such as 'uncles', 'aunts', 'nieces', or 'nephews', are construed to exclude relatives by affinity. Terms of relationship that do not differentiate relationships by the half blood from those by the whole blood, such as 'brothers', 'sisters', 'nieces', or 'nephews', are construed to include both types of relationships.

''(B) MEANING OF 'HEIRS' AND 'NEXT OF KIN', ETC.; TIME OF ASCERTAINING CLASS.—A devise of trust or restricted interest in land or an interest in trust personalty to the testator's or another designated person's 'heirs', 'next of kin', 'relatives', or 'family' shall mean those persons, including the spouse, who would be entitled to take under the provisions of this Act for nontestamentary disposition. The class is to be ascertained as of the date of the testator's death.

''(C) TIME FOR ASCERTAINING CLASS.—In construing a devise to a class other than a class described in subparagraph (B), the class shall be ascertained as of the time the devise is to take effect in enjoyment. The surviving issue of any member of the class who is then dead shall take by right of representation the share which their deceased ancestor would have taken.

''(3) MEANING OF 'DIE WITHOUT ISSUE' AND SIMILAR PHRASES.—In any devise under this chapter, the words 'die without issue', 'die without leaving issue', 'have no issue', or words of a similar import shall be construed to mean that an individual had no lineal descendants in his lifetime or at his death, and not that there will be no lineal descendants at some future time.

''(4) PERSONS BORN OUT OF WEDLOCK.—In construing provisions of this chapter relating to lapsed and void devises, and in construing a devise to a person or persons described by relationship to the testator or to another, a person born out of wedlock shall be considered the child of the natural mother and also of the natural father.

''(5) LAPSED DEVISES.—Subject to the provisions of subsection (b), where the testator devises or bequeaths a trust or restricted interest in land or trust personalty to the testator's grandparents or to the lineal descendent of a grandparent, and the devisee or legatee dies before the testator leaving lineal descendents, such descendents shall take the interest so devised or bequeathed per stirpes.

''(6) VOID DEVISES.—Except as provided in paragraph (5), and if the disposition shall not be otherwise expressly provided for by a tribal probate code approved under section 206 (25 U.S.C. 2205), if a devise other than a residuary devise of a trust or restricted interest in land or trust personalty fails for any reason, such interest shall become part of the residue and pass, subject to the provisions of subsection (b), to the other residuary devisees, if any, in proportion to their respective shares or interests in the residue.

''(7) FAMILY CEMETERY PLOT.—If a family cemetery plot owned by the testator at his decease is not mentioned in the decedent's will, the ownership of the plot shall descend to his heirs as if he had died intestate.

''(j) HEIRSHIP BY KILLING.—

''(1) HEIR BY KILLING DEFINED.—As used in this subsection, 'heir by killing' means any person who knowingly participates, either as a principal or as an accessory before the fact, in the willful and unlawful killing of the decedent.

''(2) NO ACQUISITION OF PROPERTY BY KILLING.—Subject to any applicable Federal law relating to the devise or descent of trust or restricted land, no heir by killing shall in any way acquire any trust or restricted interests in land or interests in trust personalty as the result of the death of the decedent, but such property shall pass in accordance with this subsection.

''(3) DESCENT, DISTRIBUTION, AND RIGHT OF SURVIVORSHIP.—The heir by killing shall be deemed to have predeceased the decedent as to decedent's trust or restricted interests in land or trust personalty which would have passed from the decedent or his estate to such heir—

''(A) under intestate succession under this section;

''(B) under a tribal probate code, unless otherwise provided for;

''(C) as the surviving spouse;

''(D) by devise;

''(E) as a reversion or a vested remainder;

''(F) as a survivorship interest; and

''(G) as a contingent remainder or executory or other future interest.

''(4) JOINT TENANTS, JOINT OWNERS, AND JOINT OBLIGEES.—

''(A) Any trust or restricted land or trust personalty held by only the heir by killing and the decedent as joint tenants, joint owners, or joint obligees shall pass upon the death of the decedent to his or her estate, as if the heir by killing had predeceased the decedent.

''(B) As to trust or restricted land or trust personalty held jointly by 3 or more persons, including both the heir by killing and the decedent, any income which would have accrued to the heir by killing as a result of the death of the decedent shall pass to the estate of the decedent as if the heir by killing had predeceased the decedent and any surviving joint tenants.

''(C) Notwithstanding any other provision of this subsection, the decedent's trust or restricted interest land or trust personalty that is held in a joint tenancy with the right of survivorship shall be severed from the joint tenancy as though the property held in the joint tenancy were to be severed and distributed equally among the joint tenants and

the decedent's interest shall pass to his estate; the remainder of the interests shall remain in joint tenancy with right of survivorship among the surviving joint tenants.

''(5) LIFE ESTATE FOR THE LIFE OF ANOTHER.—If the estate is held by a third person whose possession expires upon the death of the decedent, it shall remain in such person's hands for the period of time following the decedent's death equal to the life expectancy of the decedent but for the killing.

''(6) PREADJUDICATION RULE.—

''(A) IN GENERAL.—If a person has been charged, whether by indictment, information, or otherwise by the United States, a tribe, or any State, with voluntary manslaughter or homicide in connection with a decedent's death, then any and all trust or restricted land or trust personalty that would otherwise pass to that person from the decedent's estate shall not pass or be distributed by the Secretary until the charges have been resolved in accordance with the provisions of this paragraph.

''(B) DISMISSAL OR WITHDRAWAL.—Upon dismissal or withdrawal of the charge, or upon a verdict of not guilty, such land and personalty shall pass as if no charge had been filed or made.

''(C) CONVICTION.—Upon conviction of such person, and the exhaustion of all appeals, if any, the trust and restricted land and trust personalty in the estate shall pass in accordance with this subsection.

''(7) BROAD CONSTRUCTION; POLICY OF SUBSECTION.—This subsection shall not be considered penal in nature, but shall be construed broadly in order to effect the policy that no person shall be allowed to profit by his own wrong, wherever committed.

''(k) GENERAL RULES GOVERNING PROBATE.—

''(1) SCOPE.—Except as provided under applicable Federal law or a tribal probate code approved under section 206, the provisions of this subsection shall govern the probate of estates containing trust and restricted interests in land or trust personalty.

''(2) PRETERMITTED SPOUSES AND CHILDREN.—

''(A) SPOUSES.—

''(i) IN GENERAL.—Except as provided in clause (ii), if the surviving spouse of a testator married the testator after the testator executed the will of the testator, the surviving spouse shall receive the intestate share in the decedent's trust or restricted land and trust personalty that the spouse would have received if the testator had died intestate.

''(ii) EXCEPTION.—Clause (i) shall not apply to a trust or restricted interest land where—

''(I) the will of a testator is executed before the date of enactment of this subparagraph;

''(II)(aa) the spouse of a testator is a non-Indian; and

''(bb) the testator devised the interests in trust or restricted land of the testator to 1 or more Indians;

''(III) it appears, based on an examination of the will or other evidence, that the will was made in contemplation of the marriage of the testator to the surviving spouse;

''(IV) the will expresses the intention that the will is to be effective notwithstanding any subsequent marriage; or

''(V)(aa) the testator provided for the spouse by a transfer of funds or property outside the will; and

''(bb) an intent that the transfer be in lieu of a testamentary provision is demonstrated by statements of the testator or through a reasonable inference based on the amount of the transfer or other evidence.

''(iii) SPOUSES MARRIED AT THE TIME OF THE WILL.—Should the surviving spouse of the testator be omitted from the will of the testator, the surviving spouse shall be treated, for purposes of trust or restricted land or trust personalty in the testator's estate, in accordance with the provisions of section 207(a)(2)(A), as though there was no will but only if—

''(I) the testator and surviving spouse were continuously married without legal separation for the 5-year period preceding the decedent's death;

''(II) the testator and surviving spouse have a surviving child who is the child of the testator;

''(III) the surviving spouse has made substantial payments toward the purchase of, or improvements to, the trust or restricted land in such estate; or

''(IV) the surviving spouse is under a binding obligation to continue making loan payments for the trust or restricted land for a substantial period of time;

except that, if there is evidence that the testator adequately provided for the surviving spouse and any minor children by a transfer of funds or property outside of the will, this clause shall not apply.

''(B) CHILDREN.—

''(i) IN GENERAL.—If a testator executed the will of the testator before the birth or adoption of 1 or more children of the testator, and the omission of the children from the will is a product of inadvertence rather than an intentional omission, the children shall share in the trust or restricted interests in land and trust personalty as if the decedent had died intestate.

''(ii) ADOPTED HEIRS.—Any person recognized as an heir by virtue of adoption under the Act of July 8, 1940 (25 U.S.C. 372a), shall be treated as the child of a decedent under this subsection.

''(iii) ADOPTED-OUT CHILDREN.—

''(I) IN GENERAL.—For purposes of this Act, an adopted person shall not be considered the child or issue of his natural parents, except in distributing the estate of a natural kin, other than the natural parent, who has maintained a family relationship with the adopted person. If a natural parent shall have married the adopting parent, the adopted person for purposes of inheritance by, from and through him shall also be considered the issue of such natural parent.

''(II) ELIGIBLE HEIR PURSUANT TO OTHER FEDERAL LAW OR TRIBAL LAW.—Notwithstanding the provisions of subparagraph (B)(iii)(I), other Federal laws and laws of the Indian tribe with jurisdiction over the trust or restricted interest in land may otherwise define the inheritance rights of adopted-out children.

''(3) DIVORCE.—

''(A) SURVIVING SPOUSE.—

''(i) IN GENERAL.—An individual who is divorced from a decedent, or whose marriage to the decedent has been annulled, shall not be considered to be a surviving spouse unless, by virtue of a subsequent marriage, the individual is married to the decedent at the time of death of the decedent.

''(ii) SEPARATION.—A decree of separation that does not dissolve a marriage, and terminate the status of husband and wife, shall not be considered a divorce for the purpose of this subsection.

''(iii) NO EFFECT ON ADJUDICATIONS.—Nothing in clause (i) shall prevent the Secretary from giving effect to a property right settlement relating to a trust or restricted interest in land or an interest in trust personalty if 1 of the parties to the settlement dies before the issuance of a final decree dissolving the marriage of the parties to the property settlement.

''(B) EFFECT OF SUBSEQUENT DIVORCE ON A WILL OR DEVISE.—

''(i) IN GENERAL.—If, after executing a will, a testator is divorced or the marriage of the testator is annulled, as of the effective date of the divorce or annulment, any disposition of trust or restricted interests in land or of trust personalty made by the will to the former spouse of the testator shall be considered to be revoked unless the will expressly provides otherwise.

''(ii) PROPERTY.—Property that is prevented from passing to a former spouse of a decedent under clause (i) shall pass as if the former spouse failed to survive the decedent.

''(iii) PROVISIONS OF WILLS.—Any provision of a will that is considered to be revoked solely by operation of this subparagraph shall be revived by the remarriage of a testator to the former spouse of the testator.

''(4) AFTER-BORN HEIRS.—A child in gestation at the time of decedent's death will be treated as having survived the decedent if the child lives at least 120 hours after its birth.

''(5) ADVANCEMENTS OF TRUST PERSONALTY DURING LIFETIME; EFFECT ON DISTRIBUTION OF ESTATE.—

''(A) The trust personalty of a decedent who dies intestate as to all or a portion of his or her estate, given during the decedent's lifetime to a person eligible to be an heir of the decedent under subsection (b)(2)(B), shall be treated as an advancement against the heir's inheritance, but only if the decedent declared in a contemporaneous writing, or the heir acknowledged in writing, that the gift is an advancement or is to be taken into account in computing the division and distribution of the decedent's intestate estate.

''(B) For the purposes of this section, trust personalty advanced during the decedent's lifetime is valued as of the time the heir came into possession or enjoyment of the property or as of the time of the decedent's death, whichever occurs first.

''(C) If the recipient of the trust personalty predeceases the decedent, the property shall not be treated as an advancement or taken into account in computing the division and distribution of the decedent's intestate estate unless the decedent's contemporaneous writing provides otherwise.

''(6) HEIRS RELATED TO DECEDENT THROUGH 2 LINES; SINGLE SHARE.—A person who is related to the decedent through 2 lines of relationship is entitled to only a single share of the trust or restricted land or trust personalty in the decedent's estate based on the relationship that would entitle such person to the larger share.

''(7) NOTICE.—

''(A) IN GENERAL.—To the maximum extent practicable, the Secretary shall notify each owner of trust and restricted land of the provisions of this Act.

''(B) COMBINED NOTICES.—The notice under subparagraph (A) may, at the discretion of the Secretary, be provided with the notice required under subsection (a) of section 8 of the American Indian Probate Reform Act of 2004.

''(8) RENUNCIATION OR DISCLAIMER OF INTERESTS.—

''(A) IN GENERAL.—Any person 18 years of age or older may renounce or disclaim an inheritance of a trust or restricted interest in land or in trust personalty through intestate succession or devise, either in full or subject to the reservation of a life estate (where the interest is an interest in land), in accordance with subparagraph (B), by filing a signed and acknowledged declaration with the probate decisionmaker prior to entry of a final probate order. No interest so renounced or disclaimed shall be considered to have vested in the renouncing or disclaiming heir or devisee, and the renunciation or disclaimer shall not be considered to be a transfer or gift of the renounced or disclaimed interest.

''(B) ELIGIBLE RECIPIENTS OF RENOUNCED OR DISCLAIMED INTERESTS; NOTICE TO RECIPIENTS.—

''(i) INTERESTS IN LAND.—A trust or restricted interest in land may be renounced or disclaimed only in favor of—

''(I) an eligible heir;

''(II) any person who would have been eligible to be a devisee of the interest in question pursuant to subsection (b)(1)(A) (but only in cases where the renouncing person is a devisee of the interest under a valid will); or

''(III) the Indian tribe with jurisdiction over the interest in question;

and the interest so renounced shall pass to its recipient in trust or restricted status.

''(ii) TRUST PERSONALTY.—An interest in trust personalty may be renounced or disclaimed in favor of any person who would be eligible to be a devisee of such an interest under subsection (b)(3) and shall pass to the recipient in accordance with the provisions of that subsection.

''(iii) UNAUTHORIZED RENUNCIATIONS AND DISCLAIMERS.—Unless renounced or disclaimed in favor of a person or Indian tribe eligible to receive the interest in accordance with the provisions of this subparagraph, a renounced or disclaimed interest shall pass as if the renunciation or disclaimer had not been made.

''(C) ACCEPTANCE OF INTEREST.—A renunciation or disclaimer of an interest filed in accordance with this paragraph shall be considered accepted when implemented in a final order by a decisionmaker, and shall thereafter be irrevocable. No renunciation or disclaimer of an interest shall be included in such order unless the recipient of the interest has been given notice of the renunciation or disclaimer and has not refused to accept the interest. All disclaimers and renunciations filed and implemented in probate orders made effective prior to the date of enactment of the American Indian Probate Reform Act of 2004 are hereby ratified.

''(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to allow the renunciation of an interest that is subject to the provisions of section 207(a)(2)(D) (25 U.S.C. 2206(a)(2)(D)) in favor of more than 1 person.

''(9) CONSOLIDATION AGREEMENTS.—

''(A) IN GENERAL.—During the pendency of probate, the decisionmaker is authorized to approve written consolidation agreements effecting exchanges or gifts voluntarily entered into between the decedent's eligible heirs or devisees, to consolidate interests in any tract of land included in the decedent's trust inventory. Such agreements may provide for the conveyance of interests already owned by such heirs or devisees in such tracts, without having to comply with the Secretary's rules and requirements otherwise applicable to conveyances by deed of trust or restricted interests in land.

''(B) EFFECTIVE.—An agreement approved under subparagraph (A) shall be considered final when implemented in an order by a decisionmaker. The final probate order shall direct any changes necessary to the Secretary's land records, to reflect and implement the terms of the approved agreement.

''(C) EFFECT ON PURCHASE OPTION AT PROBATE.—Any interest in trust or restricted land that is subject to a consolidation agreement under this paragraph or section 207(e) (25 U.S.C. 2206(e)) shall not be available for purchase under section 207(p) (25 U.S.C. 2206(p)) unless the decisionmaker determines that the agreement should not be approved.''.

SEC. 4. PARTITION OF HIGHLY FRACTIONATED INDIAN LANDS.

Section 205 of the Indian Land Consolidation Act (25 U.S.C. 2204) (as amended by section 6(a)(2)) is amended by adding at the end the following:

''(d) PARTITION OF HIGHLY FRACTIONATED INDIAN LANDS.—

''(1) APPLICABILITY.—This subsection shall be applicable only to parcels of land (including surface and subsurface interests, except with respect to a subsurface interest that has been severed from the surface interest, in which case this subsection shall apply only to the surface interest) which the Secretary has determined, pursuant to paragraph (2)(B), to be parcels of highly fractionated Indian land.

''(2) REQUIREMENTS.—Each partition action under this subsection shall be conducted by the Secretary in accordance with the following requirements:

''(A) APPLICATION.—Upon receipt of any payment or bond required under subparagraph (B), the Secretary shall commence a process for partitioning a parcel of land by sale in accordance with the provisions of this subsection upon receipt of an application by—

''(i) the Indian tribe with jurisdiction over the subject land that owns an undivided interest in the parcel of land; or

''(ii) any person owning an undivided interest in the parcel of land who is eligible to bid at the sale of the parcel pursuant to subclause (II), (III), or (IV) of subparagraph (I)(i);

provided that no such application shall be valid or considered if it is received by the Secretary prior to the date that is 1 year after the date on which notice is published pursuant to section 8(a)(4) of the American Indian Probate Reform Act of 2004.

''(B) COSTS OF SERVING NOTICE AND PUBLICATION.—The costs of serving and publishing notice under subparagraph (F) shall be borne by the applicant. Upon receiving written notice from the Secretary, the applicant must pay to the Secretary an amount determined by the Secretary to be the estimated costs of such service of notice and publication, or furnish a sufficient bond for such estimated costs within the time stated in the notice, failing which, unless an extension is granted by the Secretary, the Secretary shall not be required to commence the partition process under subparagraph (A) and may deny the application. The Secretary shall have the discretion and authority in any case to waive either the payment or the bond (or any portion of such payment or bond) otherwise required by this subparagraph, upon making a determination that such waiver will further the policies of this Act.

''(C) DETERMINATION.—Upon receipt of an application pursuant to subparagraph (A), the Secretary shall determine whether the subject parcel meets the requirements set forth in section 202(6) (25 U.S.C. 2201(6)) to be classified as a parcel of highly fractionated Indian land.

''(D) CONSENT REQUIREMENTS.—

''(i) IN GENERAL.—A parcel of land may be partitioned under this subsection only if the applicant obtains the written consent of—

''(I) the Indian tribe with jurisdiction over the subject land if such Indian tribe owns an undivided interest in the parcel;

''(II) any owner who, for the 3-year period immediately preceding the date on which the Secretary receives the application, has

''(aa) continuously maintained a bona fide residence on the parcel; or

''(bb) operated a bona fide farm, ranch, or other business on the parcel; and

''(III) the owners (including parents of minor owners and legal guardians of incompetent owners) of at least 50 percent of the undivided interests in the parcel, but only in cases where the Secretary determines that, based on the final appraisal prepared pursuant to subparagraph (F), any 1 owner's total undivided interest in the parcel (not including the interest of an Indian tribe or that of the owner requesting the partition) has a value in excess of $1,500.

Any consent required by this clause must be in writing and acknowledged before a notary public (or other official authorized to make acknowledgments), and shall be approved by Secretary unless the Secretary has reason to believe that the consent was obtained as a result of fraud or undue influence.

''(ii) CONSENT BY THE SECRETARY ON BEHALF OF CERTAIN INDIVIDUALS.—For the purposes of clause (i)(III), the Secretary may consent on behalf of—

''(I) undetermined heirs of trust or restricted interests and owners of such interests who are minors and legal incompetents having no parents or legal guardian; and

''(II) missing owners or owners of trust or restricted interests whose whereabouts are unknown, but only after a search for such owners has been completed in accordance with the provisions of this subsection.

''(E) APPRAISAL.—After the Secretary has determined that the subject parcel is a parcel of highly fractionated Indian land pursuant to subparagraph (C), the Secretary shall cause to be made, in accordance with the provisions of this Act for establishing fair market value, an appraisal of the fair market value of the subject parcel.

''(F) NOTICE TO OWNERS ON COMPLETION OF APPRAISAL.—Upon completion of the appraisal, the Secretary shall give notice of the requested partition and appraisal to all owners of undivided interests in the parcel, in accordance with principles of due process. Such notice shall include the following requirements:

''(i) WRITTEN NOTICE.—The Secretary shall attempt to give each owner written notice of the partition action stating the following:

''(I) That a proceeding to partition the parcel of land by sale has been commenced.

''(II) The legal description of the subject parcel.

''(III) The owner's ownership interest in the subject parcel as evidenced by the Secretary's records as of the date that owners are determined in accordance with clause (ii).

''(IV) The results of the appraisal.

''(V) The owner's right to receive a copy of the appraisal upon written request.

''(VI) The owner's right to comment on or object to the proposed partition and the appraisal.

''(VII) That the owner must timely comment on or object in writing to the proposed partition or the appraisal, in order to receive notice of approval of the appraisal and right to appeal.

''(VIII) The date by which the owner's written comments or objections must be received, which shall not be less than 90 days after the date that the notice is mailed under this clause or last published under clause (ii)(II).

''(IX) The address for requesting copies of the appraisal and for submitting written comments or objections.

''(X) The name and telephone number of the official to be contacted for purposes of obtaining information regarding the proceeding, including the time and date of the auction of the land or the date for submitting sealed bids.

''(XI) Any other information the Secretary deems to be appropriate.

''(ii) MANNER OF SERVICE.—

''(I) SERVICE BY CERTIFIED MAIL.—The Secretary shall use due diligence to provide all owners of interests in the subject parcel, as evidenced by the Secretary's records at the time of the determination under subparagraph (C), with actual notice of the partition

proceedings by mailing a copy of the written notice described in clause (i) by certified mail, restricted delivery, to each such owner at the owner's last known address. For purposes of this subsection, owners shall be determined from the Secretary's land title records as of the date of the determination under subparagraph (C) or a date that is not more than 90 days prior to the date of mailing under this clause, whichever is later. In the event the written notice to an owner is returned undelivered, the Secretary shall attempt to obtain a current address for such owner by conducting a reasonable search (including a reasonable search of records maintained by local, state, Federal and tribal governments and agencies) and by inquiring with the Indian tribe with jurisdiction over the subject parcel, and, if different from that tribe, the Indian tribe of which the owner is a member, and, if successful in locating any such owner, send written notice by certified mail in accordance with this subclause.

''(II) NOTICE BY PUBLICATION.—The Secretary shall give notice by publication of the partition proceedings to all owners that the Secretary was unable to serve pursuant to subclause (I), and to unknown heirs and assigns by—

''(aa) publishing the notice described in clause (i) at least 2 times in a newspaper of general circulation in the county or counties where the subject parcel of land is located or, if there is an Indian tribe with jurisdiction over the parcel of land and that tribe publishes a tribal newspaper or newsletter at least once every month, 1 time in such newspaper of general circulation and 1 time in such tribal newspaper or newsletter;

''(bb) posting such notice in a conspicuous place in the tribal headquarters or administration building (or such other tribal building determined by the Secretary to be most appropriate for giving public notice) of the Indian tribe with jurisdiction over the parcel of land, if any; and

''(cc) in addition to the foregoing, in the Secretary's discretion, publishing notice in any other place or means that the Secretary determines to be appropriate.

''(G) REVIEW OF COMMENTS ON APPRAISAL.—

''(i) IN GENERAL.—After reviewing and considering comments or information timely submitted by any owner of an interest in the parcel in response to the notice required under subparagraph (F), the Secretary may, consistent with the provisions of this Act for establishing fair market value—

''(I) order a new appraisal; or

''(II) approve the appraisal;

provided that if the Secretary orders a new appraisal under subclause (I), notice of the new appraisal shall be given as specified in clause (ii).

''(ii) NOTICE.—Notice shall be given—

''(I) in accordance with subparagraph (H), where the new appraisal results in a higher valuation of the land; or

''(II) in accordance with subparagraph (F)(ii), where the new appraisal results in a lower valuation of the land.

''(H) NOTICE TO OWNERS OF APPROVAL OF APPRAISAL AND RIGHT TO APPEAL.—Upon making the determination under subparagraph (G), the Secretary shall provide to the Indian tribe with jurisdiction over the subject land and to all persons who submitted written comments on or objections to the proposed partition or appraisal, a written notice to be served on such tribe and persons by certified mail. Such notice shall state—

''(i) the results of the appraisal;

''(ii) that the owner has the right to review a copy of the appraisal upon request;

''(iii) that the land will be sold for not less than the appraised value, subject to the consent requirements under paragraph (2)(D);

''(iv) the time of the sale or for submitting bids under subparagraph (I);

''(v) that the owner has the right, under the Secretary's regulations governing administrative appeals, to pursue an administrative appeal from—

''(I) the determination that the land may be partitioned by sale under the provisions of this section; and

''(II) the Secretary's order approving the appraisal;

''(vi) the date by which an administrative appeal must be taken, a citation to the provisions of the Secretary's regulations that will govern the owner's appeal, and any other information required by such regulations to be given to parties affected by adverse decisions of the Secretary;

''(vii) in cases where the Secretary determines that any person's undivided trust or restricted interest in the parcel exceeds $1,500 pursuant to paragraph (2)(D)(iii), that the Secretary has authority to consent to the partition on behalf of undetermined heirs of trust or restricted interests in the parcel and owners of such interests whose whereabouts are unknown; and

''(viii) any other information the Secretary deems to be appropriate.

''(I) SALE TO ELIGIBLE PURCHASER.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii) and the consent requirements of paragraph (2)(D), the Secretary shall, after providing notice to owners under subparagraph (H), including the time and place of sale or for receiving sealed bids, at public auction or by sealed bid (whichever of such methods of sale the Secretary determines to be more appropriate under the circumstances) sell the parcel of land by competitive bid for not less than the final appraised fair market value to the highest bidder from among the following eligible bidders:

''(I) The Indian tribe, if any, with jurisdiction over the trust or restricted interests in the parcel being sold.

''(II) Any person who is a member, or is eligible to be a member, of the Indian tribe described in subclause (I).

''(III) Any person who is a member, or is eligible to be a member, of an Indian tribe but not of the tribe described in subclause (I), but only if such person already owns an undivided interest in the parcel at the time of sale.

''(IV) Any lineal descendent of the original allottee of the parcel who is a member or is eligible to be a member of an Indian tribe or, with respect to a parcel located in the State of California that is not within an Indian tribe's reservation or not otherwise subject to the jurisdiction of an Indian tribe, who is a member, or eligible to be a member, of an Indian tribe or owns a trust or restricted interest in the parcel.

''(ii) RIGHT TO MATCH HIGHEST BID.—If the highest bidder is a person who is only eligible to bid under clause (i)(III), the Indian tribe that has jurisdiction over the parcel, if any, shall have the right to match the highest bid and acquire the parcel, but only if—

''(I) prior to the date of the sale, the governing body of such tribe has adopted a tribal law or resolution reserving its right to match the bids of such nonmember bidders in partition sales under this subsection and delivered a copy of such law or resolution to the Secretary; and

''(II) the parcel is not acquired under clause (iii).

''(iii) RIGHT TO PURCHASE.—Any person who is a member, or eligible to be a member, of the Indian tribe with jurisdiction over the trust or restricted interests in the parcel being sold and is, as of the time of sale under this subparagraph, the owner of the largest undivided interest in the parcel shall have a right to purchase the parcel by tendering to the Secretary an amount equal to the highest sufficient bid submitted at the sale, less that amount of the bid attributable to such owner's share, but only if—

''(I) the owner submitted a sufficient bid at the sale;

''(II) the owner's total undivided interest in the parcel immediately prior to the sale was—

''(aa) greater than the undivided interest held by any other co-owners, except where there are 2 or more co-owners whose interests are of equal size but larger than the interests of all other co-owners and such owners of the largest interests have agreed in writing that 1 of them may exercise the right of purchase under this clause; and

''(bb) equal to or greater than 20 percent of the entire undivided ownership of the parcel;

''(III) within 3 days following the date of the auction or for receiving sealed bids, and in accordance with the regulations adopted to implement this section, the owner delivers to the Secretary a written notice of intent to exercise the owner's rights under this clause; and

''(IV) such owner tenders the amount of the purchase price required under this clause—

''(aa) not less than 30 days after the date of the auction or time for receiving sealed bids; and

''(bb) in accordance with any requirements of the regulations promulgated to implement this section.

''(iv) INTEREST ACQUIRED.—A purchaser of a parcel of land under this subparagraph shall acquire title to the parcel in trust or restricted status, free and clear of any and all claims of title or ownership of all persons or entities (not including the United States) owning or claiming to own an interest in such parcel prior to the time of sale.

''(J) PROCEEDS OF SALE.—

''(i) Subject to clauses (ii) and (iii), the Secretary shall distribute the proceeds of sale of a parcel of land under the provisions of this section to the owners of interests in such parcel in proportion to their respective ownership interests.

''(ii) Proceeds attributable to the sale of trust or restricted interests shall be maintained in accounts as trust personalty.

''(iii) Proceeds attributable to the sale of interests of owners whose whereabouts are unknown, of undetermined heirs, and of other persons whose ownership interests have not been recorded shall be held by the Secretary until such owners, heirs, or other persons have been determined, at which time such proceeds shall be distributed in accordance with clauses (i) and (ii).

''(K) LACK OF BIDS OR CONSENT.—

''(i) LACK OF BIDS.—If no bidder described in subparagraph (I) presents a bid that equals or exceeds the final appraised value, the Secretary may either—

''(I) purchase the parcel of land for its appraised fair market value on behalf of the Indian tribe with jurisdiction over the land, subject to the lien and procedures provided under section 214(b) (25 U.S.C. 2213(b)); or

''(II) terminate the partition process.

''(ii) LACK OF CONSENT.—If an applicant fails to obtain any applicable consent required under the provisions of subparagraph (D) by the date established by the Secretary prior to the proposed sale, the Secretary may either extend the time for obtaining any such consent or deny the request for partition.

''(3) ENFORCEMENT.—

''(A) IN GENERAL.—If a partition is approved under this subsection and an owner of an interest in the parcel of land refuses to surrender possession in accordance with the partition decision, or refuses to execute any

conveyance necessary to implement the partition, then any affected owner or the United States may—

''(i) commence a civil action in the United States district court for the district in which the parcel of land is located; and

''(ii) request that the court issue an order for ejectment or any other appropriate remedy necessary for the partition of the land by sale.

''(B) FEDERAL ROLE.—With respect to any civil action brought under subparagraph (A)—

''(i) the United States—

''(I) shall receive notice of the civil action; and

''(II) may be a party to the civil action; and

''(ii) the civil action shall not be dismissed, and no relief requested shall be denied, on the ground that the civil action is against the United States or that the United States is a necessary and indispensable party.

''(4) GRANTS AND LOANS.—The Secretary may provide grants and low interest loans to successful bidders at sales authorized by this subsection, provided that—

''(A) the total amount of such assistance in any such sale shall not exceed 20 percent of the appraised value of the parcel of land sold; and

''(B) the grant or loan funds provided shall only be applied toward the purchase price of the parcel of land sold.

''(5) REGULATIONS.—The Secretary is authorized to adopt such regulations as may be necessary to implement the provisions of this subsection. Such regulations shall include provisions for giving notice of sales to prospective purchasers eligible to submit bids at sales conducted under paragraph (2)(I).''.

SEC. 5. OWNER-MANAGED INTERESTS.

The Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) is amended by adding at the end the following:

''SEC. 221. OWNER-MANAGED INTERESTS.

''(a) PURPOSE.—The purpose of this section is to provide a means for the co-owners of trust or restricted interests in a parcel of land to enter into surface leases of such parcel for certain purposes without approval of the Secretary.

''(b) MINERAL INTERESTS.—Nothing in this section shall be construed to limit or otherwise affect the application of any Federal law requiring the Secretary to approve mineral leases or other agreements for the development of the mineral interest in trust or restricted land.

''(c) OWNER MANAGEMENT.—

''(1) IN GENERAL.—Notwithstanding any provision of Federal law requiring the Secretary to approve individual Indian leases of individual Indian trust or restricted land, where the owners of all of the undivided trust or restricted interests in a parcel of land have submitted applications to the Secretary pursuant to subsection (a), and the Secretary has approved such applications under subsection (d), such owners may, without further approval by the Secretary, enter into a lease of the parcel for agricultural purposes for a term not to exceed 10 years.

''(2) RULE OF CONSTRUCTION.—No such lease shall be effective until it has been executed by the owners of all undivided trust or restricted interests in the parcel.

''(d) APPROVAL OF APPLICATIONS FOR OWNER MANAGEMENT.—

''(1) IN GENERAL.—Subject to the provisions of paragraph (2), the Secretary shall approve an application for owner management submitted by a qualified applicant pursuant to this section unless the Secretary has reason to believe that the applicant is submitting the application as the result of fraud or undue influence. No such application shall be valid or considered if it is received by the Secretary prior to the date that is 1 year after the date on which notice is published pursuant to section 8(a)(4) of the American Indian Probate Reform Act of 2004.

''(2) COMMENCEMENT OF OWNER-MANAGED STATUS.—Notwithstanding the approval of 1 or more applications pursuant to paragraph (1), no trust or restricted interest in a parcel of land shall acquire owner-managed status until applications for all of the trust or restricted interests in such parcel of land have been submitted to and approved by the Secretary pursuant to this section.

''(e) VALIDITY OF LEASES.—No lease of trust or restricted interests in a parcel of land that is owner-managed under this section shall be valid or enforceable against the owners of such interests, or against the land, the interest or the United States, unless such lease—

''(1) is consistent with, and entered into in accordance with, the requirements of this section; or

''(2) has been approved by the Secretary in accordance with other Federal laws applicable to the leasing of trust or restricted land.

''(f) LEASE REVENUES.—The Secretary shall not be responsible for the collection of, or accounting for, any lease revenues accruing to any interests under a lease authorized by subsection (e), so long as such interest is in owner-managed status under the provisions of this section.

''(g) JURISDICTION.—

''(1) JURISDICTION UNAFFECTED BY STATUS.—The Indian tribe with jurisdiction over an interest in trust or restricted land that becomes owner-managed pursuant to this section shall continue to have jurisdiction over the interest to the same extent and in all respects that such tribe had prior to the interest acquiring owner-managed status.

''(2) PERSONS USING LAND.—Any person holding, leasing, or otherwise using such interest in land shall be considered to consent to the jurisdiction of the Indian tribe referred to in paragraph (1), including such tribe's laws and regulations, if any, relating to the use, and any effects associated with the use, of the interest.

''(h) CONTINUATION OF OWNER-MANAGED STATUS; REVOCATION.—

''(1) IN GENERAL.—Subject to the provisions of paragraph (2), after the applications of the owners of all of the trust or restricted interests in a parcel of land have been approved by the Secretary pursuant to subsection (d), each such interest shall continue in owner-managed status under this section notwithstanding any subsequent conveyance of the interest in trust or restricted status to another person or the subsequent descent of the interest in trust or restricted status by testate or intestate succession to 1 or more heirs.

''(2) REVOCATION.—Owner-managed status of an interest may be revoked upon written request of the owners (including the parents or legal guardians of minors or incompetent owners) of all trust or restricted interests in the parcel, submitted to the Secretary in accordance with regulations adopted under subsection (l). The revocation shall become effective as of the date on which the last of all such requests has been delivered to the Secretary.

''(3) EFFECT OF REVOCATION.—Revocation of owner-managed status under paragraph (2) shall not affect the validity of any lease made in accordance with the provisions of this section prior to the effective date of the revocation, provided that, after such revocation becomes effective, the Secretary shall be responsible for the collection of, and accounting for, all future lease revenues accruing to the trust or restricted interests in the parcel from and after such effective date.

''(i) DEFINED TERMS.—

''(1) For purposes of subsection (d)(1), the term 'qualified applicant' means—

''(A) a person over the age of 18 who owns a trust or restricted interest in a parcel of land; and

''(B) the parent or legal guardian of a minor or incompetent person who owns a trust or restricted interest in a parcel of land.

''(2) For purposes of this section, the term 'owner-managed status' means, with respect to a trust or restricted interest, that—

''(A) the interest is a trust or restricted interest in a parcel of land for which applications covering all trust or restricted interests in such parcel have been submitted to and approved by the Secretary pursuant to subsection (d);

''(B) the interest may be leased without approval of the Secretary pursuant to, and in a manner that is consistent with, the requirements of this section; and

''(C) no revocation has occurred under subsection (h)(2).

''(j) SECRETARIAL APPROVAL OF OTHER TRANSACTIONS.—Except with respect to the specific lease transaction described in paragraph (1) of subsection (c), interests that acquire owner-managed status under the provisions of this section shall continue to be subject to all Federal laws requiring the Secretary to approve transactions involving trust or restricted land (including leases with terms of a duration in excess of 10 years) that would otherwise apply to such interests if the interests had not acquired owner-managed status under this section.

''(k) EFFECT OF SECTION.—Subject to subsections (c), (f), and (h), nothing in this section diminishes or otherwise affects any authority or responsibility of the Secretary with respect to an interest in trust or restricted land.''.

SEC. 6. ADDITIONAL AMENDMENTS.

(a) IN GENERAL.—The Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) is amended—

(1) in the second sentence of section 205(a) (25 U.S.C. 2204(a)), by striking ''over 50 percent of the undivided interests'' and inserting ''undivided interests equal to at least 50 percent of the undivided interest'';

(2) in section 207 (25 U.S.C. 2206), by adding a subsection at the end as follows:

''(p) PURCHASE OPTION AT PROBATE.—

''(1) IN GENERAL.—The trust or restricted interests in a parcel of land in the decedent's estate may be purchased at probate in accordance with the provisions of this subsection.

''(2) SALE OF INTEREST AT FAIR MARKET VALUE.—Subject to paragraph (3), the Secretary is authorized to sell trust or restricted interests in land subject to this subsection, including the interest that a surviving spouse would otherwise receive under section 207(a)(2) (A) or (D), at no less than fair market value, as determined in accordance with the provisions of this Act, to any of the following eligible purchasers:

''(A) Any other eligible heir taking an interest in the same parcel of land by intestate succession or the decedent's other devisees of interests in the same parcel who are eligible to receive a devise under section 207(b)(1)(A).

''(B) All persons who own undivided trust or restricted interests in the same parcel of land involved in the probate proceeding.

''(C) The Indian tribe with jurisdiction over the interest, or the Secretary on behalf of such Indian tribe.

''(3) REQUEST TO PURCHASE; AUCTION; CONSENT REQUIREMENTS.—No sale of an interest in probate shall occur under this subsection unless—

''(A) an eligible purchaser described in paragraph (2) submits a written request to purchase prior to the distribution of the interest to heirs or devisees of the decedent and in accordance with any regulations of the Secretary; and

''(B) except as provided in paragraph (5), the heirs or devisees of such interest, and the decedent's surviving spouse, if any, receiving a life estate under section 207(a)(2) (A) or (D) consent to the sale.

If the Secretary receives more than 1 request to purchase the same interest, the Secretary shall sell the interest by public auction or sealed bid (as determined by the Secretary) at not less than the appraised fair market value to the eligible purchaser submitting the highest bid.

''(4) APPRAISAL AND NOTICE.—Prior to the sale of an interest pursuant to this subsection, the Secretary shall—

''(A) appraise the interest at its fair market value in accordance with this Act;

''(B) provide eligible heirs, other devisees, and the Indian tribe with jurisdiction over the interest with written notice, sent by first class mail, that the interest is available for purchase in accordance with this subsection; and

''(C) if the Secretary receives more than 1 request to purchase the interest by a person described in subparagraph (B), provide notice of the manner (auction or sealed bid), time and place of the sale, a description, and the appraised fair market value, of the interest to be sold—

''(i) to the heirs or other devisees and the Indian tribe with jurisdiction over the interest, by first class mail; and

''(ii) to all other eligible purchasers, by posting written notice in at least 5 conspicuous places in the vicinity of the place of hearing.

''(5) SMALL UNDIVIDED INTERESTS IN INDIAN LANDS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the consent of a person who is an heir otherwise required under paragraph (3)(B) shall not be required for the auction and sale of an interest at probate under this subsection if—

''(i) the interest is passing by intestate succession; and

''(ii) prior to the auction the Secretary determines in the probate proceeding that the interest passing to such heir represents less than 5 percent of the entire undivided ownership of the parcel of land as evidenced by the Secretary's records as of the time the determination is made.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), the consent of such heir shall be required for the sale at probate of the heir's interest if, at the time of the decedent's death, the heir was residing on the parcel of land of which the interest to be sold was a part.

''(6) DISTRIBUTION OF PROCEEDS.—Proceeds from the sale of interests under this subsection shall be distributed to the heirs, devisees, or spouse whose interest was sold in accordance with the values of their respective interests. The proceeds attributable to an heir or devisee shall be held in an account as trust personalty if the interest sold would have otherwise passed to the heir or devisee in trust or restricted status.'';

(3) in section 206 (25 U.S.C. 2205)—

(A) in subsection (a), by striking paragraph (3) and inserting the following:

''(3) TRIBAL PROBATE CODES.—Except as provided in any applicable Federal law, the Secretary shall not approve a tribal probate code, or an amendment to such a code, that prohibits the devise of an interest in trust or restricted land to—

''(A) an Indian lineal descendant of the original allottee; or

''(B) an Indian who is not a member of the Indian tribe with jurisdiction over such an interest;

unless the code provides for—

''(i) the renouncing of interests to eligible devisees in accordance with the code;

''(ii) the opportunity for a devisee who is the spouse or lineal descendant of a testator to reserve a life estate without regard to waste; and

''(iii) payment of fair market value in the manner prescribed under subsection (c)(2).''; and

(B) in subsection (c)—

(i) in paragraph (1)—

(I) by striking the paragraph heading and inserting the following:

''(1) AUTHORITY.—

''(A) IN GENERAL.—'';

(II) in the first sentence of subparagraph (A) (as redesignated by clause (i)), by striking ''section 207(a)(6)(A) of this title'' and inserting ''section 207(b)(2)(A)(ii) of this title''; and

(III) by striking the last sentence and inserting the following:

''(B) TRANSFER.—The Secretary shall transfer payments received under subparagraph (A) to any person or persons who would have received an interest in land if the interest had not been acquired by the Indian tribe in accordance with this paragraph.''; and

(ii) in paragraph (2)—

(I) in subparagraph (A)—

(aa) by striking the subparagraph heading and all that follows through ''Paragraph (1) shall not apply'' and inserting the following:

''(A) INAPPLICABILITY TO CERTAIN INTERESTS.—

''(i) IN GENERAL.—Paragraph (1) shall not apply'';

(bb) in clause (i) (as redesignated by item (aa)), by striking ''if, while'' and inserting the following: ''if—

''(I) while'';

(cc) by striking the period at the end and inserting ''; or''; and

(dd) by adding at the end the following:

''(II)(aa) the interest is part of a family farm that is devised to a member of the family of the decedent; and

''(bb) the devisee agrees that the Indian tribe with jurisdiction over the land will have the opportunity to acquire the interest for fair market value if the interest is offered for sale to a person or entity that is not a member of the family of the owner of the land.

''(ii) RECORDING OF INTEREST.—On request by the Indian tribe described in clause (i)(II)(bb), a restriction relating to the acquisition by the Indian tribe of an interest in a family farm involved shall be recorded as part of the deed relating to the interest involved.

''(iii) MORTGAGE AND FORECLOSURE.—Nothing in clause (i)(II) limits—

''(I) the ability of an owner of land to which that clause applies to mortgage the land; or

''(II) the right of the entity holding such a mortgage to foreclose or otherwise enforce such a mortgage agreement in accordance with applicable law.

''(iv) DEFINITION OF 'MEMBER OF THE FAMILY'.—In this paragraph, the term 'member of the family', with respect to a decedent or landowner, means—

''(I) a lineal descendant of a decedent or landowner;

''(II) a lineal descendant of the grandparent of a decedent or landowner;

''(III) the spouse of a descendant or landowner described in subclause (I) or (II); and

''(IV) the spouse of a decedent or landowner.''; and

(II) in subparagraph (B), by striking ''subparagraph (A)'' and all that follows through ''207(a)(6)(B) of this title'' and inserting ''paragraph (1)'';

(4) in section 207 (25 U.S.C. 2206), by striking subsection (g);

(5) in section 213 (25 U.S.C. 2212)—

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

''SEC. 2212. FRACTIONAL INTEREST ACQUISITION PROGRAM.'';

(B) in subsection (a), by—

(i) adding in paragraph (1) ''or from an heir during probate in accordance with section 207(p) (25 U.S.C. 2206(p))'' after ''owner,''; and

(ii) striking ''(2) AUTHORITY OF SECRETARY.—'' and all that follows through ''the Secretary shall submit'' and inserting the following:

''(2) AUTHORITY OF SECRETARY.—The Secretary shall submit''; and

(iii) by striking ''whether the program to acquire fractional interests should be extended or altered to make resources'' and inserting ''how the fractional interest acquisition program should be enhanced to increase the resources made'';

(C) in subsection (b), by striking paragraph (4) and inserting the following:

''(4) shall minimize the administrative costs associated with the land acquisition program through the use of policies and procedures designed to accommodate the voluntary sale of interests under this section, notwithstanding the existence of any otherwise applicable policy, procedure, or regulation, through the elimination of duplicate—

''(A) conveyance documents;

''(B) administrative proceedings; and

''(C) transactions.'';

(D) in subsection (c)—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking ''at least 5 percent of the'' and inserting in its place ''an'';

(II) in subparagraph (A), by inserting ''in such parcel'' following ''the Secretary shall convey an interest'';

(III) in subparagraph (A), by striking ''landowner upon payment'' and all that follows and inserting the following: ''landowner—

''(i) on payment by the Indian landowner of the amount paid for the interest by the Secretary; or

''(ii) if—

''(I) the Indian referred to in this subparagraph provides assurances that the purchase price will be paid by pledging revenue from any source, including trust resources; and

''(II) the Secretary determines that the purchase price will be paid in a timely and efficient manner.''; and

(IV) in subparagraph (B), by inserting before the period at the end the following: ''unless the interest is subject to a foreclosure of a mortgage in accordance with the Act of March 29, 1956 (25 U.S.C. 483a)''; and

(ii) in paragraph (3), by striking ''10 percent or more of the undivided interests'' and inserting ''an undivided interest''; and

(E) by adding at the end of the section:

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $75,000,000 for fiscal year 2005, $95,000,000 for fiscal year 2006, and $145,000,000 for each of fiscal years 2007 through 2010.'';

(6) in section 214 (25 U.S.C. 2213), by striking subsection (b) and inserting the following:

''(b) APPLICATION OF REVENUE FROM ACQUIRED INTERESTS TO LAND CONSOLIDATION PROGRAM.—

''(1) IN GENERAL.—The Secretary shall have a lien on any revenue accruing to an interest

described in subsection (a) until the Secretary provides for the removal of the lien under paragraph (3), (4), or (5).

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—Until the Secretary removes a lien from an interest in land under paragraph (1)—

''(i) any lease, resource sale contract, right-of-way, or other document evidencing a transaction affecting the interest shall contain a clause providing that all revenue derived from the interest shall be paid to the Secretary; and

''(ii) any revenue derived from any interest acquired by the Secretary in accordance with section 213 shall be deposited in the fund created under section 216.

''(B) APPROVAL OF TRANSACTIONS.—Notwithstanding section 16 of the Act of June 18, 1934 (commonly known as the 'Indian Reorganization Act') (25 U.S.C. 476), or any other provision of law, until the Secretary removes a lien from an interest in land under paragraph (1), the Secretary may approve a transaction covered under this section on behalf of an Indian tribe.

''(3) REMOVAL OF LIENS AFTER FINDINGS.—The Secretary may remove a lien referred to in paragraph (1) if the Secretary makes a finding that—

''(A) the costs of administering the interest from which revenue accrues under the lien will equal or exceed the projected revenues for the parcel of land involved;

''(B) in the discretion of the Secretary, it will take an unreasonable period of time for the parcel of land to generate revenue that equals the purchase price paid for the interest; or

''(C) a subsequent decrease in the value of land or commodities associated with the parcel of land make it likely that the interest will be unable to generate revenue that equals the purchase price paid for the interest in a reasonable time.

''(4) REMOVAL OF LIENS UPON PAYMENT INTO THE ACQUISITION FUND.—The Secretary shall remove a lien referred to in paragraph (1) upon payment of an amount equal to the purchase price of that interest in land into the Acquisition Fund created under section 2215 of this title, except where the tribe with jurisdiction over such interest in land authorizes the Secretary to continue the lien in order to generate additional acquisition funds.

''(5) OTHER REMOVAL OF LIENS.—The Secretary may, in consultation with tribal governments and other entities described in section 213(b)(3), periodically remove liens referred to in paragraph (1) from interests in land acquired by the Secretary.'';

(7) in section 215 (25 U.S.C. 2214), in the last sentence, by striking ''section 2212 of this title'' and inserting ''this Act'';

(8) in section 216 (25 U.S.C. 2215)—

(A) in subsection (a), by striking paragraph (2) and inserting the following:

''(2) collect all revenues received from the lease, permit, or sale of resources from interests acquired under section 213 or paid by Indian landowners under section 213.''; and

(B) in subsection (b)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking ''Subject to paragraph (2), all'' and inserting ''All'';

(II) in subparagraph (A), by striking ''and'' at the end;

(III) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(IV) by adding at the end the following:

''(C) be used to acquire undivided interests on the reservation from which the income was derived.''; and

(ii) by striking paragraph (2) and inserting the following:

''(2) USE OF FUNDS.—The Secretary may use the revenue deposited in the Acquisition Fund under paragraph (1) to acquire some or all of the undivided interests in any parcels of land in accordance with section 205.'';

(9) in section 217 (25 U.S.C. 2216)—

(A) in subsection (b)(1), by striking subparagraph (B) and inserting a new subparagraph (B) as follows:

''(B) WAIVER OF REQUIREMENT.—The requirement for an estimate of value under subparagraph (A) may be waived in writing by an owner of a trust or restricted interest in land either selling, exchanging, or conveying by gift deed for no or nominal consideration such interest—

''(i) to an Indian person who is the owner's spouse, brother, sister, lineal ancestor, lineal descendant, or collateral heir; or

''(ii) to an Indian co-owner or to the tribe with jurisdiction over the subject parcel of land, where the grantor owns a fractional interest that represents 5 percent or less of the parcel.'';

(B) in subsection (e), by striking the matter preceding paragraph (1), and inserting ''Notwithstanding any other provision of law, the names and mailing addresses of the owners of any interest in trust or restricted lands, and information on the location of the parcel and the percentage of undivided interest owned by each individual shall, upon written request, be made available to'';

(C) in subsection (e)(1), by striking ''Indian'';

(D) in subsection (e)(3), by striking ''prospective applicants for the leasing, use, or consolidation of'' and inserting ''any person that is leasing, using, or consolidating, or is applying to lease, use, or consolidate,''; and

(E) by striking subsection (f) and inserting the following:

''(f) PURCHASE OF LAND BY INDIAN TRIBE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), before the Secretary approves an application to terminate the trust status or remove the restrictions on alienation from a parcel of, or interest in, trust or restricted land, the Indian tribe with jurisdiction over the parcel shall have the opportunity—

''(A) to match any offer contained in the application; or

''(B) in a case in which there is no purchase price offered, to acquire the interest in the parcel by paying the fair market value of the interest.

''(2) EXCEPTION FOR FAMILY FARMS.—

''(A) IN GENERAL.—Paragraph (1) shall not apply to a parcel of, or interest in, trust or restricted land that is part of a family farm that is conveyed to a member of the family of a landowner (as defined in section 206(c)(2)(A)(iv)) if the conveyance requires that in the event that the parcel or interest is offered for sale to an entity or person that is not a member of the family of the landowner, the Indian tribe with jurisdiction over the land shall be afforded the opportunity to purchase the interest pursuant to paragraph (1).

''(B) APPLICABILITY OF OTHER PROVISION.—Section 206(c)(2)(A) shall apply with respect to the recording and mortgaging of any trust or restricted land referred to in subparagraph (A).'';

(10) in section 219(b)(1)(A) (25 U.S.C. 2218(b)(1)(A)), by striking ''100'' and inserting ''90''; and

(11) in section 219, by adding at the end of the section:

''(g) OTHER LAWS.—Nothing in this Act shall be construed to supersede, repeal, or modify any general or specific statute authorizing the grant or approval of any type of land use transaction involving fractional interests in trust or restricted land.''.

(b) DEFINITIONS.—Section 202 of the Indian Land Consolidation Act (25 U.S.C. 2201) is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) 'Indian' means—

''(A) any person who is a member of any Indian tribe, is eligible to become a member of any Indian tribe, or is an owner (as of the date of enactment of the American Indian Probate Reform Act of 2004) of a trust or restricted interest in land;

''(B) any person meeting the definition of Indian under the Indian Reorganization Act (25 U.S.C. 479) and the regulations promulgated thereunder; and

''(C) with respect to the inheritance and ownership of trust or restricted land in the State of California pursuant to section 207, any person described in subparagraph (A) or (B) or any person who owns a trust or restricted interest in a parcel of such land in that State.'';

(2) by striking paragraph (4) and inserting the following:

''(4) 'trust or restricted lands' means lands, title to which is held by the United States in trust for an Indian tribe or individual, or which is held by an Indian tribe or individual subject to a restriction by the United States against alienation; and 'trust or restricted interest in land' or 'trust or restricted interest in a parcel of land' means an interest in land, title to which is held in trust by the United States for an Indian tribe or individual, or which is held by an Indian tribe or individual subject to a restriction by the United States against alienation.''; and

(3) by adding at the end the following:

''(6) 'parcel of highly fractionated Indian land' means a parcel of land that the Secretary, pursuant to authority under a provision of this Act, determines to have, as evidenced by the Secretary's records at the time of the determination—

''(A) 50 or more but less than 100 co-owners of undivided trust or restricted interests, and no 1 of such co-owners holds a total undivided trust or restricted interest in the parcel that is greater than 10 percent of the entire undivided ownership of the parcel; or

''(B) 100 or more co-owners of undivided trust or restricted interests;

''(7) 'land' means any real property, and includes within its meaning for purposes of this Act improvements permanently affixed to real property;

''(8) 'person' or 'individual' means a natural person;

''(9) 'eligible heirs' means, for purposes of section 207 (25 U.S.C. 2206), any of a decedent's children, grandchildren, great grandchildren, full siblings, half siblings by blood, and parents who are—

''(A) Indian; or

''(B) lineal descendents within 2 degrees of consanguinity of an Indian; or

''(C) owners of a trust or restricted interest in a parcel of land for purposes of inheriting by descent, renunciation, or consolidation agreement under section 207 (25 U.S.C. 2206), another trust or restricted interest in such parcel from the decedent; and

''(10) 'without regard to waste' means, with respect to a life estate interest in land, that the holder of such estate is entitled to the receipt of all income, including bonuses and royalties, from such land to the exclusion of the remaindermen.''.

(c) ISSUANCE OF PATENTS.—Section 5 of the Act of February 8, 1887 (25 U.S.C. 348), is amended by striking the second proviso and inserting the following: ''*Provided*, That the rules of intestate succession under the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) (including a tribal probate code approved under that Act or regulations promulgated under that Act) shall apply to that

land for which patents have been executed and delivered:''.

(d) TRANSFERS OF RESTRICTED INDIAN LAND.—Section 4 of the Act of June 18, 1934 (25 U.S.C. 464), is amended in the first proviso by—

(1) striking '', in accordance with'' and all that follows through ''or in which the subject matter of the corporation is located,'';

(2) striking '', except as provided by the Indian Land Consolidation Act'' and all that follows through the colon; and

(3) inserting ''in accordance with the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) (including a tribal probate code approved under that Act or regulations promulgated under that Act):''.

(e) ESTATE PLANNING.—

(1) CONDUCT OF ACTIVITIES.—Section 207(f)(1) of the Indian Land Consolidation Act (25 U.S.C. 2206) is amended by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—

''(A) The activities conducted under this subsection shall be conducted in accordance with any applicable—

''(i) tribal probate code; or

''(ii) tribal land consolidation plan.

''(B) The Secretary shall provide estate planning assistance in accordance with this subsection, to the extent amounts are appropriated for such purpose.''.

(2) REQUIREMENTS.—Section 207(f)(2) of the Indian Land Consolidation Act (25 U.S.C. 2206(f)(2)) is amended by striking ''and'' at the end of subparagraph (A), redesignating subparagraph (B) as subparagraph (D), and adding the following:

''(B) dramatically increase the use of wills and other methods of devise among Indian landowners;

''(C) substantially reduce the quantity and complexity of Indian estates that pass intestate through the probate process, while protecting the rights and interests of Indian landowners; and''.

(3) PROBATE CODE DEVELOPMENT AND LEGAL ASSISTANCE GRANTS.—Section 207(f)(3) of the Indian Land Consolidation Act (25 U.S.C. 2206(f)(3)) is amended by striking paragraph (3) and inserting the following:

''(3) PROBATE CODE DEVELOPMENT AND LEGAL ASSISTANCE GRANTS.—In carrying out this section, the Secretary may award grants to—

''(A) Indian tribes, for purposes of tribal probate code development and estate planning services to tribal members;

''(B) organizations that provide legal assistance services for Indian tribes, Indian organizations, and individual owners of interests in trust or restricted lands that are qualified as nonprofit organizations under section 501(c)(3) of the Internal Revenue Code of 1986 and provide such services pursuant to Federal poverty guidelines, for purposes of providing civil legal assistance to such Indian tribes, individual owners, and Indian organizations for the development of tribal probate codes, for estate planning services or for other purposes consistent with the services they provide to Indians and Indian tribes; and

''(C) in specific areas and reservations where qualified nonprofit organizations referred to in subparagraph (B) do not provide such legal assistance to Indian tribes, Indian organizations, or individual owners of trust or restricted land, to other providers of such legal assistance;

that submit an application to the Secretary, in such form and manner as the Secretary may prescribe.

''(4) AUTHORIZATION FOR APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the provisions of paragraph (3).''.

(4) NOTIFICATION TO LANDOWNERS.—Section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) is amended by adding at the end the following:

''(l) NOTIFICATION TO LANDOWNERS.—After receiving written request by any owner of a trust or restricted interest in land, the Secretary shall provide to such landowner the following information with respect to each tract of trust or restricted land in which the landowner has an interest:

''(1) The location of the tract of land involved.

''(2) The identity of each other co-owner of interests in the parcel of land.

''(3) The percentage of ownership of each owner of an interest in the tract.

''(m) PILOT PROJECT FOR THE MANAGEMENT OF TRUST ASSETS OF INDIAN FAMILIES AND RELATIVES.—

''(1) DEVELOPMENT PILOT PROJECT.—The Secretary shall consult with tribes, individual landowner organizations, Indian advocacy organizations, and other interested parties to—

''(A) develop a pilot project for the creation of legal entities such as private or family trusts, partnerships corporations, or other organizations to improve, facilitate, and assist in the efficient management of interests in trust or restricted lands or funds owned by Indian family members and relatives; and

''(B) develop proposed rules, regulations, and guidelines to implement the pilot project, including—

''(i) the criteria for establishing such legal entities;

''(ii) reporting and other requirements that the Secretary determines to be appropriate for administering such entities; and

''(iii) provisions for suspending or revoking the authority of an entity to engage in activities relating to the management of trust or restricted assets under the pilot project in order to protect the interests of the beneficial owners of such assets.

''(2) PRIMARY PURPOSES; LIMITATION; APPROVAL OF TRANSACTIONS; PAYMENTS BY SECRETARY.—

''(A) PURPOSES.—The primary purpose of any entity organized under the pilot project shall be to improve, facilitate, and assist in the management of interests in trust or restricted land, held by 1 or more persons, in furtherance of the purposes of this Act.

''(B) LIMITATION.—The organization or activities of any entity under the pilot project shall not be construed to impair, impede, replace, abrogate, or modify in any respect the trust duties or responsibilities of the Secretary, nor shall anything in this subsection or in any rules, regulations, or guidelines developed under this subsection enable any private or family trustee of trust or restricted interests in land to exercise any powers over such interests greater than that held by the Secretary with respect to such interests.

''(C) SECRETARIAL APPROVAL OF TRANSACTIONS.—Any transaction involving the lease, use, mortgage or other disposition of trust or restricted land or other trust assets administered by or through an entity under the pilot project shall be subject to approval by the Secretary in accordance with applicable Federal law.

''(D) PAYMENTS.—The Secretary shall have the authority to make payments of income and revenues derived from trust or restricted land or other trust assets administered by or through an entity participating in the pilot project directly to the entity, in accordance with requirements of the regulations adopted pursuant to this subsection.

''(3) LIMITATIONS ON PILOT PROJECT.—

''(A) NUMBER OF ORGANIZATIONS.—The number of entities established under the pilot project authorized by this subsection shall not exceed 30.

''(B) REGULATIONS REQUIRED.—No entity shall commence activities under the pilot project authorized by this subsection until the Secretary has adopted final rules and regulations under paragraph (1)(B).

''(4) REPORT TO CONGRESS.—Prior to the expiration of the pilot project provided for under this subsection, the Secretary shall submit a report to Congress stating—

''(A) a description of the Secretary's consultation with Indian tribes, individual landowner associations, Indian advocacy organizations, and other parties consulted with regarding the development of rules and regulations for the creation and management of interests in trust and restricted lands under the pilot project;

''(B) the feasibility of accurately monitoring the performance of legal entities such as those involved in the pilot project, and the effectiveness of such entities as mechanisms to manage and protect trust assets;

''(C) the impact that the use of entities such as those in the pilot project may have with respect to the accomplishment of the goals of the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.); and

''(D) any recommendations that the Secretary may have regarding whether to adopt a permanent program as a management and consolidation measure for interests in trust or restricted lands.

''(n) NOTICE TO HEIRS.—Prior to holding a hearing to determine the heirs to trust or restricted property, or making a decision determining such heirs, the Secretary shall seek to provide actual written notice of the proceedings to all heirs. Such efforts shall include—

''(1) a search of publicly available records and Federal records, including telephone and address directories and including electronic search services or directories;

''(2) an inquiry with family members and co-heirs of the property;

''(3) an inquiry with the tribal government of which the owner is a member, and the tribal government with jurisdiction over the property, if any; and

''(4) if the property is of a value greater than $2,000, engaging the services of an independent firm to conduct a missing persons search.

''(o) MISSING HEIRS.—

''(1) For purposes of this subsection and subsection (m), an heir may be presumed missing if—

''(A) such heir's whereabouts remain unknown 60 days after completion of notice efforts under subsection (m); and

''(B) in the proceeding to determine a decedent's heirs, the Secretary finds that the heir has had no contact with other heirs of the decedent, if any, or with the Department relating to trust or restricted land or other trust assets at any time during the 6-year period preceding the hearing to determine heirs.

''(2) Before the date for declaring an heir missing, any person may request an extension of time to locate such heir. The Secretary shall grant a reasonable extension of time for good cause.

''(3) An heir shall be declared missing only after a review of the efforts made in the heirship proceeding and a finding has been made that this subsection has been complied with.

''(4) An heir determined to be missing pursuant to this subsection shall be deemed to have predeceased the decedent for purposes of descent and devise of trust or restricted land and trust personalty within that decedent's estate.''.

SEC. 7. ANNUAL NOTICE AND FILING REQUIREMENT FOR OWNERS OF INTERESTS IN TRUST OR RESTRICTED LANDS.

The Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) is amended by adding at the end the following:

"SEC. 222. ANNUAL NOTICE AND FILING; CURRENT WHEREABOUTS OF INTEREST OWNERS.

''On at least an annual basis, the Secretary shall include along with other regular reports to owners of trust or restricted interests in land and individual Indian money account owners a change of name and address form by means of which the owner may confirm or update the owner's name and address. The change of name and address form shall include a section in which the owner may confirm and update the owner's name and address.''.

SEC. 8. NOTICE; EFFECTIVE DATE.

(a) NOTICE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall notify Indian tribes and owners of trust or restricted lands of the amendments made by this Act.

(2) SPECIFICATIONS.—The notice required under paragraph (1) shall be designed to inform Indian owners of trust or restricted land of—

(A) the effect of this Act and the amendments made by this Act, with emphasis on the effect of the provisions of this Act and the amendments made by this Act, on the testate disposition and intestate descent of their interests in trust or restricted land;

(B) estate planning options available to the owners, including any opportunities for receiving estate planning assistance or advice;

(C) the use of negotiated sales, gift deeds, land exchanges, and other transactions for consolidating the ownership of land; and

(D) a toll-free telephone number to be used for obtaining information regarding the provisions of this Act and any trust assets of such owners.

(3) REQUIREMENTS.—The Secretary shall provide the notice required under paragraph (1)—

(A) by direct mail for those Indians with interests in trust and restricted lands for which the Secretary has an address for the interest holder;

(B) through the Federal Register;

(C) through local newspapers in areas with significant Indian populations, reservation newspapers, and newspapers that are directed at an Indian audience; and

(D) through any other means determined appropriate by the Secretary.

(4) CERTIFICATION.—After providing notice under this subsection, the Secretary shall—

(A) certify that the requirements of this subsection have been met; and

(B) publish notice of that certification in the Federal Register.

(b) EFFECTIVE DATE.—Section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206), except subsections (e) and (f) of that section, shall not apply to the estate of an individual who dies before the date that is 1 year after the date on which the Secretary makes the certification required under subsection (a)(4).

SEC. 9. SEVERABILITY.

If any provision of this Act or of any amendment made by this Act, or the application of any such provision to any person or circumstance, is held to be invalid for any reason, the remainder of this Act and of amendments made by this Act, and the application of the provisions and of the amendments made by this Act to any other person or circumstance shall not be affected by such holding, except that each of subclauses (II), (III), and (IV) of section 205(d)(2)(I)(i) is deemed to be inseverable from the other 2, such that if any 1 of those 3 subclauses is held to be invalid for any reason, neither of the other 2 of such subclauses shall be given effect.

SEC. 10. REGULATIONS.

The Secretary is authorized to adopt such regulations as may be necessary to implement the provisions of this Act.

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART of Florida). Pursuant to the rule, the gentleman from California (Mr. POMBO) and the gentleman from Texas (Mr. RODRIGUEZ) each will control 20 minutes.

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

Mr. POMBO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1721 amends the Indian Land Consolidation Act to provide a new uniform Federal probate code applicable to individual Indian trust lands. It also provides incentives for Indians to write wills, and mechanisms for the Interior Department, tribes and individual Indians to consolidate highly fractionated lands.

I urge adoption of the bill.

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

Mr. RODRIGUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have no objections to consideration of this particular measure. Mr. Speaker, this bill is about the importance of the lands of the Native American. It is about protecting the rights of Indian parents to pass on the land that they received from their parents on to their children, where the value is not only commercial but also spiritual.

For these reasons, we have to get it right on this particular piece of legislation. We must ensure Indian lands stay in Indian hands and in the trust they believe in.

Congress has made several previous attempts to address the administration and management of the Indian allotments, and each endeavor has produced mixed results. We have had parts of two such attempts deemed unconstitutional, and the latest fix is under threat of being the cause of thousands of acres of land coming out of trust status if implemented as the administration plans. This would be a devastating policy throughout Indian country. We are acting together to keep this from happening.

We are pleased that this has occurred and I urge my colleagues to support the passage of this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am pleased to be here today to speak on a complex and unique issue in Congress—Native American Land Management. The attitude of the U.S. government toward the Indian tribes has shifted over the last 300 years. It has oscillated between favoring tribes as the "governments" of Indians, and favoring their dismantlement. Currently, we have a system in which the Bureau of Indian Affairs works under the jurisdiction of the Department of Interior to manage all issues pertaining to Native Americans. This bill, S. 1721, addresses an inconsistency and bureaucratic bottleneck within that department.

In a period favoring dismantlement of the tribes and their reservations, Congress passed the General Allotment Act of 1887, also known as the Dawes Act. The Act provided for the allotment of reservations to individual Indians with the surplus going to others. This is why many reservations currently have lands inside them owned by non-Indians. Allotments to individual Indians were 40 to 160 acres in size, and to ensure the land was not taken by non-Indians through taxation, encroachment/trespass or state takings, the title to the land remained in trust with the United States.

Very few Indians write wills; this has never been a part of their tradition. When an Indians landowner dies, State probate law takes over because tribes lack authority to probate that land. As a result, shares of his or her undivided interest in the land fractionate, with heirs each inheriting equal shares of the undivided interest. With the passing of each generation, and few written wills, these interests continue to fractionate exponentially. Because the lands—and the accounts in which revenues generated from the land are deposited—are held in trust by the Department of the Interior, the government has a fiduciary responsibility to manage the lands and the accounts. This is extremely costly and difficult, especially when dealing with managing accounts that each might represent less than one-tenth of 1 percent of the undivided interest in a 160 acre tract of land.

The Department of the Interior has to manage each of these accounts, including the ones that generate just a few pennies a year. The purpose of S. 1721 is to slow and eventually stop further fractionation, and provide for the consolidation of the already-fractionated interests. Doing so will take some time, but over the long run the Interior Department will not have to spend billions of dollars and a great deal of time managing these interests. If fractionation is allowed to continue, the costs and difficulty of managing the lands and accounts will spin out of control.

The average Indians that dies owns ten separate interests in land spread throughout multiple States. At present, Interior must probate in each of these States when he or she dies. The average cost of each probate is $3,000 and lasts 18 months, There are 25,000 probates pending. This translates into the Interior spending $75 million over 18 months and repeating the cycle. There are about 5,000 deaths per year requiring probate; this number continuing to increase every year.

All these numbers add up to a lot of costs that will be saved by S. 1721, which provides a combination of: one uniform probate code for all States; incentives for Indians to write their own wills; and a rule that limits inheritance of a highly fractionated interest to only one heir. Having a sole heir is one of the most important aspects of S. 1721—it stops further fractionation. The bill also provides for consolidation of highly fractionated lands through various tools that make it easier for the Department of the Interior, tribes, or individual Indians to buy whole parcels of land from multiple owners. The goal of the bill is to keep these lands in trust for the benefit of Indians, which protects them from things such as State taxation.

Also, the bill makes it easier to let leases on individual Indians trust lands. Currently, it's extremely difficult to get concurrence of multiple

owners of a fractionated parcel on decisions to lease the land. Consolidating the land has the effect of putting the land into more productive use.

According to the Department of the Interior, just to keep fractionation from getting worse at present, it would have to spend $250 million per year in buy-backs to maintain the current number of fractionated interests stable. The Department of Interior has said that if it can get the "single heir rule" in place by passing S.1721, it will be much more aggressive in the buy-back program, which is why it wants the authorization levels provided in the bill. The aggressive buy-back will lower the number fractionated interests over time.

This is probably the most important bill regarding Native Americans to be passed in this Congress. I thank my colleagues on the House Resources Committee and the Senate Indians Affairs Committee for their diligence to work to address this problem.

Mr. RODRIGUEZ. Mr. Speaker, I yield back the balance of my time.

Mr. POMBO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. POMBO) that the House suspend the rules and pass the Senate bill, S. 1721.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. POMBO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1791, S. 2511, S. 2178, S. 211 and S. 1721.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CONGRATULATING MOJAVE AEROSPACE VENTURE FOR WINNING THE ANSARI X PRIZE

Mr. ROHRABACHER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 820) to congratulate Mojave Aerospace Ventures for winning the privately funded $10,000,000 Ansari X Prize and commend the X Prize Foundation for spurring this achievement, as amended.

The Clerk read as follows:

H. RES. 820

Whereas the Ansari X Prize competition was created to promote the emerging commercial space transportation industry and inspire a new generation of explorers by accelerating the development of low-cost space launch vehicles for space exploration, tourism, science, and commerce;

Whereas the X Prize Foundation, headed by space entrepreneur Dr. Peter Diamandis, offered a $10,000,000 prize to the first contestant to privately finance, develop, and launch a spaceship capable of carrying 3 people to 100 kilometers (62.5 miles) above the Earth, returning safely to Earth, and repeating the launch with the same ship within 2 weeks;

Whereas the Ansari X Prize inspired 26 teams from 7 nations to invest their private funds and personal toil in pursuit of the dream of private space flight;

Whereas Mojave Aerospace Ventures, led by aviation pioneer Burt Rutan and software pioneer Paul Allen, designed and developed SpaceShipOne, the winning entry in the Ansari X Prize competition;

Whereas on June 21, 2004, SpaceShipOne, piloted by Mike Melvill, accomplished the first privately funded suborbital flight into space in the skies above Mojave, California;

Whereas on September 29, 2004, SpaceShipOne, once again piloted by Mike Melvill, successfully completed the first of 2 suborbital flights in pursuit of the Ansari X Prize competition, flying to an altitude of 337,600 feet (102.9 km); and

Whereas on October 4, 2004, SpaceShipOne, piloted by Brian Binnie, successfully completed the second of 2 suborbital flights in pursuit of the Ansari X Prize less than one week later, flying to an altitude of 368,000 feet (112.2 km), and thereby winning the Ansari X Prize competition: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates Mojave Aerospace Ventures, led by Burt Rutan and Paul Allen, for winning the privately funded $10,000,000 Ansari X Prize and inspiring the next generation of space explorers to even greater heights;

(2) commends the pilots of SpaceShipOne for their skill and bravery; and

(3) commends the founders of, contributors to, and management of the X Prize Foundation for spurring this achievement.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROHRABACHER) and the gentleman from Texas (Mr. LAMPSON) each will control 20 minutes.

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

GENERAL LEAVE

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 820.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROHRABACHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there are two kind of frontiers. There are physical frontiers: uncharted land, unseen depths of oceans, unexplored space. And then there are frontiers of imagination: frontiers that require us to think a new way, to have a vision beyond what others see, to question assumptions about what is technologically possible.

Today, we honor Mojave Aerospace Ventures' SpaceShipOne, the winner of the X Prize for traversing this second kind of frontier.

Suborbital space is not a new destination. Brian Binnie and Mike Melvill, the pilots of SpaceShipOne, did not fly higher, farther or longer than the astronauts who came before them, yet Brian and Mike, together with SpaceShipOne designer Burt Rutan and sponsor Paul Allen, have nonetheless crossed a critical frontier. They have accepted and exceeded the X Prize Foundation's challenge, proving that commercial space transportation is viable and that space and its exploration and utilization will not be the sole arena of government, but is also open to the private sector and to private individuals and private companies.

The achievement of Mojave Aerospace will no doubt spur more entrepreneurial space ventures and inspire other dreamers to become doers.

Burt Rutan's design for SpaceShipOne has been said to echo that of the X–15, an experimental Cold War rocket plane like SpaceShipOne. It was launched in flight from a larger aircraft. It is not only Burt Rutan's elegant design, however, that reminds us of another time. The spirit of his team and the X Prize competition recalls the spirit of the early years of our Nation's space race. It recalls the Charles Lindbergh trans-Atlantic flight which was also the result of a prize that was offered for the first accomplishment. That accomplishment was, of course, the first nonstop trip from New York to Paris.

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It also reminds us of Chuck Yeager, and others like Chuck Yeager, who broke the records of the sound barrier and other records in flight. It reminds us of these other moments when these other barriers were broken and that new opportunities were created in the accomplishment.

This spirit of exploration, this drive to push the limits of technology and endurance, is a signature of the American experience; that human flight into space, we now can say, is no longer the arena only of government and only the purview of companies that are directly financed by government, but now is open to private individuals and private companies and private enterprise and individual enterprise.

The X Prize awakens us to this spirit with a new generation of explorers. It awakens the spirit in students who will study science and math and engineering, as well as those who have been inspired toward bold innovations in other fields. Like Melvill, Binnie and Rutan, and the Mojave Aerospace Ventures, their team, these new explorers, will inspire the dreamers and give them courage and determination to turn their dreams into reality.

Today, we honor the winners of the X Prize for their victory and for completing the first privately funded, human, suborbital space flight. We also commend the X Prize Foundation and the 25 other teams who vied for the prize. We look forward to watching commercial space transportation to continue to develop, engaging new investors and engineers, scientists and pilots in the business of exploration.

This X Prize concept of offering a reward for an achievement, a technological achievement, is not a time that

is past. What we have seen, through this accomplishment by Mojave Aerospace, is that this may be a vehicle to achieve new goals in space, and we will be looking into this. Hopefully, it will encourage further achievements that will help the United States and all of humankind set new records and push the frontiers.

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

Mr. LAMPSON. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise to support the resolution by the chairman of the Subcommittee on Space and Aeronautics congratulating the winners of the Ansari X Prize on their intrepid voyages to the edge of space.

A century ago, as Orville Wright dropped down to the sand at Kitty Hawk after his 12-second flight into history, the impact of aviation on the world was only dimly seen. Yet, today, we take for granted that the other side of the world is only a mere few hours from our front door. Now, we honor the next Orville and Wilbur, Mike Melvill and Brian Binnie, pilots of SpaceShipOne's prize-winning flights.

In the space of a week, they have shown us all a new opportunity. If you are not satisfied with reading about space, well, the day is not far off when you can go there yourself.

SpaceShipOne did not get very far into space, but then, neither did Alan Shepard on his first Mercury flight. So let us not forget, though, that Alan Shepard later made it to the moon.

The resolution before the House also honors Burt Rutan, the pioneering designer at the head of Mojave Aerospace Ventures. Some 40 airplanes share Rutan's distinctive designs, and if one visits the National Air and Space Museum here on the mall, they can see his Voyager, which flew around the world nonstop in 1986.

That it was Rutan who broke the barrier of affordable access to space probably does not surprise many in the aviation fraternity, but as Tom Wolfe so memorably put it in The Right Stuff, ''No bucks, no Buck Rogers.''

Without Paul Allen's willingness to commit real money, SpaceShipOne might still be little more than scribbles on a napkin in a filing cabinet. Sometimes we have to look beyond the business case.

There is something about a contest that seems to inspire great deeds. We owe a great deal to Dr. Peter Diamandis, president of the Ansari X Prize Foundation. He set the goal that fired the imaginations of those eager to open space to the rest of us. The House is right to include him in our congratulations.

So, Mr. Speaker, I am pleased to join the gentleman from California in honoring the achievements of the Ansari X Prize winners and recommend that the House approve this resolution.

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

Mr. ROHRABACHER. Mr. Speaker, I yield myself such time as I may consume. I have no other requests to speak, and I have just one last thought.

I believe that the investor invested $26 million in this project. We have no doubt that, if this project was just a government-funded project, that it probably would have been in the hundreds of millions of dollars. We will be looking at this X Prize concept of encouraging the private sector to try to achieve specific goals that would be worthy of such prizes and would also be very, very helpful to our whole technological efforts of our country.

So we will be looking at this as a vehicle in the future, and I am looking forward to working with the gentleman from Texas (Mr. LAMPSON) and people on both sides of the aisle, whose goal it is to make sure that America remains the leader in space. This is a great achievement today. We congratulate all those who are involved with SpaceShipOne.

Mr. THOMAS. Mr. Speaker, I rise today in support of H. Res. 820, which commends Mojave Aerospace Ventures and their great success capturing the Ansari X Prize on Monday, October 4. I am proud to represent Burt Rutan and his team based in Mojave, California, and it has been a great pleasure to watch their success.

The first private effort to enter space has succeeded. As part of a competition stimulating private enterprise in an area that formerly was totally government-controlled, the Ansari X Prize Foundation and the collaborators of Mojave Aerospace Ventures have proven that private organizations can achieve anything they put their minds to. The sky is no longer the limit.

Although almost 80 years apart, the X Prize is similar to the reward that in part led Charles Lindbergh to fly across the Atlantic in 1927. That achievement sparked the initial age of commercial aviation, and this achievement truly begins the era of commercial space aviation.

I congratulate Burt Rutan, pilots Mike Melvill and Brian Binnie, all the employees of Scaled Composites, and all those community volunteers who worked tirelessly to prepare for this event at the Mojave Spaceport. In recent days they have provided us with an exciting glimpse of the future, and I look forward to their next endeavors.

Mr. SMITH of Washington. Mr. Speaker, today, I wish to extend to Paul Allen and the entire SpaceShipOne team my heartfelt congratulations on their huge achievement. Since Orville and Wilbur Wright first took to the skies, mankind has consistently dreamed of loftier goals and continued to push the edge in manned flight, both commercially and through government endeavors. On October 4, the entire SpaceShipOne team expanded man's dream of commercial flight into space. While a noble achievement, this is but the first step in a long process towards the dream of many on Earth to fly to the reaches of outer space. Some day this dream will be a reality and it is because of the efforts and skills of people like those at Scaled Composites and the visionaries like Paul Allen that will make this dream a reality.

Mr. SIMPSON. Mr. Speaker, I rise today to congratulate and commend Mr. Paul Allen, Mr. Burt Rutan and all the men and women of Mojave Aerospace Ventures on winning the Ansari X Prize competition.

On December 17, 1903, Wilbur and Orville Wright made the first sustained, controlled, powered flight of an airplane at Kitty Hawk, NC. Now, a little over a century later Mojave Aerospace Ventures has followed in the footsteps of the Wright Brothers by designing, building and successfully flying the world's first privately funded spacecraft.

Mr. Speaker, the private support of Paul Allen, for the Mojave Aerospace Ventures was critical in reaching this historical milestone. This accomplishment exemplifies the ingenuity on which our Nation was founded and developed. Mr. Allen has shown that the entrepreneurial spirit which has made America great is alive and well and will continue towards even greater achievements in the future.

Mr. ROHRABACHER. Mr. Speaker, I yield back the balance of my time.

Mr. LAMPSON. Mr. Speaker, I have no other speakers, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART of Florida). The question is on the motion offered by the gentleman from California (Mr. ROHRABACHER) that the House suspend the rules and agree to the resolution, H. Res. 820, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

SPECIALTY CROPS COMPETITIVENESS ACT OF 2004

Mr. OSE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3242) to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3242

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Specialty Crops Competitiveness Act of 2004''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) A secure domestic food supply is a national security imperative for the United States.

(2) A competitive specialty crop industry in the United States is necessary for the production of an abundant, affordable supply of highly nutritious fruits, vegetables, and other specialty crops, which are vital to the health and well-being of all Americans.

(3) Increased consumption of specialty crops will provide tremendous health and economic benefits to both consumers and specialty crop growers.

(4) Specialty crop growers believe that there are numerous areas of Federal agriculture policy that could be improved to promote increased consumption of specialty crops and increase the competitiveness of

producers in the efficient production of affordable specialty crops in the United States.

(5) As the globalization of markets continues, it is becoming increasingly difficult for United States producers to compete against heavily subsidized foreign producers in both the domestic and foreign markets.

(6) United States specialty crop producers also continue to face serious tariff and nontariff trade barriers in many export markets.

(b) PURPOSE.—It is the purpose of this Act to make necessary changes in Federal agriculture policy to accomplish the goals of increasing fruit, vegetable, and nut consumption and improving the competitiveness of United States specialty crop producers.

SEC. 3. DEFINITIONS.

In this Act:

(1) The term ''specialty crop'' means fruits and vegetables, tree nuts, dried fruits, and nursery crops (including floriculture).

(2) The term ''State'' means the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

(3) The term ''State department of agriculture'' means the agency, commission, or department of a State government responsible for agriculture within the State.

TITLE I—STATE ASSISTANCE FOR SPECIALTY CROPS

SEC. 101. SPECIALTY CROP BLOCK GRANTS.

(a) AVAILABILITY AND PURPOSE OF GRANTS.—Subject to the appropriation of funds to carry out this section, the Secretary of Agriculture shall make grants to States for each of the fiscal years 2005 through 2009 to be used by State departments of agriculture solely to enhance the competitiveness of specialty crops.

(b) GRANTS BASED ON VALUE OF PRODUCTION.—Subject to subsection (c), the amount of the grant for a fiscal year to a State under this section shall bear the same ratio to the total amount appropriated pursuant to the authorization of appropriations in subsection (i) for that fiscal year as the value of specialty crop production in the State during the preceding calendar year bears to the value of specialty crop production during the preceding calendar year in all States whose application for a grant for that fiscal year is accepted by the Secretary under subsection (f).

(c) MINIMUM GRANT AMOUNT.—Subject to the appropriation of sufficient funds to carry out this subsection, each State shall receive at least $100,000 each fiscal year as a grant under this section notwithstanding the amount calculated under subsection (b) for the State.

(d) ELIGIBILITY.—To be eligible to receive a grant under this section, a State department of agriculture shall prepare and submit, for approval by the Secretary of Agriculture, an application at such time, in such a manner, and containing such information as the Secretary shall require by regulation, including—

(1) a State plan that meets the requirements of subsection (e);

(2) an assurance that the State will comply with the requirements of the plan; and

(3) an assurance that grant funds received under this section shall supplement the expenditure of State funds in support of specialty crops grown in that State, rather than replace State funds.

(e) PLAN REQUIREMENTS.—The State plan shall identify the lead agency charged with the responsibility of carrying out the plan and indicate how the grant funds will be utilized to enhance the competitiveness of specialty crops.

(f) REVIEW OF APPLICATION.—In reviewing the application of a State submitted under subsection (d), the Secretary of Agriculture shall ensure that the State plan would carry out the purpose of grant program, as specified in subsection (a). The Secretary may accept or reject applications for a grant under this section.

(g) EFFECT OF NONCOMPLIANCE.—If the Secretary of Agriculture, after reasonable notice to a State, finds that there has been a failure by the State to comply substantially with any provision or requirement of the State plan, the Secretary may disqualify, for one or more years, the State from receipt of future grants under this section.

(h) AUDIT REQUIREMENTS.—For each year that a State receives a grant under this section, the State shall conduct an audit of the expenditures of grant funds by the State. Not later than 30 days after the completion of the audit, the State shall submit a copy of the audit to the Secretary of Agriculture.

(i) AUTHORIZATION OF APPROPRIATIONS.—For each of the fiscal years 2005 through 2009, there is authorized to be appropriated to the Secretary of Agriculture $44,500,000 to make grants under this section.

TITLE II—SPECIALTY CROP ADVANCEMENT

SEC. 201. TECHNICAL ASSISTANCE FOR SPECIALTY CROPS.

For each of the fiscal years 2005 through 2009, there is authorized to be appropriated to the Secretary of Agriculture $2,000,000 to carry out section 3205 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5680). Amounts appropriated pursuant to this authorization of appropriations shall be in addition to any other funds made available to carry out such section.

SEC. 202. REDUCTION IN BACKLOG OF AGRICULTURAL EXPORT PETITIONS.

(a) REDUCTION EFFORTS.—To the maximum extent practicable, the Secretary of Agriculture shall endeavor to reduce the backlog in the number of applications for permits for the export of United States agricultural commodities. In achieving such reduction, the Secretary shall not dilute or diminish existing personnel resources that are currently managing sanitary and phytosanitary issues for—

(1) United States agricultural commodities for which exportation is sought; and

(2) interdiction and control of pests and diseases, including for the evaluation of pest and disease concerns of foreign agricultural commodities for which importation is sought.

(b) REPORT.—The Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report specifying, for the year covered by the report—

(1) the total number of applications processed to completion;

(2) the number of backlog applications processed to completion;

(3) the percentage of backlog applications processed to completion; and

(4) the number of backlog applications remaining.

SEC. 203. REPORT ON SANITARY AND PHYTOSANITARY EXPORT ISSUES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on significant sanitary and phytosanitary issues that affect the export of specialty crops.

TITLE III—SPECIALTY CROP RESEARCH

SEC. 301. METHYL BROMIDE ALTERNATIVES.

(a) PRIORITY.—The Secretary of Agriculture shall elevate the priority of current methyl bromide alternative research and extension activities and reexamine the risks and benefits of extending the phase-out deadline in effect on the date of the enactment of this Act, including the estimated cost to the grower or processor associated with any alternatives proposed.

(b) AUTHORIZATION OF APPROPRIATIONS.—For each of the fiscal years 2005 through 2009, there is authorized to be appropriated to the Secretary of Agriculture $5,000,000 to carry out this section.

SEC. 302. NATIONAL SPECIALTY CROP RESEARCH PROGRAM.

Section 1672(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925(e)) is amended by adding at the end of the following new paragraph:

''(45) SPECIALTY CROP RESEARCH.—Research and extension grants may be made under this section for the purpose of improving the efficiency, productivity, and profitability of specialty crop production in the United States.''.

SEC. 303. SPECIALTY CROP COMMITTEE.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting after section 1408 (7 U.S.C. 3123) the following new section:

''SEC. 1408A. SPECIALTY CROP COMMITTEE.

''(a) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of the Specialty Crops Competitiveness Act of 2004, the executive committee of the Advisory Board shall establish, and appoint the initial members of, a permanent specialty crops committee that will be responsible for studying the scope and effectiveness of research, extension, and economics programs affecting the specialty crop industry.

''(b) MEMBERS.—Individuals who are not members of the Advisory Board may be appointed as members of the specialty crops committee. Members of the specialty crops committee shall serve at the discretion of the executive committee.

''(c) ANNUAL COMMITTEE REPORT.—Not later than 180 days after the establishment of the specialty crops committee, and annually thereafter, the specialty crops committee shall submit to the Advisory Board a report containing the findings of its study under subsection (a). The specialty crops committee shall include in each report recommendations regarding the following:

''(1) Measures designed to improve the efficiency, productivity, and profitability of specialty crop production in the United States.

''(2) Measures designed to improve competitiveness in research, extension, and economics programs affecting the specialty crop industry.

''(3) Programs that would—

''(A) enhance the quality and shelf-life of fresh fruits and vegetables, including their taste and appearance;

''(B) develop new crop protection tools and expand the applicability and cost-effectiveness of integrated pest management;

''(C) prevent the introduction of foreign invasive pests and diseases;

''(D) develop new products and new uses of specialty crops;

''(E) develop new and improved marketing tools for specialty crops;

''(F) enhance food safety regarding specialty crops;

''(G) improve mechanization of production practices; and

''(H) enhance irrigation techniques used in specialty crop production.

''(d) CONSIDERATION BY SECRETARY.—In preparing the annual budget recommendations for the Department of Agriculture, the Secretary shall take into consideration those findings and recommendations contained in the most-recent report of the specialty crops

committee that are adopted by the Advisory Board.

''(e) ANNUAL REPORT BY SECRETARY.—In the budget material submitted to Congress by the Secretary in connection with the budget submitted pursuant to section 1105 of title 31, United States Code, for a fiscal year, the Secretary shall include a report describing how the Secretary addressed each recommendation of the specialty crops committee described in subsection (d).''.

TITLE IV—PEST AND DISEASE RESPONSE FUND

SEC. 401. PEST AND DISEASE RESPONSE FUND.

(a) ESTABLISHMENT.—There is established on the books of the Treasury an account to be known as the ''Pest and Disease Response Fund''. There shall be deposited into the Fund any proceeds received by the Secretary of Agriculture as reimbursement for services provided by the Secretary using amounts in the Fund.

(b) AVAILABILITY.—Amounts in the Fund shall remain available until expended.

(c) USE OF FUND.—In implementing the Animal Health Protection Act (7 U.S.C. 8301 et seq.) and the Plant Protection Act (7 U.S.C. 7701 et seq.), the Secretary of Agriculture shall have complete discretion regarding the use of amounts in the Fund to support emergency eradication and research activities in response to economic and health threats posed by pests and diseases affecting agricultural commodities.

(d) AUTHORIZATION OF APPROPRIATIONS.—For each of the fiscal years 2005 through 2009, there is authorized to be appropriated to the Secretary of Agriculture $1,000,000 for deposit in the Fund.

SEC. 402. IMPORT AND EXPORT REGULATION REVIEW.

(a) PEER REVIEW.—The Secretary of Agriculture shall enter into an agreement with the National Plant Board to obtain a peer review of the procedures and standards that govern the consideration of import and export requests under section 412 of the Plant Protection Act (7 U.S.C. 7712). The peer review shall be consistent with the guidance by the Office of Management and Budget pertaining to peer review and information quality.

(b) ELEMENTS OF REVIEW.—The peer review required by subsection (a) shall address, at a minimum—

(1) the preparation of risk assessments; and

(2) the sufficiency, type, and quality of data that should be submitted to the Secretary of Agriculture.

(c) SUBMISSION OF RESULTS.—The results of the peer review conducted under subsection (a) shall be submitted to the Secretary and Congress not later than 180 days after the date of the enactment of this Act.

SEC. 403. MAINTENANCE OF FREDERICKSBURG INSPECTION TRAINING CENTER.

For each of the fiscal years 2005 through 2009, there is authorized to be appropriated to the Secretary of Agriculture $1,500,000 for the maintenance of the Agricultural Marketing Service inspection training center in Fredericksburg, Virginia.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. OSE) and the gentleman from Texas (Mr. STENHOLM) each will control 20 minutes.

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

Mr. OSE. Mr. Speaker, I yield myself such time as I may consume.

(Mr. OSE asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. Speaker, I will include in the RECORD at this point an exchange of letters between the Committee on Agriculture and the Committee on Ways and Means regarding H.R. 3242.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, October 6, 2004.

Hon. BOB GOODLATTE,
Chairman, Committee on Agriculture, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN GOODLATTE: I am writing concerning H.R. 3242, the ''Specialty Crops Competitiveness Act of 2004,'' which is scheduled for floor consideration today.

As you know, the Committee on Ways and Means has jurisdiction over matters concerning the Office of the United States Trade Representative (USTR). Section 301 of the introduced bill establishes at least one position within the USTR having sole responsibility over trade matters concerning specialty crops, and thus falls within the jurisdiction of the Committee on Ways and Means.

Because you have removed this provision during Committee action, and in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

Thank you for your letter which confirms this understanding with respect to H.R. 3242, and I would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, October 4, 2004.

Hon. WILLIAM M. THOMAS,
Chairman, House Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I would like to take this opportunity to share with you a copy of H.R. 3242 as amended and passed by the Committee on Agriculture. As you know, the Committee on Ways and Means received an additional referral of this legislation and I am respectfully requesting that this legislation be discharged from your committee. This legislation, sponsored by Representative OSE, would ensure an abundant and affordable supply of nutritious fruits, vegetables, and other speciality crops for the American consumers and international markets by enhancing the competitiveness of the United States-grown speciality crops, and for other purposes.

As the committee of primary jurisdiction, on September 30, 2004, the Committee on Agriculture favorably reported this legislation by an affirmative voice vote. As this bill prepares to move to the floor I am asking for your discharge to move this legislation forward.

This discharge in no way affects your jurisdiction over the subject matter of the bill and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Ways and Means represented on the conference committee. I would also include this letter and any response in the bill report filled by the Committee on Agriculture.

Thank you for your cooperation in this matter and look forward to working with your committee in the future.

Sincerely,

BOB GOODLATTE,
Chairman.

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

Mr. STENHOLM. Mr. Speaker, I yield myself such time as I may consume.

As my colleagues know, there are over 250 specialty crops produced throughout the United States, from blueberries in Maine to pineapples in Hawaii, potatoes in Idaho to pecans in Texas. In 2003, fruits, vegetables and tree nuts earned U.S. farmers close to $30 billion in sales at the farm gate alone.

As markets for fruits, vegetables and other specialty crops become more global, it is becoming increasingly difficult for U.S. growers to compete against heavily subsidized foreign producers in both domestic and foreign markets.

H.R. 3242 has been a long-time coming and serves as a good first step towards addressing the needs of the specialty crop grower through Federal policy changes in both domestic and international trade issues.

These issues will no doubt continue to be discussed and debated as we prepare for the 2007 farm bill. Writing a farm bill is truly an exercise in balancing the equities between all commodity groups, and when the committee begins its deliberations on the next farm bill, this will provide a solid foundation upon which to construct the provisions dealing with specialty crops.

Let me take this opportunity to thank my colleague, the gentleman from Hawaii (Mr. CASE) for his thoroughness and hard work to ensure that the unique products from his State are included within the scope of this bill.

I would also like to thank the gentleman from California (Mr. OSE) and the gentleman from California (Mr. DOOLEY) for their hard work and attention with this endeavor. They have worked closely with the U.S. specialty crop growers to identify various areas of Federal agricultural policy that should be improved to promote the competitiveness of this diverse industry throughout the United States.

It is important that we have a strong domestic specialty crop industry. I encourage my colleagues to support H.R. 3242.

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

Mr. OSE. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. OSE. Mr. Speaker, I want to recognize the able assistance of certain members, both majority and minority staffs, specifically Brent Gattis and Elizabeth Parker on the majority staff, and Ms. Lisa Kelley on the minority staff.

Mr. Speaker, I rise today in strong support of the United States speciality crop industry; an industry united behind a strong beginning to what will eventually become great changes in the history of Federal agricultural policy. I rise to support H.R. 3242 and a united specialty crop industry.

This industry is comprised of fruits and vegetables, nuts and nursery crops as well as many other agricultural niche markets. This industry represents the largest farm gate value in the country, $58.7 billion according to USDA's Economic Research Service. It also represents the largest nutritional value in the Nation, providing over 60 percent of the recommended daily servings for the United States. This industry does not receive price support payments and is frequently subjected to foreign price support mechanisms. Due to the industry's diverse array of products, the specialty crop industry in the United States faces a higher number of emerging pests and diseases every month than any other market in the world. This problem is compounded by frequent trade restrictions and the imposition of sanitary and phytosanitary barriers placed on our commodities to protect other countries from the very pests we are attempting to keep out of our borders. Despite these sweeping problems, the growers, shippers, and packers remain committed to participating in this vital agricultural sector.

For these reasons I introduced H.R. 3242, along with my colleague, CAL DOOLEY. This bill seeks to expand on successful domestic policies, not by undermining our neighbors here at home, but by beating back the competition that seeks to crush our domestic producers. The concepts contained within H.R. 3242 are about exporting product; the movement of product out of the United States, to meet the global competition head on. To liberalize trade outside the boundaries of the United States and within, our domestic producers must be given the proper tools to compete. A viable specialty crop industry is imperative to maintaining the concept of liberalized trade.

The future of U.S. agriculture, both at home and abroad is entirely dependent on the industry as a whole cooperating and communicating to build successful Federal policies together. Fighting here at home amongst ourselves diminishes the strength of a U.S. domestic policy and makes us vulnerable to our competitors who view this as weakness. This industry must learn to beat back competitors together, accomplish objectives together, and ultimately take back the market share that has been lost.

This is a small step, however significant to giving a sector of the industry the opportunity to compete globally, export internationally, and create or expand niche markets here at home. H.R. 3242 also provides a venue for an exchange of ideas on different levels of success in all areas of agriculture. This bill that I have offered here today seeks to lay a foundation for success for all of our producers.

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

Mr. STENHOLM. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Speaker, I thank the gentleman for yielding me time.

I want to thank the sponsors of this bill, the gentleman from California (Mr. DOOLEY) and the gentleman from California (Mr. OSE), for introducing H.R. 3242, of which I am an original cosponsor.

I stand as the representative of the most productive agricultural land in the world. It is in the State of California, and it is the Central Coast Valley. We produce what this bill is talking about, specialty crops.

Specialty crops are essentially those crops that we eat every day in salads, the lettuce, the artichokes, the strawberries, the grapes. We grow flowers. We grow everything that is not essentially in the commodity world, and we grow that just with market forces; that is, if there is not a good price for the crop, the farmer loses.

So what this bill does is bring the specialty crop, which frankly last year made more money than the commodity crops did, and California being the leading State, and almost all of the agriculture in California is in specialty crops, it is a remarkably important bill for our State and for all the people of the country who are in farming in specialty crops, as the gentleman from Texas (Mr. STENHOLM) pointed out.

Our specialty crops have no price supports. There are no direct payments. There are no marketing loans. There are no countercyclical payments. All we are asking for in this bill is for some help with research money and market promotion.

I supported the bill in its original form, and I am a little disappointed the way it has come to the floor. Nonetheless, it is a step in the right direction.

The authorization for expenditure in this bill is $43 million, compared to what is authorized to the commodity crops which is $12 to $13 billion. So the message here, and I know that it is late at night, but I hope that the agriculture community will see that we, for a long time, have been a part of the big family of agriculture.

This is the time when we are raising the flag to say that the specialty crops out there need some help, and I am, as appropriator, looking forward to getting the support of everybody who supports this bill, to getting money appropriated for this program and hopefully moving in the direction ahead to raise the authorization to a much higher standard and to appropriate a great deal of money. I hope that we do not have a battle in agriculture, where we have to rob Peter to pay Paul. Nonetheless, the growing markets in the world are in the specialty crops, and as I said, the sales of specialty crops last year exceeded that of commodity crops.

So I thank the members of the Committee on Agriculture for bringing this bill to the floor. I look forward to working with them as an appropriator, and it is a step in the right direction.

I thank very much the gentleman from California (Mr. OSE), and I thank very much the gentleman from Texas (Mr. STENHOLM).

Mr. OSE. Mr. Speaker, I yield myself such time as I may consume.

I am familiar with the marvelous bounty of the previous speaker's district, and I understand his concern. I welcome his cosponsorship of this bill because it has been an important part of our success.

I also want to make sure that all parties know the integral part that the chairman and the ranking member played in getting this bill to this point. They have been most accommodating in providing us with guidance and insight as to the art of the possible, and I think we have achieved that.

I know that everybody on the committee when we had markups spoke very positively about the days ahead, as we work together within the agricultural family so that all of our producers have the opportunity to succeed.

Mr. Speaker, I have no additional speakers, and I reserve the balance of my time.

Mr. STENHOLM. Mr. Speaker, I have no further requests for time, encourage the passage of H.R. 3242, and I yield back the balance of my time.

GENERAL LEAVE

Mr. OSE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3242, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BLUMENAUER. Mr. Speaker, the Specialty Crop Competitiveness Act is a step in the right direction in promoting profitable agribusiness in the United States that incorporates responsible land use and levels the playing field for producers.

Specialty Crop production is big business in Oregon, accounting for $905 million a year in revenue for the State of Oregon. There are over 30,000 producers of specialty crops in Oregon, dozens of processing/packing companies, and over 250 vineyards.

These specialty crops, which are not currently subsidized by the Federal Government, stand in stark contrast to sugar, cotton, and the other major crops that cost taxpayers billions of dollars each year and hamper the economies of developing nations.

Oregon has been a pioneer in maintaining an urban growth boundary that preserves valuable farmland that can be used to raise these niche climate crops that have a growing demand, both domestically and internationally, Not only does this benefit the Oregon economy, but our world famous pears, wines, berries, hazelnuts, and other specialty crops bring communities together in farmers market settings that benefit 64 communities in Oregon.

I urge my colleagues to usher in a new era of responsible crop production and vote for H.R. 3242.

Mr. GOODLATTE. Mr. Speaker, I rise today in support of H.R. 3242, the Specialty Crop Competitiveness Act of 2004.

The specialty crop sector is comprised of a diverse group of commodities produced across the Nation and is a vital portion of our agricultural community. Because of their hard work, Americans have access to a healthful and wholesome diet which includes fruits and vegetables. The 6th District of Virginia, which I represent, is home to a wide variety of these

producers. They are part of the larger specialty crop sector, which makes the United States the second largest importer and exporter of fruits, nuts, vegetables and other horticultural products.

I would like to take the opportunity to commend Mr. OSE of California for his commitment to the fruit and vegetable sector. His hard work with the industry, as well as his colleagues here in Congress, has been fundamental to moving this bill forward. Mr. OSE has diligently represented his constituents and I am sure they will miss his leadership upon his retirement.

H.R. 3242 is the culmination of many months of hard work in developing a consensus document. While the markup of this legislation proceeded quite smoothly, it did outline some issues that need additional attention.

However, it is clear from the quality of the discussion among Committee Members, that we understand the importance of the specialty crop sector in production agriculture.

I believe this bill represents a first step in what will undoubtedly be a lengthy conversation leading up to the next Farm Bill. Some issues in this bill will likely be revisited as we proceed forward with this process. For example, I still have some reservations about the block grant system and whether or not it is the best way to address the long term goals of the agriculture community. However, I remain open to further consideration of this point and I believe this is a good faith effort to begin the conversation about improving the competitiveness of specialty crop producers in the context of the Farm Bill.

Again, I'd like to thank Mr. OSE for his commitment to this complex effort and would like to reiterate my support for passage of H.R. 3242.

Mr. CARDOZA. Mr. Speaker I rise in support of H.R. 3242, the ''Specialty Crop Competitiveness Act''.

While I remain concerned about the funding levels—my colleagues from California, Mr. OSE and Mr. DOOLEY, must be commended for their dedication and hard work over the past year on this legislation to bring the specialty crop industry long overdue recognition from Congress.

I especially want to mention my strong support for provisions in the bill that address methyl bromide use by specialty crop growers. Continued use of methyl bromide as a fumigant is of utmost importance to a number of crops in my district and throughout California and I greatly appreciate the House Agriculture Committee bringing this issue to the forefront of the debate.

As you may know there are over 250 specialty crops produced in the United States and the industry as a whole is vitally important to the continued prosperity of our farm economy. In 2002, specialty crops had a collective value of nearly $52 billion or about 53 percent of the value of all agricultural crops. Their farm-gate value continues to rise as growers throughout the United States consistently produce the most abundant, highest quality crops of their kind in the world.

Currently however, specialty crops do not enjoy the same support from the Federal Government as do traditional ''program'' crops. Their main source of government assistance is not through marketing loans, direct payments, or counter-cyclical payments but instead they are supported—albeit in much smaller proportions—through programs like the Market Access Program, conservation programs like EQUIP, and through research funding.

The honest truth is that the majority of the specialty crop industry does not want a traditional subsidy program as cotton, corn, rice and others enjoy. Instead, they simply desire a seat at the table and recognition for their hard work and contribution to the farm economy. H.r. 3242 does just that, it improves upon previous Farm Bill programs aimed at specialty crops and proposes a reinvigorated block grant program that will allow each State Department of Agriculture to apply for, and administer, marketing assistance programs tailored specifically to the needs of their respective crops.

This legislation could not come at any better time. As many of you know, specialty crop growers across the United States are currently in the midst of an industry crisis. They are facing a number of challenges in international trade, caused by lack of market access, rapidly increasing import competition and efforts by our trading partners to keep our products out of their markets. Additionally, our foreign competitors routinely employ considerably cheaper labor and liberally use pesticides that are banned here at home.

In my home State of California, the situation worsens. Growers are constantly dealing with new environmental regulations, which often require costly compliance measures such as purchasing new equipment and machinery or applying for Federal and State permits. Furthermore, the cost of land, water, labor and pesticides are significantly higher in California compared with other larger specialty crop States. It is no wonder that prime agricultural land is disappearing at such a rapid rate, right before our eyes.

H.R. 3242 will finally direct Federal support to specialty crop growers in a proactive manner, to promote consumption of specialty crops at home and abroad and increase the competitiveness of growers in the aggressive global market.

One of the key components to H.R. 3242 is Title 1, the Specialty Crop Block Grant program. In 2001, Congress approved a block grant program from which California received roughly $64 million and one of the first things I did as a member of Congress was to convene a forum of California's specialty crop industry to determine how the program was implemented and what the benefits were. The results were outstanding—milk vending machines were placed in schools, the California Grown program was a success, research programs for pest disease and prevention were completed and countless other important programs were funded for the first time in decades. Block grants worked in California and they will work in the United States but they only work if we adequately fund them.

There is no doubt in my mind that my colleague from California, Mr. OSE, fought the good fight to retain the full authorization included in the original Specialty Crop Competitiveness Act but the bill we are voting on tonight falls pathetically short of what is needed for this industry. The original H.R. 3242 allocated $470 million for the specialty crop block grant program, a number that may seem substantial at first but that one that is dwarfed by the billions of dollars spent annually on program crops. It is unfortunate that important legislation such as H.R. 3242 was not adequately funded and I remain committed to rectifying this inequity in the future.

Regardless of my concerns, I will be support H.R. 3242 tonight. I firmly believe that H.R. 3242 is an important first step in acknowledging the strength and important of our Nation's specialty crop industry and I urge my fellow members of the House of Representative to join me in approving this important legislation.

Mr. THOMAS. Mr. Speaker, I rise today in support of H.R. 3242, the Specialty Crop Competitiveness Act of 2004, which is intended to improve Federal agricultural policy in order to ensure that American consumers continue to have access to an abundant and affordable supply of nutritious fruits, vegetables, nuts, and other speciality crops. I thank Mr. OSE, Mr. DOOLEY, and House Agriculture Committee Chairman GOODLATTE for their efforts to develop this legislation.

This legislation is important to my constituents in the 22nd Congressional District of California, who collectively produce agricultural products with a farm gate value in excess of $3 billion, with specialty crops accounting for more than two-thirds of that value. Unlike other crops and many of their foreign competitors, U.S. specialty crop growers do not receive direct government support despite the fact that they face increased competition from imports; since 1995, imports of fruits, vegetables, and nuts have increased 80 percent, from $4.6 billion to $7.4 billion in 2002.

It is important to note that during the same period of time, while U.S. exports of fruits, vegetables, and nuts have increased since 1995, they have only increased 17 percent, from $5.2 billion to $6 billion. Moreover, U.S. producers continue to encounter sanitary and phytosanitary (SPS) barriers when they seek to export their goods to foreign markets. Accordingly, in my capacity as Chairman of the Committee on Ways and Means, I am extremely interested in efforts to open and expand foreign markets through the reduction of SPS barriers and the negotiation of multilateral and bilateral trade agreements.

H.R. 3242 seeks to assist U.S. specialty crop growers by authorizing funding that could be used by State departments of agriculture to create consumer demand for specialty crops, enhance food safety efforts, and to support production-related research. H.R. 3242 also seeks to help U.S. producers break down SPS barriers and reduce the number of pending export petitions for agriculture goods. With regard to those pending export petitions, I look forward to working with Chairman GOODLATTE to ensure that the process is more transparent so that Congress can enhance its ability to conduct oversight.

H.R. 3242 is strongly supported by over thirty organizations, including the Western Growers Association, Wine Institute, California Table Grape Commission, California Farm Bureau Federation, California Winegrape Growers Association, United Fresh Fruit and Vegetable Association, and Sunkist Growers. I encourage my colleagues to support H.R. 3242.

Mr. CASE. Mr. Speaker, I rise today to express my strong support for H.R. 3242, the Specialty Crops Competitiveness Act of 2004. I am a proud co-sponsor of this bipartisan bill, and I congratulate its author, Congressman OSE, and his staff for this significant accomplishment.

I represent a rural agricultural district spread over the 7 inhabited islands of Hawai'i, where all of our crops are specialty crops. Except for sugarcane, the great majority of Hawai'i's crops are not grown in any other State, nor are they the traditional Farm Bill ''program crops.'' Therefore, programs to assist Hawai'i's specialty crop producers of crops like pineapple, tropical flowers, coffee, algae, cacao, and vanilla are very limited. And even though we have crop insurance programs for only two crops—macadamia nuts and nursery crops (fewer than any other State)—we are not designated as one of the States underserved by crop insurance programs.

For these and other reasons, my State receives less Federal support for agriculture as a percentage of the value of its agriculture than any other State. At the same time, we face unique challenges due to our distance from markets, quarantine requirements, and a transition from plantation to small-scale diversified agriculture. This transition has been extremely painful for many who traditionally were employed in good agricultural jobs in sugar or pineapple as well as for our rural island economies. I requested assignment to the House Agriculture Committee during my first full term in Congress to do what I can to enhance the future of agriculture in my State and to see that my State receives its fair share of assistance.

For this reason, I come to the floor today to extend a sincere mahalo to Chairman GOODLATTE and Ranking Member STENHOLM and their staffs for their assistance in ensuring that Hawai'i's specialty crops, from coffee to ginger root to kava, will be in fact be covered by this worthy bill.

Mr. OSE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and pass the bill, H.R. 3242, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

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HOMELESS VETERANS ASSISTANCE ACT OF 2004

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4248) to amend title 38, United States Code, to extend the authority of the Secretary of Veterans Affairs to make grants to expand or modify existing comprehensive service programs for homeless veterans, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4248

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Homeless Veterans Assistance Act of 2004''.

SEC. 2. INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2005.

Section 2013 of title 38, United States Code, is amended by striking ''$75,000,000'' in paragraph (4) and inserting ''$99,000,000''.

SEC. 3. PERMANENT AUTHORITY FOR SECRETARY OF VETERANS AFFAIRS TO OPERATE SEXUAL TRAUMA COUNSELING PROGRAM.

Section 1720D(a) of title 38, United States Code, is amended—

(1) in paragraph (1), by striking ''During the period through December 31, 2004, the'' and inserting ''The''; and

(2) in paragraph (2), by striking '', during the period through December 31, 2004,''.

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART of Florida). Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Texas (Mr. RODRIGUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of H.R. 4248, as amended, the Homeless Veterans Assistance Act of 2004.

I point out to my colleagues that this legislation builds on the historic law signed by President Bush, the Homeless Veterans Assistance Act of 2001. I also want to point out to my colleagues and remind them that as we wrote those provisions and held several hearings to ascertain the need, the best practices, the policies that are more likely to work to try to mitigate the problem of homelessness, all of us, on both sides of the aisle, were utterly struck by the large number of veterans who were indeed homeless. The number that seemed to be most accurate at the time was something on the order of 275,000 homeless veterans on any given night.

Many of these men, some are women, but most are men, had post-traumatic stress disorder or some problem with alcohol or drugs or both or all three. We decided working with the VA, working with the NGOs, with the VSOs, Veterans Service Organizations, and others, to devise legislation that would comprehensively try to mitigate and hopefully end this terrible problem of homelessness among our veterans.

The good news is that the number, and it is still unconscionably high, has dropped precipitously over the last several years since enactment of the law. Secretary of the Committee on Veterans' Affairs, Tony Principi, testified at the beginning of this year that he believes that the number has dropped to about 200,000. Still too high, but far less than the 275,000, again, on the streets on any given night.

The legislation we have before us is a bipartisan piece of legislation, and I want to thank my good friend, the gentleman from Illinois (Mr. EVANS), who has played a key role in working with us on this. I also want to thank the gentleman from Texas (Mr. RODRIGUEZ), who has also played a very important role, and the gentleman from Connecticut (Mr. SIMMONS), the chairman of our Subcommittee on Health, and all of the Members who have tried to contribute to make this an important piece of legislation.

Let me point out to my colleagues specifically on the legislation that the VA's Homeless Grant and Per Diem program is authorized to provide competitive grants to community-based, including faith-based, organizations that offer transitional housing or service centers for homeless veterans. This program has proven to be the most economical, flexible, and innovative method to provide time-limited or transitional housing with supportive services for homeless veterans in all 50 States and the District of Columbia. Over 6,000 transitional housing beds are now available to veterans through the grant and per diem program.

In 2003, 66 percent of the veterans discharged from these programs were discharged to either independent housing or residential program housing, and 43 percent of all treatment episodes were documented as successful. This successful rate is the highest combined level of success ever achieved and ever recorded and remarkable, given the serious psychiatric disorders or substance abuse problems that often challenge recovery for homelessness.

The current authority for the grant and per diem program expires on September 30, 2005. In testimony before the Subcommittee on Health earlier this year, however, the administration stated that the total amount of grants made under this program was expected to exceed the current $75 million authorization in fiscal year 2005. To meet this growing demand for services for homeless veterans, the President's budget proposal requested an increase in the authorized level from $75 million to $100 million for the 4 years. Section 2 of H.R. 4248, as amended, would increase the authorization to $99 million for 2005. It will be up to the next Congress to extend the authorization beyond its September 30 expiration date.

Mr. Speaker, in 2003, the VA reported that more than 31,000 males and 27,000 female veterans responded to relevant screenings indicating unwanted sexual experiences that occurred during their military service time. Under current law, the authority to provide sexual trauma counseling for eligible veterans expires on December 31 of this year. H.R. 4248, as amended, would recognize the continuing need for these programs within the VA by permanently authorizing the counseling and treatment authority.

Mr. Speaker, I want to thank all the Members again who have worked on this.

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

Mr. RODRIGUEZ. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of the Homeless Veterans Assistance Act of 2004.

Let me first of all take this opportunity to thank the gentleman from New Jersey (Mr. SMITH), our chairman, for his activities in this area end his support of this particular piece of legislation.

The bill, as reported, includes provisions from the bill I introduced, H.R. 3849, the Military Sexual Trauma Counseling Act of 2004, to permanently extend the VA authority to provide counseling and treatment for women and men who have experienced sexual trauma during their service in the military. Current authority for the program expires at the end of this year, and it is critical we pass this particular piece of legislation today.

Since the military's sexual trauma program was authorized, the VA has embraced the challenge of developing unique resources to serve both women and men who have suffered such abuses during their military service. An overwhelming demand has been demonstrated for the sexual trauma program, with thousands of veterans, in addition to Reservists and National Guardsmen taking advantage of the resources available to them.

As the number of women serving in the military will continue to grow, the need for this program is sadly more evident. According to the VA report, more than half, 55 percent, of all women in the VA patient population said they had experienced sexual harassment while in the military and almost one quarter claimed to have been sexually assaulted.

Although the military is moving to address some of the longstanding problems it has had in managing sexism of all kinds in its increasingly integrated Armed Services workforce, we cannot expect the problem to disappear overnight. Already we hear media reports that more than 100 troops returning from both Iraq and Afghanistan have stated that they were raped during their service.

The VA's sexual trauma counseling programs are designed to create a secure and sensitive environment in which both women and men who serve in the military can deal with the emotional burdens of being a victim of sexual abuse. I am pleased that we are on the road to ensuring that these programs will be here for current and future veterans.

Mr. Speaker, I am also supportive of the provisions to increase the funding levels available for the homeless grant and per diem programs from the $75 million to the $99 million for 2005. We still have a very long way to go in meeting the Congress' goal to eliminate chronic homelessness by 2011, but this bill definitely takes us in the right direction.

Again, I wish to thank my friend, the gentleman from Connecticut (Mr. SIMMONS) for his cooperation in including the authority for the military's sexual trauma program in this particular piece of legislation as well as Chairman SMITH and Ranking Member EVANS for their support.

Mr. Speaker, let me also indicate, in terms of the data for the homelessness, the VA estimates that more than 299,321 veterans are homeless on any given night, and more than half a million experience homelessness over the course of a year. Roughly 25 percent of the homeless people out there are veterans. Additionally, 45 percent of the homeless veterans that are out there do suffer from mental health disorders. And in order to solve these chronic homelessness problems, we must provide comprehensive care for veterans, including housing, job training, and mental health care.

Mr. EVANS. Mr. Speaker, I rise in support of the Homeless Veterans Assistance Act of 2004.

I'd like to thank my colleague CIRO RODRIGUEZ for the provisions in this bill that originated in his bill, H.R. 3849, the Military Sexual Trauma Counseling Act of 2004. I'd also like to thank Chairman SMITH for helping in this bipartisan effort.

I am pleased that this legislation will permanently allow the VA to provide sexual trauma counseling to those men and women who experience such trauma during their service for our country. Unfortunately, the problems of sexual harassment and assault are not going away, and VA should continue to be available to veterans who need help picking up the pieces after these traumatic events.

Another much needed provision of this legislation will increase the FY 2005 funding level available for VA's homeless grant and per diem program to $99 million. VA's Homeless Grant and Per Diem Providers are a critical source of support to the mission of caring for our nation's homeless veterans.

Troops demobilizing from a difficult deployment in which many experienced combat and other stressors will likely add to the challenges of meeting the needs of homeless veterans. We have to continue to be the advocate for our homeless veterans who are often not able to advocate for themselves.

I ask my colleagues to join me in supporting this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise as a strong supporter of H.R. 4248, the Homeless Veterans Assistance Reauthorization Act of 2004 which would amend title 38 of the United States Code, to extend the authority of the Secretary of Veterans Affairs to make grants to expand or modify existing comprehensive service programs for homeless veterans. I want to thank Chairman SMITH and Ranking Member EVANS for bringing this necessary piece of legislation before this entire body.

Veterans are some of America's most valued members of society. These are people who served our nation in a time of need, people who risked their lives to protect our own. Yet, it pains me to say that many of these same veterans who fought so bravely and risked so much in lands far abroad have come back to their nation and are now homeless. The problem of homeless veterans is far more prevalent than we would like to believe. About one-third of the entire adult homeless population has served their country in the Armed Services. On any given day, as many as 250,000 veterans, both male and female, are living on the streets or in shelters, and perhaps twice as many experience hopelessness at some point during the course of a year. Many other veterans are considered near homeless or at risk because of their poverty, lack of support from family and friends, and dismal living conditions in cheap hotels or in overcrowded or substandard housing.

This legislation is necessary not only because this problem is so devastating and prevalent, but also because homeless veterans have special needs that are unique from those faced by the rest of the homeless population. Almost all homeless veterans are male, with three percent being female, the vast majority are single, and most come from poor, disadvantaged backgrounds. Homeless veterans tend to be older and more educated than homeless non-veterans. But similar to the general population of homeless adult males, about 45 percent of homeless veterans suffer from mental illness and slightly more than 70 percent suffer from alcohol or other drug abuse problems. Roughly 56 percent are African American or Hispanic. H.R. 4248 helps to address the homeless veteran population by increasing and extending through FY 2008 the authorization of appropriations for homeless assistance to veterans furnished through the Department of Veterans Affairs. The Homeless Veterans Assistance Reauthorization Act of 2004 gives authority to the Secretary of Veterans Affairs through FY 2008 to make grants to furnish the assistance to homeless veterans through: outreach; rehabilitative services; vocational counseling and training; and transitional housing. This comprehensive program is needed if we are to fight this scourge that is a blight upon our nation. Our nation's veterans did not risk their lives abroad so that they could come home and feel a cold shoulder. We must all have outrage that so many of our nation's veterans live this way, only then can we find a way to correct this injustice.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in support of H.R. 4248, a bill to expand comprehensive service programs for homeless veterans. This bill is important because veterans have and continue to make an enormous contribution to our nation. The sacrifice of our men and women serving throughout the world should never be forgotten. They are serving to promote an secure the ideals of liberty, freedom, and democracy.

Therefore, it is important that when they return home they have access to transitional housing programs, counseling and specialized services to help them in their transition from military service. Too often veterans come home and their service is not fully appreciated. This has led to an issue of chronic homelessness among veterans. The Department of Veterans Affairs estimates that there are more than 300,000 homeless veterans on any given night or more than half a million experience homelessness over a given year. This is unacceptable in America.

In addition, to chronic homelessness many veterans suffer from lack of access to health care services, and job training. This bill is a step in the right direction. However, much work remains to be done to provide the level of services and outreach needed to ensure that we drastically reduce the number of homeless veterans.

Mr. RODRIGUEZ. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4248, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: ''A bill to amend title 38, United States Code, to increase the authorization of appropriations for the Secretary of Veterans Affairs to make grants to existing comprehensive service programs for homeless veterans, and for other purposes.''.

A motion to reconsider was laid on the table.

SERVICEMEMBERS AND VETERANS LEGAL PROTECTIONS ACT OF 2004

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4658) to amend the Servicemembers Civil Relief Act to make certain improvements and technical corrections to that Act, as amended.

The Clerk read as follows:

H.R. 4658

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Servicemembers and Veterans Legal Protections Act of 2004''.

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

Sec. 1. Short title; table of contents.

TITLE I—IMPROVEMENTS TO SERVICEMEMBERS CIVIL RELIEF ACT

Sec. 101. Clarification of meaning of ''judgment'' as used in the Act.
Sec. 102. Requirements relating to waiver of rights under the Act.
Sec. 103. Right of servicemember plaintiffs to request stay of civil proceedings.
Sec. 104. Termination of leases.
Sec. 105. Prevention of double taxation of certain servicemembers.

TITLE II—EMPLOYMENT AND REEMPLOYMENT RIGHTS

Subtitle A—Extension of Health Care Coverage

Sec. 201. Two-year period of continuation of employer-sponsored health care coverage.
Sec. 202. Reinstatement of reporting requirements.

Subtitle B—Other Matters

Sec. 211. Requirement for employers to provide notice of rights and duties under USERRA.
Sec. 212. Demonstration project for referral of USERRA claims against Federal agencies to the Office of Special Counsel.

TITLE III—MATTERS RELATING TO FIDUCIARIES

Sec. 301. Definition of fiduciary.
Sec. 302. Inquiry, investigations, and qualification of fiduciaries.
Sec. 303. Misuse of benefits by fiduciaries.
Sec. 304. Additional protections for beneficiaries with fiduciaries.
Sec. 305. Annual report.
Sec. 306. Annual adjustment in benefits thresholds.
Sec. 307. Effective dates.

TITLE IV—OTHER MATTERS

Sec. 401. Inventory of medical waste management activities at Department health-care facilities.
Sec. 402. Technical amendments to education program provisions.

TITLE I—IMPROVEMENTS TO SERVICEMEMBERS CIVIL RELIEF ACT

SEC. 101. CLARIFICATION OF MEANING OF ''JUDGMENT'' AS USED IN THE ACT.

Section 101 of the Servicemembers Civil Relief Act (50 U.S.C. App. 511) is amended by adding at the end the following new paragraph:

''(9) JUDGMENT.—The term 'judgment' means any judgment, decree, order, or ruling, final or temporary.''.

SEC. 102. REQUIREMENTS RELATING TO WAIVER OF RIGHTS UNDER THE ACT.

Section 107 of the Servicemembers Civil Relief Act (50 U.S.C. App. 517) is amended—

(1) In subsection (a), by inserting after the first sentence the following new sentence: ''Any such waiver that applies to an action listed in subsection (b) of this section is effective only if it is in writing and is executed as an instrument separate from the obligation or liability to which it applies.'';

(2) by redesignating subsection (c) as subsection (d); and

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

''(c) PROMINENT DISPLAY OF CERTAIN CONTRACT RIGHTS WAIVERS.—Any waiver in writing of a right or protection provided by this Act that applies to a contract, lease, or similar legal instrument must be in at least 12 point type.''.

SEC. 103. RIGHT OF SERVICEMEMBER PLAINTIFFS TO REQUEST STAY OF CIVIL PROCEEDINGS.

Section 202(a) of the Servicemembers Civil Relief Act (50 U.S.C. App. 522(a)) is amended by inserting ''plaintiff or'' before ''defendant''.

SEC. 104. TERMINATION OF LEASES.

(a) JOINT LEASES.—Subsection (a) of section 305 of the Servicemembers Civil Relief Act (50 U.S.C. App. 535) is amended to read as follows:

''(a) TERMINATION BY LESSEE.—

''(1) IN GENERAL.—The lessee on a lease described in subsection (b) may, at the lessee's option, terminate the lease at any time after—

''(A) the lessee's entry into military service; or

''(B) the date of the lessee's military orders described in paragraph (1)(B) or (2)(B) of subsection (b), as the case may be.

''(2) JOINT LEASES.—A lessee's termination of a lease pursuant to this subsection shall terminate any obligation a dependent of the lessee may have under the lease.''.

(b) MOTOR VEHICLES LEASES.—

(1) APPLICABILITY TO PCS ORDERS FROM STATES OUTSIDE CONUS.—Subparagraph (B) of subsection (b)(2) of such section is amended by striking ''military orders for'' and all that follows through ''or to deploy'' and inserting ''military orders—

''(i) for a change of permanent station—

''(I) from a location in the continental United States to a location outside the continental United States; or

''(II) from a location in a State outside the continental United States to any location outside that State; or

''(ii) to deploy''.

(2) DEFINITIONS.—Such section is further amended by adding at the end the following new subsection:

''(i) DEFINITIONS.—

''(1) MILITARY ORDERS.—The term 'military orders', with respect to a servicemember, means official military orders, or any notification, certification, or verification from the servicemember's commanding officer, with respect to the servicemember's current or future military duty status.

''(2) CONUS.—The term 'continental United States' means the 48 contiguous States and the District of Columbia.''.

(c) COVERAGE OF INDIVIDUAL DEPLOYMENTS.—Subsection (b) of such section is further amended in paragraph (1)(B) and paragraph (2)(B)(ii) (as designated by subsection (b) of this section) by inserting '', or as an individual in support of a military operation,'' after ''deploy with a military unit''.

SEC. 105. PREVENTION OF DOUBLE TAXATION OF CERTAIN SERVICEMEMBERS.

Section 511(c) of the Servicemembers Civil Relief Act (50 U.S.C. App. 571(c)) is amended by adding at the end the following new paragraph:

''(5) USE, EXCISE, OR SIMILAR TAXES.—A tax jurisdiction may not impose a use, excise, or similar tax on the personal property of a nonresident servicemember when the laws of the tax jurisdiction fail to provide a credit against such taxes for sales, use, excise, or similar taxes previously paid on the same property to another tax jurisdiction.''.

TITLE II—EMPLOYMENT AND REEMPLOYMENT RIGHTS

Subtitle A—Extension of Health Care Coverage

SEC. 201. TWO-YEAR PERIOD OF CONTINUATION OF EMPLOYER-SPONSORED HEALTH CARE COVERAGE.

(a) IMPROVEMENT IN PERIOD OF COVERAGE.—Subsection (a)(1)(A) of section 4317 of title 38, United States Code, is amended by striking ''18-month period'' and inserting ''24-month period''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to elections made under such section 4317 on or after the date of the enactment of this Act.

SEC. 202. REINSTATEMENT OF REPORTING REQUIREMENTS.

Section 4332 of title 38, United States Code, is amended in the matter preceding paragraph (1) by striking ''no later than February 1, 1996, and annually thereafter through 2000'' and inserting ''no later than February 1, 2005, and annually thereafter''.

Subtitle B—Other Matters

SEC. 211. REQUIREMENT FOR EMPLOYERS TO PROVIDE NOTICE OF RIGHTS AND DUTIES UNDER USERRA.

(a) NOTICE.—Chapter 43 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 4334. Notice of rights and duties

''(a) REQUIREMENT TO PROVIDE NOTICE.—Each employer shall provide to persons entitled to rights and benefits under this chapter a notice of the rights, benefits, and obligations of such persons and such employers under this chapter. The requirement for the provision of notice under this section may be met by the posting of the notice where employers customarily place notices for employees.

''(b) CONTENT OF NOTICE.—The Secretary shall provide to employers the text of the notice to be provided under this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''4334. Notice of rights and duties.''.

(c) IMPLEMENTATION.—(1) Not later than the date that is 90 days after the date of the enactment of this Act, the Secretary of Labor shall make available to employers the notice required under section 4334 of title 38, United States Code, as added by subsection (a).

(2) The amendments made by this section shall apply to employers under chapter 43 of such title on and after the first date referred to in paragraph (1).

SEC. 212. DEMONSTRATION PROJECT FOR REFERRAL OF USERRA CLAIMS AGAINST FEDERAL AGENCIES TO THE OFFICE OF SPECIAL COUNSEL.

(a) ESTABLISHMENT OF PROJECT.—The Secretary of Labor and the Office of Special Counsel shall carry out a demonstration project under which certain claims against Federal executive agencies under the Uniformed Services Employment and Reemployment Rights Act under chapter 43 of title 38, United States Code, are referred to, or otherwise received by, the Office of Special Counsel for assistance, including investigation and resolution of the claim as well as enforcement of rights with respect to the claim.

(b) REFERRAL OF ALL PROHIBITED PERSONNEL ACTION CLAIMS TO THE OFFICE OF SPECIAL COUNSEL.—(1) Under the demonstration project, the Office of Special Counsel shall receive and investigate all claims under the Uniformed Services Employment and Reemployment Rights Act with respect to Federal executive agencies in cases where the Office of Special Counsel has jurisdiction over related claims pursuant to section 1212 of title 5, United States Code.

(2) For purposes of paragraph (1), a related claim is a claim involving the same Federal executive agency and the same or similar factual allegations or legal issues as those being pursued under a claim under the Uniformed Services Employment and Reemployment Rights Act.

(c) REFERRAL OF OTHER CLAIMS AGAINST FEDERAL EXECUTIVE AGENCIES.—(1) Under the demonstration project, the Secretary—

(A) shall refer to the Office of Special Counsel all claims described in paragraph (2) made during the period of the demonstration project; and

(B) may refer any claim described in paragraph (2) filed before the demonstration project that is pending before the Secretary at the beginning of the demonstration project.

(2) A claim referred to in paragraph (1) is a claim under chapter 43 of title 38, United States Code, against a Federal executive agency by a claimant with a social security account number with an odd number as its terminal digit, or, in the case of a claim that does not contain a social security account number, a case number assigned to the claim with an odd number as its terminal digit.

(d) ADMINISTRATION OF DEMONSTRATION PROJECT.—(1) The Office of Special Counsel shall administer the demonstration project. The Secretary shall cooperate with the Office of Special Counsel in carrying out the demonstration project.

(2) In the case of any claim referred, or otherwise received by, to the Office of Special Counsel under the demonstration project, any reference to the ''Secretary'' in sections 4321, 4322, and 4326 of title 38, United States Code, is deemed a reference to the ''Office of Special Counsel''.

(3) In the case of any claim referred to, or otherwise received by, the Office of Special Counsel under the demonstration project, the Office of Special Counsel shall retain administrative jurisdiction over the claim.

(e) PERIOD OF PROJECT.—The demonstration project shall be carried out during the period beginning on the date that is 60 days after the date of the enactment of this Act, and ending on September 30, 2007.

(f) EVALUATIONS AND REPORT.—(1) The Comptroller General of the United States shall conduct periodic evaluations of the demonstration project under this section.

(2) Not later than April 1, 2007, the Comptroller General shall submit to Congress a report on the evaluations conducted under paragraph (1). The report shall include the following information and recommendations:

(A) A description of the operation and results of the demonstration program, including—

(i) the number of claims described in subsection (c) referred to, or otherwise received by, the Office of Special Counsel and the number of such claims referred to the Secretary of Labor, and

(ii) for each Federal executive agency, the number of claims resolved, the type of corrective action obtained, the period of time for final resolution of the claim, and the results obtained.

(B) An assessment of whether referral to the Office of Special Counsel of claims under the demonstration project—

(i) improved services to servicemembers and veterans; or

(ii) significantly reduced or eliminated duplication of effort and unintended delays in resolving meritorious claims of those servicemembers and veterans.

(C) An assessment of the feasibility and advisability of referring all claims under chapter 43 of title 38, United States Code, against Federal executive agencies to the Office of Special Counsel for investigation and resolution.

(D) Such other recommendations for administrative action or legislation as the Comptroller General determines appropriate.

(g) DEFINITIONS.—In this section:

(1) The term ''Office of Special Counsel'' means the Office of Special Counsel established by section 1211 of title 5, United States Code.

(2) The term ''Secretary'' means the Secretary of Labor.

(3) The term ''Federal executive agency'' has the meaning given that term in section 4303(5) of title 38, United States Code.

TITLE III—MATTERS RELATING TO FIDUCIARIES

SEC. 301. DEFINITION OF FIDUCIARY.

(a) IN GENERAL.—(1) Chapter 55 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 5506. Definition of 'fiduciary'

''For purposes of this chapter and chapter 61 of this title, the term 'fiduciary' means—

''(1) a person who is a guardian, curator, conservator, committee, or person legally vested with the responsibility or care of a claimant (or a claimant's estate) or of a beneficiary (or a beneficiary's estate); or

''(2) any other person having been appointed in a representative capacity to receive money paid under any of the laws administered by the Secretary for the use and benefit of a minor, incompetent, or other beneficiary.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''5506. Definition of 'fiduciary'.''.

(b) CONFORMING AMENDMENTS TO SECTION 5502.—Section 5502 of such title is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''other person'' and inserting ''other fiduciary''; and

(B) in the second sentence of paragraph (2), by inserting ''for benefits under this title'' after ''in connection with rendering fiduciary services'';

(2) in subsection (b), by striking ''guardian, curator, conservator, or other person'' each place it appears and inserting ''fiduciary''; and

(3) in subsection (d), by striking ''guardian, curator, or conservator'' and inserting ''fiduciary''.

(c) CONFORMING AMENDMENT TO SECTION 6101.—Section 6101(a) of such title is amended by striking ''guardian, curator,'' and all that follows through ''beneficiary,'' and inserting ''fiduciary (as defined in section 5506 of this title) for the benefit of a minor, incompetent, or other beneficiary under laws administered by the Secretary,''.

SEC. 302. INQUIRY, INVESTIGATIONS, AND QUALIFICATION OF FIDUCIARIES.

(a) IN GENERAL.—Chapter 55 of title 38, United States Code, as amended by section 301(a)(1), is further amended by adding at the end the following new section:

''§ 5507. Inquiry, investigations, and qualification of fiduciaries

''(a) Any certification of a person for payment of benefits of a beneficiary to that person as such beneficiary's fiduciary under section 5502 of this title shall be made on the basis of—

''(1) an inquiry or investigation by the Secretary of the fitness of that person to serve as fiduciary for that beneficiary, such inquiry or investigation—

''(A) to be conducted in advance of such certification;

''(B) to the extent practicable, to include a face-to-face interview with such person; and

''(C) to the extent practicable, to include a copy of a credit report for such person issued within one year of the date of the proposed appointment;

''(2) adequate evidence that certification of that person as fiduciary for that beneficiary is in the interest of such beneficiary (as determined by the Secretary under regulations); and

''(3) the furnishing of any bond that may be required by the Secretary.

''(b) As part of any inquiry or investigation of any person under subsection (a), the Secretary shall request information concerning whether that person has been convicted of any offense under Federal or State law which resulted in imprisonment for more than one year. If that person has been convicted of such an offense, the Secretary may certify the person as a fiduciary only if the Secretary makes a specific finding that the person has been rehabilitated and is an appropriate person to act as fiduciary for the beneficiary concerned under the circumstances.

''(c)(1) In the case of a proposed fiduciary described in paragraph (2), the Secretary, in conducting an inquiry or investigation under subsection (a)(1), may carry out such inquiry or investigation on an expedited basis that may include waiver of any specific requirement relating to such inquiry or investigation, including the otherwise applicable provisions of subparagraphs (A), (B), and (C) of such subsection. Any such inquiry or investigation carried out on such an expedited basis shall be carried out under regulations prescribed for purposes of this section.

''(2) Paragraph (1) applies with respect to a proposed fiduciary who is—

''(A) the parent (natural, adopted, or stepparent) of a beneficiary who is a minor;

''(B) the spouse or parent of an incompetent beneficiary;

''(C) a person who has been appointed a fiduciary of the beneficiary by a court of competent jurisdiction; or

''(D) being appointed to manage an estate where the annual amount of veterans benefits to be managed by the proposed fiduciary does not exceed $3600, as adjusted pursuant to section 5312 of this title.

''(d) TEMPORARY FIDUCIARIES.—When in the opinion of the Secretary, a temporary fiduciary is needed in order to protect the assets of the beneficiary while a determination of incompetency is being made or appealed or a fiduciary is appealing a determination of misuse, the Secretary may appoint one or more temporary fiduciaries for a period not to exceed 120 days. If a final decision has not been made within 120 days, the Secretary may not continue the appointment of the fiduciary without obtaining a court order for

appointment of a guardian, conservator, or other fiduciary under the authority provided in section 5502(b) of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item added by section 301(a)(2) the following new item:

''5507. Inquiry, investigations, and qualification of fiduciaries.''.

SEC. 303. MISUSE OF BENEFITS BY FIDUCIARIES.

(a) PROTECTION OF VETERANS BENEFITS WHEN ADMINISTERED BY FIDUCIARIES.—(1) Chapter 61 of title 38, United States Code, is amended by adding at the end the following new sections:

''§ 6106. Misuse of benefits by fiduciaries

''(a) FEE FORFEITURE IN CASE OF BENEFIT MISUSE BY FIDUCIARIES.—A fiduciary may not collect a fee from a beneficiary for any month with respect to which the Secretary or a court of competent jurisdiction has determined that the fiduciary misused all or part of the individual's benefit, and any amount so collected by the fiduciary as a fee for such month shall be treated as a misused part of the individual's benefit.

''(b) LIABILITY OF FIDUCIARIES FOR MISUSED BENEFITS.—(1) If the Secretary or a court of competent jurisdiction determines that a fiduciary that is not a Federal, State, or local government agency has misused all or part of a beneficiary's benefit that was paid to such fiduciary, the fiduciary shall be liable for the amount misused, and such amount (to the extent not repaid by the fiduciary) shall be treated as an erroneous payment of benefits under this title to the fiduciary for purposes of laws pertaining to the recovery of overpayments. The amount of such overpayment shall constitute a liability of such fiduciary to the United States and may be recovered in the same manner as any other debt due the United States. Subject to paragraph (2), upon recovering all or any part of such amount, the Secretary shall pay an amount equal to the recovered amount to such beneficiary or such beneficiary's successor fiduciary.

''(2) The total of the amounts paid to a beneficiary (or a beneficiary's successor fiduciary) under paragraph (1) and under section 6107 of this title may not exceed the total benefit amount misused by the fiduciary with respect to that beneficiary.

''(c) MISUSE OF BENEFITS DEFINED.—For purposes of this chapter, misuse of benefits by a fiduciary occurs in any case in which the fiduciary receives payment, under any of laws administered by the Secretary, for the use and benefit of a beneficiary and uses such payment, or any part thereof, for a use other than for the use and benefit of such beneficiary or that beneficiary's dependents. Retention by a fiduciary of an amount of a benefit payment as a fiduciary fee or commission, or as attorney's fees (including expenses) and court costs, if authorized by the Secretary or a court of competent jurisdiction, shall be considered to be for the use or benefit of such beneficiary.

''(d) REGULATIONS.—The Secretary may prescribe by regulation the meaning of the term 'use and benefit' for purposes of this section.

''(e) FINALITY OF DETERMINATIONS.—A determination by the Secretary that a fiduciary has misused benefits is a decision of the Secretary for purposes of section 511(a) of this title.

''§ 6107. Reissuance of benefits

''(a) NEGLIGENT FAILURE BY SECRETARY.—(1) In any case in which the negligent failure of the Secretary to investigate or monitor a fiduciary results in misuse of benefits by the fiduciary, the Secretary shall pay to the beneficiary or the beneficiary's successor fiduciary an amount equal to the amount of benefits that were so misused.

''(2) There shall be considered to have been a negligent failure by the Secretary to investigate and monitor a fiduciary in the following cases:

''(A) A case in which the Secretary failed to timely review a fiduciary's accounting.

''(B) A case in which the Secretary was notified of allegations of misuse, but failed to act in a timely manner to terminate the fiduciary.

''(C) In any other case in which actual negligence is shown.

''(b) REISSUANCE OF MISUSED BENEFITS IN OTHER CASES.—(1) In any case in which a fiduciary described in paragraph (2) misuses all or part of an individual's benefit paid to such fiduciary, the Secretary shall pay to the beneficiary or the beneficiary's successor fiduciary an amount equal to the amount of such benefit so misused.

''(2) Paragraph (1) applies to a fiduciary that—

''(A) is not an individual; or

''(B) is an individual who, for any month during a period when misuse occurs, serves 10 or more individuals who are beneficiaries under this title.

''(c) RECOUPMENT OF AMOUNTS REISSUED.—In any case in which the Secretary reissues a benefit payment (in whole or in part) under subsection (a) or (b), the Secretary shall make a good faith effort to obtain recoupment from the fiduciary to whom the payment was originally made.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

''6106. Misuse of benefits by fiduciaries.
''6107. Reissuance of benefits.''.

SEC. 304. ADDITIONAL PROTECTIONS FOR BENEFICIARIES WITH FIDUCIARIES.

(a) ONSITE REVIEWS AND REQUIRED ACCOUNTINGS.—(1) Chapter 55 of title 38, United States Code, as amended by section 302(a), is further amended by adding at the end the following new sections:

''§ 5508. Periodic onsite reviews of institutional fiduciaries

''In addition to such other reviews of fiduciaries as the Secretary may otherwise conduct, the Secretary shall provide for the periodic onsite review of any person or agency located in the United States that receives the benefits payable under laws administered by the Secretary to another individual pursuant to the appointment of such person or agency as a fiduciary under section 5502(a)(1) of this title in any case in which the fiduciary is serving in that capacity with respect to more than 20 beneficiaries and the total annual amount of such benefits exceeds $50,000, as adjusted pursuant to section 5312 of this title.

''§ 5509. Authority to redirect delivery of benefit payments when a fiduciary fails to provide required accounting

''(a) REQUIRED REPORTS AND ACCOUNTINGS.—The Secretary may require a fiduciary to file a report or accounting pursuant to regulations prescribed by the Secretary.

''(b) ACTIONS UPON FAILURE TO FILE.—In any case in which a fiduciary fails to submit a report or accounting required by the Secretary under subsection (a), the Secretary may, after furnishing notice to such fiduciary and the beneficiary entitled to such payment of benefits, require that such fiduciary appear in person at a regional office of the Department serving the area in which the beneficiary resides in order to receive such payments.''.

(2) The table of sections at the beginning of such chapter is amended by adding after the item added by section 302(b) the following new items:

''5508. Periodic onsite reviews of institutional fiduciaries.
''5509. Authority to redirect delivery of benefit payments when a fiduciary fails to provide required accounting.''.

(b) CIVIL MONETARY PENALTIES; JUDICIAL ORDERS OF RESTITUTION.—(1) Chapter 61 of title 38, United States Code, as amended by section 303(a), is further amended by adding at the end the following new sections:

''§ 6108. Civil monetary penalties

''(a) PENALTY FOR CONVERSION.—Any person (including an organization, agency, or other entity) who, having received, while acting in the capacity of a fiduciary pursuant to section 5502 of this title, a payment under a law administered by the Secretary for the use and benefit of another individual, converts such payment, or any part thereof, to a use that such person knows or should know is other than for the use and benefit of such other individual shall be subject to, in addition to any other penalty that may be prescribed by law, a civil monetary penalty assessed by the Secretary of not more than $5,000 for each such conversion.

''(b) PENALTY IN LIEU OF DAMAGES.—Any person who makes a conversion of a payment described in subsection (a) and is subject to a civil monetary penalty under that subsection by reason of such conversion shall also be subject to an assessment by the Secretary, in lieu of damages sustained by the United States resulting from the conversion, of not more than twice the amount of any payments so converted.

''(c) COSTS OF RECOVERY.—From amounts collected under this section, the amount necessary to recoup the Department's costs of such collection shall be credited to appropriations currently available for the same purpose as the appropriation that incurred those costs, to remain available until expended.

''§ 6109. Authority for judicial orders of restitution

''(a) Any Federal court, when sentencing a defendant convicted of an offense arising from the misuse of benefits under this title, may order, in addition to or in lieu of any other penalty authorized by law, that the defendant make restitution to the Department.

''(b) Sections 3612, 3663, and 3664 of title 18 shall apply with respect to the issuance and enforcement of orders of restitution under subsection (a). In so applying those sections, the Department shall be considered the victim.

''(c) If the court does not order restitution, or orders only partial restitution, under subsection (a), the court shall state on the record the reasons therefor.

''(d)(1) Except as provided in paragraph (2), amounts received or recovered by the Secretary pursuant to an order of restitution under subsection (a), to the extent and in the amounts provided in advance in appropriations Acts, shall be available to defray expenses incurred by the Office of the Inspector General for the investigation of fiduciaries under this title.

''(2) Paragraph (1) shall not apply with respect to amounts received in connection with misuse by a fiduciary of funds paid as benefits under laws administered by the Secretary. Such amounts shall be paid to the individual whose benefits were misused unless the Secretary has previously reissued the misused benefits, in which case the amounts shall be treated in the same manner as overpayments recouped by the Secretary and shall be deposited to the credit of the applicable revolving fund, trust fund, or appropriation.''.

(2) The table of sections at the beginning of such chapter is amended by adding after the item added by section 303(b) the following new items:

''6108. Civil monetary penalties.
''6109. Authority for judicial orders of restitution.''.

SEC. 305. ANNUAL REPORT.

(a) IN GENERAL.—Chapter 55 of title 38, United States Code, as amended by section 304(a)(1), is further amended by adding at the end the following new section:

''§ 5510. Annual report

''The Secretary shall include in the Annual Benefits Report of the Veterans Benefits Administration or the Secretary's Annual Performance and Accountability Report information concerning fiduciaries who have been appointed to receive payments for beneficiaries of the Department. As part of such information, the Secretary shall separately set forth the following:

''(1) The number of beneficiaries in each category (veteran, surviving spouse, child, adult disabled child, or parent).

''(2) The types of benefit being paid (compensation, pension, dependency and indemnity compensation, death pension or benefits payable to a disabled child under chapter 18 of this title).

''(3) The total annual amounts and average annual amounts of benefits paid to fiduciaries for each category and type of benefit.

''(4) The number of fiduciaries who are the (spouse, parent, legal custodian, court-appointed fiduciary, institutional fiduciary, custodian in fact, and supervised direct payment).

''(5) The number of cases in which the fiduciary was changed by the Secretary because of a finding that benefits had been misused.

''(6) How such cases of misuse of benefits were addressed by the Secretary.

''(7) The final disposition of such cases of misuse of benefits, including the number and dollar amount of any civil or criminal penalties imposed.

''(8) Such other information as the Secretary considers appropriate.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the items added by the amendment made by section 304(a)(2) the following new item:

''5510. Annual report.''.

SEC. 306. ANNUAL ADJUSTMENT IN BENEFITS THRESHOLDS.

Section 5312(b)(1) of title 38, United States Code, is amended by inserting ''and the annual benefit amount limitations under sections 5507(c)(2)(D) and 5508 of this title,'' after ''(d)(3) of such section,''.

SEC. 307. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided, this title and the amendments made by this title shall take effect on the first day of the seventh month beginning after the date of the enactment of this Act.

(b) SPECIAL RULES.—(1) Section 5510 of title 38, United States Code, as added by section 305(a), shall take effect on the date of the enactment of this Act.

(2) Sections 6106 and 6107 of title 38, United States Code, as added by section 303(a), shall apply with respect to any determinations by the Secretary of Veterans Affairs made after the date of the enactment of this Act of misuse of funds by a fiduciary.

TITLE IV—OTHER MATTERS

SEC. 401. INVENTORY OF MEDICAL WASTE MANAGEMENT ACTIVITIES AT DEPARTMENT HEALTH-CARE FACILITIES.

(a) INVENTORY.—The Secretary of Veterans Affairs shall establish and maintain a national inventory of medical waste management activities in the health-care facilities of the Department of Veterans Affairs. The inventory shall include the following:

(1) A statement of the current national policy of the Department on managing and disposing of medical waste, including regulated medical waste in all its forms.

(2) A description of the program of each geographic service area of the Department to manage and dispose of medical waste, including general medical waste and regulated medical waste, with a description of the primary methods used in those programs and the associated costs of those programs, with cost information shown separately for in-house costs (including full-time equivalent employees) and contract costs.

(b) REPORT.—Not later than April 15, 2005, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on medical waste management activities in the facilities of the Department of Veterans Affairs. The report shall include the following:

(1) The inventory established under subsection (a), including all the matters specified in that subsection.

(2) A listing of each violation of medical waste management and disposal regulations reported at any health-care facility of the Department over the preceding five years by any State or Federal agency, along with an explanation of any remedial or other action taken by the Secretary in response to each such reported violation.

(3) A description of any plans to modernize, consolidate, or otherwise improve the management of medical waste and disposal programs at health-care facilities of the Department, including the projected costs associated with such plans and any barriers to achieving goals associated with such plans.

(4) An assessment or evaluation of the available methods of disposing of medical waste and identification of which of those methods are more desirable from an environmental perspective in that they would be least likely to result in contamination of air or water or otherwise cause future cleanup problems.

SEC. 402. TECHNICAL AMENDMENTS TO EDUCATION PROGRAM PROVISIONS.

(a) INAPPLICABILITY OF WAGE REQUIREMENTS FOR ON-JOB TRAINING PROGRAMS LEADING TO SELF-EMPLOYMENT.—(1) Section 3677(b) is amended by adding at the end the following new paragraph:

''(3) Notwithstanding paragraph (1)(A) and subsection (c)(8), no wages shall be required to be paid an eligible person or veteran by a training establishment described in section 3452(e)(2) of this title.''.

(2) Section 3452(e), as amended by section 301 of the Veterans Benefits Act of 2003 (Public Law 108–183; 117 Stat. 2658), is amended by striking ''An'' in paragraph (2) and inserting ''For the period beginning on October 1, 2005, and ending on September 30, 2010, an''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of section 301 of the Veterans Benefits Act of 2003 (Public Law 108–183; 117 Stat. 2658).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Maine (Mr. MICHAUD) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise again in strong support of H.R. 4658, as amended, the Servicemembers and Veterans Legal Protections Act of 2004. This measure has a number of important provisions for servicemembers, veterans and their dependents.

H.R. 4658, as amended, would further strengthen the Servicemembers Civil Relief Act that was enacted just last year and signed by President Bush. There were several new issues that arose while we were considering that legislation, but their solution required further research and discussion. That discussion led to this legislation.

Most significantly, the bill would clarify that the Servicemembers Relief Act's lease termination protection under section 305 applies to military dependents who are on joint leases with servicemembers. This has always been the intent of Congress, but some landlords have recently tried to argue there is a loophole, leaving the servicemember's spouse liable if the servicemember is relieved from liability under the lease. That was pointed out most definitively in an oversight hearing we held very recently.

H.R. 4658 would make several other improvements to the SCRA, including strengthening protections relating to waivers of servicemembers rights. Additionally, it would provide motor vehicle lease termination protections for servicemembers stationed in Alaska and Hawaii.

Mr. Speaker, under title II of 4658, this title would strengthen the Uniformed Services Employment and Reemployment Rights Act, or USERRA, the law which protects the jobs and employment benefits of Guard and Reserve members who are called to active duty. I want to highlight the major provisions for my colleagues.

The bill would increase from 18 to 24 months the maximum period of employer-sponsored health coverage during active military service to reflect the longer deployments of Guard and Reserve members. It would also establish a 3-year demonstration project at the U.S. Office of the Special Counsel to improve enforcement of the act in cases involving Federal executive branch employees.

Additionally, the bill contains a requirement for employers to provide notice to employees of their rights. Title III of the bill would make a number of changes to strengthen the program which authorizes benefit payments to fiduciaries of veterans unable to manage their financial affairs. It would require greater scrutiny by VA fiduciaries to make fiduciaries subject to civil penalties for misuse of a veteran's assets.

Mr. Speaker, this measure would also require the Secretary of Veterans Affairs to establish an inventory of medical waste management activities in the VA, and to assess what methods of medical waste disposal are desirable from an environmental perspective. He would then report to Congress on plans to modernize or improve the management of medical waste and disposal programs.

Mr. Speaker, I urge support of the bill.

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

Mr. MICHAUD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4658, the Servicemembers and Veterans Legal Protections Act of 2004. I want to thank our ranking member, the gentleman from Illinois (Mr. EVANS), and our chairman, the gentleman from New Jersey (Mr. SMITH) for their leadership on this legislation, as well as my good friend and colleague on the Subcommittee on Benefits, the gentleman from South Carolina (Mr. BROWN).

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I have enjoyed working with them during this Congress. Additionally, I would like to thank Members and staffs on both sides of the aisle who have contributed to this bill.

H.R. 4658 contains a number of provisions aimed at enhancing and improving the Servicemembers Civil Relief Act, the Uniformed Services Employment and Reemployment Rights Act and other matters which will improve the quality of life of our troops, veterans and military families. Today, men and women who make up the Armed Forces and their families are under tremendous strain. Laws concerning reemployment rights and legal and financial protections for our service members help them to focus on serving the country. When these laws are effectively administered and vigorously enforced, they help our service members and their families and assist in recruitment and retention efforts.

Mr. Speaker, I am particularly pleased that we have included measures to improve certain sections of the Servicemembers Civil Relief Act. These measures were brought to our attention by service members and military lawyers who experienced problems we had not anticipated when the Servicemembers Civil Relief Act was passed last year. H.R. 4658 solved these identified problems.

H.R. 4658 also makes improvements to the Uniformed Services Employment and Reemployment Rights Act. I am particularly pleased that this bill includes measures to protect our most vulnerable veterans from financial abuse by those VA has authorized to handle their cash benefits. These provisions are drawn from H.R. 4032 which I joined the gentlewoman from California (Mrs. DAVIS) in introducing. Veterans and other VA beneficiaries who have their benefits paid to fiduciaries will have protections similar to those Congress recently afforded to Social Security beneficiaries.

Finally, I must express my deep regret that the majority leadership has rejected a provision in this bill supported by our committee. In response to a problem identified by the Secretary of Veterans Affairs, the administration proposed to permit VA to provide limited transitional care for newborns of veterans receiving maternity care from VA. Currently, VA is being charged high rates by hospitals who agree to provide contract maternity care to eligible veterans. Rates are excessive because under current law VA has no authority to pay for care of the newborn child after delivery. VA requested the authority to pay for newborn care for a maximum of 14 days in order to allow time to make other arrangements for newborns who would need ongoing care. The committee recognized that alternate payment sources such as private medical insurance may be available to pay for newborn care and therefore would have limited VA's liability to those situations where no other payment source was available. These provisions were rejected by the Republican leadership. VA will continue to have difficulty arranging for contract maternity care and will continue to be charged higher amounts. As a Blue Dog, I find this fiscally irresponsible.

I also believe we are sending the wrong message to servicewomen injured in Iraq or Afghanistan or otherwise disabled by military service. VA's failure to provide newborn care associated with maternity care is likely to alienate the increasing number of young women in our military. I will continue to push for reconsideration of this provision in the 109th Congress.

Mr. Speaker, the provisions in H.R. 4658 are of the utmost importance. We have an obligation to do all we can to ensure that service members and their families have peace of mind. Passing this legislation would be a strong step in the right direction. I urge all Members to support this bill.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, I want to take this time to thank my colleague here for his leadership on this particular piece of legislation. I also thank the gentleman from New Jersey (Mr. SMITH) on his efforts as well as the gentleman from Illinois (Mr. EVANS).

Mr. Speaker, I rise today in support of H.R. 4658, the Servicemembers Legal Protection Act. Although this legislation is a great measure and I urge its passage, I regret that it no longer has a provision introduced by the gentleman from Illinois (Mr. EVANS) and myself to assist the Department of Veterans Affairs in delivering a comprehensive maternity care benefit to women veterans. Women comprise an increasing portion of our armed services and will soon make up 20 percent of our active duty forces.

With that being said, we must continue to bring women veterans into the veterans health care system. VA medical centers do not deliver maternity care except in cases of emergency. Yet VA's contractors are reluctant to accept contracts if payment for infants' care is uncompensated, particularly if there is a risk for an adverse birth outcome. Ensuring at least partial payment for the infant's care would have allowed the VA to contract more easily for this routine care provided to women veterans and allow them to receive the care they deserve.

As I mentioned earlier, I am disappointed that the provision on women's comprehensive care is not in the final bill. However, I trust that the gentleman from New Jersey (Mr. SMITH) and the gentleman from Connecticut (Mr. SIMMONS) will continue to work with us in a bipartisan manner in order to ensure that we eventually bring passage. I urge my colleagues to vote in favor of this bill as it contains many important legal and financial protections for our military men and women and their families.

Mr. Speaker, in closing let me just say that we do have and we are expecting to have a larger number of women participating. If those veteran women are expecting, we are going to have difficulties unless we also take care of not only the veteran herself but also the child that she might be bearing.

Mr. MICHAUD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself 1 minute.

I want to thank the gentleman from Maine (Mr. MICHAUD) for his leadership on this legislation as part of the Benefits committee and the gentleman from Illinois (Mr. EVANS) as well. Again, this and the bill that was passed and signed by the President last year was a historic rewrite and expansion of the Servicemembers Relief Act, as we called it. It is a rewrite of the old Soldiers and Sailors Relief Act first enacted back in 1940. It provided significant upgrades and made for consistency and uniformity across the country when it came to adjudicating the protections for our servicemen who are deployed overseas. This is especially important to so many Guard and Reserve now serving so ably and so honorably in Iraq as well as in Afghanistan.

I also want to say that I deeply regret the loss of the newborn provision. As my colleagues might recall, I worked with my good friends on the other side of the aisle and on our side to put that in. We will be back hopefully and we can regain that sometime in the future. But I do thank him for bringing that up.

Mr. EVANS. Mr. Speaker, I rise in strong support of H.R. 4658, the Servicemembers and Veterans Legal Protection Act of 2004. I want to thank Chairman SMITH, as well as HENRY BROWN and MICHAEL MICHAUD, Chairman and Ranking Member of the Benefits Subcommittee, respectively, for their good work on this legislation. Additionally, I commend the Members and staffs on both sides of the aisle who have worked diligently to bring this bill forward. It has truly been a bipartisan effort.

H.R. 4658 is important legislation that contains a number of provisions aimed at enhancing and improving the Servicemembers civil

Relief Act (SCRA), the Uniformed Services Employment and Reemployment Rights Act (USERRA) and other matters pertaining to the quality of life of our troops, veterans, and military families.

Mr. Speaker, not since world War II has the Nation's military—active duty and Reserve forces—undergone such a massive mobilization and troop rotation effort. According to the Department of Defense, since September 11, 2001, over 400,000 reserve forces have been mobilized, some of these National Guard or Reserve members have been called up more than once, and some of our servicemembers have been activated for nearly twenty-four months due to extensions of their orders or prevented due to ''stop loss'' from leaving military service at their expected time.

Needless to say, our armed forces are serving under stressful conditions, and they and their families are making great sacrifices. Accordingly, laws concerning reemployment rights, and legal and financial protections for our servicemembers play an integral part in their ability to serve the country. Indeed, if these laws are effectively administered and vigorously enforced, they not only provide comfort to our servicemembers and their families but they can also assist the Pentagon in in its recruitment and retention efforts.

Mr. Speaker, this bill contains a host of quality provisions. I am particularly pleased that we have included measures to improve and perfect certain sections of the Servicemembers Civil Relief Act, such as defining certain terms under the Act; requiring that waivers of protections under the Act be highlighted and signed as separate documents; specify that the Act applies to either a plaintiff or defendant; clarify that dependents of servicemembers have the same right as the servicemember to terminate a lease when the servicemember is deployed or receives a permanent change of station; and prevents multiple taxation of certain servicemembers.

H.R. 4658 also provides important and timely amendments to the Uniformed Services Employment and Reemployment Rights Act. One important provision would extend reservists' ability to continue employer-sponsored health coverage from 18 to 24 months; another provision establishes a demonstration project for the investigation and enforcement of federal USERRA complaints by the Office of Special Counsel. Finally, in the area of reemployment rights, this legislation includes a measure, originally introduced by my friend, Representative JIM MCGOVERN of Massachusetts, to require employers to provide greater notice and awareness to employees about reservists' reemployment rights.

I am also pleased that the bill contains a very important measure introduced by SUSAN DAVIS of California to enhance the fiduciary program within the VA. We must do a better job in protecting vulnerable veterans from financial misdeeds, neglect and manipulation by unsavory individuals or entities.

I have been a member of the House of Representatives for over 20 years. I cannot recall any instance when a proposal sent to the Congress by any Administration—Democratic or Republican—to address a problem in meeting the needs of veterans having been favorably reported by the Committee was barred from consideration on the floor by the House Leadership. Sadly that day has arrived.

The bill we are considering today was overwhelmingly approved by the Committee with a provision which would enable the Secretary to include a limited benefit for the newborn children of veterans who are eligible for maternity care from the Department of Veterans Affairs (VA). This provision was designed to address the difficulty which the Secretary has had in obtaining contracts in order to provide timely and adequate maternity care to service-disabled and low-income veterans. It was also designed to address the high cost of such care, which is charged when no provision is made for payment of services to newborn children.

As reported by the Committee, the bill would limit VA's liability by providing that VA payment would be made, only when there was no other resource, such as private health insurance or Medicaid responsible for the care. Care would only have been provided during the neonatal period and would have allowed a small window of time in order to obtain additional health care for those children who may qualify for other health care programs, such a Medicaid or State child health programs.

What message does this send to servicewomen risking their life and health in Iraq and Afghanistan today? What message does this send to service-disabled women veterans seeking maternity care from the VA today? I am extremely disappointed that in order for this bill to be considered by the House, it was necessary to eliminate the provision addressing a serious problem which will affect an increasing number of servicewomen in the months and years to come. I hope that we will address this issue early in the next session of Congress. Those women who have sacrificed for us deserve no less.

Mr. Speaker, H.R. 4658 includes many provisions aimed at protecting the legal, financial and employment rights of servicemembers, veterans and their families. Passing this bill sends the right message, and I urge all members to do just that.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise as a strong supporter of H.R. 4658, the Servicemembers Legal Protection Act of 2004, which would amend the Servicemembers Civil Relief Act to make certain improvements and technical corrections to that Act. I want to thank Chairman SMITH and Ranking Member EVANS for bringing this necessary piece of legislation before this entire body.

This legislation is one that is aimed at protecting members of the military by amending the Servicemembers Civil Relief Act (SCRA). The SCRA is a Federal law that updates and expands all military members' important financial and legal rights as they enter active duty or are deployed to new duty stations. This legislation recognizes the unique circumstances that members of the military are often faced with because of the nature of their work. This legislation prohibits tax jurisdictions from imposing use, excise, or similar taxes on the personal property of nonresident servicemembers absent a credit for such taxes paid on the same property in another tax jurisdiction. Members of the military are always ready to be on the move in order to serve our Nation, and we must protect their personal interests because of these unique circumstances.

This legislation is also welcome because it protects the interests of the families of those who serve in the Armed Forces. This legislation states that a servicemember's termination of a residential or motor vehicle lease shall terminate any obligation of the servicemember's dependents under such lease. This provision is necessary because no family should have to bear the financial burden when a family member is asked to move to fulfill their orders in the Armed Forces. Again, I urge all Members to approve H.R. 4658, because we should never leave our brave men and women of the Armed Forces in the dark when it comes to protecting their financial and legal rights.

Mr. MCGOVERN. Mr. Speaker, I rise in strong support of H.R. 4658, the Servicemembers Legal Protection Act of 2004. This important legislation includes a number of provisions intended to enhance and improve the quality of life of our troops, veterans, and military families. Specifically, I would like to address Section 211 of H.R. 4658 that amends the Uniformed Services Employment and Reemployment Rights Act (USERRA).

Since September 11, 2001, over 400,000 National Guardsmen and Reservists have been placed on active duty. Not since World War II have so many National Guardsmen and Reservist been called to active duty. They and their families face many burdens in service to their country. Their service has taken them away from not only their families, but their jobs as well.

One burden faced by the men and women of the National Guard and Reserves is their employment status upon return from active duty. The uncertainty of their activation and period of time away from their jobs also severely affects their employers, a situation that has been compounded by extended deployments. The U.S. Chamber of Commerce has estimated that 70 percent of military reservists called to active-duty work in small or medium-size companies.

In an effort to assist National Guardsmen, Reservists, and their employers, the National Committee for Employer Support of the Guard and Reserve (ESGR) was established to address potential problems arising among the Nation's employers. Trained ESGR employers manage to solve roughly 95 percent of the cases where problems have arisen when a Reserve or Guard member returns to his or her workplace through an informal process—without the Department of Labor having to get involved.

What about the other five percent? According to the ESGR, many of the problems facing this five percent of cases grew out of a lack of understanding of the rights and responsibilities of employers and their returning employees.

In response, I introduced H.R. 4477 with the bipartisan support of U.S. Representative JEB BRADLEY. The Committee on Veterans Affairs incorporated H.R. 4477 into Section 211 of H.R. 4658, the bill the House is considering today. Section 211 is simple and straightforward. It seeks to promote understanding between employees and employers when it comes to their rights and obligations under USERRA. Section 211 would require the Department of Labor to produce a poster—similar to the Family and Medical Leave poster-for employers to post at work sites.

Mr. Speaker, many employers across the country either do not know about USERRA, or they are only vaguely aware of it. By not complying with USERRA, employers put themselves at risk of facing Department of Labor investigations. By educating employers and

employees before potential violations, we can protect employers from costly litigation, potential fines, and public embarrassment.

Mr. Speaker, Section 211 would not create additional paper work or burden employers with difficult Department of Labor requirements. In fact, Section 211 is an effort to educate employers and keep them from unknowingly breaking existing law.

Let me briefly share with you how I came to introduce H.R. 4477. I was contacted by a constituent who is a member of the Massachusetts ESGR. He suggested that simply altering USERRA to require its posting would solve many of the problems that he had seen arise between employers and returning Reservists and Guardsmen. He described how many employers are not fully aware of their responsibilities under USERRA, and why many employees are afraid to exercise their rights, even though those rights are protected by USERRA. In posting USERRA and familiarizing themselves with the law, employers and employees will gain a deeper understanding of USERRA and preferably work out any potential conflicts before employees are activated.

Mr. Speaker, I would like to thank Chairman CHRIS SMITH and Ranking Member LANE EVANS of the Committee on Veterans Affairs, as well as Chairman HENRY BROWN and Ranking Member MICHAEL MICHAUD of the Subcommittee on Benefits, for moving forward with H.R. 4658. Their dedication and leadership on issues affecting the well-being of our veterans and uniformed men and women are appreciated and respected by all members of this House, including myself. I would also like to extend my thanks to the staff of the Committee on Veterans Affairs for their hard work on H.R. 4658. In particular, I would like to extend my deep appreciation to Geoffrey Collver of the Democratic Staff of the Committee on Veterans Affairs for working closely with me on Section 211.

Mr. Speaker, I strongly urge the adoption of H.R. 4658.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4658, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: ''A bill to amend the Servicemembers Civil Relief Act to make certain improvements and technical corrections to that Act, otherwise to improve legal protections provided to reserve component members called to active duty, and for other purposes.''

A motion to reconsider was laid on the table.

CONGRATULATING AND COMMENDING THE VETERANS OF FOREIGN WARS

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 108) congratulating and commending the Veterans of Foreign Wars.

The Clerk read as follows:

H.J. RES. 108

Whereas the organization now known as the Veterans of Foreign Wars of the United States was founded in Columbus, Ohio, on September 29, 1899;

Whereas the VFW represents approximately 2,000,000 veterans of the Armed Forces who served overseas in World War I, World War II, Korea, Vietnam, the Persian Gulf War, Bosnia, Iraq, and Afghanistan; and

Whereas the VFW has, for the past 105 years, provided voluntary and unselfish service to the Armed Forces and to veterans, communities, States, and the Nation and has worked toward the betterment of veterans in general and society as a whole: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress—

(1) recognizes the historic significance of the 105th anniversary of the founding of the Veterans of Foreign Wars of the United States (the VFW);

(2) congratulates the VFW on achieving that milestone;

(3) commends the approximately 2,000,000 veterans who belong to the VFW and thanks them for their service to their fellow veterans and the Nation; and

(4) calls upon the President to issue a proclamation recognizing the anniversary of the VFW and the contributions made by the VFW to veterans and the Nation and calling upon the people of the United States to observe such anniversary with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Maine (Mr. MICHAUD) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.J. Res. 108 which would congratulate and commend the Veterans of Foreign Wars on its 105th anniversary. Tracing its roots back to the Spanish-American war, the VFW is one of the Nation's oldest, largest and one of the most respected veterans service organizations. The VFW has a proud history of directly supporting America's veterans and their families. Over 100 full-time service officers work directly with veterans on claims for VA benefits and oversee VA's programs around the country as well. VFW's ''Buddy Poppy'' program is a symbol of their continuing tradition of caring for fellow veterans, and their community service programs have made VFW a valued partner for thousands of charitable and civic organizations around the country.

Mr. Speaker, I can attest to the valuable contributions of the VFW's legislative specialists who continue to provide expert advice and counsel to help us develop State and national veterans priorities and policy. Over the past 4 years, I have had the privilege, and before that for 6 years as vice chairman of the committee and the last 4 as chairman, of working closely with numerous VFW leaders both on the national level and on the State level back in my home State of New Jersey. My colleagues and I have benefited from the candid advice of VFW's Executive Director Bob Wallace from New Jersey, Legislative Director Dennis Cullinan, and past Commanders in Chief Ed Banas, Ray Sisk and John Gwizdak. We also look forward to working with the new Commander in Chief John Furgess.

I would also like to thank the leaders of the VFW in my home State of New Jersey, especially longtime leader and friend Mike Wysong. For the entire 24 years that I have served in Congress and on Committee on Veterans' Affairs, I have always been able to count on my State VFW leaders to lend their support and offer their ideas to help our State's veterans and also with national issues as well.

Mr. Speaker, I urge Members to support this resolution. It is a fine one.

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

Mr. MICHAUD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is a pleasure that I rise in support of this joint resolution to congratulate and commend the Veterans of Foreign Wars for 105 years of dedicated service. These congratulations extend not only to the current members of the more than 9,000 VFW posts worldwide but to all members since the beginning of this accomplished veterans service organization who served in wartime overseas.

I would also like to recognize the contributions the VFW has made in my State of Maine. From Fort Kent in the north to Kittery in the south, the 13,500 members of the VFW located in 83 individual posts have always worked to improve the lives of veterans and our communities and I am honored to call many of them my friends.

The VFW's origins extend back to 1899 with the founding of the American Veterans of Foreign Service and the National Society of the Army of the Philippines, which merged in 1914 to form the Veterans of Foreign Wars of the United States. Originally the organization was created to help secure rights and benefits for veterans of the Spanish-American War and the Philippines War. They succeeded then as they do now, speaking with a loud and clear collective voice to serve veterans. This organization is to be congratulated and commended. The authors of this joint resolution are also to be commended for their efforts to recognize this great service organization.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, we are incredibly blessed in this country to have a group of veterans service organizations looking out for the best interest of our veterans. For the last 105 years, the Veterans of Foreign Wars have been making a difference in the lives of those who have given so much to this country, our veterans and their families.

Through their foundation, the VFW supports programs that promote citizenship education and volunteerism and facilitate aid for veterans and their families in need of both medical, rehabilitative, educational and employment services. Additionally, their members and those of the VFW Auxiliary volunteer countless hours at our veterans and military hospitals. During this time of increased military deployments, it is so important to have a network of veterans our injured soldiers and families can turn to for help and assistance.

Throughout my 7 years in Congress, I have been fortunate to meet with VFW members in Washington as well as in my district on a regular basis as they advocate for increased veterans funding, services for homeless veterans, better education benefits for our veterans and many other issues. They have an incredible history. I would like to take this opportunity not only to thank them for all they do for our veterans but also to congratulate them on their 105th anniversary.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to honor the 105th anniversary of the Veterans of Foreign Wars, who for decades have been committed to securing the rights and benefits of veterans that have serviced this country with honor, dignity, and valor.

In 1899, after the Spanish-American War and the Philippine War, a group of veterans banded together founding the Veterans of Foreign Wars to ensure proper medical benefits for members of the military returning from foreign service. With a mission to improve the lives of veterans, the Veterans of Foreign Wars has lobbied for quality health care, education, and retirement benefits of veterans and their families for over 105 years. They have worked to protect the memory and legacy of those who lost their lives while in military service defending the freedom and values of our great Nation. In the state of Connecticut, there are over 26,000 members and 6,000 auxiliary members of the Veterans of Foreign Wars. Nationwide, this organization has more than 2.6 million members who served in World War I, World War II, Korean war, Vietnam, Persian Gulf war, Bosnia, Afghanistan, and Iraq. The Connecticut Veterans of Foreign War posts have been instrumental in raising awareness and fighting for better health care and benefits for those who risked their lives for our country.

I believe that the Veterans of Foreign Wars should be recognized for their proud service to the veterans of Connecticut and the nation. Therefore, I urge my fellow Members to vote with me in support of H.J. Res. 108 and honor the Veterans of Foreign Wars as an organization committed to the courageous veterans of the United States of America.

Mr. COOPER. Mr. Speaker, I rise today in support to this important resolution honoring the Veterans of Foreign Wars on its 105th anniversary. I was proud to introduce this resolution with Mr. COLE of Oklahoma, and I want to express my thanks to the distinguished chairman and ranking member of the Veterans' Affairs Committee for helping move it quickly to the floor.

In the wake of the Spanish-American War and Philippine Insurrection, thousands of wounded veterans returned from war to find that there were no healthcare benefits or pensions provided for them. So, as people in the military do, they banded together to work as a team to provide care for each other by starting the Veterans of Foreign Wars organization. This believe in service to fellow veterans is the core value of the VFW, and it continues this tradition today.

The VFW now serves more than 2½ million American heroes who answered the call when the Nation needed them. For 105 years, the VFW has fought for increasing veterans' benefit, improving veterans' healthcare, and ensuring that America's veterans receive the recognition they deserve for their service. The VFW continues to live up to its motto every day—honoring the dead by helping the living. I am proud that the House is passing a resolution honoring such an effective and dedicated advocate for our Nation's veterans.

I am also proud that this year the Veterans of Foreign Wars will be held by a son of Tennessee and a Nashville native: VFW Commander-in-Chief John Furgess. John fought for his country in Vietnam as a young man, and when he returned he continued to serve by working for the Veterans Administration for 20 years. Over the course of his distinguished career in the VA and the Veterans of Foreign Wars, John has helped thousands of veterans get the benefits they have earned and the care they deserve. John's dedication to his country and his fellow veterans is a model for all Americans, and I look forward to seeing the VFW flourish under his leadership in the coming year.

Finally, as we look back on the 105-year record of the Veterans of Foreign Wars, it is also important to look forward. I am also proud that in congratulating the veterans of Foreign Wars we are also honoring our Nation's future veterans—the troops engaged in combat overseas today in Iraq, Afghanistan, and elsewhere. The brave men and women of our Armed Forces put their lives on the line for all Americans, most of whom they have never met. There is no higher expression of selfless service than the willingness to risk one's life for others, and for the ideals that this country holds dear. The troops on the front line today—who are tomorrow's veterans—deserve our repeated thanks for serving the Nation.

Mr. MICHAUD. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the joint resolution, H.J. Res. 108.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF CONGRESS THAT A MINUTE OF SILENCE SHOULD BE OBSERVED ANNUALLY ON VETERANS DAY

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 195) expressing the sense of Congress that a minute of silence should be observed annually at 11:00 a.m. on Veterans Day, November 11, in honor of the veterans of all United States wars and to memorialize those members of the Armed Forces who gave their lives in the defense of the United States.

The Clerk read as follows:

H. CON. RES. 195

Whereas Reverend George Fox, Rabbi Alexander Goode, Reverend Clark Poling, and Father John Washington served aboard the USAT Dorchester during World War II;

Whereas Reverend Fox, Rabbi Goode, Reverend Poling, and Father Washington were referred to as the ''Four Chaplains'';

Whereas, on February 3, 1943, the Dorchester was hit by an enemy torpedo and began to sink;

Whereas in the face of grave danger the Four Chaplains sought to calm and reassure the men on board;

Whereas the Four Chaplains handed out lifejackets and directed the frightened men to lifeboats;

Whereas when the last lifejacket had been handed out, the Four Chaplains removed their own lifejackets and gave them to four men who had none;

Whereas the Dorchester sank and took with her 672 men and the Four Chaplains, who stood arm in arm with their heads bowed in prayer and went down with the ship;

Whereas none of the Four Chaplains inquired about whether the young man to whom he gave his lifejacket was a member of his own faith;

Whereas the Four Chaplains will remain forever in the memories of Americans as an example of the kind of heroism which has always characterized the best of the United States Armed Forces;

Whereas the sacrifice of the Four Chaplains stand as a testimony to all heroic veterans who have fought for the United States;

Whereas each year on November 11 the United States pays tribute to its war dead and veterans in a national observance known as Veterans Day; and

Whereas a national minute of silence observed annually at 11:00 a.m. on Veterans Day, November 11, would provide the people of the United States with an opportunity to honor the veterans of all United States wars and memorialize those members of the Armed Forces who gave their lives in defense of the United States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that a minute of silence should be observed annually at 11:00 a.m. on Veterans Day, November 11, in honor of the veterans of all United States wars and to memorialize those members of the Armed Forces who gave their lives in the defense of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Maine (Mr. MICHAUD) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

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Mr. Speaker, I rise in support of H. Con. Res. 195, legislation expressing the sense of Congress that a minute of silence should be observed annually at 11

a.m. on Veterans Day, November 11, in honor of the veterans of all United States wars and to memorialize those members of the Armed Forces who gave their lives in defense of our country.

Mr. Speaker, this resolution recounts a particularly moving event from World War II. On February 3, 1943, a German U-boat torpedoed the American transport ship, the USAT Dorchester, sinking it off the coast of Greenland. Among the nearly 1,000 American soldiers aboard the Dorchester were four chaplains whose selfless acts of courage have left a distinguished legacy.

The four chaplains, Reverend Fox, Rabbi Goode, Reverend Poling, and Father Washington worked to help save their fellow soldiers. They distributed life jackets until no more were available. Then the four chaplains removed their own life jackets and gave them to four other soldiers.

True to their faiths and to their fellow men until the end, they were last seen arms linked in prayer on the hull of the ship as it went down.

The sacrifice of the four chaplains stands as a testimony to all heroic veterans who have fought for the United States. A stained glass window on the third floor of the Pentagon's A-ring honors these brave Americans.

Mr. Speaker, H. Con. Res. 195 would provide the people of the U.S. with an opportunity to honor the veterans of all the United States wars and to memorialize those members of the Armed Forces who gave their lives in defense of our Nation.

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

Mr. MICHAUD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is with great reverence that I support this concurrent resolution for a minute of silence at 11 a.m. on Veterans Day. On Veterans Day we recognize the over 26 million veterans in our country. We remember those who have passed away, and we honor those who currently wear the uniform. They are inspiring stories of shared sacrifice that come out of every battle in every war and conflict, none more telling than the one of ''the four chaplains'' of World War II.

These four chaplains shall not be forgotten nor will the many veterans who go unlisted by name on Veterans Day. These stories will be remembered as just one example of all historic service members who have fought and died for the United States.

November 11 has been set aside as the day of tribute to these men and women who have answered the call to service for our Nation. A minute of silence at 11 a.m. on Veterans Day will give all Americans the opportunity to pause and remember all veterans of the United States who have given so much in service to our country.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

Mr. MICHAUD. Mr. Speaker, I yield myself such time as I may consume.

I do want once again want to thank the gentleman from Illinois (Mr. EVANS), the ranking member, and the gentleman from New Jersey (Chairman SMITH) for all that they have done for the veterans of our country.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today as a strong supporter of H. Con. Res. 195 which expresses the sense of Congress that a minute of silence should be observed annually at 11:00 a.m. on Veterans Day, November 11, in honor of the veterans of all United States wars and to memorialize those members of the Armed Forces who gave their lives in the defense of the United States. I am proud to be a cosponsor of this legislation and I want to thank my distinguished colleague Congressman CLAY for honoring our veterans through this needed legislation. An annual moment of silence during Veteran's Day will serve as a constant reminder to the public that our nation will always honor their decorated veterans. Veteran's Day being the one day when we celebrate America's veterans for their patriotism, love of country, and willingness to serve and sacrifice for the common good.

The idea of having a national day to recognize the sacrifices of those who served in war was born in 1926, when Congress enacted a concurrent resolution recognizing November 11th as a national holiday. Originally this day was called ''Armistice Day.'' This day was created to celebrate the end of the brutal hostilities of World War I. November 11th would be a day dedicated to the cause of world peace.

With the approval of legislation on June 1, 1954, November 11th became a day to honor American veterans of all wars. Later that same year, on October 8th, President Dwight D. Eisenhower, himself a decorated veteran of war, issued the first ''Veterans Day Proclamation'' which stated in part: ''In order to insure proper and widespread observance of this anniversary, all veterans, all veterans' organizations, and the entire citizenry will wish to join hands in the common purpose.'' It was with that endearing spirit that America celebrated the first Veterans Day. This annual holiday continues to be one the most fundamental celebrations of the American spirit. Today, we express our sentiment that a moment of silence is needed to remember the full extent of sacrifices our veterans have made for this great nation.

This legislation is just a small portion of the effort being made by some in this body to protect and celebrate our nation's valiant veterans. We must all continue to fight for them in Washington because they went to the greatest lengths to fight for us abroad.

In the 18th Congressional district of Texas alone there are more than 38,000 veterans and they make up almost ten percent of the 18th district's civilian population over the age of 18. Yet, despite these large numbers we often forget about our veterans. We do this in part because our men and women of the armed services come home from war and lead normal productive lives; often our veterans go unnoticed in the general population. However, our veterans are not normal people; they are truly extraordinary individuals who have changed the course of our lives in ways that we may not even realize. I hope we will always keep this thought in mind; and observing a moment of silence on Veteran's Day will help us to remember. We cannot forget to celebrate our veterans, for if we forget to celebrate them, we forget all that makes this nation truly great. I urge all Members to support this legislation and to support our nation's veterans because without their sacrifice our nation would not be where it is today.

Mr. CLAY. Mr. Speaker, I rise in support of House Concurrent Resolution 195. It is most fitting and appropriate that the American people observe a moment of silence each year to remember and honor all the brave men and women who have given their lives in defense of our great nation.

A moment of silence on Veterans Day will give a national experience to the observance of this important federal holiday. This legislation's Veterans Day observance is also a special tribute to the valiant efforts of the Four Chaplains—Reverend George Fox, Rabbi Alexander Goode, Reverend Clark Poling and Father John Washington, who gave up their lives while serving on the USAT *Dorchester* during World War II. That ship was hit by enemy torpedo on February 3, 1943, and sank in the icy waters of the North Atlantic. The Four Chaplains helped to instill a sense of calm and reassurance to the soldiers in battle. They gave spiritual guidance and support as they gave up their own life jackets to those who had none. These American heroes then stood, arm in arm, heads bowed in prayer and went down with their ship.

The Four Chaplains will be forever remembered as heroes who characterized the very best qualities of American soldiers. Their lives serve as a testimony to all the heroes who have fought for our nation. Today, across the United States the memory of the Four Chaplains continues to bring comfort and inspiration. Four Chaplains Services bring together people of all races, faiths and creed in more than 2,000 interfaith services each year. It is only proper that our nation honor and celebrate the memory of the Four Chaplains.

Mr. Speaker, I want to express my appreciation to the Veterans Committee for moving this legislation forward; I appreciate all the members who have worked so hard to enhance our Veterans Day celebration. I want to especially thank my friend, Mr. PASCRELL, for all his efforts to promote a national moment of silence in honor of our nation's veterans and when the legislation before us is enacted into law, I would certainly hope that all radio and television stations will join in observing the Veterans Day moment of silence.

America's veterans are without any question the group most worthy of the gratitude of the people of our nation. It is time that we honor our heroes in a shared national moment of silence.

Mr. MICHAUD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 195.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

COMPREHENSIVE PEACE IN SUDAN ACT

Mr. TANCREDO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5061) to provide assistance for the current crisis in the Darfur region of Sudan and to facilitate a comprehensive peace in Sudan, as amended.

The Clerk read as follows:

H.R. 5061

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Comprehensive Peace in Sudan Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) JEM.—The term ''JEM'' means the Justice and Equality Movement.

(3) SPLM.—The term ''SPLM'' means the Sudan People's Liberation Movement.

(4) SLA.—The term ''SLA'' means the Sudan Liberation Army.

(5) GOVERNMENT OF SUDAN.—The term ''Government of Sudan'' means the National Islamic Front-led government in Khartoum, Sudan, or any successor government formed on or after the date of the enactment of this Act (other than the coalition government agreed upon in the Nairobi Declaration on the Final Phase of Peace in the Sudan).

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) Since seizing power through a military coup in 1989, the Government of Sudan repeatedly has attacked and dislocated civilian populations in southern Sudan in a coordinated policy of ethnic cleansing that has cost the lives of over 2,000,000 people and displaced more than 4,000,000 people.

(2) The Governments of the United States, the United Kingdom, and Norway each have committed significant resources to promote an internationally supported peace process between the Government of Sudan and the Sudan People's Liberation Movement (SPLM), under the auspices of the Inter-Governmental Authority on Development.

(3) Following the signing of the Machakos Agreement in July 2002, the Government of Sudan and the SPLM reached a number of important agreements on issues such as self-determination, security arrangements, and wealth and power sharing, culminating in a final framework agreement, the Nairobi Declaration on the Final Phase of Peace in the Sudan, signed on June 5, 2004.

(4) In early 2003, while the Government of Sudan and the SPLM were negotiating for a final, country-wide peace, armed conflict between forces of the Government of Sudan, including militia forces backed by the Government, and rebel forces, including the Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM), began in the Darfur region of western Sudan.

(5) Evidence collected by international observers in the Darfur region between February 2003 and September 2004 indicate a coordinated effort to target African Sudanese civilians in a scorched earth policy, similar to that which was employed in southern Sudan, that has destroyed African Sudanese villages, killing and driving away its people, while Arab Sudanese villages have been left unscathed.

(6) As a result of this campaign, which the United States Congress and executive branch have declared to be genocide, an estimated 50,000 people have been killed, 1,200,000 people have been internally displaced, and 200,000 people have been forced to flee to neighboring Chad.

(7) Reports further indicate the systematic rape of thousands of women and girls, the abduction of women and children, and the destruction of hundreds of ethnically African villages, including the poisoning of their wells and the plunder of their crops and cattle upon which the people of such villages sustain themselves.

(8) The Government of Sudan conducted aerial attack missions and deadly raids across the international border between Sudan and Chad in an illegal effort to pursue Sudanese civilians seeking refuge in Chad.

(9) In addition to the thousands of violent deaths directly caused by ongoing Sudanese military and government sponsored militia attacks in the Darfur region, the Government of Sudan has restricted humanitarian access to the region, primarily through bureaucratic and administrative obstruction, in an attempt to inflict the most devastating harm on those individuals displaced from their villages and homes without any means of sustenance or shelter.

(10) The Government of Sudan's continued support for the Janjaweed militias and their obstruction of the delivery of food, shelter, and medical care to the Darfur region is estimated by the World Health Organization to be resulting in up to 10,000 deaths per month and, should current trends continue, is projected to escalate to thousands of deaths each day by December 2004.

(11) The United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions stated in a recent report to the United Nations Sub-Commission on Human Rights that ''[i]t is beyond doubt that the [G]overnment of Sudan is responsible for extrajudicial and summary executions of large numbers of people over the last several months in the Darfur region'', and that ''[t]he current humanitarian disaster unfolding in Darfur, for which the government is largely responsible, has put millions of civilians at risk''.

(12) Attacks on civilians in the Darfur region continue despite an April 8, 2004, temporary cease-fire agreement reached between the Government of Sudan and the JEM and SLA rebel groups in N'Djamena, Chad.

(13) The United Nations High Commissioner for Human Rights identified ''massive human rights violations in Darfur perpetrated by the Government of Sudan and the Janjaweed, which may constitute war crimes and/or crimes against humanity''.

(14) On July 22, 2004, the United States House of Representatives and Senate both declared that the atrocities unfolding in Darfur, Sudan are genocide.

(15) On September 9, 2004, Secretary of State Colin L. Powell stated before the Committee on Foreign Relations of the Senate: ''When we reviewed the evidence compiled by our team, along with other information available to the State Department, we concluded that genocide has been committed in Darfur and that the Government of Sudan and the [Janjaweed] bear responsibility—and genocide may still be occurring.''.

(16) On July 30, 2004, the United Nations Security Council passed Resolution 1556, calling upon the Government of Sudan to disarm the Janjaweed militias, apprehend and bring to justice Janjaweed leaders and their associates who have incited and carried out violations of human rights and international humanitarian law, as well as other atrocities in the Darfur region.

(17) On September 18, 2004, the United Nations Security Council passed Resolution 1564, determining that the Government of Sudan had failed to meet its obligations under Resolution 1556, calling for a military flight ban in and over the Darfur region, demanding the names of Janjaweed militiamen disarmed and arrested for verification, establishing an International Commission of Inquiry into violations of international humanitarian and human rights laws, and threatening sanctions should the Government of Sudan fail to fully comply with Security Council Resolutions 1556 and 1564.

(18) The African Union's commitment to conflict resolution and peacekeeping on the continent, and its mandate to prevent genocide, has led the organization to engage in both political and military action in an effort to end the conflict in the Darfur region.

(19) The SPLM should seek to play a constructive role in bringing about a political settlement between the Government of Sudan, the SLA, and the JEM.

(20) Practical implementation of a comprehensive peace agreement for Sudan, as envisioned in the Sudan Peace Act (50 U.S.C. 1701 note), and in the Machakos Protocol of 2002, is hampered by the ongoing violence in the Darfur region and by the Government of Sudan's complicity in the violence.

(21) The Government of Sudan's complicity in the atrocities in the Darfur region raises fundamental questions about the Government of Sudan's commitment to peace and stability in Sudan.

SEC. 4. SENSE OF CONGRESS REGARDING GENOCIDE AND THE CONFLICT IN DARFUR, SUDAN.

(a) SUDAN PEACE ACT.—It is the sense of Congress that the Sudan Peace Act (50 U.S.C. 1701 note) remains relevant and should be extended to include the Darfur region of Sudan.

(b) ACTIONS TO ADDRESS GENOCIDE AND THE CONFLICT IN DARFUR.—It is the sense of Congress that—

(1) the atrocities unfolding in the Darfur region of Sudan are genocide;

(2) the Government of Sudan has violated the Convention on the Prevention and Punishment of the Crime of Genocide, signed at Paris on December 9, 1948, to which it is a contracting party, as a result of its complicity in the violence in the Darfur region;

(3) a legitimate countrywide peace in Sudan will only be possible if the principles enumerated in the 1948 Universal Declaration of Human Rights, as affirmed in the Machakos Protocol of 2002, and the Nairobi Declaration on the Final Phase of Peace in the Sudan, are applied to all of Sudan, including the Darfur region;

(4) the parties to the Humanitarian Ceasefire on the Conflict in Darfur (the Government of Sudan, the SLA, and the JEM), signed in N'Djamena, Chad, on April 8, 2004, must meet their obligations under that agreement, including—

(A) to give up the use of force as a means of settling the conflict in the Darfur region;

(B) to allow safe and immediate access for the provision of humanitarian assistance throughout the Darfur region;

(C) to allow the deployment of and cooperate with international monitors and security forces; and

(D) to expedite the conclusion of a political agreement to end the conflict in the Darfur region;

(5) the President should impose targeted sanctions on the assets and activities of those Sudanese Government officials and other individuals who are determined to be involved in planning, carrying out, or otherwise involved in the policy of genocide in the Darfur region, as well as on the assets and activities of businesses controlled by the Government of Sudan and the National Congress Party;

(6) the United States Government should not normalize relations with Sudan, including through the lifting of any sanctions, until the Government of Sudan agrees to and takes demonstrable steps to implement a comprehensive peace agreement for all areas of Sudan, including the Darfur region;

(7) the United States and the international community should use all necessary means to assist international monitors and security forces in the Darfur region, particularly the African Union monitoring team, in order to ensure an appropriate international response to the crisis in the Darfur region;

(8) the United States should continue to provide humanitarian assistance to the areas of Sudan to which the United States has access and, at the same time, implement a plan to provide assistance to the areas of Sudan to which access has been obstructed or denied;

(9) the President should appoint a new Special Presidential Envoy for Peace in the Sudan to complement and continue the work of former Senator John C. Danforth, who shall be tasked with assisting all parties to the conflict in Sudan, including in the Darfur region, to achieve a just, comprehensive, and permanent peace in Sudan;

(10) the member states of the United Nations, particularly the member states from the African Union, the Arab League, and the Organization of the Islamic Conference, should undertake urgent measures to prevent the genocide in the Darfur region from escalating further, including the imposition of targeted sanctions against those responsible for the atrocities; and

(11) the international community, including African, Arab, and Muslim nations, should immediately provide logistical, financial, in-kind, and personnel resources necessary to save the lives of hundreds of thousands of individuals at risk as a result of the Darfur crisis.

SEC. 5. AMENDMENTS TO THE SUDAN PEACE ACT.

(a) ASSISTANCE FOR THE CRISIS IN DARFUR AND FOR COMPREHENSIVE PEACE IN SUDAN.—

(1) IN GENERAL.—The Sudan Peace Act (50 U.S.C. 1701 note) is amended by adding at the end the following new section:

"SEC. 12. ASSISTANCE FOR THE CRISIS IN DARFUR AND FOR COMPREHENSIVE PEACE IN SUDAN.

''(a) ASSISTANCE TO SUPPORT A COMPREHENSIVE FINAL PEACE AGREEMENT IN SUDAN AND TO RESPOND TO THE HUMANITARIAN CRISIS IN DARFUR.—

''(1) AUTHORITY.—Subject to the requirements of this section, the President is authorized to provide assistance for Sudan—

''(A) to support the implementation of a comprehensive peace agreement that applies to all regions of Sudan, including the Darfur region; and

''(B) to address the humanitarian and human rights crisis in the Darfur region and eastern Chad, including to support the African Union mission in the Darfur region of Sudan.

''(2) REQUIREMENT FOR CERTIFICATION.—Notwithstanding section 501(a) of the Assistance for International Malaria Control Act (Public Law 106–570; 50 U.S.C. 1701 note), assistance authorized under this section may be provided to the Government of Sudan only if the President transmits the certification described in paragraph (3).

''(3) CERTIFICATION FOR THE GOVERNMENT OF SUDAN.—The certification referred to in paragraph (2) is a certification transmitted by the President to the appropriate congressional committees that the Government of Sudan has taken demonstrable steps to—

''(A) ensure that the armed forces of Sudan and any associated militias are not committing atrocities or obstructing human rights monitors or the provision of humanitarian assistance;

''(B) demobilize and disarm militias supported or created by the Government of Sudan;

''(C) allow full and unfettered humanitarian assistance to all regions of Sudan, including Darfur;

''(D) allow an international commission of inquiry to conduct its investigation of atrocities in the Darfur region and Khartoum, preserve evidence of atrocities and prosecute those responsible for war crimes, crimes against humanity, and genocide;

''(E) cooperate fully with the African Union and all other observer and monitoring missions mandated to operate in Sudan;

''(F) ensure the safe return of displaced persons and refugees to their homes and rebuild the communities destroyed in the violence;

''(G) implement the Nairobi Declaration on the Final Phase of Peace in the Sudan; and

''(H) install a new coalition government based on the agreements reached in the Nairobi Declaration on the Final Phase of Peace in the Sudan.

''(4) SUSPENSION OF ASSISTANCE.—If, on a date after the President transmits the certification described in paragraph (3), the President determines that the Government of Sudan has ceased taking the actions described in such paragraph, the President shall immediately suspend the provision of any assistance to such Government until the date on which the President transmits to the appropriate congressional committees a further certification that the Government of Sudan has resumed taking such actions.

''(5) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—In addition to any other funds otherwise available for such purposes, there are authorized to be appropriated to the President—

''(i) $100,000,000 for each of the fiscal years 2005, 2006, and 2007 to carry out paragraph (1)(A); and

''(ii) $150,000,000 for fiscal year 2005 to carry out paragraph (1)(B).

''(B) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subparagraph (A) are authorized to remain available until expended.

''(b) GOVERNMENT OF SUDAN DEFINED.—In this section, the term 'Government of Sudan' means the National Islamic Front government in Khartoum, Sudan, or any successor government formed on or after the date of the enactment of the Comprehensive Peace in Sudan Act (other than the coalition government agreed upon in the Nairobi Declaration on the Final Phase of Peace in the Sudan).''.

(2) CONFORMING AMENDMENT.—Section 3(2) of such Act is amended by striking ''The'' and inserting ''Except as provided in section 12, the''.

(b) REPORTING REQUIREMENT.—Section 8 of the Sudan Peace Act (50 U.S.C. 1701 note) is amended in the first sentence by striking ''Sudan'' and inserting ''Sudan, including the conflict in the Darfur region''.

SEC. 6. SANCTIONS IN SUPPORT OF PEACE IN DARFUR.

(a) SANCTIONS.—Beginning on the date of the enactment of this Act, the President shall, notwithstanding paragraph (1) of section 6(b) of the Sudan Peace Act (50 U.S.C. 1701 note), implement the measures set forth in subparagraphs (A) through (D) of paragraph (2) of such section.

(b) SUSPENSION OF SANCTIONS.—The President may suspend the application of subsection (a) if the President transmits to the appropriate congressional committees a certification in accordance with paragraph (3) of section 12(a) of the Sudan Peace Act (as added by section 5(a)(1) of this Act).

(c) REINSTATEMENT OF SANCTIONS.—The President shall reinstate the sanctions listed in subsection (a) that have been suspended under subsection (b) if at any time the President determines and certifies to the appropriate congressional committees that the Government of Sudan is no longer in compliance with any of the criteria listed in subparagraphs (A) through (H) of section 12(a)(3) of the Sudan Peace Act (as added by section 5(a)(1) of this Act).

(d) WAIVER.—The President may waive the application of subsection (a) if the President determines and certifies to the appropriate congressional committees that such a waiver is in the national interest of the United States.

(e) CONTINUATION OF RESTRICTIONS.—Restrictions against the Government of Sudan that were imposed pursuant to title III and sections 508, 512, and 527 of the Foreign Operations, Export Financing, and Related Programs Act, 2004 (division D of Public Law 108–199; 118 Stat. 143), or any other similar provision of law, may not be lifted pursuant to such provisions of law unless the President transmits a certification to the appropriate congressional committees in accordance with paragraph (3) of section 12(a) of the Sudan Peace Act (as added by section 5(a)(1) of this Act).

SEC. 7. DISCLOSURE OF BUSINESS ACTIVITIES IN SUDAN.

(a) ANNUAL REPORT TO CONGRESS.—The Secretary of the Treasury shall, not later than 180 days after the date of the enactment of this Act, and not later than the end of each 1-year period thereafter, submit to Congress a report that includes—

(1) the identity of all entities that are engaged in commercial activity in Sudan;

(2) the nature and extent of that commercial activity in Sudan, including any plans for expansion or diversification;

(3) the identity of all agencies of the Sudanese Government with which any such entity is doing business; and

(4) the relationship of the commercial activity to any violations of religious freedom and other human rights in Sudan.

(b) DISCLOSURE TO THE PUBLIC.—The Secretary of the Treasury shall publish or otherwise make available to the public each report submitted under subsection (a).

SEC. 8. MULTILATERAL EFFORTS.

The President, acting through the United States Permanent Representative to the United Nations, should—

(1) press the United Nations Security Council to pursue accountability for those who are found responsible for orchestrating and carrying out the atrocities in the Darfur region, consistent with United Nations Security Council Resolutions 1556 (July 30, 2004) and 1564 (September 18, 2004);

(2) encourage member states of the United Nations to—

(A) freeze the assets of senior members of the Government of Sudan and their families held in each such member state;

(B) cease to import Sudanese oil;

(C) restrict the entry or transit of senior members of the Government of Sudan and their families through each such member state; and

(D) deny permission for any aircraft registered in Sudan to take off from, land in, or overfly each such member state; and

(3) urge member states of the United Nations to cease selling arms to the Government of Sudan, including by—

(A) taking the necessary measures to prevent the sale or supply to armed elements acting within the territory of Sudan, including the Government of Sudan, the Janjaweed and the Popular Defense Forces, by the nationals of such member states, from the territories of such member states, or through

the use of flag vessels or aircraft of such member states, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts, as well as technical training or assistance related to the provision, manufacture, maintenance or use of such items, whether or not originating in the territories of such member states; and

(B) ensuring that the measures imposed in subparagraph (A) shall not apply to—

(i) supplies and related technical training and assistance to monitoring, verification, or peace support operations, including such operations led by regional organizations, that are authorized by the United Nations or are operating with the consent of the relevant parties;

(ii) supplies of non-lethal military equipment intended solely for humanitarian, human rights monitoring or protective use, and related technical training and assistance; and

(iii) supplies of protective clothing, including flak jackets and military helmets, for the personal use of United Nations or African Union personnel, human rights monitors, representatives of the media and humanitarian and development workers and associated personnel.

SEC. 9. REPORT ON UNITED STATES RESPONSE TO A COMPREHENSIVE PEACE AGREEMENT FOR SUDAN.

(a) REPORT.—Not later than 60 days after the date of enactment of this Act, the President shall transmit to the appropriate congressional committees a report on the planned United States response to a comprehensive peace agreement for Sudan.

(b) CONTENT.—The report required by subsection (a) shall include—

(1) a description of steps taken by the United States to respond to a modified peace process between the Government of Sudan and the SPLM that would account for the implementation of peace in all regions of Sudan, in particular Darfur;

(2) a contingency plan for extraordinary humanitarian assistance should the Government of Sudan continue to obstruct or delay the international humanitarian response to the crisis in Darfur, Sudan;

(3) if applicable, a notification and explanation of the President's intention to decline to impose targeted sanctions on the assets and activities of those Sudanese government officials and other individuals that are involved in carrying out the policy of genocide in the Darfur region, as well as on the assets and activities of businesses controlled by the Government of Sudan and the National Congress Party; and

(4) if applicable, a notification and explanation of the Government of the United States' intention to normalize relations with Sudan, including through the lifting of any sanctions, until the Government of Sudan agrees to and implements a comprehensive peace agreement for all areas of Sudan, including Darfur.

(c) FORM OF REPORT.—The report required by subsection (a) may be transmitted in classified form.

SEC. 10. ADDITIONAL AUTHORITIES; EXCEPTION TO EXPORT PROHIBITIONS.

(a) ADDITIONAL AUTHORITIES.—Notwithstanding any other provision of law, the President is authorized to undertake appropriate programs using Federal agencies, grants or contractual arrangements, or direct support of indigenous groups, agencies, or organizations in areas outside of control of the Government of Sudan in an effort to provide emergency relief, promote economic self-sufficiency, build civil authority, provide education, enhance rule of law and the development of judicial and legal frameworks, support people-to-people reconciliation efforts, or implement any program in support of any viable peace agreement at the local, regional, or national level in Sudan.

(b) EXCEPTION TO EXPORT PROHIBITIONS.—Notwithstanding any other provision of law, the prohibitions set forth with respect to Sudan in Executive Order No. 13067 of November 3, 1997 (62 Fed. Reg. 59989), shall not apply to any export from an area in Sudan outside of the control of the Government of Sudan, or to any necessary transaction directly related to that export, if the President determines that the export or related transaction, as the case may be, would directly benefit the economic development of that area and its people.

SEC. 11. TECHNICAL AMENDMENT.

Section 12 of the International Organizations Immunities Act (22 U.S.C. 288f–2) is amended by striking ''Organization of African Unity'' and inserting ''African Union''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. TANCREDO) and the gentleman from New Jersey (Mr. PAYNE) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. TANCREDO).

GENERAL LEAVE

Mr. TANCREDO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. TANCREDO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have a moral responsibility to react to what is happening in the country of Sudan and specifically in the area we know as Darfur; and what is happening there is genocide. This House has spoken on that. This Congress has spoken on that. We have called it what it is. It is genocide. Now we must take action as a result of the fact that this is happening, and we cannot ignore it.

This is the first time that we have ever declared genocide while it is happening. We have always in the past responded to it, but unfortunately, in just responding to its existence, little, if anything, was done to stop it from happening or going on.

Everyone is watching to see how we will respond. Secretary Powell and the United States administration have taken a courageous stand, but it is just the beginning. If we fail to act forcefully now, it will be open season for genocide. If we make empty threats, it will have serious consequences for the future of international peace and security.

Time and time again we have come to this floor both on Special Orders and during debate on resolutions and bills to urge our Members in the Congress of the United States to act forcefully with regard to Sudan in order to stem the horrible events that have been occurring there over the past, really, 25 or more years.

It is a country wracked with pain. It has experienced more than 2 million dead in a period of a civil war that has lasted, as I say, a quarter of a century. Four million displaced. In Darfur now we are witnessing something again of enormous tragedy. The numbers are staggering. At least 50,000 dead again now in Darfur because of the genocide going on there conducted by the government against the people in that area, and 350,000 or more in camps who are close to perishing simply because of the terrible conditions in which they are forced to exist.

Mr. Speaker, H.R. 5061 includes instructions for the U.S. permanent representative to the U.N. to urge member-states to pursue accountability for those complicit in the genocide in Darfur. It imposes targeted sanctions, including the freezing of assets on senior members of the Government of Sudan. It encourages the Permanent Representative to urge member-states to cease importing Sudanese oil and to impose an arms embargo on the Government of Sudan, the Janjaweed, who are responsible right now for the genocide, and the PDF.

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

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 5061. Mr. Speaker, let me thank the gentleman from Illinois (Chairman HYDE) and the gentleman from California (Mr. LANTOS), the ranking member, of the Committee on International Relations for working so hard to bring this bill to the floor. I would especially like to thank the gentleman from Colorado (Mr. TANCREDO), whom we just heard a moment ago, for sponsoring this bill and working so diligently towards peace in Sudan for so long. He is extremely dedicated, and it has been a pleasure working with him and other Members, the gentleman from Virginia (Mr. WOLF) the gentleman from California (Mr. ROYCE), the gentleman from Maryland (Mr. CUMMINGS), and others on this issue.

In just the last 12 months, the Government of Sudan and its allied Arab militia, the Janjaweed, have displaced more than 1 million people, as we heard, in the Darfur region, an additional 200,000 people into Chad, and has killed more than 50,000 innocent civilians, many more at risk today. Government troops and their allied Janjaweed militia have raped, tortured, maimed, and burned entire villages in a deliberate and systematic manner to cleanse the area of African Muslims.

They have used Antonov bombers and helicopter gunships to destroy the villages and then encourage the Janjaweed on camel and on horseback to finish the job. Men have been murdered, many times forced into huts and burned alive to death. Women and girls have been raped, many branded so it will be known publicly that they have been raped; therefore, they will be outcasts in the Muslim religion. They have been beaten.

Women have been abducted. Men have been killed. They have killed the

animals. They have destroyed the crops. They have taken bodies and thrown them into the wells in order to contaminate the water so the people would never return.

In August, I had the opportunity to travel to eastern Chad and to meet with the foreign refugees in Camp Iridimi, 32 miles from the Sudanese border, and we heard firsthand of these horrors that I have just talked about that had been seen by these people and experienced by them. It was really a horrific situation to see.

H.R. 5061 is the culmination of a bipartisan effort to first call the Darfur situation in western Sudan exactly what it is, genocide, and then to follow up that genocide declaration with swift and strong action, as we have heard already some of the provisions of the legislation.

Mr. Speaker, as the Members know, both Chambers of the Congress declared genocide was occurring in Darfur on July 22, 422 to zero in the House and without a dissenting vote in the U.S. Senate just before we adjourned for summer recess. This is the first time, as it has been indicated, that genocide has been declared as it is going on. Normally it is after the fact that a study is done and then it is declared that genocide is happening.

So we can stop and prevent the genocide from continuing. And through the response from the administration, although the response of the administration lagged a bit, we were pleased that Secretary Powell made the determination before the Senate Foreign Relations Committee on September 9.

Mr. Speaker, this is an historic step. The United States Congress takes the word ''genocide'' very seriously. So in the wake of the genocide declaration, we must be careful that we follow up with a clear action that sends the right message to the Government of Sudan and to other would-be architects of genocide. It is crucial at this juncture that we show we will not sit idly by and allow a government to exterminate its own people, as is happening in Sudan.

Mr. Speaker, H.R. 5061 is a response to genocide. H.R. 5061 amends the Sudan Peace Act and restates the congressional declaration of genocide. It requires an annual report from the Treasury to tell us of all commercial activities in Sudan. It provides $450 million, $150 million of which would go towards the humanitarian crisis in Darfur and Chad, including support of the African Union peacekeeping mission, currently suggested at 5,000, although I believe there should be more. And $300 million to go towards development in southern Sudan over the next 3 years starting in fiscal year 2005. We must not forget about southern Sudanese. Southern Sudanese have been waiting for peace for a long time, for the last 25 years.

As has already been mentioned, more than 2 million have died as a result of the conflict between the north and the south, and an estimated 5 million people have been displaced over these years. They all certainly know too well what genocide is and what this government has done. This government which gave safe haven to Osama bin Laden from 1991 to 1996, where al Qaeda was created and built up and strengthened during that time.

We are also hopeful that funds will be made available in the current supplemental bill so that immediate funds could go to assist the AU to have immediate access to be able to start to get the troops that they need there immediately.

As I conclude, let me say that it is of the utmost importance that we support the African Union mission, logistically, financially, and to give them the proper mandate that they need. In order to protect civilians, they will often have to come face to face with the Janjaweed fighters. So, therefore, I hope that they will be able to use Chapter 7 and fight back, if necessary. It is critical that we save the lives of the Darfurians. We were hoping that we could have visa restrictions and capital market sanctions; however, at this time we are not able to do this. But if this government continues, I would urge my colleagues to then do the capital market sanctions and visa restrictions and continue to push.

But I hope that this will prove a first step after genocide has been declared that we are serious and that we will not tolerate this.

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

Mr. TANCREDO. Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

□ 0230

Ms. WOOLSEY. Mr. Speaker, I rise today to talk about Sudan, where the world's gravest humanitarian crisis is taking place. Nothing like this has happened since the tragedy that occurred in Rwanda in 1994. I want to thank the gentleman from New Jersey for yielding me time to speak.

Already, tens of thousands of Sudanese Africans have needlessly been killed and as many as 1.5 million more have been forced to seek refuge in neighboring countries. I am thankful that Members like the gentleman from New Jersey (Mr. PAYNE) and the gentleman from Colorado (Mr. TANCREDO) have worked so tirelessly to prevent the deaths of even more innocent lives and bring the picture to us here in the Congress so we can work with them also.

H.R. 5061 is vitally important legislation. This bill affirms that the atrocities occurring in Sudan are in fact genocide. It also imposes economic sanctions upon the government of Sudan until its leaders demonstrate that they are going to take every possible step to alleviate this situation.

Mr. Speaker, it is vitally important for the United States to lead the rest of the world in preventing the further loss of life in Sudan.

The true moral test of our government is not the strength of our economy or the size of our military; it is our compassion for those in the world who are less fortunate than we are. I urge passage of H.R. 5061 to help those who are less fortunate, and they certainly are in Sudan.

Mr. PAYNE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TANCREDO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just in closing, let me say it is my pleasure to be here on the floor with my dear friend and colleague the gentleman from (Mr. PAYNE), who has been a leader on this issue for long before I even came to the Congress of the United States. Although he was laudatory in his comments about my efforts, his certainly precede mine and deserve all of our thanks. I certainly give it to him. He has been a wonderful, wonderful leader on this and a great man to work with.

Mr. HYDE. Mr. Speaker, I submit for inclusion in the CONGRESSIONAL RECORD an exchange of letters between Chairman THOMAS of the Ways and Means Committee and me as Chairman of the International Relations Committee concerning H.R. 5061.

CONGRESS OF THE UNITED STATES,
Washington, DC, October 6, 2004.

Hon. HENRY J. HYDE,
Chairman, Committee on International Relations, Rayburn House Office Building, Washington, DC

DEAR CHAIRMAN HYDE: I am writing concerning H.R. 5061, the ''Comprehensive Peace in Sudan Act.''

As you know, the Committee on Ways and Means has jurisdiction over revenue matters, including any legislation relating to imports. There are three provisions within the bill that may relate to imports and thus fall within the jurisdiction of the Committee on Ways and Means. Section 4(b)(6) expresses the Sense of Congress that ''the United States Government should not normalize relations with Sudan, including through the lifting of any sanctions, until the government of Sudan agrees to and implements a comprehensive peace agreement.'' Section 7(a)(1) requires the President to impose certain sanctions outlined in the Sudan Peace Act (P.L. 107–245), including the requirement to ''take all necessary and appropriate steps, including through multilateral efforts, to deny the Government of Sudan access to oil revenues,'' which could be interpreted to direct the President to impose an import ban on oil. Section 11(b) lifts the prohibition on exports from Sudan with respect to areas outside of control of the Government of Sudan.

However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to exercising its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 5061, and would ask that a copy of our exchange of letters on this matter be included in the CONGRESSIONAL RECORD during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

CONGRESS OF THE UNITED STATES,
Washington, DC, October 6, 2004.

Hon. BILL THOMAS,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC

DEAR MR. CHAIRMAN: Thank you for your letter concerning H.R. 5061, the Comprehensive Peace in Sudan Act.

Clearly, under House Rule X, the Committee on Ways and Means has jurisdiction over revenue matters, including any legislation relating to imports. I concur with your assessment of the matters in H.R. 5061 which fall within the jurisdiction of the Committee on Ways and Means. I would note that section 11(b) of the bill, which lifts the prohibition on exports from Sudan with respect to areas outside of control of the Government of Sudan, is identical to language that was enacted into law as part of the International Malaria Control Act of 2000, P.L. 106–570.

I appreciate your willingness to permit this important bill to proceed to the floor without the necessity of your Committee formally considering it. I understand that it does not in any way prejudice the Committee with respect to exercising its jurisdictional prerogatives on this or similar legislation.

As you have requested, I will ensure that a copy of our exchange of letters on this matter be included in the CONGRESSIONAL RECORD during floor consideration.

Sincerely,

HENRY J. HYDE,
Chairman.

Mr. HONDA. Mr. Speaker, I rise in support of H.R. 5061, the Comprehensive Peace in Sudan Act, which seeks to provide humanitarian assistance for the current crisis in the Darfur region of Sudan and to facilitate a comprehensive peace in the region. This bill calls for a series of actions to be taken by our government as well as the international community to bring about a comprehensive peace in Sudan. The violent conflict between the Government of Sudan, including militia forces backed by the Government, and rebel forces (the Sudan Liberation Army and the Justice and Equality Movement) has resulted in horrific humanitarian abuses, and the passage and implementation of H.R. 5061 is a critical step in ending this crisis.

The Government of Sudan is in direct violation of the Humanitarian Ceasefire on the Conflict in Darfur, signed in N'Djamena, Chad, on April 8, 2004. This ceasefire agreement calls for the Government of Sudan and other signatories "to give up the use of force as a means of settling the conflict in the Darfur region; to allow safe and immediate access of all humanitarian assistance throughout the Darfur region; to allow the deployment of and cooperate with international monitors and security forces; and to expedite the conclusion of a political agreement to end the conflict in the Darfur region."

Secretary of State Colin Powell in his recent remarks before the Senate Foreign Relations Committee officially labeled the atrocities in Darfur as genocide and urged the international community to respond to this crisis, saying, "When we reviewed the evidence compiled by our team, along with other information available to the State Department, we concluded that genocide has been committed in Darfur and that the Government of Sudan and the Janjaweed bear responsibility—and genocide may still be occurring." Since seizing power through a military coup in 1989, the Government of Sudan has repeatedly attacked and dislocated civilian populations in southern Sudan in a coordinated policy of ethnic cleansing that cost the lives of over 2,000,000 people and displaced more than 4,000,000 people. Hundreds of villages have been damaged or destroyed, resulting in massive refugee flows into Chad and internally displaced persons in western Sudan. Additionally, innocent civilians have reportedly been sold into slavery, used as forced labor, or drafted into the military. The Janjaweed and Sudanese military forces have also engaged in the abduction of children, rape of innocent civilians, and the destruction of food and water sources. Widespread hunger and malnutrition continue to endanger the lives of innocent civilians.

Such inhumane violence and manipulation must end, and the Comprehensive Peace in Sudan Act that the House considers today is a critical first step in this effort. This legislation explicitly reaffirms Secretary Powell's assertion that genocide has and is continuing to take place in Sudan, and it imposes U.S. sanctions. But this bill is not merely punitive; it authorizes $450 million in needed humanitarian assistance, including $150 million for Sudanese refugees in Darfur and eastern Chad.

The Comprehensive Peace in Sudan Act seeks to rally international support for a strong response to the genocide in Sudan. The Sudanese government has already failed to comply with the April 8, 2004, ceasefire agreement. Because the Sudanese government has been given the opportunity to voluntarily end this violence but has continued to support the Janjaweed and orchestrate an extensive ethnic cleansing campaign in Darfur, the international community not only has a right, but also an obligation to intervene in this conflict to prevent further destruction.

The Comprehensive Peace in Sudan Act calls on the U.S. permanent representative to urge the Security Council and member states to pursue accountability for those complicit in the violence in Darfur. Specifically, this legislation recognizes the need for the creation of an international tribunal to try the offenders of war crimes, crimes against humanity, and genocide.

The legislation also calls on the U.S. permanent representative to the UN to seek the imposition of targeted sanctions (including the freezing of assets) on senior members of the Government of Sudan, to cease to import Sudanese oil, and to impose an arms embargo on the Government of Sudan, Janjaweed and Popular Defense Forces (PDF). These sanctions must be accompanied by a renewed commitment to international humanitarian assistance. Basic necessities such as food, water, shelter, medicine and clothing need to be sent to the region and distributed effectively. The resolution of the crisis in Sudan depends on international cooperation in providing humanitarian aid to this region to help restore, promote, and protect regional stability and security.

The international community must recognize this genocide not only as a brutal attempt at ethnic cleansing and a deliberate disregard for human rights, but also as a threat to international stability and security. Let us not delay intervention as we did during the 1994 Rwanda Genocide, when the international community watched as over 800,000 Tutsi men, women, and children were slaughtered by Hutu extremists in one of the most gruesome and appalling chapters in our history. We must learn from this horrific experience and actively work to end the violence in Sudan before it escalates even further. I condemn the genocide in the Sudan and I call on my colleagues to support H.R. 5061.

Mr. BLUMENAUER. Mr. Speaker, the good news is that Congress is again showing bipartisan leadership in addressing the ongoing genocide in Darfur. The bad news is that there is much more to be done.

I thank my friends, Mr. TANCREDO and Mr. PAYNE, for continuing to ensure that this issue is in front of us. It is important that tonight we are taking specific action to pressure the Government of Sudan to end the genocide.

This bill will place sanctions on Khartoum and on companies that continue to do business with this genocidal regime and authorizes assistance to address the humanitarian crisis. The Scope of that crisis is vast: 50,000 Darfurians have already been murdered, a million and a half people have been internally displaced, hundreds of thousands have sought refuge in Chad and close to 1 million people are still beyond the reach of relief agencies. International aid agencies such as MercyCorps and CARE are actively working to provide emergency lifesaving assistance in Darfur and deserve our highest gratitude.

However, this crisis goes beyond the humanitarian. This genocide has a political basis and will require a political solution—either diplomatic or military or, more likely, a combination of both.

The President should move the international community to action, supporting international efforts at sanctions, and ensuring that the African Union mission has the mandate and logistical support they will need to be effective at protecting the civilians in Darfur. I strongly support H.R. 5061, the Comprehensive Peace in Sudan Act, and am proud to have been a co-sponsor of it.

Mr. HOLT. Mr. Speaker, I rise in support of H.R. 5061, the Comprehensive Peace in Sudan. The bill expands the Sudan Peace Act by authorizing a total of $450 million in humanitarian assistance over the FY 2005 to FY 2007 period, including at least $150 million for humanitarian assistance for Sudanese refugees in Darfur and eastern Chad. The $150 million could also be used to support an African Union peacekeeping mission in Darfur.

However this bill alone will not be enough and authorization alone is not enough. The situation in Sudan is dire. The statistics are alarming and depressing. The numbers of causalities, deaths, rapes, injuries and displaced refugees beg the question, how can the world, the U.N., the United States and other civilized nations witness the murder of 30,000 innocent civilians, the forced removal of 130,000 people from their homes to Chad, and the displacement of more than one million people and do nothing.

Mr. Speaker, we cannot afford to allow this genocide that is occurring in Sudan to continue. We must rise to the occasion. We must forget about those partisan things that divide us. We must come together as a body, as a Congress, indeed, as a nation; and we must show the world the way to eliminate the kind of racial and religious hatred that exists in this world and we cannot afford to wait.

Mr. TANCREDO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Colorado

(Mr. TANCREDO) that the House suspend the rules and pass the bill, H.R. 5061, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. TANCREDO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CELEBRATING 50TH ANNIVERSARY OF FALCON INTERNATIONAL DAM

Mr. TANCREDO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 818) celebrating the 50th anniversary of the opening of the Falcon International Dam, recognizing the dam's importance as a source of water and power and as a symbol of friendship and cooperation between the United States and the United Mexican States, and urging Mexico to honor all of its obligations under the 1944 Treaty Relating to the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande.

The Clerk read as follows:

H. RES. 818

Whereas the 1944 Treaty Relating to the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande between the United States and the United Mexican States provided for the construction of the Falcon International Dam on the Rio Grande River to provide flood control, water conservation, and hydroelectric power for the benefit of communities on both sides of the border;

Whereas on October 19, 1953, as construction on the dam neared completion, President Dwight D. Eisenhower and President Adolfo Ruiz Cortines of Mexico met at the center of the Falcon International Dam to dedicate it to the well-being of the residents of both countries;

Whereas the dam was completed on April 8, 1954, and the Falcon Power Plant generated power for commercial use for the first time on October 11, 1954;

Whereas the Falcon International Dam is 26,394 feet long, and its construction created a beautiful 60-mile-long reservoir known as Falcon Lake;

Whereas the construction of the dam and reservoir resulted in the submersion and relocation of 5 townships in the United States and Mexico, including the town of Zapata, Texas;

Whereas the Falcon International Dam and the adjacent United States Falcon State Park now serve as a valued community resource and source of pride for the residents of Zapata County, Texas and neighboring Starr County, Texas;

Whereas Falcon Lake is considered one of the best fishing lakes in Texas and supports an emerging recreational tourism industry;

Whereas the Falcon International Dam is an important source of water and power for irrigation and household use;

Whereas operations at the Falcon International Dam require a coordinated binational effort among numerous agencies, including the International Boundary and Water Commission, the United States Border Patrol, the Texas Parks and Wildlife Department, Zapata County, and their Mexican counterparts;

Whereas the Mexican government has incurred a deficit in its water delivery obligations, and this has lowered the water level in the reservoir and hurt the communities on the United States side of the border;

Whereas the Falcon International Dam serves as an important shared resource between the 2 countries and the continued success of the project requires mutual adherence to the terms of the Treaty;

Whereas the Falcon International Dam serves as a symbol of friendship and cooperation between the United States and Mexico; and

Whereas October 11, 2004 marks the 50th anniversary of the opening of the Falcon International Dam: Now, therefore, be it

Resolved, That the House of Representatives—

(1) celebrates the 50th anniversary of the opening of the Falcon International Dam;

(2) recognizes that building of the Falcon International Dam was an extraordinary project and that operating its facilities continues to represent a substantial undertaking;

(3) acknowledges recent payments by the United Mexican States under the 1944 Treaty Relating to the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande between the United States and Mexico and urges Mexico to honor all of its obligations under the Treaty;

(4) recognizes that the Falcon International Dam has been both an important source of water and power and a symbol of friendship and cooperation between the United States and Mexico for 50 years; and

(5) recommits itself to the binational effort and spirit in which the Falcon International Dam was constructed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. TANCREDO) and the gentleman from New Jersey (Mr. PAYNE) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. TANCREDO).

GENERAL LEAVE

Mr. TANCREDO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 818.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. TANCREDO. Mr. Speaker, I yield myself such time as I may consider.

Mr. Speaker, I rise in support of the resolution offered by the gentleman from Texas (Mr. RODRIGUEZ). It is fitting we should recognize the importance of the Falcon International Dam. For 50 years this dam has benefited people on both sides of our shared border with Mexico.

This resolution notes that Mexico under President Fox has made its water payments to the United States under its 1944 Treaty Relating to the Utilization of Water of the Colorado and Tijuana Rivers and of the Rio Grande. I note the United States has never failed to make a water payment to Mexico, even in drought years, under the 1944 treaty. While we appreciate President Fox's efforts to meet these treaty obligations, Mexico still owes our States water from past years.

I want to thank the gentleman from Texas for working with our committee in preparing this resolution and urge my colleagues to join with me in support of it.

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

Mr. PAYNE. Mr. Speaker, I rise in strong support of H. Res. 818 and yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman from Illinois (Chairman HYDE) and the ranking member, the gentleman from California (Mr. LANTOS) of the Committee on International Relations for expediting consideration of this important resolution which recognizes once again the close relationship between our country and the United Mexican States.

I would also like to recognize my friend and colleague, the gentleman from Texas (Mr. RODRIGUEZ), the Chairman of the Congressional Hispanic Caucus, for the outstanding work that he does in general and for this particular resolution as he is the author of it.

Mr. Speaker, H. Res. 818 acknowledges the 50th anniversary of the opening of the Falcon International Dam and the importance of this public infrastructure to the people both of the United States and of the United Mexican States. It is no coincidence that water, a vital element of life, is the medium through which the bonds of our two countries are continually nourished.

I strongly encourage all of my Members to support this resolution.

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

Mr. TANCREDO. Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield 6 minutes to the gentleman from Texas (Mr. RODRIGUEZ), the author of the resolution.

Mr. RODRIGUEZ. Mr. Speaker, let me take this opportunity to thank the gentleman from New Jersey (Mr. PAYNE) personally for allowing me the opportunity to say a few words and for his hard work on this particular piece of legislation.

In addition, I would like to thank the gentleman from North Carolina (Mr. BALLENGER) and the gentleman from Colorado (Mr. TANCREDO), as well as the gentleman from Illinois (Chairman HYDE) and the ranking member, the gentleman from California (Mr. LANTOS), for their efforts.

I also want to take the opportunity to thank the Chairman of the Democratic Caucus, the gentleman from New Jersey (Mr. MENENDEZ) and Jessica Lewis of his staff, who worked on this issue and helped make it happen.

Mr. Speaker, I rise today in support of H. Res. 818, a resolution commemorating the 50th anniversary of the opening of the Falcon International Dam. Like all large scale dams, the

Falcon International Dam is an architectural wonder, a man-made barrier of cement and steel reining in the power of the most precious natural resources, our water.

What makes this particular dam special, though, is its location right on the Texas-Mexico border down in Zapata, Texas. Its construction was part of an international plan to improve not only flood control, but also water conservation, and provide hydroelectric power for the benefit of communities living on both sides of the border. It serves as a representation of the unique relationship that Mexico and the United States hold.

The particular dam provides electricity that helps the entire southern part of Texas, from Laredo in Webb County, to Hidalgo to Brownsville in all that area. While controversies surrounding the decision to build the dam existed, many families lost their land and five townships were submerged under the reservoir.

The Falcon International Dam is part of a vibrant history. On October 15, 1953, construction on the dam neared completion. President Dwight D. Eisenhower and President Adolfo Ruiz Cortines of Mexico met at the center to dedicate it to the well-being of the residents of both countries. The dam itself was completed on April 8, 1954, and the Falcon Power Plant generated power for commercial use for the first time on October 11, 1954.

For 50 years, Falcon International Dam has served as an important source of water and power for irrigation and household use in this region, and its beautiful 60-mile-long reservoir known as the Falcon Lake is known as one of the best fishing lakes in Texas and supports an emerging recreational tourism industry.

Yet maintaining and operating an international dam does not come without problems. As a shared resource governed by international treaty, events over the past decade have underscored the need for a better binational water management plan.

Persistent and severe drought conditions put strain on both Texas's and Mexico's water resources. For South Texas, the struggle has even been harder because of Mexico's decision to withhold water from the U.S.

Many of you have heard me speak before on the issue of the Mexican water debt, which peaked at 1.7 million acre feet. Farmers were unable to plan adequately for their planting seasons. The fluctuating reservoir levels on the Falcon Dam disturbed the delicate ecosystem and spawning season for the fish stock. The economic impact on South Texas agricultural economy was estimated at over $1 billion and 30,000 jobs.

In a perfect world, the two countries would work closely together to manage water storage and release so that neither side would be disproportionately hurt during these droughts. Economic losses would be shared, and, in the end, this is a fair way to allocate shared resources.

Unfortunately, this is not the way the situation has played out over time. While recent rains have allowed Mexico to release a portion of the water to the U.S., we must work to improve water conservation and development for the future and avoid these things occurring and happening.

As I think about the needs of the communities living on the Falcon International Dam, I strongly believe we must evaluate how best to allocate our resources so it would be fair to all. In order to do so, we must first renew our binational spirit. I fear relations with our neighbors have become strained on many levels, from immigration, to water, to the war in Iraq.

It is with this in mind that I introduced H. Res. 818. What better way to look to the future than to celebrate past accomplishments?

Mr. Speaker, I ask Members of this great House for support on this important resolution to celebrate the 50th anniversary of the opening of the Falcon International Dam, and recommit itself to the binational efforts and spirit in which the Falcon International Dam was constructed.

Mr. PAYNE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TANCREDO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. TANCREDO) that the House suspend the rules and agree to the resolution, H. Res. 818.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CONDEMNING ABDUCTION OF DYLAN BENWELL

Mr. TANCREDO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 821) condemning the abduction of Dylan Benwell from the United States and calling for his return.

The Clerk read as follows:

H. RES. 821

Whereas Dylan Benwell, a 9-year-old lawful permanent resident with an application pending for United States citizenship, was taken from his home in Winthrop Harbor, Illinois, on July 22, 2004, by his maternal grandparents, Timothy and Ethel Blake, both of whom are citizens of Ireland;

Whereas Dylan and his mother once lived in Ireland with his maternal grandparents;

Whereas Dylan has legally remained in the sole custody of his mother Serena Benwell, and adoptive father, John Benwell, after a Virginia juvenile district court ruled on December 14, 2001, that Dylan should remain in the custody of his mother and stepfather;

Whereas Dylan and 3 of his siblings have been adopted by John Benwell, a United States citizen;

Whereas Dylan and his 5 brothers and sisters are a part of a caring and loving family;

Whereas Ethel Blake attempted to kidnap Dylan in 1999 from his kindergarten class in Virginia, and was charged with domestic battery upon John Benwell;

Whereas on July 16, 2001, Dylan told a Virginia social worker that he did not want to live in Ireland again with his grandparents and that he wished to live in the United States with his immediate family;

Whereas on November 29, 2001, Dylan told a social worker with Winthrop Harbor Schools, in Illinois, that he wanted to live with his mother, stepfather, and siblings and he also expressed worries that his grandparents might try to take him away again;

Whereas on December 6, 2001, after an individual session with Dylan, a social worker with the Great Lakes Naval Hospital reported to the Virginia juvenile district court that Dylan feared his grandparents after the first kidnapping attempt, after explaining that he did not wish to live with his grandparents because he had no friends to play with in Ireland, and implying that his grandparents spent a large part of their time drinking beer;

Whereas in recorded telephone conversations in the possession of the police department of Winthrop Harbor, Illinois, Dylan told Timothy Blake that he did not want to live with the Blakes in Ireland;

Whereas in 2001, a petition for the return of Dylan from the United States to Ireland, filed by Timothy and Ethel Blake in accordance with the Hague Convention on the Civil Aspects of International Child Abduction, signed at The Hague on October 25, 1980 (TIAS 11670) (''Hague Convention''), was rejected by a United States court which held that the Blakes had no custodial rights to Dylan upon relocation of the child's mother to the United States with her American husband;

Whereas Timothy and Ethel Blake succeeded in kidnapping Dylan from his home in Illinois 5 years after the initial attempt in Virginia, and have shown little concern for the trauma that the abduction of Dylan has caused their other grandchildren;

Whereas warrants for the arrest of Timothy and Ethel Blake on charges of aggravated kidnapping, a felony, have been issued by the State of Illinois and United States officials have filed a Hague Convention petition for custody of Dylan on behalf of the Benwell family;

Whereas the Congress, in 1932, enacted the first Federal kidnapping statute, in response to the kidnapping and murder of the infant son of Charles Lindbergh;

Whereas the Congress recognizes the gravity of international child abduction and enacted the International Parental Kidnapping Crime Act of 1993 (adding section 1204 to title 18, United States Code), the Parental Kidnapping Prevention Act of 1980 (adding section 1738A to title 28, United States Code, and section 463 to the Social Security Act), and substantial reform and reporting requirements for the Department of State through foreign relations authorization Acts for the fiscal years 1998 through 2001;

Whereas the United States is a contracting party to the Hague Convention, and adopted effective implementing legislation in the International Child Abduction Remedies Act (42 U.S.C. 11601 et seq.);

Whereas Ireland is a contracting party to the Hague Convention and adopted legislation for the implementation of the Act under the Child Abduction and Enforcement of Custody Orders Act (S.I. No. 235/1991); and

Whereas the Hague Convention establishes reciprocal rights and duties between and among its contracting states to expedite the return of abducted children to their states of

habitual residence, and to ensure that the custodial and parental access rights of one contracting state are effectively respected in other contracting states: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the abduction of Dylan Benwell from his home in the United States, the country of his custodial mother's domicile;

(2) commends the actions taken by the Office of Children's Issues of the Department of State and the United States Embassy in Dublin, Ireland;

(3) commends the hard work and dedication of the police department of Winthrop Harbor, Illinois, especially that of Detective Sergeant Tim Borowski;

(4) calls on the Government of Ireland to recognize that the safety and welfare of Dylan are the foremost concern;

(5) urges the Government of Ireland to recognize the decision of the Virginia juvenile district court;

(6) calls upon the Government of Ireland to recognize that this matter does not pertain to the custodial rights of Dylan's maternal grandparents, a matter already decided by the courts, and instead relates to a violation of United States law and the Hague Convention on the Civil Aspects of International Child Abduction, signed at The Hague on October 25, 1980 (TIAS 11670) (''Hague Convention'');

(7) urges the Government of Ireland not to reward or condone the unlawful action of Timothy and Ethel Blake, two Irish nationals, by keeping Dylan from his family; and

(8) urges the Government of Ireland to recognize that as a matter of international law under Article 1 of the Hague Convention, the Government of Ireland is required to secure the prompt return of Dylan, on the basis that Dylan was wrongfully removed from his home in the United States, a contracting state to the Convention.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. TANCREDO) and the gentleman from New Jersey (Mr. PAYNE) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. TANCREDO).

GENERAL LEAVE

Mr. TANCREDO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 821.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. TANCREDO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, child abduction is a terrible problem. Any parent's worst nightmare is to have a child abducted. The initial panic and then the terrified waiting to find out whether your beloved offspring is alive or dead is dreadful. Our government must do everything necessary to protect all of our people, especially our Nation's children.

This resolution condemns one of the most trying types of abduction, the abduction of a child by his maternal grandparents, who spirited him out of the United States to Ireland. Dylan Benwell was abducted almost literally from the arms of his parents.

Both Ireland and the United States are parties to the Hague Convention which deals with child abduction. It is my hope and the hope of the chief sponsor of this resolution that the Hague Convention process works and works expeditiously so that Dylan can be returned as soon as possible to the arms of his parents here in the United States.

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I hope all Members will join me in supporting H. Res. 821. We wish for a speedy return home for Dylan and for all children who have been similarly victimized.

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

Mr. PAYNE. Mr. Speaker, I rise in support of this resolution, and I yield myself such time as I may consume.

Mr. Speaker, the resolution before the House condemns the recent abduction of an Illinois boy, Dylan Benwell, from the United States and calls for his immediate return home.

Mr. Speaker, until 10 weeks ago, Dylan Benwell was a happy, 9-year-old boy living at home with his mother and adopted father in Illinois, along with his 5 brothers and sisters. But on July 22nd, Dylan was abducted by his maternal grandparents and taken to their native home of Ireland.

Despite the fact that the United States courts have determined that Dylan's mother and adopted father have sole custody of the boy, Dylan has yet to be returned to his parents in the United States.

This resolution calls upon the Irish government to secure the prompt return of Dylan pursuant to Article I of the Hague Convention. Hopefully, by raising the profile of this case, Congress can increase the chances of a happy ending to this terrible saga.

Mr. Speaker, I urge my colleagues to support this resolution.

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

Mr. TANCREDO. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. CRANE).

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

Mr. CRANE. Mr. Speaker, I thank the distinguished colleague for yielding me this time.

Mr. Speaker, I rise today to encourage my colleagues to support House Resolution 821, a resolution condemning the abduction of Dylan Benwell from the United States and calling for his return.

Dylan Benwell was born in Ireland to Irish parents. Dylan's biological father died when he was 2 weeks old and his maternal grandparents, Timothy and Ethel Blake, helped care for Dylan following his father's death. Within a few years, Dylan's mother, Serena, met and married an American named John Benwell. Dylan moved with the family to the United States where John was stationed in the Navy in Norfolk, Virginia.

In 2001, Dylan's grandparents, the Blakes, filed for custody of Dylan, which was inexplicably granted by the Irish courts. When Dylan was in kindergarten, the Blakes attempted, but failed, to kidnap him from Virginia. The Blakes then filed a Hague Convention request, asking the courts to order the return of Dylan back to Ireland.

The case was heard in Chesapeake, Virginia and the Virginia court determined that Dylan should remain in the custody of his mother in the United States. Therefore, in the opinion of U.S. authorities, the question of custody has already been adjudicated, and it is clear that Dylan should be with his parents.

The Benwells moved to Winthrop Harbor, Illinois, which is in my district, after John Benwell was transferred to the Great Lakes Naval Station. While in Illinois, John Benwell adopted Dylan and his 3 older brothers. He and Serena also have 2 other children. The 4 oldest boys, including Dylan, have applied for American citizenship.

Unfortunately, the Blakes have remained obsessed with Dylan. As part of the 2001 decision, they were allowed to speak with Dylan on the telephone. During these conversations, they routinely asked Dylan if they wanted to live with them in Ireland. Dylan's answer was always no. Of course, Dylan's mother, his legal guardian, would not send him off with his grandparents.

Recently, the Blakes called Serena Benwell asking to see Dylan. They claimed that Timothy Blake was dying and wanted to make amends for attempting to kidnap Dylan 4 years ago. Serena finally gave in and allowed the Blakes to come to the U.S. to visit Dylan.

On Thursday, July 22, 2004, the Blakes took Dylan to lunch. In order to make sure the Blakes did not kidnap her son again, Mrs. Benwell asked them to give her their passports, which they did. Unfortunately, the passports were fakes and they took Dylan to Chicago's O'Hare International Airport and boarded a British Airways flight to Ireland. The Winthrop Harbor Police missed the Blakes and Dylan at the airport by just 15 minutes.

Dylan Benwell is only 9 years old. Many of us have children and grandchildren who are Dylan's age. Can my colleagues imagine the fear and confusion that this poor child is going through? Can my colleagues imagine their child or grandchild going through this?

Mr. Speaker, I am afraid for Dylan's safety. Consider the following: in a sworn affidavit, Mrs. Benwell told police detectives that her father, Timothy Blake, told her in 2001 that they wished that they had killed Dylan and themselves while they had him rather than allow him to become an American. In addition, according to Mrs. Benwell, Mr. Blake had attempted suicide in 1987, and Mrs. Benwell has also stated that her father physically abused her as a child.

To make matters worse, in 1999, after the Blakes attempted to kidnap Dylan from kindergarten, Ethel Blake was arrested in Virginia for physically striking John Benwell while he was holding his then 2-month-old daughter. Mrs. Benwell also told police that both of her parents have been patients in psychiatric institutions. After the abduction, when the Winthrop Harbor Police searched the hotel where the Blakes had been staying, they found several prescription drugs in the Blakes' room that are used to treat psychiatric and emotional disorders such as schizophrenia, depression, and anxiety.

For all of these reasons, I am deeply concerned about Dylan Benwell's safety and well-being. It is imperative that we return Dylan back to the care of his loving parents. I have been working with the State Department, which is very concerned, and has noted that this is a particularly worrisome case. The State Department believes that the Blakes took the case in their own hands and are now forum shopping, which completely goes against Hague Convention agreements.

It is essential that we in the House of Representatives urge the government of Ireland to recognize the decision of the Virginia juvenile district court. Above all, the Blakes should return Dylan promptly to his parents.

In passing this resolution today, the House of Representatives is making an important statement. Perhaps we are also giving some greater hope to a family in need of some hope. They have been through so much.

Mr. Speaker, it is for all of these reasons that I introduced House Resolution 821. I am committed to ensuring we return Dylan Benwell to the United States and to his family. So I urge my colleagues to vote in favor of this important resolution.

I would like to thank the gentleman from Illinois (Speaker HASTERT), the gentleman from Texas (Majority Leader DeLay), and the gentleman from Illinois (Chairman HYDE) for supporting my efforts to help Dylan and the Benwells. I want to also thank all of the Members who cosponsored this resolution, as well as the staff that helped bring this urgent resolution to the House Floor so expeditiously.

My deepest prayers and sympathy are for Dylan, his mother, Serena Benwell, and their family, as they go through these trying times.

Mr. HYDE. Mr. Speaker, one of the most heart-wrenching issues we will ever contemplate is the problem of child abductions. As a parent of four children and four grandchildren, I cannot think of a more terrifying nightmare than one in which one of my children or grandchildren were abducted or killed. The sheer panic, fear, and helplessness one must feel has to be paralyzing. I believe in a government that stands up for the rights of all people, including the most helpless ones—children.

While far too many crimes are committed against children by strangers, amazingly enough, some of the perpetrators of the worst types of crimes against children are parents or relatives. In the case before us, young Dylan Benwell was kidnapped from his parents by his maternal grandparents, Timothy and Ethel Blake, and taken to Ireland.

Dylan's mother and the Blakes had suffered an estranged relationship as a result of a previous attempt by the Blakes to kidnap Dylan. Dylan's mother finally relented and allowed her son to visit his grandparents because she was told that her father, Mr. Blake, was dying of cancer. Dylan's mother took her parents' passports as a precaution so that Dylan could not be kidnapped to Ireland. Shockingly, the Blakes had planned the kidnapping to such a degree that they already had duplicate passports issued, and once Dylan was in their possession, they immediately left with him for Ireland.

Dylan is not alone in his victimization. According to the State Department, more than 16,000 cases of international child abductions were reported in the past two decades.

The Hague Convention on the Civil Aspects of International Child Abduction serves as an important diplomatic tool in achieving the return of abducted children. Both the United States and the Republic of Ireland are contracting parties to the Hague convention, which establishes reciprocal duties to expedite the return of abducted children to their habitual residence. In Dylan's case, arrest warrants for aggravated kidnapping have been issued by the State of Illinois for the Blakes, and a Hague Convention petition has been filed on behalf of Dylan's parents for his return. Dylan's family now sits helplessly awaiting the Hague Convention process to bring him home to them.

Unfortunately, many countries have failed to take their obligations seriously in making certain that these children are sent home. Yet, in the instant case, I am confident that Ireland will follow the Hague Convention process scrupulously, as it has been an excellent treaty partner in the past. Considering the unusual facts of this case, however, it is my hope that Ireland expeditiously resolves this matter and finds that Dylan must be sent home.

In the meantime, it is imperative that our government continues to press all nations to take seriously their international treaty obligations under The Hague Convention, and to bring home our children.

I'd like to commend both the State Department for its efforts in bringing Dylan home and the efforts of my dear friend, Congressman PHIL CRANE. I know that he is doing everything possible to reunite Dylan with his parents.

I hope all Members will join me in supporting H. Res. 821. We wish for a speedy return home for Dylan and for all other children who have been similarly victimized.

Mr. TANCREDO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Colorado (Mr. TANCREDO) that the House suspend the rules and agree to the resolution, H. Res. 821.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to

A motion to reconsider was laid on the table.

CALLING ON THE UNITED NATIONS SECURITY COUNCIL TO IMMEDIATELY CONSIDER AND TAKE APPROPRIATE ACTION TO RESPOND TO THE GROWING THREAT THAT THE RULING STATE PEACE AND DEVELOPMENT COUNCIL IN BURMA POSES TO THE SOUTHEAST ASIA REGION AND TO THE PEOPLE OF BURMA

Mr. TANCREDO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 768) calling on the United Nations Security Council to immediately consider and take appropriate action to respond to the growing threat that the ruling State Peace and Development Council in Burma poses to the Southeast Asia region and to the people of Burma.

The Clerk read as follows:

H. RES. 768

Whereas the ruling State Peace and Development Council in Burma, formerly known as the State Law and Order Restoration Council, continues to refuse to uphold the 1990 election results in which the National League for Democracy, led by Aung San Suu Kyi, won 392 of the 485 contested parliamentary seats;

Whereas the ruling State Peace and Development Council in Burma has imprisoned or placed under house arrest Aung San Suu Kyi on a nearly continuous basis since 1995, most recently since May 2003 when she and National League for Democracy supporters were violently assaulted by government–affiliated forces;

Whereas according to the Department of State's 2003 Country Reports on Human Rights Practices, security forces of the ruling State Peace and Development Council in Burma continue to commit extrajudicial killings, rape, engage in torture, forcibly relocate persons, use forced labor, and conscript child soldiers;

Whereas in December of 2003 the United Nations General Assembly adopted a resolution expressing grave concern about the ongoing systematic violations of human rights abuses occurring against the people of Burma; and

Whereas the situation in Burma poses a threat to regional stability because of the continuous cross border flow of illegal narcotics, trafficked persons, and the unchecked spread of HIV/AIDS; because of the State Peace and Development Council's reported efforts to acquire military hardware from the People's Republic of China, the Russian Federation, and North Korea; and because of the destabilizing effects of the flight of over 200,000 refugees to Thailand and Bangladesh in an attempt to escape systematic terrorizing by the Burmese military: Now, therefore, be it—

Resolved, That it is the sense of the House of Representatives that the United Nations Security Council should immediately consider and take appropriate action to respond to the growing threat that the ruling State Peace and Development Council in Burma poses to the Southeast Asia region and to the people of Burma.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. TANCREDO) and the gentleman from New Jersey (Mr. PAYNE) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. TANCREDO).

GENERAL LEAVE

Mr. TANCREDO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. TANCREDO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today Burma is ruled by one of the world's most brutal military dictatorships. The State Peace and Development Council, the SPDC, rules through an insidious system of extrajudicial killings, rape, torture, conscription of child soldiers, and the use of modern day slavery. To date, approximately 2 million Burmese have been forcibly displaced because of the horrific policy of this regime.

Further, Mr. Speaker, the SPDC has arrested approximately 1,300 individuals for merely expressing critical opinions of the existing regime, including the leader of the National League For Democracy, Aung San Suu Kyi. Suu Kyi was awarded the Nobel Peace Prize and the U.S. Presidential Medal of Freedom. My colleagues will also recall that her party, the National League for Democracy, continues to be rebuffed from claiming the right to govern, despite having won 392 of the 485 contested parliamentary seats in 1990.

Mr. Speaker, H. Res. 768 will put Congress on record that the United Nations Security Council must take immediate action with regard to the ruling regime in Burma. This regime poses a serious threat to the regional stability of Southeast Asia. They have allowed the continuous cross-border flow of illegal narcotics, trafficked persons, and the unchecked spread of HIV/AIDS.

In addition, the SPDC has attempted to acquire military hardware from the People's Republic of China, the Russian Federation, and North Korea.

Finally, the repressive nature of the Burmese regime has led to the flight of over 200,000 refugees into Thailand and Bangladesh which, in turn, has led to severe problems in those nations.

It is time for the United Nations Security Council to take action to respond to the growing threat of Southeast Asia and the people of Burma. With the United Kingdom and the United States chairing the United Nations Security Council respectively in October and November, we should use this opportunity to press for action by the Security Council on Burma.

This resolution has strong bipartisan support, has 27 cosponsors, including the gentleman from Virginia (Mr. WOLF), the chairman of the Human Rights Caucus; and the gentleman from California (Mr. LANTOS), the Ranking Member of the Committee on International Relations.

Mr. Speaker, I urge my colleagues to support this important measure, and I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I strongly support this resolution, and I yield myself such time as I may consume.

Mr. Speaker, the Burmese government is one of the worst violators of internationally-recognized human rights. Democratic leader Aung San Suu Kyi, Nobel Peace Prize winner, was thrown into prison after her 1990 electoral win and remains under tight house arrest.

About 5 years ago I was privileged to travel to Burma with a then colleague Tom Campbell, a member from California, and we were able to persuade the Burmese government to allow us to visit with Aung San Suu Kyi, and we had a meeting with her and our U.S. embassy. She was very defiant. She said she would remain under house arrest until the government of Burma would recognize the election of 1990.

Countless other leaders in the opposition National League for Democracy remain behind bars. Many of the elders who we met with were defiant and were also considered enemies of the government.

High-level representatives from the United Nations and other nations have tried for several years to encourage the Burmese government, the Burmese junta to enter into a true national reconciliation with the opposition. Sadly, the Burmese government has repeatedly rebuffed these important diplomatic efforts. They simply seem to have no interest.

As a result, the United States recently renewed import sanctions against Burma for another year and has continued to ratchet up diplomatic and economic pressure on the government of Burma on this terrible regime.

□ 0300

But, Mr. Speaker, pressure from the United States on Burma to move toward freedom and democracy will only bear fruit if our allies join us in imposing sanctions.

The resolution before the House urges the United Nations Security Council to consider and take appropriate action to respond to the growing threat that the Burmese government poses to the Southeast Asia region. Consideration by the Security Council of the situation in Burma is long overdue, and I hope that this important resolution will further encourage Security Council members to move forward with the concrete multi-lateral strategy to promotes democracy and freedom in Burma.

It is another opportunity that the People's Republic of China who is benefiting so much from normal trade relations with the United States, previously called the special trade relations but now normal trade relations, most favored nation status, that they had before and still have, could use its influence and power in Burma since they are a growing power in that area. The same way that we would urge the Chinese to use its influence in the Security Council and its influence with Sudan to urge that government to change its ways. And so this is an opportunity for the People's Republic of China to show that it is moving into the 21st century, into the new millennium with a new responsibility if it, indeed, is going to continue to benefit from the tremendous relations that it has with the United States.

Mr. LEACH. Mr. Speaker, I rise today in support of H. Res. 768, a measure symbolizing the deep concern of the House of Representatives with the deplorable situation in Burma.

Burma presents one of the most complicated and vexing foreign policy challenges in Asia for the United States and the world community. Numerous political prisoners remain in detention, including one of the most remarkable and courageous leaders of our time, Aung San Suu Kyi. The issue is how the U.S. can best secure their release and help start a meaningful political dialogue in Burma, while also endeavoring to advance a panoply of other priorities, including stable democratic governance, human rights, counternarcotics, regional stability, combating the HIV/AIDS pandemic, as well as economic and human development.

As we all understand, in response to repeated efforts by the ruling military to thwart the democratic aspirations of the Burmese people as well as to ongoing serious human rights violations, the U.S. has been compelled to utilize sanctions and coercive diplomacy as the centerpiece of our policy. those sanctions were renewed earlier this year.

In this context, it should be self-evident that the U.S. is confronted by multiple dilemmas in pursuing our objectives in Burma. For illustrative purposes, I would note just a few: the strongly nationalistic, self-centered outlook of the ruling regime; the reliance by the military elite on an illicit, underground economy for power and survival; the inability of major industrial countries to agree on comprehensive sanctions as the basis for a common strategy; competition for geopolitical influence in Burma between China and India; and the ongoing humanitarian crisis for the people of Burma—including for many ethnic minority groups along the country's borders—that calls out for a more robust and humane international response.

In this regard, as we look at analogies in human history, one that appears credible and reasonable from an American perspective in south Africa. As we examine the south African analogy of Nelson Mandela and the African National Congress to Aung San Suu Kyi and the National League for Democracy, it is important to note that when we considered sanctions in the United States it was a very serious debate, and Congress weighted heavily the fact that Mandela and the ANC were supportive of sanctions.

The second aspect of the South African analogy, and here is where the analogy begins to break down, the United States was supported by a number of countries in Western Europe. In fact, if anything, our traditional western European allies were stronger supporters of sanctions than the United States. Although America became the linchpin country, several European countries that had long-term relations with South Africa were more forward-leaning than the United States and very supportive of sanctions.

In this regard, from a leadership perspective, there is some discomfort that the rest of the world is not following the American lead on Burma, not only in Asia and most particularly ASEAN, but also Western Europe.

As a general proposition in international affairs, and we are seeing this most clearly in the Middle East and Southwest Asia, Europe is looking at American leadership as being too inclined to draw ''lines in the sand'' and not sufficiently attuned to nuance distinctions in foreign affairs. There may be some truth in this critique, but I think Burma is the one circumstance where they are most clearly wrong, that this is a ''line in the sand'' place, and this is a situation in which we should be expecting far more from Europe.

The good news is that the EU has begun to put a bit more pressure on the SPDC by demanding, for example, that ASEAN downgrade Burma's first-ever representation at the Asia-Europe Meeting (ASEM) in Hanoi in October. The forum, begun in 1996, brings together the European Union and 10 Asian nations, including China, Japan, and South Korea. This year marks the group's formal enlargement, adding the 10 new EU members who joined in May along with Burma, Cambodia and Laos. The summit formally opens on October 8, 2004.

Here it is positive that the EU has set a deadline for this Friday—the start of the summit—for the release of Aung San Suu Kyi from house arrest and for allowing her National League for Democracy party an integral role in drafting a new constitution. My understanding is that if the deadline elapsed without progress, the EU is prepared to enact a set of ''intensified sanctions'' reportedly consisting of a visa ban on junta officials and a halt to international funding for Burma. Having said that, it should be understood that these enhanced sanctions are rather modest in their scope and effect, in that the EU has imposed a visa ban since 1996 and that for well over a decade Burma has been effectively barred from lending by the international financial institutions.

It is also a hopeful sign that United Nations Secretary General Kofi Annan is also taking increased interest in the situation in Burma. The United States was appreciative of the fact that on September 29 the Secretary General convened a meeting with his special envoy to Burma Ambassador Razali Ismail and concerned U.N. members to discuss the lack of progress toward democracy and national reconciliation in Burma. The Congress joins with the executive branch in urging the Secretary General to remain focused on this matter and we hope and expect that his engagement will generate more international community cooperation on this vital issue. In this context, I would urge the Burmese authorities to promptly allow Ambassador Razali to return to Burma and to conduct additional visits as he deems necessary.

All Americans remain deeply concerned by the continued detention of courageous democracy advocate and Nobel peace Prize Laureate Aung San Suu Kyi, the failure of the junta to permit the National League for Democracy (NLD) to open its offices nationwide and operate freely, the junta's refusal to release over a thousand political prisoners, the recent arrest of political activists and the sentencing of four NLD members for illegal political activities.

As noted by the Department of State, America's position is clear: ''the Burmese people's desire for a national reconciliation and the establishment of democracy must be respected.'' We again call upon the Burmese leadership to take tangible steps, including the immediate release of Aung San Suu Kyi and all political prisoners, the full and free participation of the National League for Democracy and representatives of the ethnic minorities in the National Convention and the initiation of a meaningful dialogue to advance national reconciliation and the establishment of democracy.

I urge support for the resolution.

Mr. WOLF. Mr. Speaker, I strongly support H. Res. 768, calling on the United Nations Security Council to immediately consider a resolution on Burma. I urge all members to support this important legislation.

Burma's military regime is one of the worst governments in the world. There is a complete lack of freedom of speech, religion, press, and basic human rights. They should be treated as a pariah in the international community.

Burma's ruling military uses forced labor, rape, torture, and imprisonment as a means to quiet opposition and suppress the Burmese people. Innocent women and children are often used as minesweepers and the government continues to commit numerous other gross human rights violations against ethnic minorities. This abuse of the innocent people of Burma must end.

Hundreds of thousands of civilians have fled into other countries to seek safety. In Thailand, border towns are packed with refugees forced to live their lives in camps or illegally as migrant workers. Conditions are rough and tensions run high.

Sadly, the situation in Burma continues to worsen. Just last week there were two reports of attacks on Karen and Karenni villages where unknown numbers of villagers were killed. Homes, schools and clinics were burned. Civilians are forced to flee into the jungle to avoid attack. Attacks are common with the typical village moving every 3 months to avoid attacks. Cut off from humanitarian aid, thousands of people are trapped in the jungle, constantly moving to avoid attacks. After attacks, it is common for the military to lay landmines throughout the villages to try to deter the villagers from ever returning.

We must not forget that while Burma continues to commit unspeakable abuses against its people, its democratically elected leader, Aung San Suu Kyi, remains under house arrest and the desire for democracy runs strong among the people of Burma. We must send a clear signal to the government of Burma that no amount of repression will legitimize their government. They must immediately release Aung San Suu Kyi, all political prisoners, cease attacking ethnic minorities, and allow true democracy and freedom to flourish in Burma.

I urge every Member to vote in support of this important legislation. We must send a strong message to the Government of Burma that the United States stands with the people of Burma and their quest for democracy.

Mr. PAYNE. Mr. Speaker, I yield back the balance of my time.

Mr. TANCREDO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Colorado (Mr. TANCREDO) that the House suspend the rules and agree to the resolution, H. Res. 768.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

The SPEAKER pro tempore laid before the House the following privileged message from the Senate:

In the Senate of the United States, July 15, 2004.

Ordered, That the Secretary be directed to request the return of the papers to accompany (S. 2589) entitled ''An Act to clarify the status of certain retirement plans and the organizations which maintain the plans.'', in compliance with a request of the Senate for the return thereof.

Attest:

Emily Reynolds, *Secretary*.

The SPEAKER pro tempore. Without objection, the request of the Senate is agreed to, and S. 2589 will be returned to the Senate.

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 3 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 0807

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PUTNAM) at 8 o'clock and 7 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 10, 9/11 RECOMMENDATIONS IMPLEMENTATION ACT

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–751) on the resolution (H. Res. 827) providing for consideration of the bill (H.R. 10) to provide for reform of the intelligence community, terrorism prevention and prosecution, border security, and international cooperation and coordination, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–752) on the resolution (H. Res. 828) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules,

which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–753) on the resolution (H. Res. 829) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. SLAUGHTER (at the request of Ms. PELOSI) for today and the balance of the week on account of medical reasons.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2796. An act to clarify that service marks, collective marks, and certification marks are entitled to the same protections, rights, and privileges of trademarks; to the Committee on the Judiciary.

S. 2864. An act to extend for eighteen months the period for which chapter 12 of title 11, United States Code, is reenacted; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following title, which were thereupon signed by the Speaker:

H.R. 4011. An act to promote human rights and freedom in the Democratic People's Republic of Korea, and for other purposes.

H.R. 4850. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2005, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 551. An act to provide for the implementation of air quality programs developed in accordance with an Intergovernmental Agreement between the Southern Ute Indian Tribe and the State of Colorado concerning Air Quality Control on the Southern Ute Indian Reservation, and for other purposes.

S. 1421. An act to authorize the subdivision and dedication of restricted land owned by Alaska Natives.

S. 1814. An act to transfer Federal lands between the Secretary of Agriculture and the Secretary of the Interior.

S. 2319. An act to authorize and facilitate hydroelectric power licensing of the Tapoco Project.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on October 5, 2004 he presented to the President of the United States, for his approval, the following bills.

H.R. 982. To clarify the tax treatment of bonds and other obligations issued by the Government of American Samoa.

H.R. 2408. To amend the Fish and Wildlife Act of 1956 to reauthorize volunteer programs and community partnerships for national wildlife refuges and for other purposes.

H.R. 2771. To amend the Safe Drinking Water Act to reauthorize the New York City Watershed Protection Program.

H.R. 4115. To amend the Act of November 2, 1966 (80 Stat. 1112), to allow binding arbitration clauses to be included in all contracts affecting the land within the Salt River Pima-Maricopa Indian Reservation.

H.R. 4259. To amend title 31, United States Code, to improve the financial accountability requirements applicable to the Department of Homeland Security, to establish requirements for the Future Years Homeland Security Program of the Department, and for other purposes.

H.R. 5105. To authorize the Board of Regents of the Smithsonian Institution to carry out construction and related activities in support of the collaborative Very Energetic Radiation Imaging Telescope Array System (VERITAS) project on Kitt Peak near Tucson, Arizona.

ADJOURNMENT

Mr. SESSIONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 8 minutes a.m.), the House adjourned until today, Thursday, October 7, 2004, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10088. A communication from the President of the United States, transmitting requests for an emergency FY 2004 supplemental appropriations for the Departments of Agriculture, Defense, the Interior, Transportation, and Veterans Affairs; as well as the Corps of Engineers, the Environmental Protection Agency, and International Assistance Programs; (H. Doc. No. 108–218); to the Committee on Appropriations and ordered to be printed.

10089. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General John B. Sylvester, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

10090. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Determination by the Deputy Secretary pursuant to Section 2(b)(6) of the Export-Import Bank of 1945 Act, as amended, to allow the Export-Import Bank to proivde a guarantee or insurance in support of the sale of defense articles to Colombia; to the Committee on Financial Services.

10091. A letter from the Administrator, Environmental Protection Agency, transmitting the Superfund Five-Year Review Report to Congress-FY 2003, in accordance with the requirements in Section 121(c) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended by the Superfund Amendments and Reauthorization Act of 1986; to the Committee on Energy and Commerce.

10092. A letter from the Chairman, Commission for the Preservation of America's Heritage Abroad, transmitting a report on the activities of the Commission's work over the past three years, pursuant to 16 U.S.C. 469j(h) Public Law 99–83, 1303(h) (99 Stat. 282); to the Committee on International Relations.

10093. A letter from the Under Secretary for Industry and Security, Department of Commerce, transmitting a report that the Department intends to amend foreign policy-based export controls on exports of certain items under the authority of Section 6(b) of the Export Administration Act of 1979, as amended, and continued by Executive Order 13222 of August 17, 2001, as extended by the Notice of August 6, 2004; to the Committee on International Relations.

10094. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of export of items to Iraq is in the national interest of the United States pursuant to Section 1504 of the Emergency Wartime Supplemental Appropriation Act, 2003, Pub. L. 108-11 (Transmittal No. DTC 04IZ-04); to the Committee on International Relations.

10095. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to Section 620C(c) of the Foreign Assistance Act of 1961, as amended, and in accordance with section 1(a)(6) of Executive Order 13313, a report prepared by the Department of State and the National Security Council on the progress toward a negotiated solution of the Cyprus question covering the period April 1, 2004 through May 31, 2004; to the Committee on International Relations.

10096. A letter from the Inspector General, Railroad Retirement Board, transmitting the budget request for the Office of Inspector General, Railroad Retirement Board, for fiscal year 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

10097. A letter from the Architect of the Capitol, transmitting a report discussing the Congressional Office recycling programs for traditional and electronic equipment waste (E-waste) for the third quarter of FY 2004, pursuant to the directions issued in House Report 107-576; to the Committee on House Administration.

10098. A letter from the Chairman, Dwight D. Eisenhower Memorial Commission, transmitting a report on plans and recommendations on a permanent Dwight D. Eisenhower memorial, pursuant to Public Law 106–79, section 8162 (113 Stat. 1275); to the Committee on Resources.

10099. A letter from the Secretary, Department of Agriculture, transmitting a report for calendar year 2003, the first year in which on-the-ground resource management activities have occurred within the Granite Watershed Enhancement and Protection Stewardship Project, pursuant to Public Law 105–281; to the Committee on Resources.

10100. A letter from the President, National Park Foundation, transmitting the Foundation's annual report for fiscal year 2003, pursuant to 16 U.S.C. 19n; to the Committee on Resources.

10101. A letter from the Chairperson, U.S. Commission on Civil Rights, transmitting the Commission's report entitled, ''Ten-Year Check-Up: Have Federal Agencies Responded to Civil Rights Recommendations? Volume

IV: An Evaluation of the Departments of Education, Health and Human Services, and Housing and Urban Development, and the Equal Employment Opportunity Commission,'' pursuant to 42 U.S.C. 1975a(c); to the Committee on the Judiciary.

10102. A letter from the Assistant Secretary, Bureau of Indian Affairs, Department of the Interior, transmitting the Department's final rule — Indian Reservation Roads Program (RIN: 1076-AE17) received September 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10103. A letter from the Attorney, TSA, Department of Homeland Security, transmitting the Department's final rule — Flight Training for Aliens and Other Designated Individuals; Security Awareness Training for Flight School Employees [Docket No. TSA-2004-19147] (RIN: 1652-AA35) received September 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10104. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Hazard Mitigation Planning and Hazard Mitigation Grant Program (RIN: 1660-AA17) received September 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10105. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Wiscasset, Maine, Demolition of Maine Yankee former containment building [CGD01-04-099] (RIN: 1625-AA00) received September 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10106. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Patapsco River, Inner Harbor, Baltimore, MD [CGD05-04-158] (RIN: 1625-AA08), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10107. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Mandatory Ballast Water Management Program for U.S. Waters [USCG-2003-14273] (RIN: 1625-AA52) received September 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10108. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Portection of Military Cargo, Captian of the Port of Zone Puget Sound, WA [CGD13-04-019] (RIN: 1625-AA87) received September 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10109. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Notification of Arrival in U.S. Ports; Certain Dangerous Cargoes; Electronic Submission [USCG-2003-16688] (RIN: 1625-AA82) received September 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10110. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Robinson Helicopter Company Model R44 Helicopters [Docket No. 95-SW-30-AD; Amendment 39-13704, AD 95-26-05 R1] (RIN: 2120-AA64) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10111. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Schweizer Aircraft Corporation Model 269A, 269A-1, 269B, 296C, and TH-55A Helicopters [Docket No. 2002-SW-25-AD; Amendment 39-13709; AD 2003-13-15 R1] (RIN: 2120-AA64) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10112. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Kaman Aerospace Coporation Model K-1200 Helicopters [Docket No. 2003-SW-46-AD; Amendment 39-13708; AD 2004-13-26] (RIN: 2120-AA64) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10113. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Greencastle, IN [Docket No. FAA-2003-16544; Airspace Docket No. 03-AGL-19] received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10114. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Oshkosh, NE. [Docket No. FAA-2004-17427; Airspace Docket No. 04-ACE-27] received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10115. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Columbus, NE. [Docket No. FAA-2004-18013; Airspace Docket No. 04-ACE-42] received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10116. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Dayton, TN [Docket No. FAA-2004-17616; Airspace Docket No. 04-ASO-6] received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10117. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Ashtabula, OH [Docket No. FAA-2003-16225; Airspace Docket No. 03-AGL-18] received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10118. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; North Platte, NE. [Docket No. FAA-2004-17723; Airspace Docket No. 04-ACE-35] received September 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10119. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Broken Bow, NE. [Docket No. FAA-2004-18010; Airspace Docket No. 04-ACE-39] received September 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10120. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Scottsbluff, NE. [Docket No. FAA-2004-17429; Airspace Docket No. 04-ACE-28] received September 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10121. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Chadron, NE. [Docket No. FAA-2004-18012; Airspace Docket No. 04-ACE-41] received September 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10122. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Short Brothers Model SD3 Series Airplanes [Docket No. 2003-NM-178-AD; Amendment 39-13760; AD 2004-16-04] (RIN: 2120-AA64) received September 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10123. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30420; Admt. No. 3102] received September 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10124. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Wahoo, NE. [Docket No. FAA-2004-17725; Airspace Docket No. 04-ACE-37] received September 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10125. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Mosby, MO. [Docket No. FAA-2004-17721; Airspace Docket No. 04-ACE-33] received September 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10126. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; McCook, NE. [Docket No. FAA-2004-17722; Airspace Docket No. 04-ACE-34] received September 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10127. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Ogallala, NE. [Docket No. FAA-2004-17724; Airspace Docket No. 04-ACE-36] received September 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10128. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Colo Void Clause Coalition; Antenna Systems Co-Location; Voluntary Best Practices [Docket No. FAA-2004-16982; Notice No. 04-03] received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10129. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Certification of Aircraft and Airmen for the Operation of Light-Sport Aircraft[Docket No. FAA-2001-11133; Amendment No. 1-53; 21-85; 43-39; 45-24; 61-110; 65-45; 91-282] (RIN: 2120-AA19) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10130. A letter from the Attorney Advisor, Maritime Administration, Department of Transportation, transmitting the Department's final rule — Administrative Waivers of the Coastwise Trade Laws for Eligible Vessels [Docket No. MARAD-2003-15030] (RIN: 2133-AB49) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10131. A letter from the Attorney, RSPA, Department of Transportation, transmitting the Department's final rule — Hazardous Materials Regulations: Minor Editorial Corrections and Clarifications [Docket No. RSPA-04-16099 (HM-189W)] (RIN: 2137-AD99) received September 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10132. A letter from the FMCSA Regulatory Officer, Department of Transportation, transmitting the Department's final rule — Limitations on the Issuance of Commercial Driver's Licenses With a Hazardous Materials Endorsement [Docket No. FMCSA-2001-11117] (RIN: 2126-AA70) received September 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10133. A letter from the Senior Attorney, RSPA, Department of Transportation, transmitting the Department's final rule — Hazardous Materials Regulations; Compatibility with the Regulations of the International Atomic Energy Agency; Correction; Final Rule [Docket No. RSPA-99-6283(HM-230)] (RIN: 2137-AD40) received September 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10134. A letter from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting the Department's final rule — Work Zone Safety and Mobility [FHWA Docket No. FHWA-2001-11130] (RIN: 2125-AE29) received September 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10135. A letter from the Senior Attorney, RSPA, Department of Transportation, transmitting the Department's final rule — Pipeline Safety: Periodic Underwater Inspections [Docket No. RSPA-97-3001; Amdt. Nos. 192-98, 195-82] (RIN: 2137-AC54) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10136. A letter from the Senior Attorney, RSPA, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Availibility of Information for Hazardous Materials Transported by Aircraft. [Docket No. RSPA-00-7762(HM-206C)] (RIN: 2137-AD29) received September 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10137. A letter from the FMCSA Regulatory Officer, Department of Transportation, transmitting the Department's final rule — Federal Motor Carrier Safety Regulations; Waivers, Exemptions, and Pilot Programs [Docket No. FMCSA-98-4145] (RIN: 2126-AA41) received September 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10138. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Remedial actions applicable to tax-exempt bonds issued by state and local governments [TD 9150] (RIN: 1545-BC40) received August 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10139. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters. (Rev. Proc. 2004-56) received August 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10140. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Clarification of Definitions [TD 9153] (RIN: 1545-BD43) received August 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10141. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Guidance Under Section 1502; Treatment of Loss Carryovers from Separate Return Limitation Years. [TD 9155] (RIN: 1545-BD58) received August 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10142. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Applicable Federal Rates — September 2004 (Rev. Rul. 2004-69) received August 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10143. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Plan Amendments Following Election of Alternative Deficit Reduction Contribution [Notice 2004-59] received August 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10144. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Last-in, first-out inventories (Rev. Rul. 2004-91) received August 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10145. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Additional Rules for Exchange of Personal Property under Section 1031(a) [TD 9151] (RIN: 1545-BD26) received August 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10146. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Reduced Maximum Exclusion of Gain from Sale or Exchange of Principal Residence [TD 9152] (RIN: 1545-BB02) received August 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10147. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Deemed Election To Be an Association Taxable as a Corporation for a Qualified Election S Corporation [TD 9139] (RIN: 1545-BD24) received August 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10148. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 179 Elections [TD 9146] (RIN: 1545-BD35) received August 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10149. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Time and Manner of Making 163(d)(4)(B) Election to Treat Qualified Divided Income as Investment Income [TD 9147] (RIN: 1545-BD30) received August 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10150. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rates Update [Notice 2004-56] received August 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10151. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Allocation and Apportionment of Deductions for Charitable Contributions [TD 9143] (RIN: 1545-AP30) received July 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10152. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Administrative, Procedural, and Miscellaneous [Notice 2004-50] received July 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10153. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out Inventories (Rev. Rul. 2004-81) received July 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10154. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Request for Information About Credit Default Swaps [Notice 2004-52] received July 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10155. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Deemed IRA's in Qualified Retirement Plans [TD 9142] (RIN: 1545-BB58) received July 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10156. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2004-51) received July 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10157. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 401(k) Accelerated Deductions — received October 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10158. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Qualified Transportation Fringes (Rev. Rul. 2004-98) received October 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10159. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2004-60) received October 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10160. A letter from the Chairman, U.S. International Trade Commission, transmitting pursuant to Section 2104(f) of the Trade Act of 2002, a report on the Commission's investigation entitled ''U.S.-Bahrain Free Trade Agreement: Potential Economywide and Selected Sectoral Effects, Inv. No. TA-2104-15, USITC Publication 3726''; to the Committee on Ways and Means.

10161. A letter from the Chairman, U.S. International Trade Commission, transmitting the tenth annual report on the Andean Trade Preference Act (ATPA) entitled ''Impact on U.S. Industries and Consumers and

on Drug Crop Eradication and Crop Substitution,'' pursuant to 19 U.S.C. 3204; to the Committee on Ways and Means.

10162. A letter from the General Counsel, Office of Compliance, transmitting an update regarding the status of the Office of Compliance's biennial comprehensive Occupational Safety and Health (OSH) and Americans with Disabilities Act (ADA) public access and public accomodations inspections during calendar years 2004 and 2005, pursuant to Public Law 104–1, section 215(e) (109 Stat. 18); jointly to the Committees on House Administration and Education and the Workforce.

10163. A letter from the Railroad Retirement Board, transmitting the Board's Congressional Justification of Budget Estimates for Fiscal Year 2006, pursuant to 45 U.S.C. 231f(f); jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 4667. A bill to authorize and facilitate hydroelectric power licensing of the Tapoco Project, and for other purposes (Rept. 108–721 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4887. A bill to adjust the boundary of the Cumberland Island Wilderness, to authorize tours of the Cumberland Island National Seashore, and for other purposes; with an amendment (Rept. 108–738). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4984. A bill to provide that the royalty rate on the output from Federal lands of potassium and potassium compounds from the mineral sylvite in the 5-year period beginning on the date of the enactment of this Act shall be reduced to 1.0 percent, and for other purposes (Rept. 108–739). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. S. 434. An act to authorize the Secretary of Agriculture to sell or exchange all or part of certain parcels of National Forest System land in the State of Idaho and use the proceeds derived from the sale or exchange for National Forest System purposes (Rept. 108–740). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4285. A bill to provide for the conveyance of certain public land in Clark County, Nevada, for use as a heliport (Rept. 108–741). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4282. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, and for other purposes (Rept. 108–742). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3258. A bill to authorize the Secretary of the Interior, in cooperation with the University of New Mexico, to construct and occupy a portion of the Hibben Center for Archaeological Research at the University of New Mexico, and for other purposes; with an amendment (Rept. 108–743). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3207. A bill to direct the Secretary of the Interior to conduct a study on the preservation and interpretation of the historic sites of the Manhattan Project for potential inclusion in the National Park System; with an amendment (Rept. 108–744). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. House Resolution 556. Resolution congratulating the United States Geological Survey on its 125th Anniversary (Rept. 108–745). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 5082. A bill to authorize the Secretary of Transportation to award grants to public transportation agencies and over-the-road bus operators to improve security, and for other purposes; with an amendment (Rept. 108–746). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 775. A bill to amend the Immigration and Nationality Act to eliminate the diversity immigrant program (Rept. 108–747). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 3755. A bill to authorize the Secretary of Housing and Urban Development to ensure zero-downpayment mortgages for one-unit residences; with an amendment (Rept. 108–748). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 5163. A bill to amend title 49, United States Code, to provide the Department of Transportation a more focused research organization with an emphasis on innovative technology, and for other purposes (Rept. 108–749 Pt. 1). Ordered to be printed.

Mr. GOODLATTE: Committee on Agriculture. H.R. 3242. A bill to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops, and for other purposes; with an amendment (Rept. 108–750 Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Ways and Means discharged from further consideration. H.R. 3242 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committees on Energy and Commerce and Science discharged from further consideration. H.R. 5163 referred to the Committee of the Whole House on the State of the Union.

October 7, (legislative day of October 6), 2004

Mr. LINDER: Committee on Rules. House Resolution 827. Resolution providing for consideration of the bill (H.R. 10) to provide for reform of the intelligence community, terrorism prevention and prosecution, border security, and international cooperation and coordination, and for other purposes (Rept. 108–751). Referred to the House Calendar.

Mr. REYNOLDS: Committee on Rules. House Resolution 828. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 108–752). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 829. Resolution providing for consideration of motions to suspend the rules (Rept. 108–753). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 3242. Referral to the Committee on Ways and Means extended for a period ending not later than October 6, 2004.

H.R. 5163. Referral to the Committees on Energy and Commerce and Science extended for a period ending not later than October 6, 2004.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. NADLER (for himself, Mr. SIMMONS, and Ms. CARSON of Indiana):

H.R. 5225. A bill to provide an exemption for low-income senior citizens from the communications excise tax and other fees and charges collected for the purpose of recovering some of the costs to telecommunications carriers of providing universal service and connecting the telephone exchange network to telephone toll service, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEUGEBAUER (for himself, Mr. BURNS, Mrs. MUSGRAVE, Mr. ROGERS of Alabama, Mr. MORAN of Kansas, Mr. GOODLATTE, Mr. OSBORNE, Mr. REHBERG, Mr. THORNBERRY, Mr. LUCAS of Oklahoma, Mr. BOEHNER, Mr. TERRY, Mr. EVERETT, Mr. SIMPSON, and Mr. ALEXANDER):

H.R. 5226. A bill to respond to recent natural disasters adversely affecting agricultural producers; to the Committee on Agriculture.

By Mr. YOUNG of Florida:

H.R. 5227. A bill making emergency supplemental appropriations for the fiscal year ending September 30, 2005, for additional disaster assistance relating to natural disasters, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELLER:

H.R. 5228. A bill to reduce temporarily the duty on 1-propene-2-methyl homopolymer; to the Committee on Ways and Means.

By Mr. BACA:

H.R. 5229. A bill to amend the Richard B. Russell National School Lunch Act to provide for automatic eligibility for free school lunch and breakfast programs to children of parents who are enlisted members of the Armed Forces on active duty; to the Committee on Education and the Workforce.

By Mr. BEAUPREZ:

H.R. 5230. A bill to amend title 49, United States Code, to ensure that the National Driver Registry includes certain information; to the Committee on Transportation and Infrastructure.

By Mrs. CAPPS:

H.R. 5231. A bill to designate the Piedras Blancas Light Station and the surrounding

public land as an Outstanding Natural Area to be administered as a part of the National Landscape Conservation System, and for other purposes; to the Committee on Resources.

By Mr. FOLEY (for himself, Mr. HASTINGS of Florida, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 5232. A bill to authorize ecosystem restoration projects for the Indian River Lagoon and the Picayune Strand, Collier County, in the State of Florida; to the Committee on Transportation and Infrastructure.

By Mr. LARSON of Connecticut:

H.R. 5233. A bill to help American families save, invest, and build a better future, and for other purposes; to the Committee on Ways and Means.

By Mr. MCKEON:

H.R. 5234. A bill to remediate groundwater contamination caused by perchlorates in the city of Santa Clarita, California; to the Committee on Transportation and Infrastructure.

By Mr. MOORE:

H.R. 5235. A bill to amend title II of the Social Security Act to ensure that the receipts and disbursements of the Social Security trust funds are not included in a unified Federal budget; to the Committee on the Budget, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 5236. A bill to prohibit the use of Federal funds for any universal or mandatory mental health screening program; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RENZI:

H.R. 5237. A bill to authorize the placement of an equestrian statue depicting frontiersman, explorer, and missionary Jacob Hamblin on the grounds of the Forest Service Kaibab Plateau Visitor Center in Jacob Lake, Arizona, and for other purposes; to the Committee on Resources.

By Mr. SHADEGG:

H.R. 5238. A bill to direct the Attorney General and Secretary of Homeland Security to conduct a pilot study under which the Secretary may issue public warnings regarding threats to homeland security using an AMBER Alert system; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey:

H.R. 5239. A bill to amend titles 10 and 38, United States Code, to improve educational benefits for members of the Selected Reserve, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SULLIVAN:

H.R. 5240. A bill to require the Secretary of Homeland Security to establish a U.S. Immigration and Customs Enforcement Office of Investigations field office in Tulsa, Oklahoma; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATOURETTE (for himself and Mr. KUCINICH):

H. Con. Res. 510. Concurrent resolution expressing the sense of the Congress on the importance of revitalizing family farming; to the Committee on Agriculture.

By Mr. NEY:

H. Res. 824. A resolution relating to early organization of the House of Representatives for the One Hundred Ninth Congress; considered and agreed to.

By Mr. BRADY of Pennsylvania:

H. Res. 825. A resolution honoring Bernard Hopkins, the undisputed World Middleweight Champion; to the Committee on Government Reform.

By Ms. DEGETTE (for herself, Mr. UDALL of Colorado, and Mr. CUMMINGS):

H. Res. 826. A resolution expressing the sense of the House of Representatives that Pasqualine J. Gibbons of Denver, Colorado, an African American woman who valiantly served her country in the Army Air Corps during World War II, was unfairly passed over for promotion and should have held the grade of technical sergeant, rather than private first class, upon her discharge from the service on January 2, 1946; to the Committee on Armed Services.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

443. The SPEAKER presented a memorial of the Senate of the State of Iowa, relative to Senate Resolution No. 181 memorializing the President and Congress of the United States to recognize the contributions, bravery, and dedicated service of all Code Talkers, including the eight soldiers from the Meskwaki tribe, in the same manner as the Navajo Code Talkers by awarding them them appropriate medals of honor; to the Committee on Armed Services.

444. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 31 memorializing the United States Congress to continue and fully fund the Carl D. Perkins Vocational and Technical Education Act of 1998; to the Committee on Education and the Workforce.

445. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 24 memorializing the President and the Congress of the United States to recognize the problems caused by direct-to-consumer advertising of prescription drugs by pharmaceutical companies and to take specified actions in the regulation of consumer advertising of prescription drugs; to the Committee on Energy and Commerce.

446. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 29 memorializing federal officials and entities and private industries to take various actions concerning foods and beverages that are advertised or marketed to children; to the Committee on Energy and Commerce.

447. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to a Resolution memorializing the Congress of the United States to reject any recommendations from the President's Commission to base postal service on profit seeking motives or to cut services to any American community; to the Committee on Government Reform.

448. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 30 memorializing the President and Congress of the United States, the federal Secretary of Transportation, and the federal Department of Transportation to streamline the federal environmental review and permitting process by (1) ensuring adequate funding for the State Office of Historic Preservation in California; and (2) accelerating project delivery by developing a multiagency infrastructure team to be involved in the development of transportation projects from the early planning phase and continuing through the environmental permitting and construction to the Committee on Transportation and Infrastructure.

449. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 20 memorializing the Congress of the United States to appropriate and expidite funding for the development of a hurricane evacuation route in Louisiana and Mississippi; to the Committee on Transportation and Infrastructure.

450. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 152 memorializing the Congress of the United States to enact legislation eliminating the ''new shipper'' bonding privilege; to the Committee on Ways and Means.

451. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 159 memorializing the Congress of the United States to review federal laws, rules, and procedures affecting coastal wetlands activities and permitting in Louisiana, in order to promote effective stewardship by enhancing cooperation and effective communication between federal agencies and Louisiana state and local agencies; jointly to the Committees on Resources and Transportation and Infrastructure.

452. Also, a memorial of the House of Representatives of the State of Rhode Island, relative to House Resolution No. 04R351 memorializing the United States Congress to revise certain provisions of the Medicare Prescription Drug Improvement and Modernization Act of 2003 (H.R. 1); jointly to the Committees on Ways and Means and Energy and Commerce.

453. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 176 memorializing the President and Congress of the United States to restore full funding for the federal Office for Domestic Preparedness' First Responders grant program; jointly to the Committees on the Judiciary, Transportation and Infrastructure, and Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. TOOMEY introduced a bill (H.R. 5241) for the relief of Gabriella Dee; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. RAMSTAD.
H.R. 391: Mr. GRAVES.
H.R. 677: Mr. JOHNSON of Illinois.
H.R. 742: Mr. RENZI.
H.R. 822: Mr. BLUMENAUER.
H.R. 871: Mr. SPRATT.
H.R. 930: Mr. BOSWELL.
H.R. 935: Mr. MEEHAN.
H.R. 1080: Mr. SHERMAN.
H.R. 1155: Mr. LANGEVIN.
H.R. 1168: Mr. MEEHAN.
H.R. 1196: Mr. MEEHAN.
H.R. 1214: Mr. TIAHRT.
H.R. 1245: Mr. MEEHAN.
H.R. 1406: Mr. SIMMONS.
H.R. 1477: Mrs. MALONEY, Mr. BLUMENAUER, and Mrs. MCCARTHY of New York.

H.R. 1508: Mr. WATT.
H.R. 1605: Mr. MEEHAN.
H.R. 1684: Mr. LAHOOD.
H.R. 1749: Mr. DEFAZIO.
H.R. 1878: Mr. CASE.
H.R. 1998: Mr. SESSIONS, Mr. NADLER, and Mr. GUTIERREZ.
H.R. 2008: Mr. TIERNEY.
H.R. 2237: Mrs. LOWEY.
H.R. 2256: Mr. MCGOVERN.
H.R. 2262: Mr. BUTTERFIELD.
H.R. 2286: Mr. MEEHAN.
H.R. 2503: Mr. ANDREWS.
H.R. 2724: Mr. FATTAH.
H.R. 2891: Mr. MEEHAN.
H.R. 2959: Mr. VAN HOLLEN.
H.R. 3111: Mr. GRAVES, Mr. TOWNS, Mr. FORD, Mr. GREEN of Texas, and Mr. FATTAH.
H.R. 3142: Mr. WU.
H.R. 3195: Mr. RANGEL.
H.R. 3243: Mr. SHAYS, Mr. KUCINICH, Ms. DELAURO, Mrs. JONES of Ohio, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. MCNULTY, Mr. SCOTT of Georgia, Mr. PASTOR, Ms. SLAUGHTER, Mr. ANDREWS, Mrs. MCCARTHY of New York, Mr. WATT, Mr. MCDERMOTT, Mr. MICHAUD, Mr. MORAN of Virginia, Mr. MENENDEZ, Mr. VAN HOLLEN, and Mr. FILNER.
H.R. 3281: Ms. BALDWIN and Mr. LANGEVIN.
H.R. 3352: Mr. YOUNG of Alaska.
H.R. 3450: Mr. WYNN and Mr. BOSWELL.
H.R. 3459: Mr. KUCINICH, Ms. HERSETH, Mrs. CAPPS, and Mr. VAN HOLLEN.
H.R. 3473: Mr. DAVIS of Tennessee.
H.R. 3543: Mr. BARRETT of South Carolina.
H.R. 3545: Mr. OLVER.
H.R. 3672: Mr. MEEHAN.
H.R. 3729: Ms. BERKLEY, Mr. CARSON of Oklahoma, Mr. MCINTYRE, Mr. LEWIS of Georgia, and Mr. FRANKS of Arizona.
H.R. 3776: Mr. CRANE.
H.R. 3929: Mr. KENNEDY of Minnesota.
H.R. 4026: Mr. WYNN and Mr. JOHNSON of Illinois.
H.R. 4067: Mr. SERRANO.
H.R. 4102: Mr. WEXLER.
H.R. 4169: Mr. KING of New York and Mr. ACKERMAN.
H.R. 4264: Mr. ISAKSON and Mr. NADLER.
H.R. 4350: Mr. MEEHAN.
H.R. 4473: Ms. ESHOO and Mr. WYNN.
H.R. 4491: Mr. GONZALEZ, Mr. MILLER of North Carolina, Mr. PORTER, Ms. BALDWIN, Mr. MICHAUD, Mr. WEINER, Mr. OWENS, Mr. RANGEL, Mr. PAUL, Mr. CROWLEY, Mr. REYES, Mr. SESSIONS, and Mr. TANNER.
H.R. 4543: Mr. VITTER.
H.R. 4598: Mrs. CHRISTENSEN, Mr. MCDERMOTT, and Mrs. MILLER of Michigan.
H.R. 4628: Mr. SABO
H.R. 4662: Mr. MILLER of Florida.
H.R. 4668: Mr. ALLEN.
H.R. 4682: Mr. GEPHARDT, Mr. Gordon, Mr. DEFAZIO, Mr. RODRIGUEZ, Mr. REYES, Mr. WU, and Ms. WATERS.
H.R. 4703: Mr. FROST.
H.R. 4730: Mr. PLATTS, Ms. KILPATRICK, and Mr. EVANS.
H.R. 4740: Mr. EVANS.
H.R. 4849: Mr. SAM JOHNSON of Texas and Mr. MCNULTY.
H.R. 4851: Mr. KINGSTON, Mr. FEENEY, and Mr. KING of Iowa.
H.R. 4898: Mr. HINCHEY and Mr. NADLER.
H.R. 4910; Ms. CARSON of Indiana, Mr. VAN HOLLEN, Mr. MEEHAN, Ms. KAPTUR, and Ms. LINDA T. SANCHEZ of California.
H.R. 4936: Ms. DEGETTE, Mr. FORD, Mr. MORAN of Virginia, Mr. PRICE of North Carolina, and Mrs. MALONEY.
H.R. 4978: Mr. SERRANO and Ms. WATSON.
H.R. 5024: Mr. UDALL of Colorado.
H.R. 5040: Mr. UDALL of Colorado.
H.R. 5057: Mr. HEFLEY, Mr. SWEENEY, Mr. CUMMINGS, Ms. SLAUGHTER, Ms. LINDA T. SANCHEZ of California, Mr. KUCINICH, Ms. MAJETTE, Mr. WYNN, Mr. ENGEL, Mr. MARKEY, Mr. LANGEVIN, Ms. WOOLSEY, Mr. REYES, and Mr. BILIRAKIS.
H.R. 5061: Mr. BERMAN and Mrs. CAPPS.
H.R. 5110: Mr. HINCHEY.
H.R. 5111: Mr. BRADLEY of New Hampshire.
H.R. 5113: Mr. MICHAUD and Ms. HERSETH.
H.R. 5114: Mr. SHIMKUS.
H.R. 5132: Mr. BLUMENAUER.
H.R. 5150: Mr. ALLEN and Mr. UDALL of Colorado.
H.R. 5152: Mr. BURNS.
H.R. 5165: Mr. SESSIONS and Mr. LUCAS of Kentucky.
H.R. 5167: Ms. HOOLEY of Oregon, Mr. ABERCROMBIE, Mr. GILCHREST, ane Mr. GREEN of Wisconsin.
H.R. 5170: Mr. EVANS.
H.R. 5174: Mr. LIPINSKI.
H.R. 5185: Mr. EHLERS, Mr. PORTER, Mr. BURNS, and Mr. WILSON of South Carolina.
H.R. 5186: Mr. GRAVES, Mr. EHLERS, Mr. PORTER, Mr. BURNS, Mr. NEUGEBAUER, and Mr. SIMMONS.
H.R. 5188: Mr. BRADY of Texas, Mr. PUTNAM, Mr. OSBORNE, and Mr. OSE.
H.R. 5190: Mr. SHUSTER.
H.R. 5191: Mr. LANTOS.
H.R. 5203: Mr. NETHERCUTT, Mr. HINCHEY, Mr. OTTER, Mr. PRICE of North Carolina, Mr. MICHAUD, Mrs. KELLY, and Mr. MATHESON.
H.R. 5213: Mr. BROWN of Ohio.
H. Con. Res. 137: Mr. WEXLER.
H. Con. Res. 276: Mr. MOLLOHAN.
H. Con. Res. 464: Ms. ROS-LEHTINEN.
H. Con. Res. 482: Ms. JACKSON-LEE of Texas, Mr. OWENS, Mr. CAPUANO, Mr. CONYERS, Ms. DELAURO, Ms. CORRINE BROWN of Florida, and Mr. BISHOP of Georgia.
H. Con. Res. 492: Mr. NEAL of Massachusetts.
H. Con. Res. 502: Mr. SMITH of Texas and Mr. ETHERIDGE.
H. Con. Res. 503: Mr. BROWN of Ohio, Ms. MCCARTHY of Missouri, Mr. TOWNS, Mr. MCDERMOTT, Mr. LAMPSON, Ms. ESHOO, Mr. MCNULTY, Mr. CROWLEY, Ms. SCHAKOWSKY, and Mr. STARK.
H. Con. Res. 509: Mr. TIAHRT.
H. Res. 28: Mr. PASTOR.
H. Res. 720: Mr. GARY G. MILLER of California and Mr. BRADLEY of New Hampshire.
H. Res. 758: Mr. RAHALL, Mr. GRIJALVA, Ms. WOOLSEY, Ms. MCCOLLUM, Mr. RYAN of Ohio, Mr. KLECZKA, Ms. SCHAKOWSKY, Mr. STRICKLAND, Mr. HINCHEY, Mr. SMITH of Michigan, and Mr. LANTOS.
H. Res. 768: Mr. SANDERS, Mr. DEUTSCH, Mr. BLUMENAUER, and Mr. FRANK of Massachusetts.
H. Res. 782: Mr. FARR, Mr. KUCINICH, Mr. WAXMAN, Mr. BAIRD, and Mr. VAN HOLLEN.
H. Res. 805: Ms. WOOLSEY, Mr. GONZALEZ, Mr. FROST, and Mr. KILDEE.
H. Res. 810: Mr. CONYERS, Mr. FRANK of Massachusetts, Mr. PAYNE, Mrs. CHRISTENSEN, and Ms. ROS-LEHTINEN.
H. Res. 812: Mr. MCGOVERN.
H. Res. 813: Mr. JEFFERSON.
H. Res. 820: Mr. JOHNSON of Illinois, Mrs. BIGGERT, and Mr. THOMAS.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

117. The SPEAKER presented a petition of the Inhabitants of the Town of Shutesbury, Massachusetts, relative to a declaration petitiong for the strengthening of the Nuclear Non-Proliferation Treaty, the ceasing of all nuclear development programs, and calling for a plan for a nuclear-weapons free world; to the Committee on International Relations.

118. Also, a petition of Mr. Joseph Sulzer, a Citizen of Tacoma, Washington, relative to a notice of fraud, and petitioning the United States Congress for redress of grievances; to the Committee on Ways and Means.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5212

OFFERED BY: MR. NEUGEBAUER

AMENDMENT NO. 2: In section 101, strike the section heading and subsection (a) and insert the following (and redesignate existing subsections (b) through (f) accordingly):

SEC. 101. AGRICULTURAL DISASTER ASSISTANCE.

(a) CROP DISASTER ASSISTANCE.—

(1) DEFINITIONS.—In this subsection:

(A) ADDITIONAL COVERAGE.—The term ''additional coverage'' has the meaning given the term in section 502(b) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)).

(B) INSURABLE COMMODITY.—The term ''insurable commodity'' means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(C) NONINSURABLE COMMODITY.—The term ''noninsurable commodity'' means an agricultural commodity for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(2) EMERGENCY FINANCIAL ASSISTANCE.—Notwithstanding section 508(b)(7) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(7)), the Secretary of Agriculture shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this subsection available to producers on a farm that have incurred qualifying crop or quality losses for the 2003 or 2004 crop (as elected by a producer), but not both crops, due to damaging weather or related condition, as determined by the Secretary.

(3) ADMINISTRATION.—The Secretary shall make assistance available under this subsection in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for the quantity and quality losses as were used in administering that section.

(4) INELIGIBILITY FOR ASSISTANCE.—Except as provided in paragraph (5), the producers on a farm shall not be eligible for assistance under this subsection with respect to losses to an insurable commodity or noninsurable commodity if the producers on the farm—

(A) in the case of an insurable commodity, did not obtain a policy or plan of insurance for the insurable commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop incurring the losses; and

(B) in the case of a noninsurable commodity, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) for the crop incurring the losses.

(5) CONTRACT WAIVER.—The Secretary may waive paragraph (4) with respect to the producers on a farm if the producers enter into a contract with the Secretary under which the producers agree—

(A) in the case of an insurable commodity, to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) providing additional coverage for the

insurable commodity for each of the next 2 crops; and

(B) in the case of a noninsurable commodity, to file the required paperwork and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity for each of the next 2 crops under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(6) EFFECT OF VIOLATION.—In the event of the violation of a contract under paragraph (5) by a producer, the producer shall reimburse the Secretary for the full amount of the assistance provided to the producer under this subsection.

(7) PAYMENT LIMITATIONS.—

(A) LIMIT ON AMOUNT OF ASSISTANCE.—Assistance provided under this subsection to a producer for losses to a crop, together with the amounts specified in subparagraph (B) applicable to the same crop, may not exceed 95 percent of what the value of the crop would have been in the absence of the losses, as estimated by the Secretary.

(B) OTHER PAYMENTS.—In applying the limitation in subparagraph (A), the Secretary shall include the following:

(i) Any crop insurance payment made under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or payment under section 196 of the Federal Agricultural Improvement and Reform Act of 1996 (7 U.S.C. 7333) that the producer receives for losses to the same crop.

(ii) The value of the crop that was not lost (if any), as estimated by the Secretary.

(C) EFFECT OF FLORIDA DISASTER PROGRAMS.—The amount of assistance that a producer would otherwise receive under this subsection shall be reduced by the amount of assistance that the producer receives for the same loss under the Florida Disaster Programs carried out pursuant to the Farm Service Agency notice (DAP–203) released October 4, 2004.

(b) LIVESTOCK ASSISTANCE PROGRAM.—

(1) EMERGENCY FINANCIAL ASSISTANCE.—The Secretary of Agriculture shall use such sums as are necessary of funds of the Commodity Credit Corporation to make and administer payments for livestock losses to producers for 2003 or 2004 losses (as elected by a producer), but not both, in a county that has received an emergency designation by the President or the Secretary after January 1, 2003, of which an amount determined by the Secretary shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–51).

(2) ADMINISTRATION.—The Secretary shall make assistance available under this subsection in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–51).

(3) MITIGATION.—In determining the eligibility for or amount of payments for which a producer is eligible under the livestock assistance program, the Secretary shall not penalize a producer that takes actions (recognizing disaster conditions) that reduce the average number of livestock the producer owned for grazing during the production year for which assistance is being provided.

(c) TREE ASSISTANCE PROGRAM.—

(1) EMERGENCY ASSISTANCE.—The Secretary of Agriculture shall use such sums as are necessary of the funds of the Commodity Credit Corporation to provide assistance under the tree assistance program established under sections 10201 through 10204 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8201 et seq.) to producers who suffered tree losses during the period beginning on December 1, 2003, and ending on December 31, 2004.

(2) ADDITIONAL ASSISTANCE.—In addition to providing assistance to eligible orchardists under the tree assistance program, the Secretary shall use an additional $15,000,000 of the funds of the Commodity Credit Corporation to provide reimbursement under section 10203 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8203) to eligible forest land owners who produce periodic crops of timber from trees for commercial purposes and who have suffered tree losses during the period specified in paragraph (1).

(d) EMERGENCY CONSERVATION PROGRAM.—The Secretary of Agriculture shall use an additional $50,000,000 of the funds of the Commodity Credit Corporation to provide assistance under the Emergency Conservation Program under title IV of the Agriculture Credit Act of 1978 (16 U.S.C. 2201 et seq.). Participants in the Emergency Conservation Program shall receive the maximum cost share percentage allowed under section 701.26 of title 7, Code of Federal Regulations.

(e) OFFSET.—Section 1241(a)(3) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(3)) is amended by inserting before the period at the end the following: ‘‘, using not more than $6,037,000,000 for the period of fiscal years 2005 through 2014’’.

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PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, WEDNESDAY, OCTOBER 6, 2004 No. 125—Part II

Senate

ENDORSING THE MINIMUM WAGE

Mr. KENNEDY. Mr. President, in the Bush economy, minimum wage workers are falling farther and farther behind. But every time Democrats in Congress have tried to raise the minimum wage, the Republican leadership has refused even to allow a vote on it. Three times in the 108th Congress, the Republican leadership has brought down a bill rather than allow an up-or-down vote on the minimum wage first on the State Department bill, then on the welfare bill, and, finally, on the class action bill.

Now, 562 prominent economists including four Nobel Prize winners in economics and seven past presidents of the American Economic Association have endorsed the increase to $7 an hour. I ask unanimous consent that a copy of their letter be printed in the RECORD, following my statement.

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

(See exhibit 1.)

Mr. KENNEDY. In today's economy, corporate profits are surging, but workers' wages are stagnant. Minimum wage workers are hardest hit, because they haven't had an increase in the minimum wage for 7 long years. That is why so many of us continue to fight for the Fair Minimum Wage Act, which will raise the minimum wage from $5.15 to $7 in three moderate steps to $5.85 60 days after enactment; $6.45 1-year later; to $7 1-year after that.

It is long past time for Congress to approve an increase in the minimum wage. No one who works for a living should have to live in poverty.

EXHIBIT 1

IT'S TIME FOR A RAISE

Hundreds of economists support a minimum wage increase

The minimum wage has been an important part of our nation's economy for 65 years. It is based on the principle of valuing work by establishing an hourly wage floor beneath which employers cannot pay their workers. In so doing, the minimum wage helps to equalize the imbalance in bargaining power that low-wage workers face in the labor market. The minimum wage is also an important tool in fighting poverty.

The value of the 1997 increase in the federal minimum wage has been fully eroded. The real value of today's federal minimum wage is less than it has been in 46 out of the last 48 years. Moreover, the ratio of the minimum wage to the average hourly wage of non-supervisory workers is 33%, its lowest level in 55 years. This decline is causing hardship for low-wage workers and their families.

We believe that a modest increase in the minimum wage would improve the well-being of low-wage workers and would not have the adverse effects that critics have claimed. In particular, we share the view the Council of Economic Advisers expressed in the 1999 Economic Report of the President that ''the weight of the evidence suggests that modest increases in the minimum wage have had very little or no effect on employment.'' While controversy about the precise employment effects of the minimum wage continues, research has shown that most of the beneficiaries are adults, most are female, and the vast majority are members of low-income working families.

As economists who are concerned about the problems facing low-wage workers, we believe the Fair Minimum Wage Act of 2004's proposed phased-in increase in the federal minimum wage to $7.00 falls well within the range of options where the benefits to the labor market, workers, and the overall economy would be positive.

Twelve states and the District of Columbia have set their minimum wages above the federal level. Additional states, including Florida, Nevada, and New York, are considering similar measures. As with a federal increase, modest increases in state minimum wages in the range of $1.00 to $2.00 can significantly improve the lives of low-income workers and their families, without the adverse effects that critics have claimed.

Henry Aaron, The Brookings Institution; Rebecca Blank, University of Michigan; Ronald G. Ehrenberg, Cornell University; Clive Granger, University of California—San Diego; Lawrence F. Katz, Harvard University; Lawrence R. Klein, University of Pennsylvania; Frank Levy, Massachusetts Institute of Technology; Lawrence Mishel, Economic Policy Institute; Paul A. Samuelson, Massachusetts Institute of Technology; Robert M. Solow, Massachusetts Institute of Technology.

552 OTHER ECONOMISTS AGREE

Economists supporting increase in minimum wage

Frank Ackerman, Global Development and Environment Institute—Tufts University; Irma Adelman, University of California—Berkeley; Randy Albelda, University of Massachusetts—Boston; Robert J. Alexander, Rutgers University; Marcus Alexis, Northwestern University; Sylvia Allegretto, Economic Policy Institute; Gar Alperovitz, University of Maryland—College Park; Teresa L. Amott, Gettysburg College; Alice Amsden, Massachusetts Institute of Technology; Bernard E. Anderson, University of Pennsylvania; Robert M. Anderson, University of California—Berkeley; Eileen Appelbaum, Rutgers University; Robert K. Arnold, Institute of Regional and Urban Studies; David D. Arsen, Michigan State University; Enid Arvidson, University of Texas—Arlington; Michael Ash, University of Massachusetts; Glen Atkinson, University of Nevada—Reno; Alice Audie-Figueroa, United Automobile Workers.

Robert Axtell, The Brookings Institution and Middlebury College; M.V. Lee Badgett, University of Massachusetts; Ron Baiman, University of Illinois—Chicago; Asatar Bair, City College of San Francisco; Dean Baker, Center for Economic and Policy Research; Benjamin Balak, Rollins College; Stephen E. Baldwin, KRA Corporation and George Washington University; Erol Balkan, Hamilton College; Laurence M. Ball, Johns Hopkins University; Brad Barham, University of Wisconsin—Madison; Drucilla K. Barker, Hollins University; David Barkin, Universidad Autonoma Metropolitana—Xochimilco; Christopher Barrett, Cornell University; Timothy J. Bartik, W.E. Upjohn Institute for Employment Research; Laurie J. Bassi, McBassi & Company; Bradley W. Bateman, Grinnell College; Francis M. Bator, Harvard University; Sandy Baum, Skidmore College; William J. Baumol†, New York University; Steve Beckman, United Automobile Workers; Stephen H. Bell, Urban Institute; Dale L. Belman, Michigan State University; Michael H. Belzer, Wayne State University; Lourdes Beneria, Cornell University; Barbara R. Bergmann, American University and University of Maryland; Eli Berman, University of California—San Diego.

Jared Bernstein, Economic Policy Institute; Michael Best, University of Massachusetts—Lowell; Charles L. Betsey, Howard University; David M. Betson, University of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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APPRECIATION FOR BRIAN GREEN

Mr. ALLARD. Mr. President, I rise today to express my appreciation for the outstanding service of Brian Green to me and to my fellow members on the Senate Armed Services Committee.

Brian Green has been a professional staff member and staff lead for the Strategic Forces Subcommittee of the Senate Armed Services Committee for over 3 years. As the chairman of the Strategic Forces Subcommittee for much of that time, I have had the opportunity to closely observe Brian. I can honestly tell you that Brian is an exceptional staffer and a tremendous human being.

As the staff lead for the subcommittee, Brian has helped me and the other members of subcommittee fulfill our responsibilities pertaining to the oversight of Department of Defense strategic, ballistic missile defense, and military space programs. His expertise and recommendations have proved critical time and time again during the Senate Armed Services Committee consideration of the annual defense authorization bill.

I can personally attest to numerous occasions when Brian provided the need information and proposals that made the difference in achieving the subcommittee's objectives. I cannot stress enough how much of a relief it was to know that Brian was always available to advance the subcommittee's policy goals and on guard to protect the subcommittee's interests.

During his time in the Senate, Brian also helped promote and protect our Nation's effort to develop and deploy a ballistic missile defense system. He played a lead role in coordinating the opposition to proposed budget cuts to the program. Brian's ability to work with multiple offices, the National Security Council, and the White House was pivotal in the debate and eventually led to the restoration of funding.

Brian came to the to the Senate after serving 4 years as a professional staff member on the House Armed Services Committee. While in the House, Brian played a crucial role in developing the House-version of the National Missile Defense Act of 1999 and the creation of the National Nuclear Security Administration in the Department of Energy.

It is not just his achievements that cause Brian to stand out. He has been utterly committed to his job. Brian works until the job is completed and completed well. He has an innate ability to find solutions to difficult problems, including those that might have considerable political implications. Perhaps most significantly, Brian is a team player and approaches his job without pretense. Members and staff alike have always appreciated Brian's willingness to work with them on even the most minute policy or budget issue.

It is disappointing to lose Brian to the private sector. We will miss his diligence, his integrity and his expertise. At the same time, I am grateful that Brian was able to serve the Senate for so long and so faithfully. I congratulate Brian on his new position and wish him the best in the future.

I yield the floor.

CERTIFIED REGISTERED NURSE ANESTHETISTS

Mr. INOUYE. Mr. President, I commend military certified registered nurse anesthetists, CRNAs. CRNAs are advanced practice nurses who administer anesthesia. Today, CRNAs administer approximately 65 percent of the anesthetics given to patients each year for all types of surgical cases in the United States.

Nurse anesthetists have been the principal anesthesia providers in combat areas in every war in which the United States has been engaged since World War I. In World War II, there were 17 nurse anesthetists to every 1 physician anesthetist. In Vietnam, the ratio of CRNAs to physician anesthetists was approximately 3 to 1. During the Panama strike authorized in 1989, only CRNAs were sent with the fighting forces. In addition, the vast majority of anesthesia providers deployed for Operation Iraqi Freedom and Operation Enduring Freedom has been CRNAs. Nurse anesthetists are again carrying the load by providing 80 percent of the anesthesia requirements in Iraq and Afghanistan. We rely heavily on CRNAs to accomplish wartime missions and our need for their services will only increase in the future.

In all of the uniformed services, maintaining adequate numbers of Active Duty and Reserve CRNAs is of utmost concern. For several years, the number of CRNAs serving on active duty has fallen somewhat short of the number authorized by the Department of Defense. This lag in recruitment has been further exacerbated by a strong demand for CRNAs in both the public and private sectors. One reason the military has difficulty retaining CRNAs is that a large pay gap exists between annual civilian salaries and military pay.

I am deeply concerned about retention of these CRNAs, particularly in the Army Nurse Corps. It has come to my attention that within the next 3 years, the Army Nurse Corps could lose up to 50 percent of its current complement of CRNAs. A recent survey of Army CRNAs revealed that despite overall satisfaction with their anesthesia practice, dissatisfaction with pay and frequent deployments are the primary reasons for leaving active duty.

One strategy that is proving effective in increasing overall satisfaction is the Army Surgeon General's 180-day rotation policy. I urge continuation of this policy. However, this is not enough to ensure that we meet our mission. I am quite certain that another remedy to prevent further losses would be an across-the-board increase in incentive speciality pay for all CRNAs, regardless of Active-Duty service obligation. I trust that the Department of Defense is also concerned and actively pursuing measures to address this very important issue.

PARDONING ''JACK'' JOHNSON

• Mr. HATCH. Mr. President. I rise to express my support for S. Res. 447, which asks the President to pardon posthumously John Arthur ″Jack″ Johnson for Mr. Johnson's racially-motivated 1913 conviction.

As a huge fan of the sport of boxing, I admire the great achievements of Mr. Johnson in his too short career. But I feel a greater need to recognize and pardon Mr. Johnson for the great injustice he suffered. Although it is too late to properly rectify what was done to Jack Johnson, I hope in some small way we can call attention to his remarkable achievements and repair his good name.

Jack Johnson was the first African-American boxer to win the heavyweight title. While this was a landmark achievement for African-Americans, Johnson's achievements unfortunately had the effect of escalating racial tensions and his subsequent victories provoked racial rioting. The effort to dethrone him brought about the search for the ″Great White Hope″ during his 1908–1915 reign as heavyweight champion.

The consensus is that while Johnson was not defeated in the boxing ring he could be stopped by trumped-up criminal charges. In 1913, Johnson was found guilty of violating the ″white-slavery″ Mann Act for taking his future wife

out of State. Johnson was convicted and he tried to appeal his sentence. Before the ruling on his appeal, Johnson fled the country and was a fugitive for 7 years before he returned to the United States in 1920. Johnson turned himself over to Federal authorities and served 10 months in Ft. Leavenworth, KS.

Mr. Johnson went on to continue fighting but never returned to the same glory. He was killed in a car accident in 1946 at the age of 68. Eight years later, he became a charter member of the Boxing Hall of Fame.

I am hopeful that the President will accept this petition and issue a posthumous Presidential pardon for Jack Johnson. Mr. Johnson defied the racist standards of his day to become a world champion. He was a hero and example to a greatly oppressed people who had too few public heroes to look to emulate.

KINSHIP CAREGIVERS

Mrs. CLINTON. Mr. President, I rise today to recognize the important work of kinship caregivers across the Nation and to commend the Edgewood Center for Children and Families in San Francisco, CA, for its long-spanning commitment to caring for children.

Kinship caregivers are making a real difference in the lives of children all across our country. According to the Census, more than 6 million children—1 in 12—live in households headed by grandparents or other relatives. Similarly, a study conducted by the American Association of Retired Persons found that the number of children living in grandparent-headed households increased by 30 percent between 1990 and 2000. Unfortunately, while grandparents and other relatives have stepped forward to provide safe and loving homes for the children in their care, they also often face great difficulties in achieving emotional and financial stability.

With millions of children still in need of loving, permanent homes and countless grandparents and relatives willing to raise these children who need our support, there is more work to be done. The Edgewood Center for Children and Families is the oldest children's charity in the western United States serving children and families that provides a national model for keeping families intact. Edgewood Center's Kinship Support Network is the first program in the nation to provide comprehensive, private-sector support services to relative caregiver families. This program uses mentoring, support groups, and training to prepare grandparents and relatives for parenting, while providing tutoring, independent living skills, and mental health care for adopted children. Last year, as many as 95.5 percent of the children in Edgewood's program either remained with their kinship families or were reunited with their parents, and less than 2 percent had to be moved into foster care. This is an enormous success considering that only 78 percent of Kinship families remained stable in the years prior to the inception of Edgewood's programs.

In July, I introduced the Kinship Caregiver Support Act, S. 2706, to establish community ''kinship navigator'' programs with services similar to the Edgewood's Kinship Support Networks. My legislation would also help ease the financial burden of kinship caregivers so that these families receive the financial support they need. I look forward to working with my colleagues in the Senate to ensure passage of the Kinship Caregiver Support Act so that we help strengthen kinship families all across America.

Again, I commend the Edgewood Center for Children and Families for its tradition of excellence in providing services to kinship caregivers and extend my best wishes for continued success in the future.

HONORING FAVORITE TEACHERS

Mr. DAYTON. Mr. President, nearly 4,000 Minnesotans honored their favorite teacher at my Minnesota State fair booth this summer. I honor these teachers further by submitting their names to the CONGRESSIONAL RECORD, as follows:

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

Filmore Central Middle School—Ms. Paulson; Fine Arts Interdisciplinary Resource School—Scott Charlesworth; Five Hawks Elementary—Eleanor Doherty, Anne Nelson, Grace Tillotson; Focus Beyond—Dan Nicklaey; Foley High School—Bill Brand, Dave Voeltz; Foley Intermediate School—Darryl Bosshart, Janet Johnson, Lisa Wruck; Folwell Middle School—Amanda Guanzon; Forest Elementary—Bill Lubansky, Terri Moore, Tina Olinyk, Norma Jean Terhaar; Forest Hills Elementary—Ms. McKeaver, Steve Watson; Forest Lake Elementary—Barbara Crawford, Janie Reid, Joy Sietsma; Forest Lake High School—Alice Berven, Henry Hebert, Bill Streeter, Ms. Unzie, Donald Thompson; Four Seasons Elementary—Rebecca Brown, Ms. Casserly-Smith, Ms. Graver; Four Winds Elementary—Laura Manthey; Fourth Baptist Christian School—Karen Fitzgerald, Kay Wohlenhaus; Franklin Elementary (Anoka)—Don Gawreluk, Patricia Georg; Franklin Elementary (Rochester)—Pat Taylor; Franklin Junior High School (Brainerd)—Robert Bjorge; Franklin Magnet Elementary (St. Paul)—Mary Tacheny; Franklin Middle School (Minneapolis)—Rod Gordon, Kris Shaban; Frazee High School—Ta Fett; Fred Moore Middle School—Don Bright, Sonja Chamberlain, Denise Collins, Nancy Jacobsen, Mary Ewens; Frederic Elementary—Stacy Cox, Nancy Steinke; Freeman Elementary (Woodland, CA); Fridley High School—David Loo, Dave Ryan, Constance Schindel, Joanne Toews; Fridley Middle School—Jean Andrews, Debra Kay, Tonya Lee; Friendly Hills Middle School—Pam Hough, Emily Jedlicka, Peter Klabachek; Friends School of Minnesota—Susan Cahan, Laurie Carlson, Elizabeth Herbert, Kak Jarvis, Sally Wiedemann; Frost Lake Magnet—Mrs. Brink, Megan Doerr, Mary McCrossan; Gage Elementary—Kerry Much; Galtier Magnet—Gloria Johnson, Nancy Pavek; Gan Shelanu Preschool—Barb Kahn; Garden City Elementary—Maren Dahl, Shella Huggett, Peter Pearson, Nancy Wavrin; Garfield Elementary—Jodi Sweet; Gatewood Elementary—Mrs. Bergland, Monica Grubb, Karen Jensen, Becky Knickerbocker, Mary Ofstie, Mrs. Van Waye, Monia Grubb, Justin Ingahm; Gideon Pond Elementary—Eileen Abrahamson, Karen Krafka, Cindy Nepsund, Mrs. Rognlie; Glacier Hills Elementary—Karen Colbert, Shelley Grandbois; Gleason Lake Elementary—Beth Blomlie, James Dvorak, Jerilyn Horvath, Deanna Rehnke, Barb Abramson, Mary Savage; Glen Lake Elementary—Stephanie Bell, George Rota; Glencoe-Silver Lake High School—Richard Cohrs, Josh Olson; Glendale Elementary (Prior Lake)—Sarah Wrobleski; Glendale Union High School (Phoenix, AZ)—Bill Roseberry; Golden Lake Elementary—Mrs. Flolid, Todd Trick; Goodhue Elementary—Nancy Conway, Jennifer Doerhoerfer; Gordon Bailey Elementary—Sara Sorenson; Grace Christian Academy (Park Rapids)—Grace Becker; Grace Christian School (Grand Rapids)—Letha Lemon; Graded School (Sao Paolo, Brazil)—Todd Brown; Grainwood Elementary—Terri Zenk; Grand Meadow High School—Janet Moe; Grand Rapids—Christine Dimich; Grandview Middle School—Katie Rutledge, Sara Sedlack, Mrs. Seifert, Ms. Swanson, Pamela Weber; Grantsburg Middle School (Grantsburg, WI)—Kim Nelson; Greenleaf Elementary—Sarah Czech, Kathy Johnson, Maxine Johnson, Mrs. Taffe, Maureen Williams; Greenwood Elementary—Mary Dvorak, Bonnie Hatton, Mrs. Lachmiller, Amy Westman; Grey Cloud Elementary—Ray Rawson, Mrs. Weber, Ms. Ferber; Grove City—Cheryl Riebe, Doug Torgerson; Groveland Elementary—Mark Brazinski, Rebecca Faatz, Shirley Herzig, Jane Meyer, Georgia Rasmus, Patti Berger, Niki Danou, Brent Frank, Heidi Hammerback, Connie Johnson, Jeff Sambs; Gustavus Adolphus College—Laurent Dechery, Lisa Heldke, Scoot Moore; Hale Elementary—Patty Kypke, Mrs. Lotzer, Sarah Mickkelson, Mrs. Van Valkenburg, Candy Welschan; Hale/Field Community School—Tracey Schultz; Hamilton Elementary—Mrs. Kunkel; Hamline University—Garvin Davenport, Walter Enloe, Paul Gorski, Rita Johnson, Carol Mayer; Hancock/Hamline Magnet Elementary—Mr. Lein, Virginia Porter, Karen Rickey, Elizabeth Srigley, Allison Theissen, Margie Warrington; Hannahville Indian School (Wilson, MI); Harambee Elementary—Denise Abbott, Pam Booker, Melissa Hein, Nicole Napierala, Mrs. Robinson, Stacie Stanely; Harding High School—Harder Angie, Pete Bothun, Erik Brant, Daniel Cornell, Ms. Harper, Mr. Peterson; Harley Hopkins Elementary—Mr. Marrier; Harriet Bishop Elementary—Joe Risteau, Paul Wallenta; Hartley Elementary—Lori DeKruif; Hastings High School—Jerry Dempsey, Sue Gaul, Stephanie Jones, Nancy Ostrem, Laura Scott, Susan Varley-Gaul; Hastings Middle School—Jim Hanson, Ronda Keller, Robin Starch; Hawley Elementary—Lee Eklund, Jane Eklund; Haworth Public School, (Haworth, NJ)—Vito Nasta; Hawthorne Elementary—Jill Petersen; Hayden Heights Elementary—Peggy George, Ms. McQuade, Judith Bobnick, Be Cheuyee Vang; Hayes Elementary—Mr. Barry, Mrs. Gunderson, Mrs. Jansen, Dan Riely; Healy High School—Gary Banick; Hennepin County Semi Independent Living Skills—David Schuweiler; Henning Elementary—Nancy Brutlag; Henry Hill Intermediate School—Brian Franklin; Henry Sibley High

School—Larry Cannon, Corey Chirhart, Mr. Christianson, Aaron Kapaun, Mr. Livgard, Mark Tobias; Heritage Middle School—Kristi Cooper, Tony Gatti, Erin Hagen, Carol Larsen, Pamela Lienke, Jack Lineham, Hollie Monson-Haefel, Dave Schultz; Hermantown Early Education—Martha Troolin; Hermantown Elementary—Jan Peterson; Hermantown High School—Ellen Minter; Heron Lake-Okabena Public School—Mr. Olson; Hiawatha Elementary—Carol Dunn, Kathy Maarum, Kim McGowan, Jo Wells, Stafford Gutknecht; Hibbing Community College—Mr. Kraus; Hibbing High School—Lori Bandemer, Matt Bergan, Ross Harvey, Wayne Hysjalien, Pat McGauley, Carl Sandness, Rosser Van Harvewinkle; Hidden Hills Middle School—Tara Sugden; Hidden Oaks Middle School—Mary Ballsrud; Hidden Valley Elementary—David Bloomquist, Steve Kraft, Lynn Palin; High Park High School—Mr. Simmons; Highland Catholic School—Cara Hagen; Highland Elementary, (Apple Valley)—Phil Bribble, Nicole Leighton, Mrs. Scarpetta; Highland Elementary, (Columbia Heights)—Mrs. Davis, Kathleen Johnson; Highland Elementary (Edina)—Skye Sanford, Sue Johnson, Sue Mayerle, Mike Seaman, Mark Wallace; Highland Junior High (St. Paul)—Nancy Nelson; Highland Park Elementary (St. Paul)—Eileen Cotter, Dan Gorman, Danielle Porter Born, Gody Rider; Highland Park High School (St. Paul)—Michelle Costello, Charlotte Landreau, Ryan Redetzke, Anupma Sharma, Mr. Simmons, Roy Erickson, Lorraine Martin, Eraine Schmidt; Highland Park Junior High, (St. Paul)—Mrs. Banda, Tom Bedard, Leon Rogalia, Jim Migley; Highview Middle School—Maureen Hagg, Jon Larson, Jodie Maurere-Knudson, Ben Pennings, Andy Schmidt, Mary Verville; Highwood Hills Elementary—Lucy Heldmen, Mr. Gillis; Hill City High School—Mr. Baratto, Mr. Carlson; Hillcrest Elementary—Amy Gonzales, Judy Peterson; Hill-Murray School—Shane Rose, Renae Elert, Mary Grau-Stumpf, Andrew Hill, Mrs. Pottebaum, Denise; Hillside Elementary—Nicole Karnowski, David Krupa, Tiffany Shommer; Hilltop Elementary (Inver Grove Heights)—MaryAnn Curro; Hilltop Primary School (Minnetrista)—Craig Schmidt; Hilltop Primary School (Mound)—Jill Borg; Hinckley-Finlayson High School—Mr. Eaves, Patty Olson; Holland Community School—Mark Bergum, Gregory McDaniels; Holy Angels Academy—Gregg Sawyer; Holy Family Catholic School—Case Unverzagt, Jim Walker; Home School—Phyllis Ellefson, Mary Hanson, Pamela Henkel, Jan Roe, Kristen Ryan; Homecroft Elementary—Mr. Funk, Mrs. Jorgensen, Ms. Lewandski; Hoover Elementary—Mrs. Hanson, Mary Brown, Mrs. Starr; Hope Academy—Mary Brown; Hope Community Academy—Ms. Schmidt, Ms. Tao; Hopkins High School—Audrey Johnson, Karen Sandhoff, Danielle Viera, Rita Wigfield, Grey Bartz, Don Bates, Judy Bohn, Jerry Christian, Rolf Eisland, April Felt, Rob Fuhr, Sara Garcia, Kary Hansen, Jane Harris, Mr. Hoeger, Ms. Joddock, James Johnson, Cyndy Kalland, Dain Liepa, Carrie Lucking, Cassandra Oberempt, Rick Rexroth, Mrs. Sperling, Dan Tockman, David Williams; Hopkins North Junior High—Paula Len, Anne Campbell, Jennie Salzer, Andrea Yesnes, David Beckman, Rueben Garcia, Dani Jacobs, Janet Mortensen, Beth Oscar; Hopkins West Junior High—Kim Campbell, Sarah Roesler, John Sorensen, Gail Weinhold, Norah Garrison, Donna Philippot; Horace Mann Elementary—Heather Long, Judi Ronnei, Maria Spann; Houlton Elementary—Tim Hassler; Howard Lake-Waverly-Winsted School—Marilyn Eide, Paul Fabbe, Pam Halverson, Joan Johnson, Jim Weniger; Hoyt Lakes—Joan Sarich; Hudson Middle School—Ron Forehand, Mr. Grambow, Gayle Hoaglund; Hugo Elementary—Carla Triggs; Humboldt Senior High School—Mike Mencke, Diane Hopen; Hutchinson High School—Sue Hein; Hutchinson Park Elementary—Katie Weisenberger; IHM St. Lukes—Connie Wittek, Pauline Zweber; Independence Elementary—Joel Hagberg, Jolen Huston; Indian Mounds Elementary School—Mrs. Barclay, Shawn Conradi, Jody Petter; International School of Minnesota—Amy Blaubach, Susan Charter, Mrs. Edwards; Inver Grove Heights Middle School—Otto Mickelson, Josh Alexander, Lisa Dombroske, Jesse Kramer, Fran Mountain, Judy Pfingsten, Deb Schmidt; Inver Hills Community College—Judy DeBoer; InVEST (New Hope)—Lynn Trombley; Irondale High School—Joe Helm, Sarah Anderson, Stephanie Brandt, Ellen Clifford, Mara Corey, Mr. Domingos, Ms. Eklund, Jon Erickson, Mrs. Evans, Jame Nygaard, Ronald Olsen, Tom Rodefel, Andra Storla, Bill Sucha, Cynthia Thyren; Ironwood Area School District (Ironwood)—MI Marion Olson; Isanti Middle School—Carl Buepre, Patricia Peterson; Isham Elementary, (Wadsworth, OH)—Mrs. Striver; Island Lake Elementary—Kay Baker, Mrs. Frichard, Larry Gannon, Jacki Harren, Robin Lavelle, Kathy Robertson, Karen Saari, Dianne Schillinger, Hal Shaver, Ms. Westhuil; J. J. Hill Magnet—Elaine Bargo, Linda Anastus, Candy Schnepf, Eilene Bachman, Lynn Schultz, Ann Pannier, Angela Weckworth; Jack & Jill Preschool (Hopkins)—Carol Johnson; Jack and Jill Preschool (Roseville)—Ms. Jenny; Jackson Magnet, (St. Paul)—Tina Garcia, Duffy Hansen, Patricia LeFebvre; Jackson Middle School, (Champlin)—Brian Erlandson, Karla Haben, William Hintz, Nancy Johnson, Kari Lace, Dean Noren, Andrea Stack, Joe Thiel; Jefferson Elementary (Mankato)—Ron Arsenault, Linda Kilander; Jefferson Elementary (Minneapolis)—Anne LeDuc, Ms. Lyden, Loren Meinke, Sally Novatny, Lynn Ronning, Britta Walker; Jefferson Elementary (New Ulm)—Marlene Ingebritson, Cleo Matzke, Ms. Rotenberry; Jefferson High School (Bloomington)—Meredith Aby, Tim Anderson, Mark Caine, Sean Faulk, Dan Fretland, Heidi Jacobson, Lisa Leary, Mr. Lyons, Kathleen Morgan, Sandra Morgan, Teri Roder, Mr. Rotenberry, Schonn Schnitzer; Jenny Lind Elementary—Ms. Pencook; Jewish Community Center, ECC—Sondra Burkstein; John A. Johnson Elementary—Joclyn Webb, Polly Williams; John Adams Middle School—Kim Hewett, Deb Las, Dawn Sonju; John F. Kennedy Elementary—Christy Vosika; John Glenn Middle School—Janelle Fischler, Mr. Grill, Mr. Mullen, Denise Rupret, Anne Sawyer, John Siegrist, Travis Stewart; John Ireland School—Ms. Pape; John Marshall High School—Mr. Burnham, Rick Swenson; Johnson High School—Peggy Carnes, Rita Good, Mitchell McDonald, Kathy Thueson, Ned Widnagel; Johnsville Elementary—Jackie Nasland, Mr. West; Jonathan Elementary—Jeff Paulsen, Mr. Sullivan, Christine Taylor-Thone; Jordan Elementary—Mary Clawson; Jordan Park Community School—Ms. Covington; JW Smith, Mary Murphy; Kaposia Education Center—Ben Anderson, Mr. Ross, Frank Arend, Janelle Johnson, Mrs. Lee; Kasson-Mantorville Middle School—Becky Tri; Katherine Curren Elementary—Diane Bancroft, Mrs. Schappa; Keewaydin Elementary—Carol Fisher Craig Henderson, Linda Jensen, Mrs. Parsons, Mrs. Scanlon; Kelley High School—Ruth Cook; Kennedy Elementary (Lakeville)—Nathan Moudry; Kennedy Elementary (St. Joseph)—Jennie Heydt-Nelson; Kennedy High School, (Bloomington)—Jon Anderson, Frances Bressman, Mrs. Coval, Richard Green, Bill Johnson, Earl Lyons, Mr. Raymond, Matt Vollum; Kenneth Hall Elementary—Jean Nolby; Kenny Elementary—Danielle Duroche, Mellisa Engel, Laurie Hanzel; Kent-Meridian High School—Christine Robertson; Kenwood Elementary—Patty Sharp, Linda Smith; Kenwood Trail Junior High—Bryan Backstrom, Dan Bale, Amy Jo Hyde, Tim Leighton, Mr. Rousemiller, Sigrid Ruhmann; Kenyon-Wanamingo Elementary—Tony Donkers, Tracy Erlandson, Bonnie Rapp; Kerkhoven High School—Bill Wagner; Kimball Elementary—Dode Klien, Susan Sides; Kimberly Lane Elementary—Nancy Carlson, Greta Cender, Debra Donahue, Turi Hembre, Barbara Hughes; King of Grace Lutheran School—Steve Balza; King's Christian Academy—Chad Nuest, Brandi Schmidgal; Kingsland High School—Shirley Gangstad, Stephanie Derby; Kittson Central School District—Betty Shablow; L. H. Tanglen Elementary—Phyllis O'Brien, Kris Sand, Ms. Asproth, Kevin Athmann, Lisa Becker, Kari Bliss, Pam Weinhold, Kim Mach, Mr. Washington; L. O. Jacob Elementary—John Keran; La Cross Central High School—Brad Saron; Lake Country School—Larry Schaefer, Patricia Schaefer, Zoe Saint Mane; Lake Crystal Elementary School—Sue Hytjan; Lake Elmo Elementary—Jill Berkhof,

Mrs. Bolstorff, Ms. Dahl, Kelly Kane, Jo Ellen Tate, Paula Verstegan; Lake Harriet Community School—Upper Campus—Gino Marchetti, Calvin Boone, Zoe Meyer, Jeff Tousingnant, Kristin Siefert; Lake Harriet Community School—Lower Campus—Patricia Hauser, Barb Johnson, Jane Lyga Jones, Marilynn O'Donnell; Lake Junior High—Eric VanScoy; Lake Marion Elementary—Traci Radtke, Michelle Stewart, Ann Hoffman; Lake Myrtle Elementary, Harriet Robbins; Lake Ripley Elementary—Mimi Wendlandt; Lakeaires Elementary—Cristin Atkinson, Jean Anderson; Lakes International Language Academy—Aaron Arrendondo, Bobbi Jo Rademacher; Lakeside Elementary (Chicago)—Shanda Waller; Lakeside Elementary (Lindstrom)—Kay Oien; Lakeview Elementary, (Lakeville)—Timothy King, Mr. Arlt, Susan Clark, Kate Drexler-Booth, Nathan Earp, Julie Hassinger-Slezak, Paul Lund, Edith Mako; Lakeview Elementary (Robinsdale)—Mrs. Gilbertson, Barry Thorvilson

CHILDCARE MEANS PARENTS IN SCHOOLS

Mr. DURBIN. Mr. President, I rise to speak on behalf of the Childcare Means Parents in Schools Act. I am pleased to join Senator DODD and Senator SNOWE as a cosponsor of the measure. This bill would amend the CCAMPIS Program authorized under Higher Education Act to better facilitate the higher education of those students with children.

For college students who are parents, a safe, nurturing environment for one's children is integral to degree attainment. Nearly 40 percent of students at higher education institutions are over 25 years old and almost 30 percent of undergraduates have children. Most American families utilize childcare: 75 percent of children under 5 are in some type of childcare. And for most families, childcare is the second largest expense in their budget after rent or mortgage.

The Dodd-Snowe bill will modify the definition of ''low income student'' to extend childcare services to graduate students, international students and other students who would not qualify under the present language but may need childcare assistance. This bill also increases the program authorization to a level that could fund about one-quarter of the 4,000 colleges and universities eligible to apply. The amount of the minimum grant would be raised in order to make the grant process more cost-effective for applying institutions.

Good childcare is often recognized as a first step to school success. It also can be an essential part of the process of being a good student. The peace of mind afforded by the security of knowing one's child is well cared for frees higher education students to pursue their own studies with a more focused determination. Without that foundation, a college education may not be attained.

I urge my colleagues to support the bill and further extend the opportunity of higher education to parents across America.

SATELLITE HOME VIEWER ACT

Mr. LEAHY. Mr. President, I am very pleased that the other body just passed their version of the Satellite Home Viewer Act under suspension of the rules. H.R. 4518, the W.J. (Billy) Tauzin Satellite Television Act of 2004, is a strong bill.

During this process, I have heard from many Vermonters who are concerned about not being able to receive Vermont stations over satellite. Others have been concerned about possibly having their ability to receive certain stations terminated. One reason for these strong concerns is that Vermont has the highest percentage in the Nation of TV owners who receive programming using satellite dishes. One reason for this is our beautiful mountains and valleys which make it more difficult to receive TV signals using regular antennas.

The Hatch-Leahy Satellite Homer Viewer Extension Act of 2004 was approved by the Senate Judiciary Committee in June. All the members of the Judiciary Committee supported that bill.

In the other body, members of both the Judiciary Committee and the Energy and Commerce Committee worked together in a bipartisan fashion to craft a comprehensive bill which will be good for consumers and for the affected industries. That bill, if enacted, will be a boon to public television, the satellite industry, the movie, music and television industries, and to satellite dish owners throughout America.

I am especially pleased that it contains a provision which I worked on with my colleagues from New Hampshire, Senator SUNUNU and Senator GREGG. We, along with Senator JEFFORDS, introduced legislation to ensure that satellite dish owners in every county in each of our States would be able to receive signals, via satellite, from our respective in-State television stations. While our two States represent a small television market as compared to some of the major population markets, nonetheless this provision is very important to residents in six of our collective counties—two in Vermont and four counties in New Hampshire. The Senate bill, S. 2013, as reported in June by the Judiciary Committee also contained this provision just included in H.R. 4518.

In Vermont this will mean that satellite dish owners in Bennington and Windham Counties will be able to receive all Vermont network stations in addition to the out-of-State network stations they now receive.

It is very important that in the waning days of this Congress that the Senate enact this satellite legislation. In 1998 and 1999 over 2 million families were faced with the prospect of losing the ability to receive one or more of their satellite television network stations. Back then, Congress acted and not only protected access to those stations but also expanded consumer opportunities to receive more programming options.

Families who own satellite dishes may end up being the big losers if provisions of that act are not extended. Many Midwestern and Rocky Mountain States have vast areas where satellite dish owners receive imported network stations such as ABC, NBC, CBS or Fox. Thousands of these families do not have any other choices. They do not have access to TV stations over-the-air because of mountain terrain or distance from the broadcast towers. They do not have access to cable because of the rough terrain or the lack of population density which makes it economically impossible for cable companies to invest. Without access to network stations via satellite, over-the-air, or cable, those families will no longer be able to receive national news programming or other network TV programming.

If Congress does not reauthorize provisions of current law by December 31, 2004, hundreds of thousands of households will lose satellite access to network TV stations. Since information about subscribers is proprietary it is difficult for me to tell you exactly how many families will be affected by this, but I assure you it is not a small number.

The Senate Judiciary Committee got its job done in June. We reported a great bill out of committee without a single amendment and without a single nay vote. That bill was introduced on January 21, 2004, by Chairman HATCH and was cosponsored by myself and Senators DEWINE and KOHL. When the bill was reported out of committee on June 17, 2004, I noted that the bill does far more than just protect satellite dish owners from losing signals. I pointed out that the new satellite bill ''protects subscribers in every state, expands viewing choices for most dish owners, promotes access to local programming, and increases direct, head-to-head, competition between cable and satellite providers.''

I continued by saying that ''easily, this bill will benefit 21 million satellite television dish owners throughout the nation, and I am happy to note that over 85,000 of those subscribers are in Vermont.''

The Senate Judiciary Committee-reported bill, and the recently passed bill H.R. 4518, go far beyond protecting what current subscribers receive. The bills allow additional programming via satellite through adoption of the so-called ''significantly viewed'' test now used for cable, but not satellite subscribers. That test means that, in general, if a person in a cable service area that historically received over-the-air TV reception from ''nearby'' stations outside that area, those cable operators could offer those station signals in

that person's cable service area. In other words, if you were in an area in which most families in the past had received TV signals using a regular rooftop antenna then you could be offered that same signal TV via cable. By having similar rules, satellite carriers will be able to directly compete with cable providers who already operate under the significantly viewed test. This gives home dish owners more choices of programming.

In the past, Congress got the job done. Congress worked well together in 1998 and 1999 when we developed a major satellite law that transformed the industry by allowing local television stations to be carried by satellite and beamed back down to the local communities served by those stations. This marked the first time that thousands of TV owners were able to get the full complement of local network stations. In 1997 we found a way to avoid cutoffs of satellite TV service to millions of homes and to protect the local affiliate broadcast system. The following year we forged an alliance behind a strong satellite bill to permit local stations to be offered by satellite, thus increasing competition between cable and satellite providers.

We also worked with the Public Broadcasting System so they could offer a national feed as they transitioned to having their local programming beamed up to satellites and then beamed back down to much larger audiences.

Because of those efforts, in Vermont and most other States, dish owners are able to watch their local stations instead of getting signals from distant stations. Such a service allows television watchers to be more easily connected to their communities as well as providing access to necessary emergency signals, news and broadcasts.

I hope we are able to work together to finish this important satellite television bill in the few remaining days of this Congress.

OMNIBUS APPROPRIATIONS

Mr. CAMPBELL. Mr. President, I rise to express my support for the conference report accompanying those appropriations bills which, because of our pending adjournment, have been included as an omnibus package.

I intend to vote for this omnibus bill knowing full well that, like all bills, it is not perfect in every Senator's eyes.

I want to thank Chairman STEVENS and Ranking Member Senator BYRD as well as the chairman and ranking members of the Subcommittees for including my requests which are vital to Colorado. As America's third fastest growing State, our burgeoning population has placed great stress on our schools, hospitals, universities and transportation. Federal monies, which I have sought to earmark as an appropriation for Colorado, are extremely important.

In this omnibus conference report over $175 million will be flowing into Colorado.

Having said this, there is one section in the bill that concerns me. Partially because it affects my State, but more so because it was never considered in the committee of jurisdiction. Neither was it discussed in the conference committee on Wednesday, November 19 as we worked out the final House and Senate disagreements.

I did not know of the language as the bill came to the floor just before we adjourned for the year. In fact, in a multi-hundred page bill I was not aware of it until after it passed. But, as I understand it, this language is in keeping with a long standing practice of satisfying Native American land claims.

Let me give some historical perspective to this issue as I understand it. In 1971, the U.S. Congress passed a bill which was signed into law called the ''Native American Claims Settlement Act''. This was an effort to bring a degree of fairness to native tribes of America's newest State—Alaska—who had lost much of the use of their aboriginal land through the encroachment and settlement of non-natives.

As part of the settlement, the native peoples were given use of 44 million acres and a percentage of the royalties from oil and gas production thereon. They shared these royalties with State government and for the purposes of administering their tribal governments and revenues. Alaska natives and tribes became shareholders of Native Alaskan corporations. They also retained the same rights that tribes in the lower 48 States and as they pertained to the ''trust responsibility'' of the Federal Government.

As I understand the 1971 act, however, these tribal corporations around the city of Anchorage were not considered land based tribes and were treated differently in terms of rights and benefits they would have accrued had they been in control of aboriginal land. These native groups (corporations) were allowed to use their portion of the accumulated revenue, in the form of ''bidding credits'', to purchase either Federal or private land in Alaska or other States. I only know of four States where land was actually purchased. Alaska, California, Hawaii and Colorado are the four I am aware of, although there may have been others. I have never been able to find a comprehensive list of land purchased, if it even exists.

The Native Alaskan corporations were authorized in the 1971 act to ''partner'' with tribes in the lower 48 on business ventures. So, in effect, the lower 48 tribes became recipients of badly needed investment capital provided by the Native Alaskan corporations while their ''partner'' could petition the Federal Government to put the land into trust status.

One such purchase was in downtown Denver. It had been a piece of Federal land, adjacent to the Federal courthouse and was being used as a parking lot for court employees. That lot was not put into trust, but was owned by the Native Alaskan Corporation.

There were, at the time, some preliminary discussions between one of the Colorado land based Ute Indian tribes and one Native Alaskan corporation on how best to use this ''native'' land for economic development purposes.

These purposes were limited by a variety of other laws such as the 1988 Indian Gaming Regulatory Act, which did not allow tribes to have casino gaming unless they reached a negotiated agreement called a ''gaming compact'' with the State in which they were located. In turn, court decisions further complicated the picture. An example of this was in the Seminole vs. the State of Florida case. In 1996, the Supreme Court ruled that States cannot be ''forced'' to negotiate a compact with tribes as required by the 1988 Indian Gaming Regulatory Act.

At the time, I voided the discussions concerning the downtown piece of property about which I have spoken by implementing a suggestion from the Federal courts to submit a line item request to appropriate funds to purchase that parking lot back from the Native Alaska corporation. I did so and through subsequent appropriations secured the money to build a new Byron White Federal Court complex on that site.

Since I was not in the U.S. Senate in 1971, I can only give you my view of how that act affected this language in question. I don't know if it violates any existing statute, if my constituency would support or oppose it or if it is in keeping with the Native American Claims Settlement Act. This probably could have been flushed out through the hearing process had we seen it in bill form.

So, in closing Mr. President, because I was not aware of the language of this final conference report until about 2 hours ago and do not know the effect it would have on Colorado, I do not support that section. Since it is, however, included in a non-amendable conference report and, recognizing the importance of the money in this report to the State of Colorado, I will vote for the final report.

ADDITIONAL STATEMENTS

150TH ANNIVERSARY OF THE YMCA OF GREATER INDIANAPOLIS

• Mr. LUGAR. Mr. President, I rise today to call to the attention of my colleagues a signal anniversary that has occurred in my home State of Indiana, the 150th anniversary of the YMCA of Greater Indianapolis.

Since 1854, the YMCA of Greater Indianapolis has been committed not only to providing Hoosiers with an outlet

for social, mental, and physical development, but also has maintained a consistent adherence to community service. As one of the first 50 YMCAs chartered in North America, this institution, whose humble beginnings originated in the basement of the Second Presbyterian Church on Monument Circle, has grown to tremendous proportions. Currently serving more than 140,000 Hoosiers, the YMCA of Greater Indianapolis has partnered with over 120 churches, schools and other community groups to reach out to both the urban community along with the surrounding counties. In 2003, 4,688 volunteers, under the direction of the YMCA of Greater Indianapolis, donated their valuable time and energy to provide nearly 98,000 hours of service. Additionally, YMCA branches in Indianapolis presented almost $4 million for scholarships, program subsidies and varied community services.

I am pleased to take a moment to acknowledge the outstanding efforts the YMCA of Greater Indianapolis has afforded for the past century and a half, and I look forward to their future leadership in building stronger families and a stronger community.●

RETIREMENT OF GENERAL ED EBERHART

● Mr. ALLARD. Mr. President, today I would like to praise a man who for more than 36 years has served his country with honor and distinction. General Ralph E. Eberhart, or Ed his friends call him, will soon be retiring from the United States Air Force. He embodies that which we most value in our military leaders—visionary leadership, unwavering dedication, and mission accomplishment.

I would like to personally thank General Eberhart for his service to our great Nation. Not only do I remember our many discussions pertaining to national security, but I fondly recall sharing stories about Colorado. You see, General Eberhart started his long journey at the Air Force Academy in Colorado Springs. As fate would have it, he will soon be finishing his career where he started—in the great state of Colorado.

In the Spring of 1968, Ed Eberhart was sworn in as a Second Lieutenant in the United States Air Force. Since that day, General Eberhart has successfully mastered nine aircraft and totaled more than 5,000 flying hours in the cockpit. His service spanned tours of duty in Vietnam, Germany, Japan, and perhaps the toughest, at the Pentagon. General Eberhart's career was highlighted with numerous awards and decorations, and he has successfully attained four stars in the United States Air Force. In every job that the General has held, he has successfully fulfilled his obligations and made the advancements only a select few of his peers have made.

In February 2000, General Eberhart's success awarded him the honor of leading a combatant command for the United States, and he was soon confirmed as a triple-hatted commander. He was given the awesome responsibility of commanding not only the North American Aerospace Defense Command, or NORAD, but also U.S. Space Command and Air Force Space Command.

During his tenure as Commander of U.S. Space and Air Force Space Command, General Eberhart successfully led military space into a new era. The United States relies upon our space superiority and without it, we cannot maintain dominance of the battlefield. General Eberhart guided our spacelift operations to a 100 percent success rate, thus maintaining our assured access to space. Additionally, when he took command of U.S. Space Command, the United States had just begun to appreciate the value that space-based capabilities bring to the fight—especially after our air campaign in Kosovo. Because of General Eberhart's direction in the space arena—specifically regarding precision guided weapons—we were able to increase the effectiveness of our present capabilities by further integrating space capabilities with air, maritime and land assets. U.S. Space Command's contributions were later seen as the hallmarks of Operation Enduring Freedom in Afghanistan, which traces directly back to General Eberhart and his vision for the full integration of space and terrestrial units.

The general was also at the focus of our post-September 11 world while in command of NORAD. In 2001, Operation Noble Eagle saw NORAD go from having 14 military aircraft on alert around the Nation to more than 100 in a very short period of time. The response was necessary to protect our skies from internal threats that had manifested themselves in the most horrible of weapons—airliners filled with unsuspecting travelers. General Eberhart soon saw himself having to support continuous combat air patrols, including all the supporting logistics such as tankers and integrating NATO AWACS into that mission.

Ultimately, that fateful day of September 11 triggered not only a change in the focus of NORAD missions, but also showed the need for a unified command that focused on protecting our homeland. And who did the President of the United States trust to lead this new command? General Ed Eberhart. So again, Colorado was fortunate enough to be called home by General Eberhart as he began the challenge of building Northern Command while continuing to lead NORAD. As the combatant command charged with the defense of the homeland, Northern Command reached full operational capability ahead of schedule. Under General Eberhart's leadership, we have seen this unified command continue to fulfill its duties of protecting the American homeland.

It is apparent that while leading these commands, General Ed Eberhart exemplified visionary thinking. He tackled transformation in the space arena by stressing joint integration of space capabilities and then transformed the way the U.S. military defends our borders and supports civilian agencies with Northern Command.

I cannot express enough gratitude to General Eberhart for his service to our country while in the United States Air Force. We in Colorado were proud to host him as a cadet at the Academy, and continue to be proud when he took command in our great State nearly 30 years later. It was in these roles that I was thankfully given the opportunity to know Ed Eberhart on a personal and professional basis. As General Eberhart prepares to fly off into the wild blue yonder of retirement, I would again like to thank him for his 36 years of blood, sweat, and tears to our Nation, and I wish him and his wife, Karen, the very best in the future.●

RICHARD D. ''DICK'' LLOYD

Ms. MURKOWSKI. Mr. President, there is a standing joke among longtime Alaskans that visitors who come to Anchorage to view our glittering skyline, set off against the grandeur of the Chugach Mountains and the placid beauty of the Cook Inlet, haven't seen the ''real Alaska.''

Whether one agrees with this observation or not, all will agree that one does not have to travel far from Anchorage to experience our unique natural beauty and abundant wildlife. About 45 minutes from downtown Anchorage, easily accessible on paved roads, there is an oasis in Chugach State Park called the ''Eagle River Nature Center.''

The Eagle River Nature Center nestled in the Chugach Mountains is home to interpretive programs all year around. It is the starting point for miles of well-groomed hiking trails from which one can view moose and occasionally encounter bear. It has been described in terms like ''glorious, enchanting and captivating.'' A place to view snow covered mountains in hues of pink and orange illuminated by the alpenglow sunset. It is a place where John Muir and Theodore Roosevelt would feel right at home.

Born as the Chugach State Park Visitor Center, the facility was in danger of being lost to budget cuts. By 1996, the budget had dwindled to a mere $14,000 from $185,000 in 1981. The center needed a savior.

Then along came a remarkable individual, Richard D. ''Dick'' Lloyd. Dick recognized that volunteers can accomplish things that government agencies cannot and organized the existing volunteers into a non-profit organization to operate the facility. Dick and his wife Carole and Asta Spurgis formed the Friends of the Nature Center which took over and revitalized the visitor center and turned it into the world-class nature center it is today.

I have the sad duty of informing the Senate that Dick Lloyd passed away on

August 22, 2004 from pancreatic cancer at the age of 60. Dick's death was not sudden. He learned of his condition just before Christmas of 2002 when doctors predicted that he would have a few months to live.

But Dick didn't view this diagnosis as an excuse to slow down. Much to the contrary, he devoted his remaining days to the nature center he loved, sledding down the hills adjacent to the center in the winter, giving encouragement to young people maintaining the trails in the summer perched on a lawn chair because he was too weak to offer physical help. Some twenty days before his death he was promoting the nature center's hike-a-thon event called the ''Coyote Crawl''. In the words of his beloved wife Carole, ''That was Dick. He was taking care of his baby to the end.''

As Chief Executive Officer, Executive Director and co-founder of the Friends of Eagle River Nature Center, Dick's hard work, vision and stamina led the way in transforming the center into a model for public-private partnership in managing public parklands. Today, through his dedication and leadership, it is a centerpiece of Chugach State Park, providing unparalleled educational, economic and outdoor opportunities on a year-round basis.

For local students, it provides hands-on learning experiences with classes on natural sciences and the environment. For the Eagle River community, it generates significant economic activity by attracting tens of thousands of visitors each year from around the area and around the world. And for those who simply share Dick's love of Alaska's wild outdoors, it offers countless camping, hiking and other recreational opportunities.

Through the legacy of the Eagle River Nature Center, generations to come will share in the legacy of Richard D. Lloyd, a man with the vision to have a dream, the courage to pursue it and the strength to make it a reality.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting a nomination and a withdrawal which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 1:30 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 918. An act to amend the Public Health Service Act to authorize a demonstration grant program to provide patient navigator services to reduce barriers and improve health care outcomes, and for other purposes.

H.R. 2023. An act to give a preference regarding States that require schools to allow students to self-administer medication to treat that student's asthma or anaphylaxis, and for other purposes.

H.R. 2119. An act to provide for the conveyance of Federal lands, improvements, equipment and resource materials at the Oxford Research Station in Granville County, North Carolina, to the State of North Carolina.

H.R. 2929. An act to protect users of the Internet from unknowing transmission of their personally identifiable information through spyware programs, and for other purposes.

H.R. 2984. An act to amend the Agricultural Adjustment Act to remove the requirement that processors be members of an agency administering a marketing order applicable to pears.

H.R. 3015. An act to provide for the establishment of a controlled substance monitoring program in each State.

H.R. 3514. An act to authorize the Secretary of Agriculture to convey certain lands and improvements associated with the National Forest System in the State of Pennsylvania, and for other purposes.

H.R. 3858. An act to amend the Public Health Service Act to increase the supply of pancreatic islet cells for research, and to provide for better coordination of Federal efforts and information on islet cell transplantation.

H.R. 4504. An act to improve protections for children and to hold States accountable for the safe and timely placement of children across State lines, and for other purposes.

H.R. 4555. An act to amend the Public Health Service Act to revise and extend provisions relating to mammography quality standards.

H.R. 4569. An act to provide for the development of a national plan for the control and management of Sudden Oak Death, a tree disease caused by the fungus-like pathogen Phytophthora ramorum, and for other purposes.

H.R. 4620. An act to confirm the authority of the Secretary of Agriculture to collect approved State commodity assessments on behalf of the State from the proceeds of marketing assistance loans.

H.R. 5011. An act to prevent the sale of abusive insurance and investment products to military personnel.

H.R. 5042. An act to amend the Department of Agriculture Organic Act of 1994 to ensure that the dependents of employees of the Forest Service stationed in Puerto Rico receive a high-quality elementary and secondary education.

H.J. Res. 57. Joint resolution expressing the sense of the Congress in recognition of the contributions of the seven Columbia astronauts by supporting establishment of a Columbia Memorial Space Science Learning Center.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 34. Concurrent resolution expressing the sense of the Congress that private health insurance companies should take a proactive role in promoting healthy lifestyles, and for other purposes.

H. Con. Res. 250. Concurrent resolution recognizing community organization of public access defibrillation programs.

H. Con. Res. 306. Concurrent resolution honoring the service of Native American Indians in the United States Armed Forces.

H. Con. Res. 480. Concurrent resolution recognizing the spirit of Jacob Mock Doub and his contribution to encouraging youth to be physically active and fit and expressing the sense of Congress that ''National Take a Kid Mountain Biking Day'' should be established in Jacob Mock Doub's honor.

The message further announced that the House has passed the following bill, without amendment:

S. 33. An act to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Ozark-St. Francis and Ouachita National Forests and to use funds derived from the sale or exchange to acquire, construct, or improve administrative sites.

The message also announced that the House has passed the following bill, with amendments:

S. 878. An act to authorize an additional permanent judgeship in the District of Idaho, and for other purposes.

The message further announced that the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4850) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5011. An act to prevent the sale of abusive insurance and investment products to military personnel; to the Committee on Banking, Housing, and Urban Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SPECTER for the Committee on Veterans' Affairs.

*Robert Allen Pittman, of Florida, to be an Assistant Secretary of Veterans Affairs (Human Resources and Administration)

Robert N. Davis, of Florida, to be a Judge of the United States Court of Appeals for Veterans Claims for the term prescribed by law.

Mary J. Schoelen, of the District of Columbia, to be a Judge of the United States Court of Appeals for Veterans Claims for the term of fifteen years.

William A. Moorman, of Virginia, to be a Judge of the United States Court of Appeals for Veterans Claims for the term of fifteen years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

DISCHARGED NOMINATIONS

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations and the nominations were confirmed:

Christopher J. LaFleur, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Malaysia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self, none.
2. Spouse, none.
3. Children and Spouses, none.
4. Parents: Lydia B. LaFleur (mother): $25, 08/11/00, Hillary R. Clinton for NY Senate; $15, 09/10/02, Friends of Carl McCall.
5. Grandparents, none.
6. Brothers and Spouses, none.
7. Sisters and Spouses: Ingrid and Peter Yurchenco (sister and brother-in-law): $50, 01/20/00, Democratic National Committee; $50, 02/19/00, Democratic National Committee; $50, 05/17/00, Montgomery Democratic Club; $20, 06/06/00, Friends of Freeman & Wilson; $100, 07/03/00, Rush Holt for Congress; $50, 08/25/00, Democratic National Committee; $35, 09/24/00, Friends of Freeman & Wilson; $100, 09/29/00, Rush Holt for Congress; $100, 10/31/00, Rush Holt for Congress; $50, 11/01/00, Friends of Freeman & Wilson; $100, 02/28/01, 2001 Victory Fund, (NJ Democratic Committee); $50, 03/21/01, Montgomery Democratic Club; $100, 04/19/01, Rush Holt for Congress; $50, 07/19/01, Democratic National Committee; $100, 08/13/01, Friends of Freeman & Wilson; $100, 10/01/01, 2001 Victory Fund, (NJ Democratic Committee); $100, 10/28/01, WWW for Township Committee; $50, 02/19/02, Montgomery Democratic Organization; $35, 05/02/02, Jeffords for Vermont; $50, 11/05/02, Rush Holt for Congress; $50, 09/27/02, Karen Wintress for Township Committee; $50, 10/11/02, Cardin for Congress; $50, 05/22/03, Democratic National Committee; $25, 11/25/03, Democratic National Committee; $25, 03/06/04, John Kerry for President; $25, 03/22/04, John Kerry for President; $75, 04/10/04, Democratic National Committee.

B. Lynn Pascoe, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Indonesia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: B. Lynn Pascoe.

Post: Jakarta.

Contributions, amount, date, donee:

1. Self, none.
2. Spouse: Diana L. Pascoe, none.
3. Children and Spouses: Kimberley and Christopher Farrell, none; Gwendolyn J. Pascoe, none.
4. Parents: Harrison B. (deceased) and Oma B. Pascoe, none.
5. Brothers and Spouses: Lewis and Judy Pascoe, none; Lowell (deceased) and Trudy Pascoe, none.

Ryan C. Crocker, of Washington, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Pakistan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Ryan C. Crocker.

Post: Ambassador to the Islamic Republic of Pakistan.

Contributions, amount, date, donee:

1. Self, none.
2. Spouse: Christine Crocker, none.
3. Children and Spouses, none.
4. Parents: Carol Crocker, none; Howard Crocker (deceased 1971), none.
5. Grandparents, (deceased 1923).
6. Brothers and Spouses, none.
7. Sisters and Spouses, none.

Marcie B. Ries, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Albania.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Marcie Berman Ries.

Post: Albania.

Contributions, amount, date, donee:

1. Self, none.
2. Spouse: Charles P. Ries, none.
3. Children and Spouses: Alexander B. Ries, none; Meredith B. Ries, none.
4. Parents: Mona Berman (mother), $50, 2000, Rep. Wexler Reelection Committee; $100, 2004, John Kerry for President; $85, 2004, Democratic National Committee.

Carroll Berman (father), none.

5. Sisters and Spouses: Laura Berman, none.

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations and the nominations were placed on the Executive Calendar:

*Catherine Todd Bailey, of Kentucky, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Latvia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contribution made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Catherine Todd Bailey.

Post: Ambassador to Latvia.

Contributions, amount, date, donee:

1. Self: $2,000, 2004, Alice Forgy Kerr for Congress; $1,000, 1999, Anne Northup for Congress; $1,000, 1999, Anne Northup for Congress; $900, 2000, Anne Northup for Congress; $1,000, 2001, Anne Northup for Congress; $1,000, 2001, Anne Northup for Congress; $2,000, 2003, Anne Northup for Congress; $1,000, 2004, Anne Northup for Congress; $2,000, 2003, Bush-Cheney 2004 Inc.; $472, 1999, Bush for President Inc.; $527, 1999, Bush for President Inc.; $250, 2000, Bush for President Inc.; $1,000, 1999, Citizens for Bunning; $1,000, 1999, Citizens for Bunning; $1,000, 2003, Citizens for Bunning; $1,000, 2003, Citizens for Bunning; $1,000, 2003, Citizens for Bunning; $1,000, 1999, Fletcher for Congress; $1,000, 1999, Fletcher for Congress; $1,000, 2002, HALPAC—Help America's Leaders Political Action Committee; $1,000, 2002, HALPAC—Help America's Leaders Political Action Committee; $1,000, 2003, HALPAC—Help America's Leaders Political Action Committee; $1,000, 2001, Hal Rogers for Congress; $1,000, 2001, John Thune for South Dakota; $200, 2003, Louisville & Jefferson County Republican Executive Committee; $1,000, 1999, McConnell Senate Committee 2002; $1,000, 1999, McConnell Senate Committee 2002; $1,000, 2002, Norm Coleman for US Senate; $25,000, 2003, Republican National Committee; $5,000, 1999, Republican Party of Kentucky; $5,000, 2000, Republican Party of Kentucky; $310, 2001, Republican Party of Kentucky; $310, 2001, Republican Party of Kentucky; $4,500, 2001, Republican Party of Kentucky; $200, 2003, Republican Party of Kentucky; $7,500, 2003, Republican Party of Kentucky; $1,000, 2004, Republican Party of Kentucky; $15,000, 1999, RNC Republican National State Elections Committee; $1,750, 2000, RNC Republican National State Elections Committee; $1,750, 2000, RNC Republican National State Elections Committee; $16,000, 2000, RNC Republican National State Elections Committee; $84,000, 2000, RNC Republican National State Elections Committee; $700, 2001, RNC Republican National State Elections Committee; $3,960, 2001, RNC Republican National State Elections Committee; $5,000, 2001, RNC Republican National State Elections Committee; $15,000, 2001, RNC Republican National State Elections Committee; $15,500, 2001, RNC Republican National State Elections Committee; $20,000, 2001, RNC Republican National State Elections Committee; $100,000, 2001, RNC Republican National State Elections Committee; $125,000, 2002, RNC Republican National State Elections Committee; $25,000, 2003, RNC Republican National State Elections Committee; $11,500, 2004, RNC Republican National State Elections Committee; $125,000, 2002, RNSEC; $24,660, 2001, RNSEC; $103,500, 2000, RNSEC; $20,000, 1999, 1999 State Victory Fund Committee.

2. Spouse: Irving W. Bailey, II: $1,000, 2000, Anne Northup for Congress; $1,000, 2000, Anne Northup for Congress; $1,000, 2001, Anne Northup for Congress; $1,000, 2002, Anne Northup for Congress; $2,000, 2004, Anne Northup for Congress; $2,000, 2004, Anne Northup for Congress; $1,000, 1999, Bush for President; $2,000, 2003, Bush-Cheney 2004 Inc.; $2,000, 2003, Bush-Cheney 2004 Inc.; $2,000, 2003, Bush-Cheney 2004 Inc.; $2,000, 2003, Bush-Cheney 2004 Inc.; $1,000, 2000, Citizens for Bunning; $1,000, 2,000, Citizens for Bunning; $1,000, 2000, Citizens for Bunning; $1,000, 2000, Citizens for Bunning; $1,000, 2003, Citizens for Bunning; $1,000, 2003, Citizens for Bunning; $1,000, 2003, Citizens for Bunning; $1,000, 2003, Citizens for Bunning; $1,000, 2002, HALPAC—Help America's Leaders Political Action Committee; $1,000, 2002, HALPAC—Help America's Leaders Political Action Committee; $1,000, 2000, Fletcher for Congress; $1,000, 2000, Fletcher for Congress; $1,000, 2001, Fletcher for Congress; $1,000, 1999, McConnell Senate Committee; $1,000, 1999, McConnell Senate Committee; $1,000, 1999, McConnell Senate Committee 2002; $1,000, 1999, McConnell Senate Committee 2002; $1,000, 2002, National Association of Small Business; $1,000, 2002, National Association of Small Business Investment Companies Political Action Committee; $1,000, 2003, National Association of Small Business; $1,000, 2003, National Association of Small Business Investment Companies Political Action Committee; $5,000, 2002, Republican Party of Florida Federal Campaign Account; $5,000, 2000, Republican Party of Kentucky; $5,000, 2000, Republican Party of Kentucky; $5,000, 2001, Republican Party of Kentucky;

$5,000, 2002, Republican Party of Kentucky; $5,000, 2001, Republican Party of Kentucky; $25,000, 2003, RNC Republican National State Elections Committee; $25,000, 2004, RNC Republican National State Elections Committee; $20,000, 2002, RNSEC; $20,000, 2002, RNSEC.

3. Children and Spouses: Chris Bailey, none.

Meredith Hernandez: $2,000, 2003, Citizens for Bunning; $2,000, 2004, Bush-Cheney 2004 Inc.; $13,500, 2004, RNC Republican National State Elections Committee.

Michele Thomas, none.

John Receveur, none.

De Bailey, none.

Rafael Hernandez Sainz, none.

Charles Thomas, none.

4. Parents: Martell Todd, deceased; John Todd, deceased.

5. Grandparents: Geneva Schwarzkopf, deceased; David Schawarzkopf, deceased; Warren Todd, deceased; May Gish Todd, deceased.

6. Sisters and Spouses: Marlene Stout: $2,000, 2004, Bush-Cheney 2004 Inc.

Pat Todd Petric, none.

Richard Stout: $2,000, 2004, Bush-Cheney 2004 Inc.

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*Douglas Menarchik, of Texas, to be an Assistant Administrator of the United States Agency for International Development.

*Hector E. Morales, of Texas, to be United States Executive Director of the Inter-American Development Bank for a term of three years.

*Lloyd O. Pierson, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

*Lloyd O. Pierson, an Assistant Administrator of the United States Agency for International Development, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2009.

Department of State nominations beginning with Ryan C. Crocker and ending with Johnny Young, which nominations were received by the Seante and appeared in the Congressional Record on September 13, 2004.

*Nominee has committed to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CARPER (for himself and Mr. BIDEN):

S. 2899. A bill to authorize the Secretary of the Interior to conduct a special resources study to evaluate resources along the coastal region of the State of Delaware and to determine the suitability and feasibility of establishing 1 or more units of the National Park System in Delaware, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI (for herself, Mr. STEVENS, Mr. CAMPBELL, and Mr. INOUYE):

S. 2900. A bill to authorize the President to posthumously award a gold medal on behalf of Congress to Elizabeth Wanamaker Peratrovich and Roy Peratrovich in recognition of their outstanding and enduring contributions to civil rights and dignity of the Native peoples of Alaska and the Nation; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. HUTCHISON (for herself and Mr. BREAUX):

S. 2901. A bill for the relief of Rona Ramon, Asaf Ramon, Tal Ramon, Yiftach Ramon, and Noah Ramon; to the Committee on the Judiciary.

By Mr. CRAIG (for himself, Ms. STABENOW, and Mr. WYDEN):

S. 2902. A bill to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LUGAR:

S. 2903. A bill to provide immunity for nonprofit athletic organizations in lawsuits arising from claims of ordinary negligence relating to passage or adoption of rules for athletic competitions and practices; to the Committee on the Judiciary.

By Mr. CAMPBELL:

S. 2904. A bill to authorize the exchange of certain land in the State of Colorado; to the Committee on Energy and Natural Resources.

By Mr. ENZI (for himself, Mrs. CLINTON, Mr. HAGEL, and Mr. SCHUMER):

S. 2905. A bill to protect members of the Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BINGAMAN (for himself, Ms. MIKULSKI, Mr. GRAHAM of Florida, Mr. CORZINE, Mr. HARKIN, Mr. DURBIN, Mr. FEINGOLD, Mr. ROCKEFELLER, and Mr. KOHL):

S. 2906. A bill to amend title XVIII of the Social Security Act to provide for reductions in the medicare part B premium through elimination of certain overpayments to Medicare Advantage organizations; to the Committee on Finance.

By Mr. DODD (for himself and Mr. KENNEDY):

S. 2907. A bill to amend the Public Health Service Act to improve the quality and efficiency of health care delivery through improvements in health care information technology, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER (for himself, Mrs. FEINSTEIN, Mr. ENSIGN, Ms. CANTWELL, Mr. DEWINE, and Mr. LEAHY):

S. 2908. A bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes; to the Committee on the Judiciary.

By Mr. SPECTER:

S. 2909. A bill to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID:

S. Res. 448. A resolution designating the first day of April 2005 as ''National Asbestos Awareness Day''; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. BROWNBACK, and Mr. LEAHY):

S. Res. 449. A resolution encouraging the protection of the rights of refugees; to the Committee on Foreign Relations.

By Mr. FRIST (for himself and Mr. DASCHLE):

S. Res. 450. A resolution to authorize testimony and representation in United States v. Daniel Bayly, *et. al;* considered and agreed to.

By Mr. DOMENICI (for himself, Mr. CRAIG, Mr. CRAPO, Ms. LANDRIEU, Mr. GRAHAM of South Carolina, Mr. FITZGERALD, Mr. SESSIONS, Mr. VOINOVICH, Mr. PRYOR, Mrs. LINCOLN, Mr. MILLER, and Mr. ALEXANDER):

S. Con. Res. 141. A concurrent resolution recognizing the essential role of nuclear power in the national energy policy of the United States and supporting the increased use of nuclear power and the construction and development of new and improved nuclear power generating plants; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 453

At the request of Mrs. HUTCHISON, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 453, a bill to authorize the Health Resources and Services Administration and the National Cancer Institute to make grants for model programs to provide to individuals of health disparity populations prevention, early detection, treatment, and appropriate follow-up care services for cancer and chronic diseases, and to make grants regarding patient navigators to assist individuals of health disparity populations in receiving such services.

S. 845

At the request of Mr. GRAHAM of Florida, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 845, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicaid and State children's health insurance programs.

S. 989

At the request of Mr. REID, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 989, a bill to provide death and disability benefits for aerial firefighters who work on a contract basis for a public agency and suffer death or disability in the line of duty, and for other purposes.

S. 1134

At the request of Mr. INHOFE, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 1134, a bill to reauthorize and improve the programs authorized by the Public Works and Economic Development Act of 1965.

S. 1223

At the request of Mr. BINGAMAN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1223, a bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 1369

At the request of Mr. AKAKA, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1369, a bill to ensure that prescription drug benefits offered to medicare eligible enrollees in the Federal Employees Health Benefits Program are at least equal to the actuarial value of the prescription drug benefits offered to enrollees under the plan generally.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1419

At the request of Ms. LANDRIEU, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1419, a bill to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care.

S. 1428

At the request of Mr. MCCONNELL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1428, a bill to prohibit civil liability actions from being brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for damages or injunctive relief for claims of injury resulting from a person's weight gain, obesity, or any health condition related to weight gain or obesity.

S. 1728

At the request of Mr. SPECTER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1728, a bill to amend the September 11th Victim Compensation Fund of 2001 (Public Law 107–42; 49 U.S.C. 40101 note) to provide compensation for the United States Citizens who were victims of the bombings of United States embassies in East Africa on August 7, 1998, the attack on the U.S.S. Cole on October 12, 2000, or the attack on the World Trade Center on February 26, 1993, on the same basis as compensation is provided to victims of the terrorist-related aircraft crashes on September 11, 2001.

S. 1784

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1784, a bill to eliminate the safe-harbor exception for certain packaged pseudoephedrine products used in the manufacture of methamphetamine.

S. 2146

At the request of Ms. LANDRIEU, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 2146, a bill to require the Secretary of the Treasury to mint coins in commemoration of the contributions of Dr. Martin Luther King, Jr., to the United States.

S. 2425

At the request of Mr. COCHRAN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2425, a bill to amend the Tariff Act of 1930 to allow for improved administration of new shipper administrative reviews.

S. 2439

At the request of Mrs. HUTCHISON, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2439, a bill to award a congressional gold medal to Michael Ellis DeBakey, M.D.

S. 2602

At the request of Mr. DODD, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Washington (Mrs. MURRAY), the Senator from Louisiana (Mr. BREAUX), the Senator from Washington (Ms. CANTWELL) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 2602, a bill to provide for a circulating quarter dollar coin program to honor the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes.

S. 2623

At the request of Mr. KOHL, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 2623, a bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide a 2-year extension of supplemental security income in fiscal years 2005 through 2007 for refugees, asylees, and certain other humanitarian immigrants.

S. 2647

At the request of Mr. HOLLINGS, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2647, a bill to establish a national ocean policy, to set forth the missions of the National Oceanic and Atmospheric Administration, to ensure effective interagency coordination, and for other purposes.

S. 2648

At the request of Mr. HOLLINGS, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2648, a bill to strengthen programs relating to ocean science and training by providing improved advice and coordination of efforts, greater interagency cooperation, and the strengthening and expansion of related programs administered by the National Oceanic and Atmospheric Administration.

S. 2722

At the request of Mr. DURBIN, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 2722, a bill to maintain and expand the steel import licensing and monitoring program.

S. 2764

At the request of Mr. DODD, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2764, a bill to extend the applicability of the Terrorism Risk Insurance Act of 2002.

S. 2798

At the request of Mr. LUGAR, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2798, a bill to provide for increased planning and funding for health promotion programs of the Department of Health and Human Services.

S. 2807

At the request of Mr. CRAPO, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S . 2807, a bill to amend the Internal Revenue Code of 1986 to exempt containers used primarily in potato farming from the excise tax on heavy trucks and trailers.

S. 2828

At the request of Mr. MCCAIN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2828, a bill to amend the Federal Election Campaign Act of 1971 to define political committee and clarify when organizations described in section 527 of the Internal Revenue Code of 1968 must register as political committees, and for other purposes.

S. 2852

At the request of Mr. SANTORUM, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2852, a bill to provide assistance to Special Olympics to support expansion of Special Olympics and development of education programs and a Healthy Athletes Program, and for other purposes.

S. 2861

At the request of Mrs. MURRAY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2861, a bill to prevent abuse of the special allowance subsidies under the Federal Family Education Loan Program.

S. CON. RES. 8

At the request of Ms. COLLINS, the names of the Senator from Maryland (Mr. SARBANES), the Senator from Virginia (Mr. WARNER), the Senator from Florida (Mr. GRAHAM) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. Con. Res. 8, a concurrent resolution designating the second week in May each year as ''National Visiting Nurse Association Week''.

S. RES. 269

At the request of Mr. LEVIN, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. Res. 269, a resolution urging the Government of Canada to end the commercial seal hunt that opened on November 15, 2003.

S. RES. 430

At the request of Mr. HATCH, the names of the Senator from Illinois (Mr.

FITZGERALD), the Senator from Michigan (Mr. LEVIN), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. Res. 430, a resolution designating November 2004 as ''National Runaway Prevention Month''.

AMENDMENT NO. 3705

At the request of Ms. COLLINS, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of amendment No. 3705 proposed to S. 2845, a bill to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

AMENDMENT NO. 3742

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 3742 proposed to S. 2845, a bill to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

AMENDMENT NO. 3821

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 3821 proposed to S. 2845, a bill to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

AMENDMENT NO. 3827

At the request of Mr. STEVENS, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of amendment No. 3827 proposed to S. 2845, a bill to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

AMENDMENT NO. 3875

At the request of Mr. STEVENS, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Colorado (Mr. ALLARD), the Senator from Alabama (Mr. SESSIONS), the Senator from Texas (Mr. CORNYN) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of amendment No. 3875 proposed to S. 2845, a bill to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

AMENDMENT NO. 3913

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 3913 proposed to S. 2845, a bill to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

AMENDMENT NO. 3915

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 3915 proposed to S. 2845, a bill to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

AMENDMENT NO. 3916

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 3916 proposed to S. 2845, a bill to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

AMENDMENT NO. 3945

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 3945 proposed to S. 2845, a bill to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CARPER (for himself and Mr. BIDEN):

S. 2899. A bill to authorize the Secretary of the Interior to conduct a special resources study to evaluate resources along the coastal region of the State of Delaware and to determine the suitability and feasibility of establishing 1 or more units of the National Park System in Delaware, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CARPER. Mr. President, a few minutes ago, I was recognized and I spoke about the first State. The first State is Delaware. Delaware became the first State December 7th, 1787, when we ratified the Constitution. For 1 week, Delaware was the entire United States of America. We opened things up for the rest of the country, and Pennsylvania came in, New Jersey, and others. For the most part, we are pleased the way it turned out.

It is ironic that the State that helped start this country, the State whose history is part of the fabric of this country's history, has no national park to celebrate our place in the founding of this country and the growth of this country over the last 200-some years.

A couple of years ago, my family and I were planning a vacation. We were trying to decide where to go. We were thinking about going to Alaska. We actually got on the National Park Service Web site to see about the national parks in Alaska. They have terrific national parks. We went up there and had a wonderful visit. Before we did that, we looked at that National Park Service Web site to see what other attractions there are in the other 49 States. There is a unit of the National Park Service in 49 States in this country, but we found nothing for Delaware.

For years gone by and for the immediate future when families like ours are deciding where they are going to go on their summer vacation in 2005 or 2006, they will have the same choices as they had in 2004 and the years before this, businesses, one of the most enduring businesses, large or small, in the United States.

There are other attractions. The Underground Railroad literally runs the length and breadth of our State. Many slaves found their freedom crossing the Christina River into northern Delaware not far from where the first Swedes landed just down the river.

A second hub would be located in the southern part of New Castle County along the Delaware River. Not far from where the hub would be is Fort Delaware. During the Confederate war, tens of thousands of Confederate soldiers were held prisoner at Fort Delaware, in the middle of the Delaware River. From that hub, Port Penn, along the Delaware River, will emanate to the spokes that lead to attractions, including Fort Delaware.

A third hub is Kent County, DE. Kent County, DE, is home of the Golden Fleece Tavern. On December 7, 1787, a band of several dozen men decided, after studying and debating the Constitution that had been sent out from Philadelphia, from the Constitutional Convention, they decided to ratify at the Golden Fleece Tavern on that cold December morning.

Not far from that is a place called John Dickinson Mansion. That mansion was home of a Delawarean who participated in the Constitutional Convention. At that Constitutional Convention, he worked with folks from Connecticut to develop the compromise that makes it clear that every State gets two Senators today and that all the States have representatives in the House of Representatives right down that hall in coordination with the size of the population of that State. That is just one of the many and those choices will not include a national park in Delaware or a unit of National Park in our State.

Senator BIDEN, a couple of years ago, tried to address this problem. For a while, the idea of creating a national park gave some thought to creating a national park in the Great Cyprus Swamp in the southeast corner. Those familiar with Bethany, Rehoboth, and Lewes may or may not know there is a huge swamp where the last of the bald cyprus in North America are. We thought of designating the Great Cyprus Swamp as a national park. The idea ran into some disfavor in southern Delaware and was abandoned.

I am delighted Senator BIDEN has joined in introducing today our legislation to call on the Department of the Interior to conduct a feasibility study to see if what we think is a great idea developed by our park committee in Delaware, led by Dr. Jim Soles over the last year, might find favor with the Department of the Interior, the Congress, and with the President.

The committee has envisioned four wheels, four hubs, starting in the northern part of our State in Wilmington, DE, where the first Swedes

and Finns came in 1638. They landed at Port Christina and established the colony of New Sweden. That hub will serve as a gateway through which visitors might come.

Think of a hub as a bicycle wheel with spokes emanating from the hubs, and the spokes would lead to attractions throughout the northern part of our State. One is the Hagley Museum, where the first powder mills were built along the banks of the Brandywine River providing support for what became the DuPont Company that has endured for over 200 attractions that would lead from the hub down to the spokes that people who come to the central part of our State might visit.

Further south in our State is a place called Lewes. It was settled by the Dutch back in the 1600s. It is a place that had been literally raided, attacked by Indians, wiped out, and came back to be a thriving, prosperous community. The history of early Lewes is captured in the Swaanendael Museum. Not far away is a beautiful State park, Cape Henlopen State Park, which a lot of people visit every year.

We have wildlife refuges in the southern and northern part of the State. There are tens of millions of birds that stop and feed on the way either to the southern hemisphere in the winter or on the way back up North in the spring.

Our State has a lot to offer. Our heritage is one that is rich and reflects the tapestry of our country we have had on the coastal regions of our State over the last 200 years. We do not want to keep it just to ourselves but share it with the rest of the country and the rest of the world.

We are excited to work with the Department of the Interior, our colleagues, and the administration, present or future, to establish a coastal heritage park for the State of Delaware so a year or two from now, when people sit with their families, turn on their computers, and go to the National Park Service Web site to see what is available around the country to visit, they will find a lot of good things about the other 49 States, but they will find some very special things in Delaware, too.

I thank Senators for the time to introduce this with my colleague, Senator JOE BIDEN.

Mr. CARPER. Mr. President, I rise today to introduce the Delaware National Coastal Special Resources Study Act. I am pleased to be joined in introducing this bill by Senator BIDEN. This bill authorizes the Secretary of the Interior to study the feasibility of establishing a National Park Service unit in Delaware.

Delaware is first in so many ways. Yet we are the only State without a National Park. Last year, I wondered whether Delawareans agreed with me that we should have a unit of the National Park Service. Through surveys and town meetings, I polled Delawareans on this question in 2003. The answer was a resounding and nearly unanimous ''yes.''

However, folks were less unanimous on where the park should be located and which aspect of Delaware it should feature. So I formed a 12-member committee representing communities throughout the State. They discussed many fine ideas, and narrowed them down to four proposals with a common thread. In one way or another, each proposal related to Delaware's coastal region.

The committee recommended joining these proposals. The result would be a national park highlighting America's history, cultural heritage, commercial progress and natural beauty. The Delaware National Coastal Heritage Park will reveal that the various threads that together make up the fabric of Delaware are an ideal microcosm for the tapestry of America.

To understand our proposal, first let me ask you to stop thinking about Yosemite or Yellowstone or Shenandoah. This proposal is not like those big, traditional national parks. Ours is a different, more innovative and creative way of thinking about a park. Delaware's coastal region is rich in historical sites, museums, parks, and wildlife areas. Together, these sites highlight the threads of history, heritage, commerce, and nature.

A series of four gateway hubs, or interpretive centers, located along the coast will guide visitors to the many existing attractions in the coastal communities that underlie the park. Connecting these attractions through the National Park Service will allow us to tell our unique story to the Nation.

And, as I'd like to demonstrate for you, our story is worth telling.

The history of America, beginning well before the first European settlers, is seen in the Lenni Lenape and Nanticoke Native American tribes. They settled and prospered in the area in and around Delaware thousands of years before the first European settlement in the early 1600s. Members of the modern Nanticoke Indian Association and the Lenape Tribe of Delaware trace their ancestry to the earliest inhabitants of Delaware's coastline. A visit to the Nanticoke Museum brings our early history to life.

Delaware's shores were explored by the Swedes, Dutch and English. Our small State was the subject of competing claims for its territory from the beginning of European settlement. The earliest colonial settlement in Delaware, known as Swaanendael, was established in 1631 in what is present day Lewes. The settlement ended in tragedy when it was wiped out in a clash with the local Native American population. The Swaanendael Museum in Lewes illustrates Delaware's Dutch roots.

The Swedes established the first permanent European settlement in the Delaware Valley. The *Kalmar Nyckel*, a replica of the ship that carried Swedes to our shores, is docked in Wilmington and currently hosts visitors from around the world.

Founded in Wilmington in 1638, Fort Christina was the earliest lasting bastion in the region. However, as a main line for coastal defense in America, Delaware boasts forts throughout the State. Forts displaying various methods and philosophies of coastal defense can be found along the Delaware River from Fort Delaware and Fort Dupont in New Castle County to Fort Miles in Sussex County. Delaware was the site of military action in both the Revolutionary War and the War of 1812. And at the onset of World War II, the U.S. Army established a military base at Cape Henlopen. You can still see the bunkers and gun emplacements that were camouflaged among the dunes along with the concrete observation towers that were built to spot enemy ships.

Delaware's pivotal role in America's fight for independence culminated in Caesar Rodney's legendary ride to Philadelphia to sign the Declaration of Independence. The Golden Fleece Tavern in Kent County was the meeting place where, on December 7, 1787, it was unanimously decided that Delaware would ratify the Constitution, giving us the distinction of being the First State.

Transportation was dominated by water. New Castle thrived as a port town, second only to Philadelphia. Additional ports in Wilmington and Lewes provided harbor for ocean-going vessels in the export trade. A walk through old New Castle is like stepping back in time.

Delaware historically holds the distinction of being one of America's most prosperous industrial, economic and commercial centers. Some of the Nation's leading ship and rail building establishments were located in the State, as were textile and papermaking companies. Frenchman Eleuthere lrenee duPont founded a gunpowder mill on the banks of the Brandywine River near Wilmington. The history of the DuPont Company is captured at the scenic Hagley Museum.

Delaware's role in the Underground Railroad is too important not to tell. There are documented Underground Railroad sites all over the State. Underground Railroad historians believe that Harriet Tubman made numerous trips through Delaware after her own daring escape. Tubman-Garrett Park in Wilmington overlooks the spot where escaping slaves swam across the Christina River as part of their journey. Wilmington and Camden in Kent County were considered safe stations on the way to freedom. Through the Delaware National Coastal Heritage Park, more Americans could come to understand the historic road to freedom traveled by thousands of enslaved Africans.

Delaware is not only rich in history. It is also famed for its natural refuges and conservatories. William Penn proclaimed that Cape Henlopen and its natural resources were for the common

usage, thus establishing some of the Nation's first ''public lands.'' Some of America's earliest beach resorts sprouted up along the Delaware Bay and coastline during the mid-to-late 19th century. They remain in use to this day. The Bombay Hook National Wildlife Refuge is an important link in the Atlantic Flyway, a trail of wildlife refuges used by migrating birds each year. This makes Bombay Hook a must-see for bird watchers and nature lovers. The Little Creek Wildlife area is a 4,500 acre mecca for crabbers and fishermen.

This is just a taste of the scenic beauty, ethnic heritage, and historical significance that greet visitors to Delaware's coastal shores. The national park selection committee realized that these events and places are threads of human and natural activity that create the very fabric of our society. And the committee realized that a park unit that helped local residents and visitors alike recognize and understand these threads would be a very appropriate and fitting addition to the National Park system. Our national park would demonstrate that coastal regions like those found in Delaware are a vital part of America's past, present, and future.

But the committee also felt that the park itself should be very different from traditional parks. Instead of a large landmass, the park will be structured much like a series of four bicycle wheels, each with a hub and spokes. The hubs will be interpretive centers located strategically along the coastline. Local residents and tourists would learn about how our coastline has contributed to the development of our State and our Nation. These centers would provide information and guidance about the many, many existing historic sites, natural areas, recreational opportunities and other attractions that are part of our coastal region. The spokes will be the multitude of attractions and sites that demonstrate the threads of America's history and scenic beauty.

The gateway hub will be located at the 7th Street Peninsula at the site of the original Fort Christina. There are various attractions within a short walking distance related to the coastal theme of the park. This site would also provide information, advice and directions about other sites in the Wilmington area. It might also include a visitor's center, park headquarters, perhaps a replica of the original Fort Christina.

A second hub would be located along the Delaware River in southern New Castle County. It would provide information on attractions such as Fort Delaware on Pea Patch Island, Fort DuPont and the renowned historic district in the old city of New Castle as well other related attractions in New Castle County.

The third hub would be located in Kent County, also along the coast of the Delaware River. It would provide information on the existing preserved natural areas and on the myriad other attractions in Kent County including the John Dickinson Mansion, Dover's historic Green and others.

A Sussex County hub would be located in the Lewes area and would provide information on the numerous historic sites and natural areas that have made Sussex County's coastal region so pivotal to Delaware.

Together, these four interpretive centers would direct visitors to the many existing attractions that would help our guests understand and appreciate the many threads of Delaware's Coastal Region—threads that help make up the fabric of America.

Every year, millions of Americans plan their vacations around our Nation's national park system. They log onto the Park Service website and search for ideas for their family vacations. Right now, that search will turn up nothing for Delaware. With a national park unit here in Delaware, that will change.

In the future, those families will be considering a trip to Delaware to visit our Coastal Heritage Park. Those trips will be a significant boost to our economy—they will create jobs and economic activity that can only be good for our State.

Just as important—or maybe even more important—these additional visitors will bring more attention to our existing historic sites and other attractions. That additional attention will help guarantee they are preserved for future generations.

By encouraging more Delawareans themselves to visit these wonderful places, a National Park unit will help enrich our own understanding of our own history.

I have described to you today a vision resulting from the hard work of many dedicated Delawareans. Today, I take the next step in making their vision a reality.

The bill I've introduced today—the Delaware National Coastal Special Resources Study Act—authorizes the National Park Service to conduct a ''Special Resource Study'' to make recommendations as to the feasibility of this proposal. The study itself would take from 1 to 2 years to complete and would include estimated costs of implementing the proposal.

I believe this is an exciting proposal and one that, when incorporated into the National Park System, will become an important element in preserving the wonderful human and natural history presented by our coastal region.

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

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

S. 2899

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Delaware National Coastal Special Resources Study Act''.

SEC. 2. STUDY.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this Act as the ''Secretary'') shall conduct a special resources study of the national significance, feasibility of long-term preservation, and public use of sites in the coastal region of the State of Delaware.

(b) INCLUSION OF SITES IN THE NATIONAL PARK SYSTEM.—The study under subsection (a) shall include an analysis and any recommendations of the Secretary concerning the suitability and feasibility of—

(1) designating 1 or more of the sites along the Delaware coast as units of the National Park System that relate to the themes described in section 3; or

(2) establishing a national heritage area that incorporates the sites along the Delaware coast that relate to the themes described in section 3.

(c) STUDY GUIDELINES.—In conducting the study authorized under subsection (a), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in section 8 of Public Law 91–383 (16 U.S.C. 1a–5).

(d) CONSULTATION.—In preparing and conducting the study under subsection (a), the Secretary shall consult with—

(1) the State of Delaware;

(2) the coastal region communities; and

(3) the general public.

SEC. 3. THEMES.

The study authorized under section 2 shall evaluate sites along the coastal region of the State of Delaware that relate to—

(1) the history of indigenous peoples, which would explore history of Native American tribes of Delaware, such as the Nanticoke and Lenni Lenape;

(2) the colonization and establishment of the frontier, which would chronicle the first European settlers in the Delaware Valley who built fortifications for the protection of settlers;

(3) the founding of a nation, which would document the contributions of Delaware to the development of our constitutional republic;

(4) industrial development, which would investigate the exploitation of water power in Delaware with the mill development on the Brandywine River;

(5) transportation, which would explore how water served as the main transportation link, connecting Colonial Delaware with England, Europe, and other colonies;

(6) coastal defense, which would document the collection of fortifications spaced along the river and bay from Fort Delaware on Pea Patch Island to Fort Miles near Lewes;

(7) the last stop to freedom, which would detail the role Delaware has played in the history of the Underground Railroad network; and

(8) the coastal environment, which would examine natural resources of Delaware that provide resource-based recreational opportunities such as crabbing, fishing, swimming, and boating.

SEC. 4. REPORT.

Not later than 1 year after funds are made available to carry out this Act under section 5, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report containing the findings, conclusions, and recommendations of the study conducted under section 2.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. BIDEN. Mr. President, today I rise in support of the Delaware National Coastal Special Resources Study Act and join my colleague, Senator CARPER, in asking this body to support our efforts to construct the Delaware National Coastal Heritage Park. Delaware is the only State not to have a national park and we feel strongly that the time has come. Today, through this legislation, we are asking the Secretary of the Interior to study the feasibility of establishing a National Park Service unit in the State of Delaware.

As I stand before you, I know what most of you are thinking. Do we have an area worthy of such designation? Do we have picturesque mountains like the Grand Tetons or the Great Smokey Mountains? Are people drawn to our coasts to find the spirituality of JoshuaTree? Do we possess landscape on par with the beauty and serenity of Acadia National Park? Well, in a word, yes. A little of all of the magnificence found in some of our Nation's most famous parks can be found in our State of Delaware and that is why the proposal presented by Senator CARPER is so unique and worthy of the next step.

I have to commend my colleague. Senator CARPER brought together a committee of dedicated Delawareans to analyze the validity of a national park in the State of Delaware. After much deliberation, the committee suggested a series of four interpretive centers, scattered throughout the state, to highlight the many treasures of our state. While there are numerous sites identified in the proposal, I would just like to take a moment to speak to several that have been especially close to me in my years in the Senate.

Pea Patch Island is a 228-acre park located off the coast of Delaware City, Delaware that houses Fort Delaware, one of our country's oldest Civil War-era fortifications and Delaware's oldest State Park. The island, with its fort, seawall and other archeological remains, is listed on the National Registry of Historic Places. The island also houses a State nature preserve, providing critical habitat to thousands of wading birds. It is also the largest heronry north of Florida.

Delaware also played a special role in the Underground Railroad and the proposal will highlight the 18 sites in Delaware including a hideout at the Governor's mansion, the court house where abolitionist Thomas Garrett was tried, the Mother African Church in Wilmington where an African American Festival founded in 1814 was used as a cover to help slaves escape is still celebrated, and numerous other sites utilized by the principal Underground Railroad conductor, Harriet Tubman.

Finally, I would like to mention our coastline, our beaches. Now into October, we have said goodbye to another fantastic beach season with millions of people visiting our shores. The historic sites and wildlife refuges that dot our coastline are unique to the area and to the Nation.

These links to Delaware's past are important to our Nation's future and I am proud to join my colleague in supporting this legislation.

By Ms. MURKOWSKI (for herself, Mr. STEVENS, Mr. CAMPBELL, and Mr. INOUYE):

S. 2900. A bill to authorize the President to posthumously award a gold medal on behalf of Congress to Elizabeth Wanamaker Peratrovich and Roy Peratrovich in recognition of their outstanding and enduring contributions to civil rights and dignity of the Native peoples of Alaska and the Nation; to the Committee on Banking, Housing, and Urban Affairs.

Ms. MURKOWSKI. Mr. President, I was proud to join with my colleagues and tens of thousands of America's first peoples, including a substantial contingent of Alaska Natives, in participating in the opening ceremonies for the National Museum of the American Indian. I don't have to tell you what a special week this was for the first peoples of America and particularly for my Alaska Native people. We take pride in our new National Museum of the American Indian and all that it represents. First and foremost, it represents a commitment on the part of the American people that the substantial contributions of American Indians, Alaska Natives and Native Hawaiians be preserved in perpetuity in a prominent location adjacent to the U.S. Capitol. It represents a commitment that the Native experience will not be lost to history.

Today, I want to share with the Senate a piece of Native history that is very significant to the Native people of Alaska and indeed, the first peoples of our entire Nation. It is the story of a Tlingit couple, Roy and Elizabeth Peratrovich. Roy and Elizabeth are to the Native peoples of Alaska what Dr. Martin Luther King, Jr. and Rosa Parks are to African Americans. Everybody knows about Dr. Martin Luther King, Jr. and Rosa Parks, but hardly anyone outside the State of Alaska knows about Roy and Elizabeth Peratrovich. That is going to change today.

Elizabeth was born in 1911, about 17 years before Dr. King. She was born in Petersburg, AK. After college she married Roy Peratrovich, a Tlingit from Klawock, AK; and the couple had three children. Roy and Elizabeth moved to Juneau. They were excited about buying a new home. But they could not buy the house that they wanted because they were Native. They could not enter the stores or restaurants they wanted. Outside some of these stores and restaurants there were signs that read "No Natives Allowed." History has also recorded a sign that read "No Dogs or Indians Allowed."

On December 30, 1941, following the invasion of Pearl Harbor, Elizabeth and Roy wrote to Alaska's Territorial Governor:

> In the present emergency our Native boys are being called upon to defend our beloved country. There are no distinctions being made there. Yet when we patronized good business establishments we are told in most cases that Natives are not allowed.
>
> The proprietor of one business, an inn, does not seem to realize that our Native boys are just as willing to lay down their lives to protect the freedom he enjoys. Instead he shows his appreciation by having a 'No Natives Allowed' sign on his door.

In that letter Elizabeth and Roy noted:

> We were shocked when the Jews were discriminated against in Germany. Stories were told of public places having signs, "No Jews Allowed." All freedom loving people were horrified at what was being practiced in Germany, yet it is being practiced in our own country.

In 1943, the Alaska Legislature, at the behest of Roy and Elizabeth considered an anti-discrimination law. It was defeated. But Roy and Elizabeth were not defeated. Two years later, in 1945, the anti-discrimination measure was back before the Alaska Legislature. It passed the lower house, but met with stiff opposition in the Alaska Senate.

One by one Senators took to the floor to argue against the mixing of the races. A church leader testified that it would take thirty to one hundred years before Alaska Natives would reach the equality of the white man.

Elizabeth Peratrovich rose from the gallery and said she would like to be heard. She was recognized, as was the custom of the day. In a quiet, dignified and steady voice she said, "I would not have expected that I, who am barely out of savagery, would have to remind gentleman with five thousand years of recorded history behind them of our Bill of Rights." She was asked by a Senator if she thought the proposed bill would eliminate discrimination, Elizabeth Peratrovich queried in rebuttal, "Do your laws against larceny and even murder prevent these crimes? No law will eliminate crimes but at least you legislators can assert to the world that you recognize the evil of the present situation and speak your intent to help us overcome discrimination."

When she finished, there was a wild burst of applause from the gallery and the Senate floor alike. The territorial Senate passed the bill by a vote of eleven to five. On February 16, 1945, Alaska had an anti-discrimination law that provided all citizens of the territory of Alaska are entitled to full and equal enjoyment of public accommodations. Following passage of the anti-discrimination law, Roy and Elizabeth could be seen dancing at the Baranof Hotel, one of Juneau's finest. They danced among people they didn't know. They danced in a place where the day before they were not welcome.

There is an important lesson to be learned from the battles of Elizabeth and Roy Peratrovich. Even in defeat, they knew that change would come

from their participation in our political system. They were not discouraged by their defeat in 1943. They came back fighting and enjoyed the fruits of their victory two years later.

Nineteen years before the United States Congress prohibited discrimination in public accommodations in the Civil Rights Act of 1964; eighteen years before Dr. Martin Luther King, Jr. spoke of his dream on the steps of the Lincoln Memorial—Alaska had a civil rights law. Elizabeth would not live to see the United States adopt the same law she brought to Alaska in 1945. She passed away in 1958 at the age of 47.

The State of Alaska has acknowledged Elizabeth Peratrovich's contribution to history by designating February 16 of each year as Elizabeth Peratrovich Day. It has also designated one of the public galleries in the Alaska House of Representatives as the Elizabeth Peratrovich Gallery.

But what about Roy? Why has his role not been recognized? Roy Peratrovich passed away in 1989 at age 81. He died 9 days before the first Elizabeth Peratrovich Day was observed in the State of Alaska. Perhaps it was because Roy was still alive at the time this honor was bestowed; it is Elizabeth that has gotten all the credit for passage of the anti-discrimination law.

Members of the Peratrovich family tell me that this is not entirely unjustified because without Elizabeth's stirring speech the anti-discrimination law would not have passed. But they also point out, as does the historical record, that Elizabeth and Roy were a focused and effective team. History should recognize that the anti-discrimination law was enacted due to the joint efforts of Roy and Elizabeth Peratrovich. I rise today to do my part toward that end.

Joined by my colleague, the distinguished senior Senator from Alaska, Mr. STEVENS, the distinguished Chairman of the Senate Committee on Indian Affairs, Mr. CAMPBELL and the distinguished Vice Chairman of that committee, Mr. INOUYE, I offer legislation to recognize the contributions of Roy and Elizabeth Peratrovich with a Congressional Gold Medal. Congressional Gold Medals have been awarded to a number of African- Americans who have made contributions to the cause of civil rights, among them, Rosa Parks, Roy Wilkins, Dorothy Height, the nine brave individuals who desegregated the schools of Little Rock, Arkansas and others involved in the effort to desegregate public education.

As our Nation focuses on the many contributions of our first people and the challenges they have faced throughout our Nation's history with the opening of the National Museum of the American Indian, it is high time that we also acknowledge the work of American Indians, Alaska Natives and Native Hawaiians in the struggle for civil rights and social justice. Honoring Elizabeth and Roy Peratrovich's substantial contribution with a Congressional Gold Medal is a fine start.

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

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

S. 2900

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

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Elizabeth Wanamaker, a Tlingit Indian, was born on July 4, 1911, in Petersburg, Alaska.

(2) Elizabeth married Roy Peratrovich, a Tlingit Indian from Klawock Alaska, on December 15, 1931.

(3) In 1941, the couple moved to Juneau, Alaska.

(4) Roy and Elizabeth Peratrovich discovered that they could not purchase a home in the section of Juneau in which they desired to live due to discrimination against Alaska Natives.

(5) In the early 1940s, there were reports that some businesses in Southeast Alaska posted signs reading ''No Natives Allowed''.

(6) Roy, as Grand President of the Alaska Native Brotherhood and Elizabeth, as Grand President of the Alaska Native Sisterhood, petitioned the Territorial Governor and the Territorial Legislature to enact a law prohibiting discrimination against Alaska Natives in public accommodations.

(7) Rebuffed by the Territorial Legislature in 1943, they again sought passage of an anti-discrimination law in 1945.

(8) On February 8, 1945, as the Alaska Territorial Senate debated the anti-discrimination law, Elizabeth, who was sitting in the visitor's gallery of the Senate, was recognized to present her views on the measure.

(9) The eloquent and dignified testimony given by Elizabeth that day is widely credited for passage of the antidiscrimination law.

(10) On February 16, 1945, Territorial Governor Ernest Gruening signed into law an act prohibiting discrimination against all citizens within the jurisdiction of the Territory of Alaska in access to public accommodations and imposing a penalty on any person who shall display any printed or written sign indicating discrimination on racial grounds of such full and equal enjoyment.

(11) Nineteen years before Congress enacted the Civil Rights Act of 1964, and 18 years before the Reverend Dr. Martin Luther King, Jr. delivered his ''I have a Dream'' speech, one of America's first antidiscrimination laws was enacted in the Territory of Alaska, thanks to the efforts of Elizabeth and Roy Peratrovich.

(12) Since 1989, the State of Alaska has observed Elizabeth Peratrovich Day on February 16 of each year and a visitor's gallery of the Alaska House of Representatives in the Alaska State Capitol has been named for Elizabeth Peratrovich.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized, on behalf of the Congress, to posthumously award a gold medal of appropriate design to Elizabeth Wanamaker Peratrovich and Roy Peratrovich, in recognition of their outstanding and enduring contributions to the civil rights and dignity of the Native peoples of Alaska and the Nation.

(b) DESIGN AND STRIKING.—For the purpose of the presentation referred to in subsection (a), the Secretary of the Treasury (in this Act referred to as the ''Secretary'') shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 under such regulations as the Secretary may prescribe, and at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 4. NATIONAL MEDALS.

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. FUNDING.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund such sum as may be appropriated to pay for the cost of the medals authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

By Mrs. HUTCHISON (for herself and Mr. BREAUX):

S. 2901. A bill for the relief of Rona Ramon, Asaf Ramon, Tal Ramon, Yiftach Ramon, and Noah Ramon; to the Committee on the Judiciary.

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

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

S. 2901

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

SECTION 1. PERMANENT RESIDENT STATUS FOR RONA RAMON, ASAF RAMON, TAL RAMON, YIFTACH RAMON, AND NOAH RAMON.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Rona Ramon, Asaf Ramon, Tal Ramon, Yiftach Ramon, and Noah Ramon shall each be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Rona Ramon, Asaf Ramon, Tal Ramon, Yiftach Ramon, or Noah Ramon enters the United States before the filing deadline specified in subsection (c), he or she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Rona Ramon, Asaf Ramon, Tal Ramon, Yiftach Ramon, and Noah Ramon, the Secretary of State shall instruct the proper officer to reduce by 5, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section

203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 202(e) of such Act (8 U.S.C. 1152(e)).

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Rona Ramon, Asaf Ramon, Tal Ramon, Yiftach Ramon, and Noah Ramon shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

By Mr. CRAIG (for himself, Ms. STABENOW, and Mr. WYDEN):

S. 2902. A bill to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CRAIG. Mr. President, I rise today to introduce the ''Specialty Crop Competitiveness Act of 2004.'' This bipartisan legislation co-sponsored by the distinguished Senator from Michigan, Senator STABENOW, increases the focus on the contribution that specialty crops add to the United States agricultural economy. This bill specifically provides the proper and necessary attention to many challenges faced throughout each segment of the industry.

Most do not realize the significance of specialty crops and their value to the U.S. economy and the health of U.S. citizens. According to the United States Department of Agriculture Economic Research Service, fruits and vegetables alone added $29.9 billion to the U.S. economy in 2002. This figure does not even include the contribution of nursery and other ornamental plant production.

The specialty crop industry also accounts for more than $53 billion in cash receipts for U.S. producers, which is close to fifty-four percent of the total cash receipts for all crops. A surprising fact to some is that my State of Idaho is the Nation's fourth largest producer of specialty crops. Idaho proudly boasts production of cherries, table grapes, apples, onions, carrots, several varieties of seed crops and of course one of our most notable specialty crops, potatoes.

Maintaining a viable and sustainable specialty crop industry also benefits the health of America's citizens. Obesity continues to plague millions of people today and is a very serious and deepening threat not only to personal health and well-being, but to the resources of the economy as well. This issue is now receiving the necessary attention at the highest levels, and specialty crops will continue to play a prominent role in reversing the obesity trend.

The ''Specialty Crop Competitiveness Act'' will also provide a stronger position for the U.S. industry in the global market arena. This legislation promotes initiatives that will combat diseases both native and foreign that continue to be used as non-tariff barriers to U.S. exports by foreign governments. Additionally, provisions in this bill seek improvements to Federal regulations and resources that impede timely consideration of industry sanitary and phytosanitary petitions. This bill does not provide direct subsidies to producers like other programs. This legislation takes a major step forward to highlight the significance of this industry to the agriculture economy, the benefits to the health of U.S. citizens, and the need for a stable, affordable, diverse, and secure supply of food.

Although we near the end of the 108th Congress. I look forward to working with my colleagues and the Administration now to consider this comprehensive and necessary legislation.

Ms. STABENOW. Mr. President, I rise to join my colleague Senator CRAIG in introducing The Specialty Crop Competitiveness Act of 2004. This legislation would help increase the production and consumption of fruits and vegetables in the United States. I would like to thank my colleague Senator CRAIG for his hard work and leadership on this legislation, and his outstanding commitment to the specialty crop community.

Fruits and vegetables are vital to good health, and far too many Americans do not consume enough of the fresh fruits and vegetables that they desperately need. Increased consumption of fresh produce will provide tremendous health and economic benefits to consumers and growers.

For far too long, specialty crops have been ignored by the United States Department of Agriculture. The majority of crops grown in America, from apples, pears, and cherries, to tomatoes, carrots, cucumbers, and nursery plants do not receive the same subsidies or USDA consideration as program crops. All of our farmers work hard and take a great gamble every year to produce and receive a return on their crops. They gamble against heat, drought, frost, storms, and more recently a flood of foreign produce to our markets.

I represent a diverse agricultural State, and I want American farmers to understand that this legislation is in no way designed to take away funding from program crops, but rather to bring specialty crops up to the status of program crops. This legislation would address a number of issues critical to our nation's specialty crop growers. First, it would create a specialty crop block grant to state agriculture departments to support production-related research, commodity production, nutrition, food safety and inspection and other competitiveness enhancing programs.

The legislation would also improve our growers' access to foreign markets. Thus far, many of our trade agreements have failed to open new markets to our growers, but rather have created new headaches. Our markets have faced problems from new invasive species, currency manipulation, and a flood of products, such as apple juice concentrate, which have invaded hurt our Nation's growers. Therefore, this legislation would require the Animal Plant Health Inspection Service (APHIS) to create a division that would handle industry petitions on sanitary and phytosanitary barriers to specialty crop exports. It would increase the technical assistance funding for specialty crop and study the effects of recent trade agreements and propose a strategy for specialty crop producers to more effectively benefit from international trade opportunities. In order to benefit our farmers, we must ensure that free trade is fair trade.

Also important to my home State of Michigan is the Tree Assistance Program (TAP), which is designed to provide financial relief to growers who lose trees and vines due to natural causes. This past summer in Michigan, a number of our fruit growers suffered damage from hail storms on the western side of our State. TAP funds will be critical to restoring trees and vines damaged in the storms. However, it take a number of years to obtain a return on new fruit trees. Because of the high per acre cost of establishing perennial crops, our legislation would increase the limitation on assistance under the TAP from $75,000 to $150,000 for each eligible farm.

In addition, this legislation would correct a two year old misinterpretation by the USDA. The 2002 Farm Bill states that at least $200 million must be spent annually on the purchase of specialty crops. The Farm Bill Conference Report emphasizes that the allocated $200 million is to be used for additional purchases, over and above the purchases made under current law. For example in 2001, the USDA purchased $243 million in fresh fruits and vegetables; therefore the new total under the Farm Bill should be $443 million in purchases.

Unfortunately, the USDA is not complying with this provision. Instead of adding the $200 million on top of baseline spending for school lunch and senior programs, USDA has eliminated the baseline spending so there is no guarantee of any new spending on fruits and vegetables for our children. In fact, in 2002 USDA did not even meet the minimum purchase requirement; only $181 million in fresh fruits and vegetables were purchased. The Specialty Crops Competitiveness Act will correct this discrepancy and provide our Nation's children with much needed fruits and vegetables.

Supporting our Nation's specialty crop growers and providing nutritious fruits and vegetables to our nation's consumers is vital to ensuring our own health and the health of our economy. I am proud to introduce this legislation and I hope that my colleagues will join me in its support.

By Mr. LUGAR:

S. 2903. A bill to provide immunity for nonprofit athletic organizations in lawsuits arising from claims of ordinary negligence relating to passage or adoption of rules for athletic competitions and practices; to the Committee on the Judiciary.

Mr. LUGAR. Mr. President, I rise today in order to express my support for the Nonprofit Athletic Organization Protection Act of 2004.

Our country has invested a tremendous number of resources in providing our children with the ability to play sports. In every town in America, you will find boys and girls playing America's most popular sports: baseball, soccer, football and, of course, basketball. A recent study by the Sporting Goods Manufacturers Association showed that in 2000 at least 36 million American children played on at least one team sport. Of those 36 million, 26 million children between the ages of 6–17, played on an organized team in an organized league. A study by Statistical Research, Inc. for the Amateur Athletic Foundation and ESPN found that 94 percent of American children play some sport during the year.

The ability for children to participate in sporting events provides our society many benefits that government cannot provide. Studies have shown that these benefits include betterment to a child's health, academic performance, social development and safety.

It is no wonder that the most obvious benefit of organized sports is physical fitness. The National Institute of Health Care Maintenance has identified physical activity such as sports as a key factor in the maintenance of a healthy body. Lack of physical activity, along with unhealthy eating habits, has been identified as the leading cause of obesity in children. The center notes: ''Physical activity provides numerous mental and physical benefits to health, including reduction in the risk of premature mortality, cardiovascular diseases, hypertension, diabetes, depression, and cancers.'' The Washington Times reported on May 14th of this year that a Cooper Institute for Aerobics Research study indicated, ''Low fitness outranks fatness as a risk factor for mortality.'' By encouraging our children to participate in organized sports, we increase physical fitness and fight obesity.

A second benefit in the participation of organized sports is an increase in academic performance. The National Institute of Health Care Maintenance has highlighted ''a recent largescale analysis reported by the California Department of Education [has shown] that the level of physical fitness attained by students was directly related to their performance on standardized achievement measures.'' When we encourage our children to participate in organized sports, we increase the ability for them to achieve academically.

A third benefit for young people who participate in organized sports is that they learn positive social development. Organized sports teach values of teamwork, fair play, and friendly competition. Success in organized sports is also a vital self-esteem builder in many children.

These three benefits have been widely discussed on the floor of the Senate and we have acted to implement several programs designed to reduce obesity and increase fitness, educational standards and the social well-being of our children.

The fourth benefit to participation in organized youth sports, providing a safe place to play, is a topic that has not received as much attention as the first three. Nonetheless, it is no less important. Fewer kids are simply going outside to play, due to the attraction of TV, video games, and the Internet, combined with parents' safety concerns about letting children run around outside unsupervised. As a result, organized sports teams are an increasingly important source of safe physical activity in children. The American Academy of Pediatrics has stated, ''In contrast to unstructured or free play, participation in organized sports provides a greater opportunity to develop rules specifically designed for health and safety.''

One primary reason why organized sports provide such an opportunity for safe play is that non-profit, volunteer organizations establish rules to provide a safe place to play. These organizations are made up of professional people who are in the business of providing children a fun and safe avenue for athletic exercise. Organizations like the Boys and Girls Club, the National Council of Youth Sports, the National Federation of State High School Associations and others exist largely to establish rules in order to minimize the risk of injury our children face while participating in sports. No matter how well these organizations perform their work, however, boys and girls will be injured.

Over the last several years, more and more of these rule making bodies have become targets for lawsuits seeking to prove that the rule maker was negligent in making the rules of play. These lawsuits claim that had a different rule been in place, the injury would not have happened. Indeed, these suits place rule makers into a Catch–22. A child can be injured in almost any situation no matter how a rule is written. The result has been to have more and more lawsuits.

As a consequence, the insurance premiums of these organizations have risen dramatically over the past several years. In his testimony before the House Judiciary Committee this past July, Robert Kanaby the Executive Director of the National Federation of State High School Associations testified that: ''Over the last three years, the annual liability insurance premiums for the National High School Federation have increased three-fold to about $1,000,000. We have been advised by experts that given our claims experience and the reluctance of insurers to offer such coverage to an organization 'serving 7,000,000 potential claimants,' the premiums will likely increase significantly in years to come. Since we operate on a total budget of about $9,000,000, such an increase would be, to put it mildly, problematical.'' The costs have increased to the point where it is possible that these organizations will cease from providing age appropriate rules and the safety of youth sports will decline.

Because of this problem, I am introducing today the Nonprofit Athletic Organization Protection Act of 2004. This legislation will eliminate lawsuits based on claims that a non-profit rulemaking body is liable for the physical injury when the rule was made by a properly licensed rulemaking body that has acted within the scope of its authority. Lawsuits may be maintained if the rule maker was grossly negligent or engaged in criminal or reckless misconduct. This reasonable legislation will help sports rule makers to do their job. If we do not pass this legislation, it is likely that rule makers will eventually close their doors since they will be unable to afford the insurance needed to provide a safe sporting environment.

No one who has participated in the debate surrounding this problem has disagreed that the current lawsuit culture needs reform. Instead, two concerns have arisen regarding the scope of the legislative remedy: first, that the remedy was overly broad preventing law suits against rule makers on other issues; second, that this legislation would prevent lawsuits against rule makers who are negligent.

To remedy these concerns, the legislation introduced today contains a provision that explicitly says that lawsuits involving ''antitrust, labor, environmental, defamation, tortuous interference of contract law or civil rights law, or any other federal, state, or local law providing protection from discrimination'' are not barred by this bill.

The additional provision would also provide no legal immunity from lawsuit if the rule maker has authority to determine coach eligibility. Additionally, the PROTECT Act passed last year, we authorized a pilot program that enabled the National Center for Missing and Exploited Children to do background checks on coaches who participate in certain programs. This program has been successful, weeding out many who would potentially harm our children. So much so that last Friday, by unanimous consent, Senators HATCH and BIDEN shepherded through an extension of this program for an additional 18 months with an aim of eventually making this program permanent.

As my colleagues know, I am a runner. I enjoy the activity and the positive effect that running and athletics have played in my life. I would hope

that my nine grandchildren will be able to have an opportunity to participate in organized sports and that lawsuits against rule makers for allegedly faulty rules will not prevent these organizations from functioning properly. I encourage my colleagues to support passage of this legislation.

By Mr. CAMPBELL:

S. 2904. A bill to authorize the exchange of certain land in the State of Colorado; to the Committee on Energy and Natural Resources.

Mr. CAMPBELL. Mr. President, I am today introducing legislation to complete a small land exchange between the U.S. Forest Service, Bureau of Land Management and Pitkin County at the Ashcroft Townsite near Aspen, CO. This exchange is long overdue, as it has been over a decade since work on this proposal began.

I am very pleased to assist this particular land exchange because it will result in the Forest Service acquiring a piece of land known as the ''Ryan Property'', which is one of the most scenic properties in the entire Aspen area . . . and that's saying a lot!

I am personally familiar with the Ryan Property and its truly spectacular scenery, and would like to note that the Ryan Property was the training ground for the U.S. Army's famous 10th Mountain Division during World War II before the more well-known Camp Hale was built near Leadville.

The Ryan Property also has a series of extremely popular cross country skiing trails, which connect the trails on adjacent Forest Service lands, and lie adjacent to the heavily-used Cathedral Lake Trail and trailhead. This is a truly magnificent piece of land that my bill will convey into permanent public ownership.

The acquisition of these lands by the Forest Service will complete the Ashcroft Preservation Project, initiated by the Forest Service in 1980 to protect the scenic and historic beauty of the Ashcroft area.

As I indicated earlier, completion of this land exchange has not been without difficulty. Indeed, the exchange was first suggested by the Forest Service in 1992. In the year 2000, Pitkin County and the Aspen Valley Land Trust purchased the property, at the request of the Forest Service, to keep it from development until a land exchange could be completed.

Unfortunately, since that time, procedural difficulties, personnel changes, and changing priorities have hindered completion of the exchange. As well, various alternative exchange land packages have been discussed and agreed upon by the parties involved over the years.

Finally, this year, an agreement was reached between the Forest Service, BLM, and Pitkin County to go forward with a three-party exchange, and it is my intention to help them finish it. While this exchange will follow according to existing regulations, with my bill Congress will direct that it occur, so that the types of problems which have prevented its completion thus far will not delay it further.

Additionally, with the special provisions written into this legislation, upon completion of the exchange the County and Land Trust will actually be donating land value to the United States, which is a great benefit for the public.

Accordingly, I am introducing my legislation today in the hopes that it still might be able to see some action this fall. I note that the exchange has the support of a broad array of governmental and non-profit entities including Pitkin County, the City of Aspen, the Aspen Valley Land Trust, the Aspen Skiing Company, the Roaring Fork Conservancy, Ashcroft Ski Touring, Wilderness Workshop, Conservation Fund, and many others.

It is my feeling that this is exactly the type of consensus land conservation effort we should all be supporting, and hope for swift and successful passage of this legislation.

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

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

S. 2904

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Pitkin County Land Exchange Act of 2004''.

SEC. 2. PURPOSE.

The purpose of this Act is to authorize, direct, expedite, and facilitate the exchange of land between the United States, Pitkin County, Colorado, and the Aspen Valley Land Trust.

SEC. 3. DEFINITIONS.

In this Act:

(1) ASPEN VALLEY LAND TRUST.—

(A) IN GENERAL.—The term ''Aspen Valley Land Trust'' means the Aspen Valley Land Trust, a nonprofit organization as described in section 501(c)(3) of the Internal Revenue Code of 1986.

(B) INCLUSIONS.—The term ''Aspen Valley Land Trust'' includes any successor, heir, or assign of the Aspen Valley Land Trust.

(2) COUNTY.—The term ''County'' means Pitkin County, a political subdivision of the State.

(3) FEDERAL LAND.—The term ''Federal land'' means—

(A) the approximately 5.5 acres of National Forest System land located in the County, as generally depicted on the map entitled ''Ryan Land Exchange-Wildwood Parcel Conveyance to Pitkin County'' and dated August 2004;

(B) the 12 parcels of National Forest System land located in the County totaling approximately 5.92 acres, as generally depicted on the map entitled ''Ryan Land Exchange-Smuggler Mountain Patent Remnants-Conveyance to Pitkin County'' and dated August 2004; and

(C) the approximately 40 acres of Bureau of Land management land located in the County, as generally depicted on the map entitled ''Ryan Land Exchange-Crystal River Parcel Conveyance to Pitkin County'' and dated August 2004.

(4) NON-FEDERAL LAND.—The term ''non-Federal land'' means—

(A) the approximately 35 acres of non-Federal land in the County, as generally depicted on the map entitled ''Ryan Land Exchange-Ryan Property Conveyance to Forest Service'' and dated August 2004; and

(B) the approximately 18.2 acres of non-Federal land located on Smuggler Mountain in the County, as generally depicted on the map entitled ''Ryan Land Exchange-Smuggler Mountain-Grand Turk and Pontiac Claims Conveyance to Forest Service''.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(6) STATE.—The term ''State'' means the State of Colorado.

SEC. 4. LAND EXCHANGE.

(a) IN GENERAL.—If the County offers to convey to the United States title to the non-Federal land that is acceptable to the Secretary, the Secretary and the Secretary of the Interior shall—

(1) accept the offer; and

(2) on receipt of acceptable title to the non-Federal land, simultaneously convey to the County, or at the request of the County, to the Aspen Valley Land Trust, all right, title, and interest of the United States in and to the Federal land, subject to all valid existing rights and encumbrances.

(b) TIMING.—

(1) IN GENERAL.—Except as provided in paragraph (2), it is the intent of Congress that the land exchange directed by this Act shall be completed not later than 1 year after the date of enactment of this Act.

(2) EXCEPTION.—The Secretary, the Secretary of the Interior, and the County may agree to extend the deadline specified in paragraph (1).

SEC. 5. EXCHANGE TERMS AND CONDITIONS.

(a) EQUAL VALUE EXCHANGE.—The value of the Federal land and non-Federal land to be exchanged under this Act—

(1) shall be equal; or

(2) shall be made equal in accordance with subsection (c).

(b) APPRAISALS.—

(1) IN GENERAL.—The value of the Federal land and non-Federal land shall be determined by the Secretary through appraisals conducted in accordance with—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions;

(B) the Uniform Standards of Professional Appraisal Practice; and

(C) Forest Service appraisal instructions.

(2) VALUE OF CERTAIN FEDERAL LAND.—In conducting the appraisal of the parcel of Federal land described in section 3(3)(C), the appraiser shall not consider the easement required for that parcel under subsection (d)(1) for purposes of determining the value of that parcel.

(c) EQUALIZATION OF VALUES.—

(1) SURPLUS OF NON-FEDERAL LAND.—If the final appraised value of the non-Federal land exceeds the final appraised value of the Federal land, the County shall donate to the United States the excess value of the non-Federal land, which shall be considered to be a donation for all purposes of law.

(2) SURPLUS OF FEDERAL LAND.—

(A) IN GENERAL.—If the final appraised value of the Federal land exceeds the final appraised value of the non-Federal land, the value of the Federal land and non-Federal land may be equalized by the County—

(i) making a cash equalization payment to the Secretary;

(ii) conveying to the Secretary certain land located in the County, comprising approximately 160 acres, as generally depicted on the map entitled ''Sellar Park Parcel'' and dated August 2004; or

(iii) using a combination of the methods described in clauses (i) and (ii), as the Secretary and the County determine to be appropriate.

(B) DISPOSITION AND USE OF PROCEEDS.—

(i) DISPOSITION OF PROCEEDS.—Any cash equalization payment received by the Secretary under subparagraph (A)(i) shall be deposited in the fund established by Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a).

(ii) USE OF PROCEEDS.—Amounts deposited under clause (i) shall be available to the Secretary, without further appropriation, for the acquisition of land or an interest in land in the State for addition to the National Forest System.

(d) CONDITIONS ON CERTAIN CONVEYANCES.—

(1) CONDITIONS ON CONVEYANCE OF CRYSTAL RIVER PARCEL.—

(A) IN GENERAL.—The Secretary of the Interior shall not convey to the County the parcel of land described in section 3(3)(C) until the County grants to the Aspen Valley Land Trust, the Roaring Fork Conservancy, or any other entity acceptable to the Secretary of the Interior and the County, a permanent conservation easement to the parcel, the terms of which—

(i)(I) provide public access to the parcel; and

(II) require that the parcel shall be used only for recreational, fish and wildlife conservation, and open space purposes; and

(ii) are acceptable to the Secretary of the Interior.

(B) REVERSION.—In the deed of conveyance that conveys the parcel of land described in section 3(3)(C) to the County, the Secretary of the Interior shall provide that title to the parcel shall revert to the United States at no cost to the United States if—

(i) the parcel is used for a purpose other than that described in subparagraph (A)(i)(II); or

(ii) the County or the entity holding the conservation easement elect to discontinue administering the parcel.

(2) CONDITIONS ON CONVEYANCE OF WILDWOOD PARCEL.—

(A) IN GENERAL.—Before the Secretary conveys to the County the parcel described in section 3(3)(A), the Secretary shall require the County, at the expense of the County, to transmit to the Secretary a quitclaim deed to the parcel that permanently relinquishes any claim that, before the date of introduction of this Act, was brought against the United States asserting the right, title, or interest of the claimant in and to the parcel.

(B) RESERVATION OF EASEMENT.—In the deed of conveyance of the parcel described in section 3(3)(A) to the County, or at request of the County, to the Aspen Valley Land Trust, the Secretary shall, as determined to be appropriate by the Secretary in consultation with the County, reserve to the United States a permanent easement to the parcel for the location, construction, and public use of the East of Aspen Trail.

SEC. 6. MISCELLANEOUS PROVISIONS.

(a) INCORPORATION, MANAGEMENT, AND STATUS OF ACQUIRED LAND.—

(1) IN GENERAL.—Land acquired by the Secretary under this Act shall become part of the White River National Forest.

(2) MANAGEMENT.—On acquisition, land acquired by the Secretary under this Act shall be administered in accordance with the laws (including rules and regulations) generally applicable to the National Forest System.

(3) LAND AND WATER CONSERVATION FUND.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–9), the boundaries of the White River National Forest shall be deemed to be the boundaries of the White River National Forest as of January 1, 1965.

(b) REVOCATION OF ORDERS AND WITHDRAWAL.—

(1) REVOCATION OF ORDERS.—Any public orders withdrawing any of the Federal land from appropriation or disposal under the public land laws are revoked to the extent necessary to permit disposal of the Federal land.

(2) WITHDRAWAL OF FEDERAL LAND.—On the date of enactment of this Act, if not already withdrawn or segregated from entry and appropriation under the public land laws (including the mining and mineral leasing laws) and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.), the Federal land is withdrawn, subject to valid existing rights, until the date of the conveyance of the Federal land to the County.

(3) WITHDRAWAL OF NON-FEDERAL LAND.—On acquisition of the non-Federal land by the Secretary, the non-Federal land is permanently withdrawn from all forms of appropriation and disposition under the public land laws (including the mining and mineral leasing laws) and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

(c) BOUNDARY ADJUSTMENTS.—The Secretary with jurisdiction over the land and the County may agree to—

(1) minor adjustments to the boundaries of the Federal land and non-Federal land; and

(2) modifications or deletions of parcels and mining claim remnants of Federal land or non-Federal land to be exchanged on Smuggler Mountain.

(d) MAP.—If there is a discrepancy between a map, acreage estimate, and legal or other description of the land to be exchanged under this Act, the map shall prevail unless the Secretary with jurisdiction over the land and the County agree otherwise.

By Mr. ENZI (for himself, Mrs. CLINTON, Mr. HAGEL, and Mr. SCHUMER);

S. 2905. A bill to protect members of the Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ENZI. Mr. President, I rise today with my colleague from New York to introduce legislation to stop the sale of questionable financial products through hard sales tactics to our military personnel and their families. Over the course of recent months, it has become increasingly clear that the lack of clear lines in the oversight of insurance and securities sales on military bases has allowed certain individuals to push high cost financial products on unknowing military personnel. This practice must be stopped now. Our soldiers and their families deserve much better than that especially since they are putting themselves on the front line day after day for our freedom.

The bill that we introduce today will halt completely the sale of a mutual fund-like product that charges a 50-percent sales commission against the first year of contributions by a military family. Currently, there are hundreds of mutual fund products available on the market that charge less than 6 percent. The excessive sales charges of these contractually based financial products make them susceptible to abusive and misleading sales practices. Unfortunately, a small group of individuals target these products almost entirely to military families.

In addition, certain life insurance products are being offered to our service members disguised and marketed as investment products. These products provide very low death benefits while charging very high premiums, especially in the first few years. Many of these products are unsuitable for the insurance and investment needs of military families.

One of the major problems with the sales of insurance products on military bases is whether State insurance regulators or military base commanders are responsible for the oversight of sales agents. Typically, military base commanders will bar certain sales agents from a military base only to have the sales agents show up at other military facilities. Since there is no record of the bar, State insurance regulators have been unable to have adequate oversight of the individuals. The bill that we introduce today will rectify that problem. It will state clearly that State insurance regulators have jurisdiction of the sale of insurance products on military bases.

In addition, the bill will urge State insurance regulators to work with the Department of Defense to develop life insurance product standards and disclosures. The Department of Defense also will keep at list of individuals who are barred or banned from military bases due to abuse or unscrupulous sales tactics and to share that list with Federal and State insurance, securities and other relevant regulators.

Finally, the bill that we are introducing today will protect our military families by preventing investment companies to issue periodic payment plan certificates, the mutual fund-like investment product with extremely high first-year costs. This type of financial instrument has been criticized by securities regulators since the late 1960s.

We believe that this legislation is but the first step in helping our military families. Last year, I worked with Senators SHELBY, SARBANES, AKAKA and STABENOW to develop financial literacy initiatives for the Federal Government and for students. My colleague from New York and I will be working next year to strengthen the financial literacy programs for military personnel. By providing military families with the tools to analyze and compare financial products, we will give them an advantage over sales agents who attempt to sell high cost financial and insurance products ill-suited to military life.

It should be noted that there are many upstanding financial and insurance companies that sell very worthwhile investment and insurance products to military families. They should be applauded for the fine job that they do in helping our families. This bill is targeted at the few who abuse the system and prey upon our military in times when our country needs them the most.

Last night, a similar bipartisan bill passed the House of Representatives by

an overwhelming vote of 396–2. Congress is fully aware of the dangers faced by our military personnel in keeping our country safe from harm. Likewise, we must do all that we can to arm our soldiers when they face the dangers of planning for their financial futures.

I urge my colleagues to take up this bill immediately so that we can help our men and women in the military and their families.

By Mr. BINGAMAN (for himself, Ms. MIKULSKI, Mr. GRAHAM of Florida, Mr. CORZINE, Mr. HARKIN, Mr. DURBIN, Mr. FEINGOLD, Mr. ROCKEFELLER, and Mr. KOHL):

S. 2906. A bill to amend title XVIII of the Social Security Act to provide for reductions in the medicare part B premium through elimination of certain overpayments to Medicare Advantage organizations; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, on a late Friday afternoon back on September 3, 2004, the Bush Administration announced, just before the Labor Day holiday weekend, that there will be a 17.4 percent increase in the Medicare Part B premium for seniors and people with disabilities. The increase would raise premiums for seniors and people with disabilities from $66.60 per month to $78.20 per month and represents the largest dollar increase in the history of the Medicare program.

In fairness, the premium is set in statute to reflect 25 percent of Medicare Part B spending. However, a large share of the increase is due directly to provisions that were included in the Medicare prescription drug bill that passed last year that did far more to help HMOs, insurance companies, and drug companies than it did for Medicare beneficiaries. In fact, because of this formula, the dramatic increase in payments made to HMOs and insurance companies also has the very unfortunate effect of increasing the Medicare premium, even for seniors and people with disabilities that either do not have access to an HMO or choose not to enroll in an HMO.

As a result, today I am introducing legislation, the ''Affordability in Medicare Premiums Act,'' with Senators MIKULSKI, GRAHAM of Florida, CORZINE, HARKIN, DURBIN, FEINGOLD, ROCKEFELLER, and KOHL, that would reduce the 17.4 percent premium increase announced by the Administration and instill greater fairness in the Medicare premium in the future. It would do so in three ways.

First, the bill recognizes that one of the contributing factors in the dramatic increase in the Medicare premium was the enactment of provider and managed care plan payment increases in the Medicare drug bill. In the case of payments targeted exclusively to managed care plans, the Congressional Research Service has estimated that payments to HMOs will increase by 17.4 percent between 2004 and 2005. The CMS Office of the Actuary estimates that the vast majority of the increase comes from payments to HMOs over and above that made to traditional Medicare for either preventive services or in the physician payment adjustment.

As a result of these targeted increases in payments just to HMOs, Dr. Brian Biles, with George Washington University and the Commonwealth Fund, has estimated that HMOs will be paid $2.7 billion, or 7.8 percent, in excess of traditional, fee-for-service Medicare in 2005. Moreover, the Medicare Payment Advisory Commission, or MedPAC, has found that in almost one-third of the counties in the United States will have payments to HMOs that will exceed that of traditional Medicare by more than 20 percent.

I voted against the Medicare prescription drug bill, in part due to the overpayments made to HMOs in that legislation. If the rhetoric behind private insurance plans is that they will modernize and save Medicare money, it certainly makes little sense to overpay them by what the CMS Office of the Actuary estimates to be $50 billion over the next 10 years. That is why I have cosponsored legislation to eliminate that overpayment.

In the meantime, for the 89 percent of Medicare enrollees that choose not to enroll or do not even have access to a Medicare HMO, they certainly should not have to pay 25 percent of the Part B costs of the overpayment or excessive subsidies to managed care plans through what is now called the Medicare Advantage program, as they are required to now.

Consequently, our legislation, the ''Affordability in Medicare Premiums Act,'' would eliminate that part of the Medicare premium that is attributable to the costs associated with these overpayments to HMOs. Just as somebody should not have to pay the premium of another for choosing a more costly health plan, our Nation's senior citizens or people with disabilities should not have to pay higher premiums because the Administration and Congress choose to overpay HMOs in the Medicare program.

Unfortunately, as it works now, if more Medicare beneficiaries decided this year to enroll in Medicare HMOs, then Medicare spending increases, on average, by at least 8.4 percent for each new managed care enrollee. With that increased cost, all Medicare beneficiaries, even those that neither have access to nor choose not to enroll in an HMO must pay higher premiums.

Second, the bill recognizes that HMOs are also overpaid by Medicare even further due to the Administration's decision to not appropriately ''risk adjust'' payments to health plans. As MedPAC explained in its March 2004 Report to the Congress, ''From the time plans were first paid based on capitation, the program has adjusted the capitation rates to reflect expected health care spending differences among plans based on the characteristics of their enrollees.'' In 1997, Congress required the Secretary to improve the risk adjustment system. However, in implementation of the new system, which is phased in to cushion the impact on health plans, the Centers for Medicare and Medicaid Services, or CMS, went further by estimating the impact of the new system on aggregate plan payments and has restored the difference.

MedPAC has argued against this and points out that without accurate adjustments it results in even further inequity between traditional Medicaid and private health plans. As MedPAC says, ''If plans in general attract healthier-than-average beneficiaries, the Medicare program pays more than these same beneficiaries would cost in the [fee-for-service] program.''

Dr. Biles estimates that the CMS policy will add another $1.4 billion, or 4.0 percent, to health plan overpayments. The CMS Office of the Actuary estimates that if this policy continues over the next 10 years that it will cost the Medicare program an additional $54 billion in overpayments. HMOs should not reap a significant financial windfall by avoiding serving Medicare beneficiaries who have greater health care needs than average. Moreover, once again, those that do not have access to or choose not to enroll in a Medicare HMO should not be required to pay higher premiums for these overpayments.

Therefore, the legislation requires CMS to risk adjust health plan payments and dictates that these Part B savings be redirected into reducing the Medicare Part B premiums for all Medicare beneficiaries. Furthermore, Part A savings would be applied to reduce the federal deficit and extend the solvency of the Medicare Trust Fund.

And finally, our bill repeals the $10 billion that was established in the Medicare drug bill to allow the Secretary to pay health plans for what is called a ''health plan stabilization fund.'' This fund truly serves no other purpose than to further increase overpayments and subsidies to health plans. Savings in Medicare Part B from the repeal of the provision are also redirected into reducing Medicare premiums for all Medicare beneficiaries. Once again, Part A savings would be applied to reduce the federal deficit and further extend the solvency of the Medicare Trust Fund.

If nothing is done in the next two months, this premium increase will result in a cumulative increase in premiums of 56.4 percent between 2001 and 2005. That is unacceptable to our nation's senior citizens and disabled citizens who often live on fixed incomes. Rather than hiding this fact, as the Administration has sought to do, we urge them to do something about it by supporting this critical and urgent legislation.

The ''Affordability in Medicare Premiums Act'' is all about priorities. For

the 89 percent of Medicare beneficiaries that are not enrolled in an HMO, they should not have to pay added premiums as a result of an estimated $114 billion in overpayments to HMOs over the next 10 years. We have chosen to help senior citizens and people with disabilities living on fixed incomes over HMOs. It is a matter of simple fairness.

Dr. Biles estimates that the average premium would decline for Medicare beneficiaries by at least $5 per month if our legislation is passed.

I would also underscore that by requiring risk adjustment and repealing the $10 billion PPO fund, about half of those savings would be Medicare Trust Fund or Part A dollars. As a result, the legislation has the effect of both extending the solvency of the Medicare Trust Fund and also saving taxpayers over $30 billion in coming years.

And finally, the Medicaid program would also save hundreds of millions of dollars over the next ten years due to the fact that Medicaid pays the cost-sharing and premiums for low-income senior citizens and the disabled who are both enrolled in Medicare and Medicaid. The Federal Funds Information for States, or FFIS, has estimated that the Medicare Part B premium increase will cost the Medicaid program over $800 million in 2005. By reducing the Medicare premium, the Medicaid program—and thereby, both federal and state governments and taxpayers—will see spending decline in this area.

I would like to thank Senators MIKULSKI, GRAHAM of Florida, CORZINE, HARKIN, DURBIN, FEINGOLD, ROCKEFELLER, and KOHL for working with me on introducing this important legislation on behalf of our nation's seniors and disabled enrolled in Medicare.

I ask for unanimous consent that the Fact Sheet supporting the legislation and the text of the bill be printed in the RECORD.

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

AFFORDABILITY IN MEDICARE PREMIUMS ACT

Senators Jeff Bingaman, Barbara Mikulski, Bob Graham, Jon Corzine, Tom Harkin, Russ Feingold, Jay Rockefeller, and Herb Kohl are introducing legislation entitled the ''Affordability in Medicare Premiums Act.'' The bill would substantially reduce the growth in the Medicare Part B premium scheduled to take place in 2005 and instill greater fairness in the Medicare Part B premium in the future. It would do so in a fiscally responsible manner while also managing to extend the solvency of the Medicare Part A Trust Fund and reduce the Federal deficit.

BACKGROUND

On September 3, 2004, the Bush Administration announced that the Medicare Part B premium will rise from $66.60 per month in 2004 to $78.20 per month in 2005—a 17.4 percent increase. This $11.60 monthly or $138 a year increase for Medicare enrollees represents the single largest in the history of the Medicare program.

One of the major factors contributing to the dramatic increase was the enactment of provider and managed care plan payment increases in the Medicare Modernization Act. In the case of payments to managed care plans, the Centers for Medicare and Medicaid Services (CMS) Office of the Actuary estimates that payments will increase by 14.4 percent between 2004 and 2005. This will occur on a base payment to HMOs that was already estimated by the Commonwealth Fund to exceed fee-for-service costs by 8.4 percent or $552 per Medicare Advantage plan enrollee in 2004.

Since the increase in payments to Medicare Advantage health plans attributable to Part B spending is paid for by increased premiums for all Medicare beneficiaries, the result is that senior citizens and people with disabilities that are not enrolled in Medicare HMOs have been and will increasingly be cross-subsidizing overpayments to these Medicare HMOs.

REDUCES PART B PREMIUMS FOR THE 89 PERCENT OF THOSE NOT ENROLLED IN MEDICARE HMOS

The legislation would eliminate this cross-subsidization by making sure that the 89 percent of Medicare enrollees that currently choose not to enroll or do not have access to a Medicare HMO are no longer paying for the overpayments to these plans. The legislation would achieve this by requiring CMS to estimate the Part B premium for Medicare beneficiaries at what the cost would be if HMOs were paid at 100% of the cost of traditional Medicare fee-for-service.

In short, rather than subsidizing HMOs, the legislation allows seniors and people with disabilities—many on fixed incomes and with large out-of-pocket costs (an estimated $3,455 for senior citizens enrolled in Medicare)—to have their Part B premium reduced to use these dollars on their own health care rather than for overpayments to HMOs that they have chosen not to enroll in or to which they do not even have access.

For example, according to the Congressional Research Service (CRS), as of March 2003, the following states had either no enrollment or less than 5 percent of their Medicare beneficiaries enrolled in managed care plans: Montana, Wyoming, Utah, North Dakota, South Dakota, Nebraska, Iowa, Wisconsin, Michigan, Illinois, Indiana, Kentucky, Arkansas, Mississippi, Georgia, North Carolina, Virginia, West Virginia, Maryland, Delaware, New Jersey, New Hampshire, Vermont, Maine, and Alaska.

As the Commonwealth Fund has found, ''Over 40 percent of Medicare beneficiaries, particularly those living in rural areas, do not have access to a Medicare Advantage plan. Nor do all Medicare beneficiaries in urban areas have their physicians in Medicare Advantage plan networks.'' As a result, virtually all of the Medicare beneficiaries in these states, often with no access to a Medicare HMO at all, are paying for the overpayment to managed care plans operating in other areas in the country.

Furthermore, even for states with larger enrollment in Medicare HMOs, such as California, Massachusetts, New York, New Mexico, or Rhode Island, it makes little sense for those not enrolled in managed care plans to pay the rapidly growing Part B premium due to HMO overpayments that were already occurring in Medicare but are now scheduled to increase much more rapidly as a result of the Medicare Modernization Act.

IMPROVES HEALTH PLAN PAYMENTS AND FURTHER REDUCING PREMIUMS FOR ALL MEDICARE ENROLLEES

The bill further recognizes that HMOs are overpaid by Medicare in two ways—first, by the direct overpayment in legislation, and second, by the failure of the Bush Administration to appropriately ''risk adjust'' payments to health plans based on the fact that health plans attract, on average, healthier people than those in traditional Medicare. Congress passed legislation in 1997 as part of the Balanced Budget Act that required payments to plans to be adjusted or ''risk adjusted'' based on the health of their enrollees. However, CMS has interpreted the law to allow it to risk adjust payments in a ''budget neutral'' manner by redistributing plan overpayments among all plans.

The CMS Office of the Actuary estimates that the Bush Administration's failure to adjust for the health of plan enrollees led to an overpayment of $3 billion in 2004 and would lead to another $54 billion in overpayments if payments are not risk adjusted through 2014.

Therefore, the legislation requires CMS to risk adjust health plan payments in a manner that saves the Medicare program these funds. Furthermore, those savings will be further plowed back into reducing the Medicare Part B premium for all Medicare beneficiaries, including those enrolled in Medicare Advantage plans.

And finally, it repeals the $10 billion that was established in the Medicare Modernization Act that allows the Secretary to pay PPOs for what is called a ''health plan stabilization fund.'' This fund serves no purpose other than to increase overpayments to PPOs over and above what Medicare Advantage plans already receive. Savings from the repeal of this provision are also plowed back into reducing the Medicare Part B premium for all Medicare beneficiaries, including those enrolled in Medicare Advantage plans.

SAVES THE MEDICAID PROGRAM FUNDING AS WELL

The Federal Funds Information for States has estimated that the Medicare Part B premium increase will cost states by over $800 million in CY 2005. This legislation would significantly reduce that impact.

ENSURES LEGISLATION IS FISCALLY RESPONSIBLE MANNER, EXTENDS THE SOLVENCY OF THE MEDICARE PART A TRUST FUND, AND REDUCES THE FEDERAL BUDGET DEFICIT

The savings from these two changes in payments to HMOs are used to reduce the Medicare Part B premiums for seniors citizens and people with disabilities in a fiscally responsible manner while also extending the solvency of the Medicare Part A Trust Fund, reducing spending in the Medicaid program, and reducing the federal deficit.

S. 2906

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Affordability in Medicare Premiums Act of 2004''.

SEC. 2. REDUCTION OF MEDICARE PART B PREMIUM FOR INDIVIDUALS NOT ENROLLED IN A MEDICARE ADVANTAGE PLAN.

Section 1839(a) of the Social Security Act (42 U.S.C. 1395r(a)) is amended—

(1) in paragraph (3), in the first sentence, by striking ''The Secretary'' and inserting ''Subject to paragraph (5), the Secretary''; and

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

''(5)(A) For each year (beginning with 2005), the Secretary shall reduce the monthly premium rate determined under paragraph (3) for each month in the year for individuals who are not enrolled in a Medicare Advantage plan (including such individuals subject to an increased premium under subsection (b) or (i)) so that the aggregate amount of such reductions in the year is equal to the aggregate amount of reduced expenditures from the Federal Supplementary Medicare Insurance Trust Fund that the Secretary estimates would result in the year if the annual Medicare+Choice capitation rate for the

year was equal to the amount specified under subparagraph (D) of section 1853(c)(1), and not subparagraph (A), (B), or (C) of such section.

''(B) In order to carry out subsections (a)(1) and (b)(1) of section 1840, the Secretary shall transmit to the Commissioner of Social Security and the Railroad Retirement Board by the beginning of each year (beginning with 2005), such information determined appropriate by the Secretary, in consultation with the Commissioner of Social Security and the Railroad Retirement Board, regarding the amount of the monthly premium rate determined under paragraph (3) for individuals after the application of subparagraph (A).''.

SEC. 3. FUNDING REDUCTIONS IN THE MEDICARE PART B PREMIUM THROUGH REDUCTIONS IN PAYMENTS TO MEDICARE ADVANTAGE ORGANIZATIONS.

Section 1839(a) of the Social Security Act (42 U.S.C. 1395r(a)), as amended by section 2, is amended—

(1) in paragraph (3), in the first sentence, by striking ''paragraph (5)'' and inserting ''paragraphs (5) and (6)''; and

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

''(6) For each year (beginning with 2005), the Secretary shall reduce the monthly premium rate determined under paragraph (3) for each month in the year for each individual enrolled under this part (including such an individual subject to an increased premium under subsection (b) or (i)) so that the aggregate amount of such reductions in the year is equal to an amount equal to—

''(A) the aggregate amount of reduced expenditures from the Federal Supplementary Medicare Insurance Trust Fund in the year that the Secretary estimates will result from the provisions of, and the amendments made by, sections 4 and 5 of the Affordability in Medicare Premiums Act of 2004; minus

''(B) the aggregate amount of reductions in the monthly premium rate in the year pursuant to paragraph (5)(A).''.

SEC. 4. APPLICATION OF RISK ADJUSTMENT REFLECTING CHARACTERISTICS FOR THE ENTIRE MEDICARE POPULATION IN PAYMENTS TO MEDICARE ADVANTAGE ORGANIZATIONS.

Effective January 1, 2005, in applying risk adjustment factors to payments to organizations under section 1853 of the Social Security Act (42 U.S.C. 1395w–23), the Secretary of Health and Human Services shall ensure that payments to such organizations are adjusted based on such factors to ensure that the health status of the enrollee is reflected in such adjusted payments, including adjusting for the difference between the health status of the enrollee and individuals enrolled under the original medicare fee-for-service program under parts A and B of title XVIII of such Act. Payments to such organizations must, in aggregate, reflect such differences.

SEC. 5. ELIMINATION OF MA REGIONAL PLAN STABILIZATION FUND (SLUSH FUND).

Subsection (e) of section 1858 of the Social Security Act (42 U.S.C. 1395w–27a), as added by section 221(c) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173), is repealed.

Ms. MIKULSKI. Mr. President, I rise today to join my colleagues in introducing the Affordability in Medicare Premiums Act of 2004. This bill would protect seniors against the outrageous increases in their Medicare costs. It does this by preventing HMOs from taking money out of the pockets of seniors.

Health care costs are skyrocketing, and seniors are paying a greater share out of their pockets each year. Medicare premiums are on the rise. Prescription drug costs are shooting through the roof. Seniors are facing higher co-pays and deductibles for doctor visits, and hospital and skilled nursing home visits. While seniors are paying more and more, the administration has just announced the largest increase in Medicare premiums in the history of Medicare.

Just last year this administration supported a Medicare benefit that provides seniors only a hollow promise for a prescription drug benefit. This new benefit will force over 2 million seniors to lose their drug coverage, coerce seniors into HMOs, while doing nothing to stop the soaring cost of prescription drugs.

Now this administration announces a 17.4 percent increase in Part B premiums. That's an extra $11.60 out of a seniors pocket each month. Seniors are falling further and further behind, while their Medicare premiums are getting larger, and their Social Security barely keeps up with inflation. Our seniors are struggling to buy the basics like food, clothing and other simple necessities. And that's not okay.

I ran the numbers and here's what I found. Medicare Part B insurance premiums are rising faster and faster every year. In 2003, they rose 8.7 percent. This year, Medicare Part B premiums rose by 13.5 percent. Next year these premiums will rise by 17.4 percent, which is the biggest increase in Medicare history.

In contrast, Social Security cost of living adjustments (COLA's) rose by a mere 1.4 percent in 2003; and 2.1 percent in 2004; and are projected to rise only about 3 percent for 2005. So, there's less and less of a senior's Social Security check to make ends meet.

Medicare provides health insurance coverage to 41 million seniors and disabled. Roughly 570,000 Marylanders rely on Medicare. These benefits need to be stable and secure. That's what I'm fighting for.

I believe honor thy mother and father is not just a good commandment to live by, it is good public policy to govern by. This bill would eliminate the 17.4 percent increase in premiums, which saves seniors $11.60/month. This bill would also lower premiums paid by seniors below today's rate of $66.00/per month by using the savings from stopping subsidies to HMO's. My bill is fully paid for by stopping the overpayments to HMOs. I do not believe that HMO's should not get higher reimbursements to serve seniors than traditional Medicare. My bill would also eliminate the $10 billion HMO slush fund for insurance companies to participate in the new Medicare drug plan. This would save a senior at least $115 next year to a senior on a fixed income. This is a small fortune.

This bill is not an answer to skyrocketing health care costs, but it is a stopgap measure. It will give seniors a little breathing room.

I am working hard on several bills to fix the Prescription Drug Benefit that was passed last year, including legislation that protects seniors Social Security COLA's; legislation that provides a real drug benefit for seniors; and, legislation that allow the government to negotiate with drug companies to lower the cost of prescription drugs. I am fighting to end the giveaways to insurance companies, and use those savings to improve Medicare.

Congress created Medicare to provide a safety net for seniors. It is time to stop putting money in the pockets of HMOs and use that money to provide quality care for seniors. This bill is a good first step down that road, but a you can see, it is not the only step. Seniors cannot afford 17 percent increases in their Medicare premiums.

I urge my colleagues to join me in expressing support for this bill.

By Mr. DODD (for himself and Mr. KENNEDY):

S. 2907. A bill to amend the Public Health Service Act to improve the quality and efficiency of health care delivery through improvements in health care information technology, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, today I am pleased to announce the introduction of the Information Technology for Health Care Quality Act. Let me thank Senator KENNEDY for joining me in introducing this bill. By encouraging health care providers to invest in information technology (IT), this legislation has the potential to bring skyrocketing health care costs under control and improve the overall quality of care in our nation.

We are facing a health care crisis in our country. The Census Bureau recently released a report showing that 45 million Americans were without health insurance in 2003—an increase of 1.4 million over 2002. In many respects, we have the greatest health system in the world, but far too many Americans are unable to take advantage of this system.

The number of uninsured continues to rise because the cost of health care continues to soar. Year after year, health care costs increase by double-digit percentages. The cost of employer-sponsored coverage increased by 11 percent this year, after a 14 percent increase in 2003. Employers are dropping health care coverage because they can no longer afford to foot the bill.

One of the ways to provide health care coverage to every American is to reign in health care costs. And expanding the use of IT in health care is the best tool we have to control costs. Studies have shown that as much as one-third of health care spending is for redundant or inappropriate care. Estimates suggest that up to 14 percent of laboratory tests and 11 percent of medication usage are unnecessary. Finally, and perhaps most disturbingly,

we know that it takes, on average, 17 years for evidence to be incorporated into clinical practice. Along these same lines, a recent study showed that patients receive the best evidence-based treatment only about half the time.

Significant cost-savings will undoubtedly be realized simply by moving away from a paper-based system, where patient charts and test results are easily lost or misplaced, to an electronic system where data is easily stored, transferred from location to location, and retrieved at any time. With health IT, physicians will have their patients' medical information, at their fingertips. A physician will no longer have to take another set of X-Rays because the first set was misplaced, or order a test that the patient had six months ago in another hospital because she is unaware that the test ever took place. The potential for cost-savings from simply eliminating redundancies and unnecessary tests, and reducing administrative and transaction costs, is substantial.

Of course, when we consider the improved quality of care and patient safety that will result from wider adoption of health IT, the impact on cost is even greater. For example, IT can provide decision support to ensure that physicians are aware of the most up-to-date, evidence-based best practices regarding a specific disease or condition, which will reduce expensive hospitalizations. Given all of these benefits, estimates suggest that Electronic Health Records (EHRs) alone could save more than $100 billion each year. The full benefits of IT could be multiple hundreds of billions annually. Such a significant reduction in health care costs would allow us to provide coverage to millions of uninsured Americans.

The benefits of IT go beyond economics. I am sure that all of my colleagues are familiar with the Institute of Medicine (IOM) estimate that up to 98,000 Americans die each year as a result of medical errors. A RAND Corporation study from last year showed that, on average, patients receive the recommended care for certain widespread chronic conditions only half of the time. That is an astonishing figure. To put it in a slightly different way, for many of the health conditions with which physicians should be most familiar, half of all patients are essentially being treated incorrectly.

Most experts in the field of patient safety and health care quality, including the IOM, agree that improving IT is one of the crucial steps towards safer and better health care. By providing physicians with access to patients' complete medical history, as well as electronic cues to help them make the correct treatment decisions, IT has the potential to significantly impact the care that Americans receive. It is impossible to put a value on the potential savings in human lives that would undoubtedly result from a nationwide investment in health care information technology.

It might seem counterintuitive that we can realize tremendous cost savings while, at the same time improving care for patients. But in fact, improving patient care is essential to reducing costs. IT is the key to unlocking the door—it has the potential to lead to improvements in care and efficiency that will save patients' lives, reduce costs, and reduce the number of uninsured.

Unfortunately, despite the impact that IT can have on cost, efficiency, patient safety, and health care quality, most health care providers have not yet begun to invest in new technologies. The use of IT in most hospitals and doctors' offices lags far behind almost every other sphere of society. The vast majority of written work, such as patient charts and prescriptions, is still done using pen and paper. This leads to mistakes, higher costs, reduced quality of care, and in the most tragic cases, death.

There is no question in my mind that the Federal government has a significant role to play in expanding investment in health IT. The legislation that I am introducing today defines that role. First, this bill would establish Federal leadership in defining a National Health Information Infrastructure (NHII) and adopting health IT standards. While I am pleased that the administration has already appointed a National Coordinator for Health Information Technology, I believe that the authority given to the Coordinator and the resources at his disposal are not equal to the enormity of his task. That is why my legislation creates an office in the White House, the Office of Health Information Technology, to oversee all of the Federal Government's activities in the area of health IT, and to create and implement a national strategy to expand the adoption of IT in health care.

This office would also be responsible for leading a collaborative effort between the public and private sectors to develop technical standards for health IT. These standards will ensure that health care information can be shared between providers, so that a family moving from Connecticut to California will not have to leave their medical history behind. At the same time, this bill would ensure that the adopted standards protect the privacy of patient records. While the creation of portable electronic health records is an important goal, privacy and confidentiality must not be sacrificed.

This legislation would also provide financial assistance to individual health care providers to stimulate investment in IT, and to communities to help them set up interoperable IT infrastructures at the local level, often referred to as Local Health Information Infrastructures—LHIIs. IT requires a huge capital investment. Many providers, especially small doctors offices, and safety-net and rural hospitals and health centers, simply cannot afford to make the type of investment that is needed.

Finally, this legislation would provide for the development of a standard set of health care quality measures. The creation of these measures is critical to better understanding how our health care system is performing, and where we need to focus our efforts to improve the quality of care. IT has the potential to drastically improve our ability to capture these quality measures. All recipients of Federal funding under this bill would be required to regularly report on these measures, as well as the impact that IT is having on health care quality, efficiency, and cost savings.

The establishment of standard quality measures is also the first step in moving our nation towards a system where payment for health care is more appropriately aligned—a system in which health care providers are paid not simply for the volume of patients that they treat, but for the quality of care that they deliver. To this end, my legislation would require the Secretary of Health and Human Services to report to Congress on possible changes to Federal reimbursement and payment structures that would encourage the adoption of IT to improve health care quality and patient safety.

It is time for our country to make a concerted effort to bring the health care sector into the 21st century. We must invest in health IT systems, and we must begin to do so immediately. The number of uninsured, the skyrocketing cost of care, and the number of medical errors should all serve as a wake-up call. We have a tool at our disposal to address all of these problems, and there is no more time to waste. I urge my colleagues to support this legislation.

By Mr. SPECTER (for himself, Mrs. FEINSTEIN, Mr. ENSIGN, Ms. CANTWELL, Mr. DEWINE, and Mr. LEAHY):

S. 2908. A bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I seek recognition to introduce the ''Animal Fighting Protection Enforcement Act of 2004'' with my colleagues Senators FEINSTEIN, ENSIGN, CANTWELL, DEWINE and LEAHY.

The bipartisan bill we are introducing today is very similar to S. 736 with the same title, introduced by Senator ENSIGN and currently cosponsored by fifty-one Senators including me. This new bill is identical to another bill, H.R. 4264, pending in the House of Representatives.

Specifically, this bill provides felony penalties by authorizing jail time of up to two years for violations of Federal animal fighting law, rather than the misdemeanor penalty (up to one year) under current law. Most States have felony-level penalties for animal fighting violations, but federal prosecutors are reluctant to pursue animal fighting

cases without felony-level penalties. Both the Senate and House included this felony provision in their farm bills in 2002, with identical wording, but the provision was dropped in conference. The Senate also passed this as an amendment to the ''Healthy Forests'' bill, but it was again removed in conference.

The bill also outlaws cockfighting implements by prohibiting interstate and foreign commerce of the razor-sharp knives and ice pick-like gaffs are strapped onto birds' legs during cockfighting combat. These devices are specially designed for cockfighting and have no other known purpose.

H.R. 4264 tracks language in Section 26 of the Animal Welfare Act (7 U.S.C. 2156) that prohibits interstate and foreign commerce of animals for fighting purposes. This covers dog fighting, cockfighting, and other fights between animals ''conducted for purposes of sport, wagering, or entertainment,'' with an explicit exemption for an activity ''the primary purpose of which involves the use of one or more animals in hunting another animal or animals, such as waterfowl, bird, raccoon, or fox hunting.''

Under current law, it already is illegal to: 1. Sponsor or exhibit an animal in an animal fighting venture if the person knows that any animal was bought, sold, delivered, transported, or received in interstate or foreign commerce for participation in the fighting venture. 2. Knowingly sell, buy, transport, deliver, or receive an animal in interstate or foreign commerce for purposes of participation in a fighting venture, regardless of the law in the destination State, dog fighting is illegal in all 50 States; cockfighting is illegal in 48 States. 3. Knowingly use the Postal Service or any interstate instrumentality to promote an animal fighting venture in the U.S., e.g., through advertisement, unless the venture involves birds and the fight is to take place in a State that allows cockfighting. As explained on USDA's website explaining the Federal animal fighting law, ''In no event may the Postal Service or other interstate instrumentality be used to transport an animal for purposes of having the animal participate in a fighting venture, even if such fighting is allowed in the destination state''.

The efforts to pass further Federal animal fighting prohibitions have been endorsed by more than 150 local police and sheriffs departments across the country, as well as The Humane Society of the United States, the National Chicken Council, representing 95 percent of U.S. chicken producers/processors, the American Veterinary Medical Association, and many other organizations. I urge my colleagues in the Senate to cosponsor this bill and support its quick passage.

By Mr. SPECTER:

S. 2909. A bill to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area; to the Committee on Energy and Natural Resources.

Mr. SPECTER. Mr. President, I seek recognition to introduce a bill to authorize the Secretary of the Interior to modify existing right-of-way agreements to allow an increase in the diameter of an existing natural gas pipeline in the Delaware Water Gap National Recreation Area in Pike County, Pennsylvania.

In 1947, Columbia Gas Transmission Corporation installed a 14-inch diameter pipeline, known as Line 1278, that included construction in the then rural areas of Pike, Northampton and Monroe counties. This system has become an important part of the energy delivery system to key eastern markets.

The United States Department of Transportation (DOT) directed Columbia in 2002 and 2003 to take actions going forward with Line 1278, including additional testing, additional cathodic, corrosion, protection and replacement of portions of the pipeline. DOT ordered that the replacement must be completed by 2007. To comply with the DOT instructions, Columbia in December 2003 filed an application with the Federal Energy Regulatory Commission to replace about 43 miles of this pipeline, including 3.5 miles of the line that now lie within the Delaware Water Gap National Recreation Area.

At issue are two right-of-way agreements affecting property now within the Delaware Water Gap National Recreation Area that do not allow Columbia to increase the diameter of the pipeline. The Recreation Area was formed in 1965 through the acquisition of many tracts of private property. Columbia's Line 1278 runs through 14 of these tracts under the terms of right-of-way agreements obtained from landowners prior to the Recreation Area's creation. Agreements affecting 12 of the 14 tracts include language allowing Columbia to increase the diameter of the pipeline. However, two of the agreements, representing about 890 feet of the pipeline, do not include such authorization.

Under current law, the Secretary of the Interior lacks legislative authorization to enter into an agreement to grant a pipeline easement that will allow an increase in the diameter of Line 1278. To complete the planned upgrade to improve energy reliability in the region, enabling legislation is required.

This bill would authorize the Secretary of the Interior to enter into an agreement with Columbia to grant a pipeline easement to allow an increase in the diameter of Line 1278 from 14 inches to 20 inches in diameter. Timely enactment will allow the replacement to be performed efficiently in conjunction with the overall replacement project, and the uniform size will facilitate the use of ''smart pigging'' technology to utilize inspection vehicles inside pipelines to help assure long-term safety and reliability of this important energy infrastructure.

I urge my colleagues to support this legislation for this important project.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 448—DESIGNATING THE FIRST DAY OF APRIL 2005 AS ''NATIONAL ASBESTOS AWARENESS DAY''

Mr. REID submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 448

Whereas deadly asbestos fibers are invisible and cannot be smelled or tasted;

Whereas when airborne fibers are inhaled or swallowed, the damage is permanent and irreversible;

Whereas these fibers can cause mesothelioma, asbestosis, lung cancer, and pleural diseases;

Whereas asbestos-related diseases can take 10 to 50 years to present themselves;

Whereas the expected survival rate of those diagnosed with mesothelioma is between 6 and 24 months;

Whereas little is known about late stage treatment and there is no cure for asbestos-related diseases;

Whereas early detection of asbestos-related diseases would give patients increased treatment options and often improve their prognosis;

Whereas asbestos is a toxic and dangerous substance and must be disposed of properly;

Whereas nearly half of the more than 1,000 screened firefighters, police officers, rescue workers, and volunteers who responded to the World Trade Center attacks on September 11, 2001, have new and persistent respiratory problems;

Whereas the industry groups with the highest incidence rates of asbestos-related diseases, based on 2000 to 2002 figures, were shipyard workers, vehicle body builders (including rail vehicles), pipefitters, carpenters and electricians, construction (including insulation work and stripping), extraction, energy and water supply, and manufacturing;

Whereas the United States imports more than 30,000,000 pounds of asbestos used in products throughout the Nation;

Whereas asbestos-related diseases kill 10,000 people in the United States each year, and the numbers are increasing;

Whereas asbestos exposure is responsible for 1 in every 125 deaths of men over the age of 50;

Whereas safety and prevention will reduce asbestos exposure and asbestos-related diseases;

Whereas asbestos has been the largest single cause of occupational cancer;

Whereas asbestos is still a hazard for 1,300,000 workers in the United States;

Whereas asbestos-related deaths have greatly increased in the last 20 years and are expected to continue to increase;

Whereas 30 percent of all asbestos-related disease victims were exposed to asbestos on naval ships and in shipyards;

Whereas asbestos was used in the construction of virtually all office buildings, public schools, and homes built before 1975; and

Whereas the establishment of a ''National Asbestos Awareness Day'' would raise public awareness about the prevalence of asbestos-related diseases and the dangers of asbestos exposure: Now, therefore, be it

Resolved, That the Senate designates the first day of April 2005 as ''National Asbestos Awareness Day''.

Mr. REID. Mr. President, Alan Reinstein was diagnosed with mesothelioma on June 16, 2003 and underwent radical surgery to remove his affected lung, diaphragm, and other parts of his body. Today, Alan continues his courageous battle with this terrible illness.

I received a phone call last week from by brother Don, indicating that a long-time family friend, Harold Hansen, had died from mesothelioma.

I am submitting a resolution today to designate the first day of April of next year as National Asbestos Awareness Day.

Harold Hansen was a family friend, such a wonderful man. In fact, my brother called me a short time ago and said: Harold is sick. He has mesothelioma.

I said: Did he ever work around asbestos. And he said not that he remembers.

I knew a lawyer who might be able to help him and referred him to the lawyer. Now Harold is dead.

This is a terribly difficult problem in America. I talked about Alan; his wife Linda could not just sit back and watch her husband suffer. Knowing others were also suffering, she helped create the Asbestos Disease Awareness Organization to unite asbestos victims. One goal of the organization is to educate the public and the medical community about asbestos-caused diseases. The occurrence of asbestos-related diseases, including mesothelioma, asbestosis, and lung cancer is growing.

Over the next decade, it is estimated that 100,000 victims in the United States alone will die of asbestos-related disease. About 30 a day will die from this condition.

I received many letters from Nevadans with asbestos-related diseases in their families.

Eleanor Shook from Searchlight, NV, where I was born and reared, lost her husband Chuck to this dread condition 2 years ago. They found that Chuck was sick, and 2 months later he died—no cure, no treatment, no reprieve. He had been repeatedly exposed to asbestos during all the years he was working to raise his family.

I also got a letter from Jack Holmes, a former teacher from Las Vegas, who wrote:

I am dying. I have malignant mesothelioma . . . I can expect extreme pain and suffering before I die.

I also heard from Robert Wright of Henderson, who was exposed to asbestos in the Navy and now suffers from asbestosis.

These are just a few of the hundreds of Nevadans who are suffering today from asbestos-related diseases. Every one of these stories is a tragedy because they all could have been prevented. Asbestos-related diseases are uncurable, and they are deadly. They can be prevented with greater awareness and education.

Most Americans think asbestos was banned a long time ago. But companies use asbestos every day in their water pipes, as insulation, and in building materials and other substances. Asbestos kills, and kills invisibly. Asbestos cannot be smelled, tasted, or seen, and moves through the air in tiny particles and embeds itself in the lining of the lungs once it is inhaled. It stays there for up to 50 years, damaging tissue and eventually causing disease. Inhalation of asbestos is permanent and irreversible. Simply walking by a recently demolished building that contains asbestos can be enough to breathe in a deadly amount.

I was in New York and a New York police officer was with me. He was part of an undercover unit that had New York City policemen dressed in construction clothes. They were running a construction business. That was part of what they were undercover doing. One of the reasons they did it is because there are people in this country so evil, so malignant that they are willing to take asbestos that these people said they had—it really wasn't asbestos—and they would take it and dispose of it. They would dispose of it in school grounds, and they had no concern where they disposed of what they thought was asbestos. Of course, they were arrested. But asbestos is a terrible problem. It is such a difficult problem in New York City alone where they remove asbestos. They are setting up these undercover operations to catch some of the people who are trying to make money on the disposal of asbestos.

Exposure to asbestos has had numerous consequences for victims and their families. Better awareness and education can help to eliminate future exposure. Early detection can give patients increased treatment options and often improves their prognosis. For these reasons, I am introducing a resolution to designate the first day of April as Asbestos Awareness Day. Asbestos awareness will lead to prevention, early diagnosis, new treatments, and a cure.

Just as the victims of families of asbestos-related disease joined together in founding the Asbestos Disease Awareness Organization, the Senate must unite in and pay tribute to victims by observing April 1 as Asbestos Awareness Day. I hope all Senators will join me in this effort.

SENATE RESOLUTION 449—ENCOURAGING THE PROTECTION OF THE RIGHTS OF REFUGEES

Mr. KENNEDY (for himself, Mr. BROWNBACK, and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. Res. 449

Whereas the Convention Relating to the Status of Refugees dated July 28, 1951 (189 UST 150) (hereinafter referred to as the ''Convention'') and the Protocol Relating to the Status of Refugees done at New York January 31, 1967 (19 UST 6223) (hereinafter referred to as the ''Protocol'') provide that individuals who flee a country to avoid persecution deserve international protection;

Whereas such protection includes freedom from forcible return and the basic rights necessary for a refugee to live a free, dignified, self-reliant life, even while in exile;

Whereas such rights, as recognized in the Convention, include the right to earn a livelihood, including the right to engage in wage-employment or self-employment, practice a profession, own property, freedom of movement and residence, and receive travel documents;

Whereas such rights are applicable to a refugee independent of whether a solution is available that would permit the refugee to return to the country that the refugee fled;

Whereas such rights are part of the core protection mandate of the United Nations High Commissioner for Refugees;

Whereas more than 50 percent of the refugees in the world are effectively ''warehoused'', which means such refugees have been confined to a camp or segregated settlement or otherwise deprived of their basic rights in a situation that has existed for at least 10 years;

Whereas donor countries, including the United States, have typically offered less developed countries hosting refugees assistance if they keep refugees warehoused in camps or segregated settlements but have not provided adequate assistance to host countries that permit refugees to live and work among the local population; and

Whereas warehousing refugees not only violates the rights of the refugees but also debilitates their humanity, often reducing the refugees to enforced idleness, dependency, disempowerment, and despair: Now, therefore, be it

Resolved, That the United States Senate—

(1) denounces the practice of warehousing refugees, which is the confinement of refugees to a camp or segregated settlement or other deprivation of the refugees' basic rights in a situation that has lasted 10 years or more, as a denial of basic human rights and a squandering of human potential;

(2) urges the Secretary of State to actively pursue models of refugee assistance that permit refugees to enjoy all the rights recognized in the Convention Relating to the Status of Refugees dated July 28, 1951 (189 UST 150) (hereinafter referred to as the ''Convention'') and the Protocol Relating to the Status of Refugees done at New York January 31, 1967 (19 UST 6223) (hereinafter referred to as the ''Protocol'');

(3) urges the Secretary of State to encourage other donor nations and other members of the Executive Committee of the United Nations High Commissioner for Refugees' Programme to shift the incentive structure of refugee assistance and to build mechanisms into relief and development assistance to encourage the greater enjoyment by refugees of their rights under the Convention;

(4) encourages the international community, including donor countries, host countries, and members of the Executive Committee of the United Nations High Commissioner for Refugees' Programme, to denounce resolutely the practice of warehousing refugees in favor of allowing refugees to exercise their rights under the Convention;

(5) calls upon the United Nations High Commissioner for Refugees to monitor refugee situations more effectively for the realization of all the rights of refugees under the Convention, including those related to freedom of movement and the right to earn a livelihood;

(6) encourages those countries that have not yet ratified the Convention or the Protocol to do so;

(7) encourages those countries that have ratified the Convention or the Protocol but have done so with reservations on key articles pertaining to the right to work and freedom of movement to remove such reservations; and

(8) encourages all countries to enact legislation or promulgate policies to provide for the legal enjoyment of the basic rights of refugees as outlined in the Convention.

Mr. KENNEDY. Mr. President, it is a privilege to join my colleagues, Senator BROWNBACK and Senator LEAHY, in submitting a resolution to call attention to the plight of the large number of refugees throughout the world confined to refugee camps or segregated settlements for extended periods of time. In the vast majority of cases, these refugees are being ''warehoused,'' often for years, and in violation of their basic rights under the Refugee Convention adopted over half a century ago.

We know of 300,000 Angolans in Zambia, Congo-Kinshasa, and Namibia, two million Afghans in Iran and Pakistan, 100,000 Bhutanese in Nepal, and 500,000 refugees from Sudan who have lived in refugee camps in various countries for 20 years. Shamefully, of the world's nearly 12 million more than 7 million have been restricted to refugee camps or segregated settlements for a decade or even longer.

These tragic statistics aren't front page news. Refugees seldom dominate the headlines. But the reality is that the troubles of our time are exacting a heavy toll on people fleeing from conflicts and oppression. Throughout the world, men, woman and children are on the move, silent witnesses to the cruelties that plague our age.

Refugee camps are often created quickly, to address a crisis. But the solution sometimes creates a greater problem when temporary refugee camps turn into long-term places of detention and confinement, often under extreme conditions with little attention paid to the growing number of refugees that find themselves in endless and harmful situations.

Under the Refugee Convention of 1951, refugees have rights, including the right to earn a livelihood, to engage in wage-employment or self-employment, to practice a profession, to own property, and to have freedom of movement and residence. ''Warehoused'' refugees can do none of these things. Unable to work, travel, own property or obtain an education, they live unlived lives, without the basic freedoms they are entitled to have under the Convention of 1951.

Without the chance to obtain an education or earn a living, refugees becomes easy recruitment targets for terrorist groups. We can be vigilant against terrorism, and we can do so without abandoning the basic humanity of refugees and squandering their lives in squalid warehouses.

The resolution we are offering denounces the practice of warehousing refugees and urges all nations to grant refugees their basic rights under the Refugee Convention.

America has a proud history as a haven for refugees, especially since the end of World War II. Assistance to refugees has been a conspicuous aspect of our leadership in the world. As a leader in this area, we need to say to the world that the widespread practice of warehousing refugees violates international law. As members of the world community, we have a responsibility to ensure that refugees are able to exercise the basic rights granted to them under the Refugee Convention.

Over 100 international organizations support the end of warehousing, including more than twenty U.S.-based agencies. Nobel laureates have condemned this practice, including Archbishop Desmond Tutu of South Africa, and worldwide support continues to grow.

Last year, the United States was the largest global contributor to agencies assisting refugees. But, there is far more to do. We must strengthen our own commitment, and work with other countries to meet the worldwide challenge. To do too little will only add to the injustice endured by millions of refugees around the world, jeopardize our own national security, and ignore incalculable human potential that is being lost.

I urge our colleagues to join us in supporting this resolution, and help us to give new priority to ending this inhumane practice that has been festering too long in so many parts of the world.

I ask unanimous consent that editorials from the New York Times and Washington Times be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From The New York Times, Sept. 28, 2004]

WAREHOUSES FOR REFUGEES

The starvation and disease stalking the refugee camps near the Darfur region of Sudan are a reminder that for many refugees, conditions where they land are not much better than the conditions they flee. The world has 12 million refugees, and 7.4 million of them have been living in camps or settlements for more than 10 years. Many are prohibited from traveling or working, confined to crowded, squalid tents, at the mercy of marauding gangs, and utterly dependent on handouts of food insufficient to ward off hunger and on health care that does not prevent cholera and dysentery. Some people have lived in such camps for generations.

Half a million refugees from Myanmar, for example, have lived in camps in neighboring countries for 20 years, with no right to work or travel. The same is true of about 140,000 Somalis, who have lived since 1991 in closed camps in northern Kenya.

The camps are often established quickly to deal with refugee emergencies and never get dismantled. The original goal—allowing refugees to return home when conditions improve—has had the perverse effect of preventing them from establishing new lives in a new country. Countries like Pakistan, Zambia and Chad, which end up accepting the vast majority of refugees from troubled countries on their borders, would rather quarantine them than integrate them into their societies.

It is time to rethink warehousing, and refugee groups and the United Nations high commissioner for refugees have recently begun to explore how to help refugees become more self-reliant. Refugees who learn skills or earn money can be an asset to their war-torn homelands when they return. Moreover, there are ways to open up refugee camps without angering host populations. Zambia, for example, has given Angolan refugees land to farm. The food they grow has turned sleepy villages into trading centers, fueling local commerce.

Wealthy countries need to absorb more people for permanent resettlement. Europe, shamefully, accepts only a handful. The United States has become far less welcoming over the last 10 years, and particularly since the terrorist acts of Sept. 11, 2001. In 1992, the United States accepted 132,531 refugees; last year it was 28,422, although this year that number will almost double.

The security concerns about accepting refugees from the camps are unfounded. No terrorist would want to spend years in squalid camps and then undergo a long and uncertain vetting process simply to infiltrate the United States.

Indeed, the security threat comes from the camps' concentration of idle, frustrated, resentful young men. Warehousing itself can breed terrorism; Afghanistan's Taliban movement was born in the refugee camps of Pakistan.

Initially, reducing warehousing will require commitment from wealthy countries with the wherewithal to provide land, training and microcredit. That will cost more than doling out a weekly ration of rice and cooking oil. But it could reduce costs later, and it is a way to create a more promising future for millions.

[From the Washington Times, Sept. 10, 2004]

UNWAREHOUSING REFUGEES

(By Arthur E. Dewey)

Long-staying refugees in rural camps or urban ghettos are not commodities in a sad state of storage, but vibrant human beings carving out lives for themselves in exile.

That said, where they lack the right to work legally or integrate into the community, they can languish in dependency and lose hope for the future. Refugee ''warehousing'' is an issue that demands attention—and is getting it.

The U.S. Committee for Refugees has made this issue a centerpiece of its current advocacy campaign. Meanwhile, the State Department, the Office of the U.N. High Commissioner for Refugees, UNHCR, and other partner agencies are taking dramatic steps to address the warehousing problem.

The key step is facilitating voluntary repatriation. Tens of thousands of long-staying refugees have returned to Sierra Leone, Angola and Liberia from neighboring countries. More than 80,000 Iraqis have gone home since the fall of Saddam. But the biggest success story is Afghanistan, where more than 3 million have returned from long stays in Pakistan and Iran.

This continuing repatriation represents one of the largest refugee solutions in modern times, and the number of refugees caught in these dead-end situations has decreased remarkably.

While ''de-warehousing'' refugees—through repatriation, local integration, or resettlement—is an important first step, it is not enough. Sustaining repatriation requires commitment from the international donor community over the long haul. Returnees need long-term transitional help and employment opportunities to restore their dignity and self reliance.

To that end, the U.S. started an employment program called the Afghan Conservation Corps, ACC. Already, 750,000 seedlings

have been planted on the dusty hillsides around Kabul by thousands of returning refugees, internally displaced persons, demilitarized militias, and Afghan women.

Ultimately, hundreds of thousands will join them in working on similar projects. The ACC is a model for how to make dewarehousing irreversible.

There are still critics who charge we are not doing enough to bring to the United States needy refugees who can't be repatriated. I say, ''Watch what we are doing.'' Watch, for example, the rapid response to an unexpected opening in Thailand to interview 15,000 Lao Hmong stranded for more than a decade in Wat Tham Krabok. By year's end, most will be resettled in the U.S. Watch also our admitting Meshketian Turks from Russia who had been rootless for decades.

Resettlement is costly and labor-intensive, but we have spared no expense or effort to resettle refugees in the United States, when that is the most appropriate solution.

We know there remain vulnerable people—especially women and children—who have waited for years or even decades for rescue. This administration is committed to overcoming the obstacles in the way of such a rescue.

We urge other countries to be more generous in giving aid, admitting refugees and facilitating local integration where appropriate. As Secretary of State Colin Powell said during World Refugee Day commemorations in June: ''We join other nations in easing the plight of all those who will close their eyes tonight in a strange land to dream of the home they were forced to flee. It's up to all of us to defend the non-negotiable demands of human dignity. It's up to all of us to help the world's refugees feel at home again.''

It takes a home, not a warehouse, to make these dreams come true.

SENATE RESOLUTION 450—TO AUTHORIZE TESTIMONY AND REPRESENTATION IN UNITED STATES V. DANIEL BAYLY, ET. AL

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 450

Whereas, by Senate Resolution 317, 107th Congress, the Senate authorized the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs to produce records from its investigation into the collapse of Enron Corporation to law enforcement and regulatory officials and agencies;

Whereas, by Senate Resolution 394, 108th Congress, the Senate authorized testimony and legal representation of a former employee of, and a detailee to, the Permanent Subcommittee on Investigation in the case of United States V. Daniel Bayly, et al., Cr. No. H–03–363, pending in the United States District Court for the Southern District of Texas;

Whereas, in the case of United States v. Daniel Bayly, et al., subpoenas for testimony have been issued to Claire Barnard, a former employee of, and Edna Falk Curtin, a former detailee to, the Permanent Subcommittee on Investigations;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Claire Barnard and Edna Falk Curtin are authorized to testify in the case of United States v. Daniel Bayly, et al., except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Claire Barnard and Edna Falk Curtin in connection with the testimony authorized in section one of this resolution.

SENATE CONCURRENT RESOLUTION 141—RECOGNIZING THE ESSENTIAL ROLE OF NUCLEAR POWER IN THE NATIONAL ENERGY POLICY OF THE UNITED STATES AND SUPPORTING THE INCREASED USE OF NUCLEAR POWER AND THE CONSTRUCTION AND DEVELOPMENT OF NEW AND IMPROVED NUCLEAR POWER GENERATING PLANTS

Mr. DOMENICI (for himself, Mr. CRAIG, Mr. CRAPO, Ms. LANDRIEU, Mr. GRAHAM of South Carolina, Mr. FITZGERALD, Mr. SESSIONS, Mr. VOINOVICH, Mr. PRYOR, Mrs. LINCOLN, Mr. MILLER, and Mr. ALEXANDER) submitted the following concurrent resolution; which was referred to the Committee on Energy and Natural Resources:

S. CON. RES. 141

Whereas the Energy Information Administration in the Department of Energy estimates that by 2025 the United States will need more than 300,000 megawatts of new electricity-generating capacity to maintain its current levels of growth and standards of living;

Whereas Vision 2020, the nuclear energy industry's plan to increase the use of nuclear energy through the year 2020 to meet the projected growth in the demand for electricity, calls for maintaining the Nation's nonemitting electricity generation at 30 percent, which would require 50,000 megawatts of new nuclear power to be generated;

Whereas meeting the increasing demand for continuous and reliable, or baseload, electricity is essential for supporting the economic growth which is necessary to maintain the Nation's standard of living;

Whereas even the aggressive implementation of energy-efficiency initiatives cannot replace the need for new electricity-generating capacity;

Whereas nuclear power generated by the 103 commercial nuclear power plants operating in the United States provides the electricity for 20 percent of the United States;

Whereas consumers of nuclear power enjoy a higher level of price stability compared to consumers of other energy sources;

Whereas nuclear power plants do not produce harmful emissions or greenhouse gases and can provide States, and the Nation as a whole, with flexibility in meeting goals for clean air and economic growth at lower costs than other sources of power;

Whereas increasing nuclear power generation will require designing and building new plants as well as operating the new facilities, which together will create thousands of new jobs;

Whereas the nuclear power industry, the Department of Energy, and the Nuclear Regulatory Commission are working together to demonstrate the effectiveness of a new licensing process for nuclear power plants, which allows full public participation in decisions about the designs and sites of new nuclear power plants without causing delays in construction or commercial operation;

Whereas nuclear energy, science, and technology applications are vital in the diagnosis and treatment of disease, food and mail safety, space exploration, structural inspection, and other important applications;

Whereas for decades, commercial nuclear power generating facilities have had an unmatched safety record;

Whereas nuclear power plants in the United States use excess material from Russian weapons programs to generate power, which is a vital component of United States nonproliferation policy;

Whereas many countries intend to build new nuclear power plants, with 29 new plants currently under construction worldwide and more than twice that many being planned, and the United States must continue to play a leadership role both in domestic nuclear power production and in encouraging the use of nuclear power in other countries; and

Whereas the United States continues to lead the world in the development, use, and control of nuclear technology: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the essential role of nuclear power in the national energy policy of the United States; and

(2) supports the increased use of nuclear power and the construction and development of new and improved nuclear power generating plants as a means of contributing to national energy independence and maintaining a clean environment.

Mr. DOMENICI. Mr. President, I rise to submit a resolution recognizing the essential role that nuclear power plays in our national energy policy and to voice support for this remarkable technology. America's nuclear power reactors supply electricity for one in five homes and businesses in the United States and do so affordably, reliably and without producing any emissions. To ensure that nuclear energy's important contribution to our nation continues, we must develop and build new nuclear power plants based on advanced technology and safety features.

Our Nation will require 40 percent more energy by 2020, requiring the use of all available energy sources—wind, solar, hydro, natural gas, coal and nuclear energy. Even the most aggressive conservation and energy efficient programs will not satisfy all of our increasing energy needs. We will require significant additional electric generating capacity to meet this rising demand—electricity generation that is absolutely necessary to keep our economy growing. And we must provide this new power while protecting our environment.

America's 103 nuclear power reactors provide safe, clean and reliable, baseload electricity around the clock. Over the past 50 years, America's nuclear power plants have posted a safety

record that is unrivalled. In addition, nuclear plants produce electricity without producing harmful emissions or greenhouse gases. Nuclear energy is the only major energy source that is both emission-free and expandable.

The use of nuclear energy also reduces our dependence on foreign sources of energy. Protecting our Nation's energy independence must remain at the forefront of our energy policy decisions.

Since scientists first harnessed the power of the atom for the benefit of mankind, the United States has led the world in the development of nuclear science and technology. With some 29 nuclear reactors under construction in other countries, the United State's leadership role in commercial nuclear power could be diminished. Our scientists, engineers and technicians must research, develop and build new nuclear facilities to keep their skills sharp and further their knowledge. In addition, new plant project also will mean more jobs for those scientists, engineers and technicians, as well as many other trades.

America's nuclear power plants contribute to nonproliferation efforts. Through the public-private ''Megatons to Megawatts'' program, which this body has strongly supported, 50 percent of the fuel used in our commercial reactors comes from converted Russian warheads.

Nuclear energy also is one of the most efficient means of producing hydrogen, another key to our energy future. Hydrogen will help reduce our dependence on imported petroleum in the transportation sector, and, like nuclear energy, is a clean air energy.

Therefore, I call upon my colleagues to join me in support of this resolution recognizing nuclear energy's important contributions to our Nation, such as maintaining our energy independence and protecting our environment. And I urge all of you to join me in supporting research, development and construction of new nuclear power plants today, so that nuclear energy can continue providing these benefits in the future.

AMENDMENTS SUBMITTED & PROPOSED

SA 3975. Ms. COLLINS (for Mr. HATCH (for himself and Mr. LEAHY)) proposed an amendment to the bill H.R. 1417, To amend title 17, United States Code, to replace copyright arbitration royalty panels with Copyright Royalty Judges.

SA 3976. Ms. COLLINS (for Mr. INHOFE (for himself, Mr. JEFFORDS, Mr. BOND, and Mr. REID)) proposed an amendment to the bill S. 1134, to reauthorize and improve the programs authorized by the Public Works and Economic Development Act of 1965.

SA 3977. Ms. COLLINS (for herself and Mr. LIEBERMAN) proposed an amendment to the bill S. 2845, to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

SA 3978. Ms. COLLINS (for Mr. ENSIGN) proposed an amendment to the bill S. 2845, supra.

SA 3979. Ms. COLLINS (for Mr. KYL) proposed an amendment to the bill S. 2845, supra.

SA 3980. Mr. LIEBERMAN (for Mr. SCHUMER) proposed an amendment to the bill S. 2845, supra.

SA 3981. Mr. McCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) proposed an amendment to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence.

SA 3982. Mr. FRIST (for Mr. HATCH (for himself and Mr. BIDEN)) proposed an amendment to the bill S. 2195, to amend the Controlled Substances Act to clarify the definition of anabolic steroids and to provide for research and education activities relating to steroids and steroid precursors.

SA 3983. Mr. McCONNELL (for Mr. McCAIN (for himself and Mr. NELSON, of Florida)) proposed an amendment to the bill H.R. 2608, to reauthorize the National Earthquake Hazards Reduction Program, and for other purposes.

SA 3984. Mr. BAYH (for himself, Mr. ROBERTS, Mr. WYDEN, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. McCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table.

SA 3985. Mr. CHAMBLISS (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. McCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3975. Ms. COLLINS (for Mr. HATCH (for himself and Mr. LEAHY)) proposed an amendment to the bill H.R. 1417, to amend title 17, United States Code, to replace copyright arbitration royalty panels with Copyright Royalty Judges; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Copyright Royalty and Distribution Reform Act of 2004''.

SEC. 2. REFERENCE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 17, United States Code.

SEC. 3. COPYRIGHT ROYALTY JUDGE AND STAFF.

(a) IN GENERAL.—Chapter 8 is amended to read as follows:

''CHAPTER 8—PROCEEDINGS BY COPYRIGHT ROYALTY JUDGES

''Sec.
''801. Copyright Royalty Judges; appointment and functions.
''802. Copyright Royalty Judgeships; staff.
''803. Proceedings of Copyright Royalty Judges.
''804. Institution of proceedings.
''805. General rule for voluntarily negotiated agreements.

''§ 801. Copyright Royalty Judges; appointment and functions

''(a) APPOINTMENT.—The Librarian of Congress shall appoint 3 full-time Copyright Royalty Judges, and shall appoint 1 of the 3 as the Chief Copyright Royalty Judge. The Librarian shall make appointments to such positions after consultation with the Register of Copyrights.

''(b) FUNCTIONS.—Subject to the provisions of this chapter, the functions of the Copyright Royalty Judges shall be as follows:

''(1) To make determinations and adjustments of reasonable terms and rates of royalty payments as provided in sections 112(e), 114, 115, 116, 118, 119 and 1004. The rates applicable under sections 114(f)(1)(B), 115, and 116 shall be calculated to achieve the following objectives:

''(A) To maximize the availability of creative works to the public.

''(B) To afford the copyright owner a fair return for his or her creative work and the copyright user a fair income under existing economic conditions.

''(C) To reflect the relative roles of the copyright owner and the copyright user in the product made available to the public with respect to relative creative contribution, technological contribution, capital investment, cost, risk, and contribution to the opening of new markets for creative expression and media for their communication.

''(D) To minimize any disruptive impact on the structure of the industries involved and on generally prevailing industry practices.

''(2) To make determinations concerning the adjustment of the copyright royalty rates under section 111 solely in accordance with the following provisions:

''(A) The rates established by section 111(d)(1)(B) may be adjusted to reflect—

''(i) national monetary inflation or deflation; or

''(ii) changes in the average rates charged cable subscribers for the basic service of providing secondary transmissions to maintain the real constant dollar level of the royalty fee per subscriber which existed as of the date of October 19, 1976,

except that—

''(I) if the average rates charged cable system subscribers for the basic service of providing secondary transmissions are changed so that the average rates exceed national monetary inflation, no change in the rates established by section 111(d)(1)(B) shall be permitted; and

''(II) no increase in the royalty fee shall be permitted based on any reduction in the average number of distant signal equivalents per subscriber.

The Copyright Royalty Judges may consider all factors relating to the maintenance of such level of payments, including, as an extenuating factor, whether the industry has been restrained by subscriber rate regulating authorities from increasing the rates for the basic service of providing secondary transmissions.

''(B) In the event that the rules and regulations of the Federal Communications Commission are amended at any time after April 15, 1976, to permit the carriage by cable systems of additional television broadcast signals beyond the local service area of the primary transmitters of such signals, the royalty rates established by section 111(d)(1)(B) may be adjusted to ensure that the rates for the additional distant signal equivalents resulting from such carriage are reasonable in the light of the changes effected by the amendment to such rules and regulations. In determining the reasonableness of rates proposed following an amendment of Federal Communications Commission rules and regulations, the Copyright Royalty Judges shall consider, among other factors, the economic impact on copyright owners and users; except that no adjustment in royalty rates shall be made under this subparagraph with

respect to any distant signal equivalent or fraction thereof represented by—

''(i) carriage of any signal permitted under the rules and regulations of the Federal Communications Commission in effect on April 15, 1976, or the carriage of a signal of the same type (that is, independent, network, or noncommercial educational) substituted for such permitted signal; or

''(ii) a television broadcast signal first carried after April 15, 1976, pursuant to an individual waiver of the rules and regulations of the Federal Communications Commission, as such rules and regulations were in effect on April 15, 1976.

''(C) In the event of any change in the rules and regulations of the Federal Communications Commission with respect to syndicated and sports program exclusivity after April 15, 1976, the rates established by section 111(d)(1)(B) may be adjusted to assure that such rates are reasonable in light of the changes to such rules and regulations, but any such adjustment shall apply only to the affected television broadcast signals carried on those systems affected by the change.

''(D) The gross receipts limitations established by section 111(d)(1) (C) and (D) shall be adjusted to reflect national monetary inflation or deflation or changes in the average rates charged cable system subscribers for the basic service of providing secondary transmissions to maintain the real constant dollar value of the exemption provided by such section, and the royalty rate specified therein shall not be subject to adjustment.

''(3)(A) To authorize the distribution, under sections 111, 119, and 1007, of those royalty fees collected under sections 111, 119, and 1005, as the case may be, to the extent that the Copyright Royalty Judges have found that the distribution of such fees is not subject to controversy.

''(B) In cases where the Copyright Royalty Judges determine that controversy exists, the Copyright Royalty Judges shall determine the distribution of such fees, including partial distributions, in accordance with section 111, 119, or 1007, as the case may be.

''(C) The Copyright Royalty Judges may make a partial distribution of such fees during the pendency of the proceeding under subparagraph (B) if all participants under section 803(b)(2) in the proceeding that are entitled to receive those fees that are to be partially distributed—

''(i) agree to such partial distribution;

''(ii) sign an agreement obligating them to return any excess amounts to the extent necessary to comply with the final determination on the distribution of the fees made under subparagraph (B);

''(iii) file the agreement with the Copyright Royalty Judges; and

''(iv) agree that such funds are available for distribution.

''(D) The Copyright Royalty Judges and any other officer or employee acting in good faith in distributing funds under subparagraph (C) shall not be held liable for the payment of any excess fees under subparagraph (C). The Copyright Royalty Judges shall, at the time the final determination is made, calculate any such excess amounts.

''(4) To accept or reject royalty claims filed under sections 111, 119, and 1007, on the basis of timeliness or the failure to establish the basis for a claim.

''(5) To accept or reject rate adjustment petitions as provided in section 804 and petitions to participate as provided in section 803(b) (1) and (2).

''(6) To determine the status of a digital audio recording device or a digital audio interface device under sections 1002 and 1003, as provided in section 1010.

''(7)(A) To adopt as a basis for statutory terms and rates or as a basis for the distribution of statutory royalty payments, an agreement concerning such matters reached among some or all of the participants in a proceeding at any time during the proceeding, except that—

''(i) the Copyright Royalty Judges shall provide to those that would be bound by the terms, rates, or other determination set by any agreement in a proceeding to determine royalty rates an opportunity to comment on the agreement and shall provide to the other participants in the proceeding under section 803(b)(2) that would be bound by the terms, rates, or other determination set by the agreement an opportunity to comment on the agreement and object to its adoption as a basis for statutory terms and rates; and

''(ii) the Copyright Royalty Judges may decline to adopt the agreement as a basis for statutory terms and rates for participants that are not parties to the agreement, if any other participant described in subparagraph (A) objects to the agreement and the Copyright Royalty Judges conclude, based on the record before them if one exists, that the agreement does not provide a reasonable basis for setting statutory terms or rates.

''(B) License agreements voluntarily negotiated pursuant to section 112(e)(5), 114(f)(3), 115(c)(3)(E)(i), 116(c), or 118(b) (2) or (3) that do not result in statutory terms and rates shall not be subject to clauses (i) and (ii) of subparagraph (A).

''(C) Interested parties may negotiate and agree to, and the Copyright Royalty Judges may adopt, an agreement that specifies as terms notice and recordkeeping requirements that apply in lieu of those that would otherwise apply under regulations.

''(8) To perform other duties, as assigned by the Register of Copyrights within the Library of Congress, except as provided in section 802(g) at times when Copyright Royalty Judges are not engaged in performing the other duties set forth in this section.

''(c) RULINGS.—As provided in section 802(f)(1), the Copyright Royalty Judges may make any necessary procedural or evidentiary rulings in any proceeding under this chapter and may, before commencing a proceeding under this chapter, make any such rulings that would apply to the proceedings conducted by the Copyright Royalty Judges.

''(d) ADMINISTRATIVE SUPPORT.—The Librarian of Congress shall provide the Copyright Royalty Judges with the necessary administrative services related to proceedings under this chapter.

''(e) LOCATION IN LIBRARY OF CONGRESS.—The offices of the Copyright Royalty Judges and staff shall be in the Library of Congress.

''§ 802. Copyright Royalty Judgeships; staff

''(a) QUALIFICATIONS OF COPYRIGHT ROYALTY JUDGES.—

''(1) IN GENERAL.—Each Copyright Royalty Judge shall be an attorney who has at least 7 years of legal experience. The Chief Copyright Royalty Judge shall have at least 5 years of experience in adjudications, arbitrations, or court trials. Of the other two Copyright Royalty Judges, one shall have significant knowledge of copyright law, and the other shall have significant knowledge of economics. An individual may serve as a Copyright Royalty Judge only if the individual is free of any financial conflict of interest under subsection (h).

''(2) DEFINITION.—In this subsection, the term 'adjudication' has the meaning given that term in section 551 of title 5, but does not include mediation.

''(b) STAFF.—The Chief Copyright Royalty Judge shall hire 3 full-time staff members to assist the Copyright Royalty Judges in performing their functions.

''(c) TERMS.—The individual first appointed the Chief Copyright Royalty Judge shall be appointed to a term of 6 years, and of the remaining individuals first appointed Copyright Royalty Judges, 1 shall be appointed to a term of 4 years, and the other shall be appointed to a term of 2 years. Thereafter, the terms of succeeding Copyright Royalty Judges shall each be 6 years. An individual serving as a Copyright Royalty Judge may be reappointed to subsequent terms. The term of a Copyright Royalty Judge shall begin when the term of the predecessor of that Copyright Royalty Judge ends. When the term of office of a Copyright Royalty Judge ends, the individual serving that term may continue to serve until a successor is selected.

''(d) VACANCIES OR INCAPACITY.—

''(1) VACANCIES.—If a vacancy should occur in the position of Copyright Royalty Judge, the Librarian of Congress shall act expeditiously to fill the vacancy, and may appoint an interim Copyright Royalty Judge to serve until another Copyright Royalty Judge is appointed under this section. An individual appointed to fill the vacancy occurring before the expiration of the term for which the predecessor of that individual was appointed shall be appointed for the remainder of that term.

''(2) INCAPACITY.—In the case in which a Copyright Royalty Judge is temporarily unable to perform his or her duties, the Librarian of Congress may appoint an interim Copyright Royalty Judge to perform such duties during the period of such incapacity.

''(e) COMPENSATION.—

''(1) JUDGES.—The Chief Copyright Royalty Judge shall receive compensation at the rate of basic pay payable for level AL–1 for administrative law judges pursuant to section 5372(b) of title 5, and each of the other two Copyright Royalty Judges shall receive compensation at the rate of basic pay payable for level AL–2 for administrative law judges pursuant to such section. The compensation of the Copyright Royalty Judges shall not be subject to any regulations adopted by the Office of Personnel Management pursuant to its authority under section 5376(b)(1) of title 5.

''(2) STAFF MEMBERS.—Of the staff members appointed under subsection (b)—

''(A) the rate of pay of 1 staff member shall be not more than the basic rate of pay payable for level 10 of GS–15 of the General Schedule;

''(B) the rate of pay of 1 staff member shall be not less than the basic rate of pay payable for GS–13 of the General Schedule and not more than the basic rate of pay payable for level 10 of GS–14 of such Schedule; and

''(C) the rate of pay for the third staff member shall be not less than the basic rate of pay payable for GS–8 of the General Schedule and not more than the basic rate of pay payable for level 10 of GS–11 of such Schedule.

''(3) LOCALITY PAY.—All rates of pay referred to under this subsection shall include locality pay.

''(f) INDEPENDENCE OF COPYRIGHT ROYALTY JUDGE.—

''(1) IN MAKING DETERMINATIONS.—

''(A) IN GENERAL.—(i) Subject to clause (ii) of this subparagraph and subparagraph (B), the Copyright Royalty Judges shall have full independence in making determinations concerning adjustments and determinations of copyright royalty rates and terms, the distribution of copyright royalties, the acceptance or rejection of royalty claims, rate adjustment petitions, and petitions to participate, and in issuing other rulings under this title, except that the Copyright Royalty Judges may consult with the Register of Copyrights on any matter other than a question of fact.

''(ii) A Copyright Royalty Judge or Judges, or, by motion to the Copyright Royalty Judge or Judges, any participant in a proceeding may request an interpretation by the Register of Copyrights concerning any material question of substantive law (not including questions of procedure before the Copyright Royalty Judges, the ultimate adjustments and determinations of copyright royalty rates and terms, the ultimate distribution of copyright royalties, or the acceptance or rejection of royalty claims, rate adjustment petitions, or petitions to participate) concerning an interpretation or construction of those provisions of this title that are the subject of the proceeding. Any such request for a written interpretation by the Register of Copyrights shall be on the record. Reasonable provision shall be made for comment by the participants in the proceeding on the material question of substantive law in such a way as to minimize duplication and delay. Except as provided in subparagraph (B), the Register of Copyrights shall deliver to the Copyright Royalty Judges a response within 14 days of receipt by the Register of Copyrights of all of the briefs or comments of the participants. Such decision shall be in writing and shall be included by the Copyright Royalty Judges in the record that accompanies their final determination. If such a decision is timely delivered to the Copyright Royalty Judges, the Copyright Royalty Judges shall apply the legal interpretation embodied in the response of the Register of Copyrights in resolving material questions of substantive law.

''(B) NOVEL QUESTIONS.—(i) In any case in which a novel material question of substantive law concerning an interpretation of those provisions of this title that are the subject of the proceeding is presented, the Copyright Royalty Judges shall request a decision of the Register of Copyrights, in writing, to resolve such novel question. Reasonable provision shall be made for comment on such request by the participants in the proceeding, in such a way as to minimize duplication and delay. The Register shall transmit his or her decision to the Copyright Royalty Judges within 30 days of receipt by the Register of Copyrights of all of the briefs or comments of the participants. Such decision shall be in writing and included by the Copyright Royalty Judges in the record that accompanies their final determination. If such a decision is timely delivered, the Copyright Royalty Judges shall apply the legal determinations embodied in the decision of the Register of Copyrights in resolving material questions of substantive law.

''(ii) In clause (i), a 'novel question of law' is a question of law that has not been determined in prior decisions, determinations, and rulings described in section 803(a).

''(C) CONSULTATION.—Notwithstanding the provisions of subparagraph (A), the Copyright Royalty Judges shall consult with the Register of Copyrights with respect to any determination or ruling that would require that any act be performed by the Copyright Office, and any such determination or ruling shall not be binding upon the Register of Copyrights.

''(D) REVIEW OF LEGAL CONCLUSIONS BY THE REGISTER OF COPYRIGHTS.—The Register of Copyrights may review for legal error the resolution by the Copyright Royalty Judges of a material question of substantive law under this title that underlies or is contained in a final determination of the Copyright Royalty Judges. If the Register of Copyrights concludes, after taking into consideration the views of the participants in the proceeding, that any resolution reached by the Copyright Royalty Judges was in material error, the Register of Copyrights shall issue a written decision correcting such legal error, which shall be made part of the record of the proceeding. Additionally, the Register of Copyrights shall cause to be published in the Federal Register such written decision together with a specific identification of the legal conclusion of the Copyright Royalty Judges that is determined to be erroneous. As to conclusions of substantive law involving an interpretation of the statutory provisions of this title, the decision of the Register of Copyrights shall be binding as precedent upon the Copyright Royalty Judges in subsequent proceedings under this chapter. When a decision has been rendered pursuant to section 802(f)(1)(D), the Register of Copyrights may, on the basis of and in accordance with such decision, intervene as of right in any appeal of a final determination of the Copyright Royalty Judges pursuant to section 803(d) in the United States Court of Appeals for the District of Columbia Circuit. If, prior to intervening in such an appeal, the Register of Copyrights gives notification and undertakes to consult with the Attorney General with respect to such intervention, and the Attorney General fails within reasonable period after receipt of such notification to intervene in such appeal, the Register of Copyrights may intervene in such appeal in his or her own name by any attorney designated by the Register of Copyrights for such purpose. Intervention by the Register of Copyrights in his or her own name shall not preclude the Attorney General from intervening on behalf of the United States in such an appeal as may be otherwise provided or required by law.

''(E) EFFECT ON JUDICIAL REVIEW.—Nothing in this section shall be interpreted to alter the standard applied by a court in reviewing legal determinations involving an interpretation or construction of the provisions of this title or to affect the extent to which any construction or interpretation of the provisions of this title shall be accorded deference by a reviewing court.

''(2) PERFORMANCE APPRAISALS.—

''(A) IN GENERAL.—Notwithstanding any other provision of law or any regulation of the Library of Congress, and subject to subparagraph (B), the Copyright Royalty Judges shall not receive performance appraisals.

''(B) RELATING TO SANCTION OR REMOVAL.—To the extent that the Librarian of Congress adopts regulations under subsection (h) relating to the sanction or removal of a Copyright Royalty Judge and such regulations require documentation to establish the cause of such sanction or removal, the Copyright Royalty Judge may receive an appraisal related specifically to the cause of the sanction or removal.

''(g) INCONSISTENT DUTIES BARRED.—No Copyright Royalty Judge may undertake duties that conflict with his or her duties and responsibilities as a Copyright Royalty Judge.

''(h) STANDARDS OF CONDUCT.—The Librarian of Congress shall adopt regulations regarding the standards of conduct, including financial conflict of interest and restrictions against ex parte communications, which shall govern the Copyright Royalty Judges and the proceedings under this chapter.

''(i) REMOVAL OR SANCTION.—The Librarian of Congress may sanction or remove a Copyright Royalty Judge for violation of the standards of conduct adopted under subsection (h), misconduct, neglect of duty, or any disqualifying physical or mental disability. Any such sanction or removal may be made only after notice and opportunity for a hearing, but the Librarian of Congress may suspend the Copyright Royalty Judge during the pendency of such hearing. The Librarian shall appoint an interim Copyright Royalty Judge during the period of any such suspension.

''§ 803. Proceedings of Copyright Royalty Judges

''(a) PROCEEDINGS.—

''(1) IN GENERAL.—The Copyright Royalty Judges shall act in accordance with regulations issued by the Copyright Royalty Judges and the Librarian of Congress, and on the basis of a written record, prior determinations and interpretations of the Copyright Royalty Tribunal, Librarian of Congress, copyright arbitration royalty panels, the Register of Copyrights, and the Copyright Royalty Judges (to the extent those determinations are not inconsistent with a decision of the Register of Copyrights that was timely delivered to the Copyright Royalty Judges pursuant to section 802(f)(1) (A) or (B), or with a decision of the Register of Copyrights pursuant to section 802(f)(1)(D)), under this chapter, and decisions of the court of appeals under this chapter before, on, or after the effective date of the Copyright Royalty and Distribution Reform Act of 2004.

''(2) JUDGES ACTING AS PANEL AND INDIVIDUALLY.—The Copyright Royalty Judges shall preside over hearings in proceedings under this chapter en banc. The Chief Copyright Royalty Judge may designate a Copyright Royalty Judge to preside individually over such collateral and administrative proceedings, and over such proceedings under paragraphs (1) through (5) of subsection (b), as the Chief Judge considers appropriate.

''(3) DETERMINATIONS.—Final determinations of the Copyright Royalty Judges in proceedings under this chapter shall be made by majority vote. A Copyright Royalty Judge dissenting from the majority on any determination under this chapter may issue his or her dissenting opinion, which shall be included with the determination.

''(b) PROCEDURES.—

''(1) INITIATION.—

''(A) CALL FOR PETITIONS TO PARTICIPATE.—(i) Promptly upon a determination made under section 804(a), or no later than January 5 of a year specified in section 804(b) (2) or (3), or as provided under section 804(b)(8), or by no later than January 5 of a year specified in section 804 for the commencement of a proceeding if a petition has not been filed by that date, the Copyright Royalty Judges shall cause to be published in the Federal Register notice of commencement of proceedings under this chapter calling for the filing of petitions to participate in a proceeding under this chapter for the purpose of making the relevant determination under section 111, 112, 114, 115, 116, 118, 119, 1004, or 1007, as the case may be.

''(ii) Petitions to participate shall be filed by no later than 30 days after publication of notice of commencement of a proceeding, under clause (i), except that the Copyright Royalty Judges may, for substantial good cause shown and if there is no prejudice to the participants that have already filed petitions, accept late petitions to participate at any time up to the date that is 90 days before the date on which participants in the proceeding are to file their written direct statements. Notwithstanding the preceding sentence, petitioners whose petitions are filed more than 30 days after publication of notice of commencement of a proceeding are not eligible to object to a settlement reached during the voluntary negotiation period under section 803(b)(3), and any objection filed by such a petitioner shall not be taken into account by the Copyright Royalty Judges.

''(B) PETITIONS TO PARTICIPATE.—Each petition to participate in a proceeding shall describe the petitioner's interest in the subject

matter of the proceeding. Parties with similar interests may file a single petition to participate.

''(2) PARTICIPATION IN GENERAL.—Subject to paragraph (4), a person may participate in a proceeding under this chapter, including through the submission of briefs or other information, only if—

''(A) that person has filed a petition to participate in accordance with paragraph (1) (either individually or as a group under paragraph (1)(B)), together with a filing fee of $150;

''(B) the Copyright Royalty Judges have not determined that the petition to participate is facially invalid; and

''(C) the Copyright Royalty Judges have not determined, sua sponte or on the motion of another participant in the proceeding, that the person lacks a significant interest in the proceeding.

''(3) VOLUNTARY NEGOTIATION PERIOD.—

''(A) IN GENERAL.—Promptly after the date for filing of petitions to participate in a proceeding, the Copyright Royalty Judges shall make available to all participants in the proceeding a list of such participants and shall initiate a voluntary negotiation period among the participants.

''(B) LENGTH OF PROCEEDINGS.—The voluntary negotiation period initiated under subparagraph (A) shall be 3 months.

''(C) DETERMINATION OF SUBSEQUENT PROCEEDINGS.—At the close of the voluntary negotiation proceedings, the Copyright Royalty Judges shall, if further proceedings under this chapter are necessary, determine whether and to what extent paragraphs (4) and (5) will apply to the parties.

''(4) SMALL CLAIMS PROCEDURE IN DISTRIBUTION PROCEEDINGS.—

''(A) IN GENERAL.—If, in a proceeding under this chapter to determine the distribution of royalties, a participant in the proceeding asserts a claim in the amount of $10,000 or less, the Copyright Royalty Judges shall decide the controversy on the basis of the filing of the written direct statement by the participant, the response by any opposing participant, and 1 additional response by each such party. The participant asserting the claim shall not be required to pay the filing fee under paragraph (2).

''(B) BAD FAITH INFLATION OF CLAIM.—If the Copyright Royalty Judges determine that a participant asserts in bad faith an amount in controversy in excess of $10,000 for the purpose of avoiding a determination under the procedure set forth in subparagraph (A), the Copyright Royalty Judges shall impose a fine on that participant in an amount not to exceed the difference between the actual amount distributed and the amount asserted by the participant.

''(5) PAPER PROCEEDINGS.—The Copyright Royalty Judges in proceedings under this chapter may decide, sua sponte or upon motion of a participant, to determine issues on the basis of the filing of the written direct statement by the participant, the response by any opposing participant, and one additional response by each such participant. Prior to making such decision to proceed on such a paper record only, the Copyright Royalty Judges shall offer to all parties to the proceeding the opportunity to comment on the decision. The procedure under this paragraph—

''(A) shall be applied in cases in which there is no genuine issue of material fact, there is no need for evidentiary hearings, and all participants in the proceeding agree in writing to the procedure; and

''(B) may be applied under such other circumstances as the Copyright Royalty Judges consider appropriate.

''(6) REGULATIONS.—

''(A) IN GENERAL.—The Copyright Royalty Judges may issue regulations to carry out their functions under this title. All regulations issued by the Copyright Royalty Judges are subject to the approval of the Librarian of Congress. Not later than 120 days after Copyright Royalty Judges or interim Copyright Royalty Judges, as the case may be, are first appointed after the enactment of the Copyright Royalty and Distribution Reform Act of 2004, such judges shall issue regulations to govern proceedings under this chapter.

''(B) INTERIM REGULATIONS.—Until regulations are adopted under subparagraph (A), the Copyright Royalty Judges shall apply the regulations in effect under this chapter on the day before the effective date of the Copyright Royalty and Distribution Reform Act of 2004, to the extent such regulations are not inconsistent with this chapter, except that functions carried out under such regulations by the Librarian of Congress, the Register of Copyrights, or copyright arbitration royalty panels that, as of such date of enactment, are to be carried out by the Copyright Royalty Judges under this chapter, shall be carried out by the Copyright Royalty Judges under such regulations.

''(C) REQUIREMENTS.—Regulations issued under subparagraph (A) shall include the following:

''(i) The written direct statements of all participants in a proceeding under paragraph (2) shall be filed by a date specified by the Copyright Royalty Judges, which may be not earlier than 4 months, and not later than 5 months, after the end of the voluntary negotiation period under paragraph (3). Notwithstanding the preceding sentence, the Copyright Royalty Judges may allow a participant in a proceeding to file an amended written direct statement based on new information received during the discovery process, within 15 days after the end of the discovery period specified in clause (iii).

''(ii)(I) Following the submission to the Copyright Royalty Judges of written direct statements by the participants in a proceeding under paragraph (2), the judges shall meet with the participants for the purpose of setting a schedule for conducting and completing discovery. Such schedule shall be determined by the Copyright Royalty Judges.

''(II) In this chapter, the term 'written direct statements' means witness statements, testimony, and exhibits to be presented in the proceedings, and such other information that is necessary to establish terms and rates, or the distribution of royalty payments, as the case may be, as set forth in regulations issued by the Copyright Royalty Judges.

''(iii) Hearsay may be admitted in proceedings under this chapter to the extent deemed appropriate by the Copyright Royalty Judges.

''(iv) Discovery in such proceedings shall be permitted for a period of 60 days, except for discovery ordered by the Copyright Royalty Judges in connection with the resolution of motions, orders and disputes pending at the end of such period.

''(v) Any participant under paragraph (2) in a proceeding under this chapter to determine royalty rates may request of an opposing participant nonprivileged documents directly related to the written direct statement or written rebuttal statement of that participant. Any objection to such a request shall be resolved by a motion or request to compel production made to the Copyright Royalty Judges according to regulations adopted by the Copyright Royalty Judges. Each motion or request to compel discovery shall be determined by the Copyright Royalty Judges, or by a Copyright Royalty Judge when permitted under subsection (a)(2). Upon such motion, the Copyright Royalty Judges may order discovery pursuant to regulations established under this paragraph.

''(vi)(I) Any participant under paragraph (2) in a proceeding under this chapter to determine royalty rates may, by means of written motion or on the record, request of an opposing participant or witness other relevant information and materials if absent the discovery sought the Copyright Royalty Judges' resolution of the proceeding would be substantially impaired. In determining whether discovery will be granted under this clause, the Copyright Royalty Judges may consider—

''(aa) whether the burden or expense of producing the requested information or materials outweighs the likely benefit, taking into account the needs and resources of the participants, the importance of the issues at stake, and the probative value of the requested information or materials in resolving such issues;

''(bb) whether the requested information or materials would be unreasonably cumulative or duplicative, or are obtainable from another source that is more convenient, less burdensome, or less expensive; and

''(cc) whether the participant seeking discovery has had ample opportunity by discovery in the proceeding or by other means to obtain the information sought.

''(II) This clause shall not apply to any proceeding scheduled to commence after December 31, 2010.

''(vii) In a proceeding under this chapter to determine royalty rates, the participants entitled to receive royalties shall collectively be permitted to take no more than 10 depositions and secure responses to no more than 25 interrogatories and the participants obligated to pay royalties shall collectively be permitted to take no more than 10 depositions and secure responses to no more than 25 interrogatories. The Copyright Royalty Judges shall resolve any disputes among similarly aligned participants to allocate the number of depositions or interrogatories permitted under this clause.

''(viii) The rules and practices in effect on the day before the effective date of the Copyright Royalty and Distribution Reform Act of 2004, relating to discovery in proceedings under this chapter to determine the distribution of royalty fees, shall continue to apply to such proceedings on and after such effective date.

''(ix) In proceedings to determine royalty rates, the Copyright Royalty Judges may issue a subpoena commanding a participant or witness to appear and give testimony or to produce and permit inspection of documents or tangible things if the Copyright Royalty Judges' resolution of the proceeding would be substantially impaired by the absence of such testimony or production of documents or tangible things. Such subpoena shall specify with reasonable particularity the materials to be produced or the scope and nature of the required testimony. Nothing in this subparagraph shall preclude the Copyright Royalty Judges from requesting the production by a nonparticipant of information or materials relevant to the resolution by the Copyright Royalty Judges of a material issue of fact.

''(x) The Copyright Royalty Judges shall order a settlement conference among the participants in the proceeding to facilitate the presentation of offers of settlement among the participants. The settlement conference shall be held during a 21-day period following the end of the discovery period and shall take place outside the presence of the Copyright Royalty Judges.

''(xi) No evidence, including exhibits, may be submitted in the written direct statement

or written rebuttal statement of a participant without a sponsoring witness, except where the Copyright Royalty Judges have taken official notice, or in the case of incorporation by reference of past records, or for good cause shown.

''(c) DETERMINATION OF COPYRIGHT ROYALTY JUDGES.—

''(1) TIMING.—The Copyright Royalty Judges shall issue their determination in a proceeding not later than 11 months after the conclusion of the 21-day settlement conference period under subsection (b)(3)(C)(x), but, in the case of a proceeding to determine successors to rates or terms that expire on a specified date, in no event later than 15 days before the expiration of the then current statutory rates and terms.

''(2) REHEARINGS.—

''(A) IN GENERAL.—The Copyright Royalty Judges may, in exceptional cases, upon motion of a participant under subsection (b)(2), order a rehearing, after the determination in a proceeding is issued under paragraph (1), on such matters as the Copyright Royalty Judges determine to be appropriate.

''(B) TIMING FOR FILING MOTION.—Any motion for a rehearing under subparagraph (A) may only be filed within 15 days after the date on which the Copyright Royalty Judges deliver their initial determination concerning rates and terms to the participants in the proceeding.

''(C) PARTICIPATION BY OPPOSING PARTY NOT REQUIRED.—In any case in which a rehearing is ordered, any opposing party shall not be required to participate in the rehearing, except as provided under subsection (d)(1).

''(D) NO NEGATIVE INFERENCE.—No negative inference shall be drawn from lack of participation in a rehearing.

''(E) CONTINUITY OF RATES AND TERMS.—(i) If the decision of the Copyright Royalty Judges on any motion for a rehearing is not rendered before the expiration of the statutory rates and terms that were previously in effect, in the case of a proceeding to determine successors to rates and terms that expire on a specified date, then—

''(I) the initial determination of the Copyright Royalty Judges that is the subject of the rehearing motion shall be effective as of the day following the date on which the rates and terms that were previously in effect expire; and

''(II) in the case of a proceeding under section 114(f)(1)(C) or 114(f)(2)(C), royalty rates and terms shall, for purposes of section 114(f)(4)(B), be deemed to have been set at those rates and terms contained in the initial determination of the Copyright Royalty Judges that is the subject of the rehearing motion, as of the date of that determination.

''(ii) The pendency of a motion for a rehearing under this paragraph shall not relieve persons obligated to make royalty payments who would be affected by the determination on that motion from providing the statements of account and any reports of use, to the extent required, and paying the royalties required under the relevant determination or regulations.

''(iii) Notwithstanding clause (ii), whenever royalties described in clause (ii) are paid to a person other than the Copyright Office, the entity designated by the Copyright Royalty Judges to which such royalties are paid by the copyright user (and any successor thereto) shall, within 60 days after the motion for rehearing is resolved or, if the motion is granted, within 60 days after the rehearing is concluded, return any excess amounts previously paid to the extent necessary to comply with the final determination of royalty rates by the Copyright Royalty Judges. Any underpayment of royalties resulting from a rehearing shall be paid within the same period.

''(3) CONTENTS OF DETERMINATION.—A determination of the Copyright Royalty Judges shall be supported by the written record and shall set forth the findings of fact relied on by the Copyright Royalty Judges. Among other terms adopted in a determination, the Copyright Royalty Judges may specify notice and recordkeeping requirements of users of the copyrights at issue that apply in lieu of those that would otherwise apply under regulations.

''(4) CONTINUING JURISDICTION.—The Copyright Royalty Judges may, with the approval of the Register of Copyrights, issue an amendment to a written determination to correct any technical or clerical errors in the determination or to modify the terms, but not the rates, of royalty payments in response to unforeseen circumstances that would frustrate the proper implementation of such determination. Such amendment shall be set forth in a written addendum to the determination that shall be distributed to the participants of the proceeding and shall be published in the Federal Register.

''(5) PROTECTIVE ORDER.—The Copyright Royalty Judges may issue such orders as may be appropriate to protect confidential information, including orders excluding confidential information from the record of the determination that is published or made available to the public, except that any terms or rates of royalty payments or distributions may not be excluded.

''(6) PUBLICATION OF DETERMINATION.—Following review of the determination by the Register of Copyrights under section 802(f)(1)(D), the Librarian of Congress shall cause the determination, and any corrections thereto, to be published in the Federal Register. The Librarian of Congress shall also publicize the determination and corrections in such other manner as the Librarian considers appropriate, including, but not limited to, publication on the Internet. The Librarian of Congress shall also make the determination, corrections, and the accompanying record available for public inspection and copying.

''(7) LATE PAYMENT.—A determination of Copyright Royalty Judges may include terms with respect to late payment, but in no way shall such terms prevent the copyright holder from asserting other rights or remedies provided under this title.

''(d) JUDICIAL REVIEW.—

''(1) APPEAL.—Any determination of the Copyright Royalty Judges under subsection (c) may, within 30 days after the publication of the determination in the Federal Register, be appealed, to the United States Court of Appeals for the District of Columbia Circuit, by any aggrieved participant in the proceeding under subsection (b)(2) who fully participated in the proceeding and who would be bound by the determination. Any participant that did not participate in a rehearing may not raise any issue that was the subject of that rehearing at any stage of judicial review of the hearing determination. If no appeal is brought within that 30-day period, the determination of the Copyright Royalty Judges shall be final, and the royalty fee or determination with respect to the distribution of fees, as the case may be, shall take effect as set forth in paragraph (2).

''(2) EFFECT OF RATES.—

''(A) EXPIRATION ON SPECIFIED DATE.—When this title provides that the royalty rates and terms that were previously in effect are to expire on a specified date, any adjustment or determination by the Copyright Royalty Judges of successor rates and terms for an ensuing statutory license period shall be effective as of the day following the date of expiration of the rates and terms that were previously in effect, even if the determination of the Copyright Royalty Judges is rendered on a later date. A transmission service shall be obligated to continue making payments under the rates and terms previously in effect until such time as rates and terms for the successor period are established. Whenever royalties pursuant to this section are paid to a person other than the Copyright Office, the entity designated by the Copyright Royalty Judges to which such royalties are paid by the copyright user (and any successor thereto) shall, within 60 days after the final determination of the Copyright Royalty Judges establishing rates and terms for a successor period or the exhaustion of all rehearings or appeals of such determination, if any, return any excess amounts previously paid to the extent necessary to comply with the final determination of royalty rates. Any underpayment of royalties by a copyright user shall be paid to the entity designated by the Copyright Royalty Judges within the same period.

''(B) OTHER CASES.—In cases where rates and terms have not, prior to the inception of an activity, been established for that particular activity under the relevant license, such rates and terms shall be retroactive to the inception of activity under the relevant license covered by such rates and terms. In other cases where rates and terms do not expire on a specified date, successor rates and terms shall take effect on the first day of the second month that begins after the publication of the determination of the Copyright Royalty Judges in the Federal Register, except as otherwise provided in this title, or by the Copyright Royalty Judges, or as agreed by the participants in a proceeding that would be bound by the rates and terms. Except as otherwise provided in this title, the rates and terms, to the extent applicable, shall remain in effect until such successor rates and terms become effective.

''(C) OBLIGATION TO MAKE PAYMENTS.—

''(i) The pendency of an appeal under this subsection shall not relieve persons obligated to make royalty payments under section 111, 112, 114, 115, 116, 118, 119, or 1003, who would be affected by the determination on appeal, from—

''(I) providing the statements of account and any report of use; and

''(II) paying the royalties required under the relevant determination or regulations.

''(ii) Notwithstanding clause (i), whenever royalties described in clause (i) are paid to a person other than the Copyright Office, the entity designated by the Copyright Royalty Judges to which such royalties are paid by the copyright user (and any successor thereto) shall, within 60 days after the final resolution of the appeal, return any excess amounts previously paid (and interest thereon, if ordered pursuant to paragraph (3)) to the extent necessary to comply with the final determination of royalty rates on appeal. Any underpayment of royalties resulting from an appeal (and interest thereon, if ordered pursuant to paragraph (3)) shall be paid within the same period.

''(3) JURISDICTION OF COURT.—If the court, pursuant to section 706 of title 5, modifies or vacates a determination of the Copyright Royalty Judges, the court may enter its own determination with respect to the amount or distribution of royalty fees and costs, and order the repayment of any excess fees, the payment of any underpaid fees, and the payment of interest pertaining respectively thereto, in accordance with its final judgment. The court may also vacate the determination of the Copyright Royalty Judges and remand the case to the Copyright Royalty Judges for further proceedings in accordance with subsection (a).

''(e) ADMINISTRATIVE MATTERS.—

''(1) DEDUCTION OF COSTS OF LIBRARY OF CONGRESS AND COPYRIGHT OFFICE FROM FILING FEES.—

''(A) DEDUCTION FROM FILING FEES.—The Librarian of Congress may, to the extent not otherwise provided under this title, deduct from the filing fees collected under subsection (b) for a particular proceeding under this chapter the reasonable costs incurred by the Librarian of Congress, the Copyright Office, and the Copyright Royalty Judges in conducting that proceeding, other than the salaries of the Copyright Royalty Judges and the 3 staff members appointed under section 802(b).

''(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to pay the costs incurred under this chapter not covered by the filing fees collected under subsection (b). All funds made available pursuant to this subparagraph shall remain available until expended.

''(2) POSITIONS REQUIRED FOR ADMINISTRATION OF COMPULSORY LICENSING.—Section 307 of the Legislative Branch Appropriations Act, 1994, shall not apply to employee positions in the Library of Congress that are required to be filled in order to carry out section 111, 112, 114, 115, 116, 118, or 119 or chapter 10.

''§ 804. Institution of proceedings

''(a) FILING OF PETITION.—With respect to proceedings referred to in paragraphs (1) and (2) of section 801(b) concerning the determination or adjustment of royalty rates as provided in sections 111, 112, 114, 115, 116, 118, 119, and 1004, during the calendar years specified in the schedule set forth in subsection (b), any owner or user of a copyrighted work whose royalty rates are specified by this title, or are established under this chapter before or after the enactment of the Copyright Royalty and Distribution Reform Act of 2004, may file a petition with the Copyright Royalty Judges declaring that the petitioner requests a determination or adjustment of the rate. The Copyright Royalty Judges shall make a determination as to whether the petitioner has such a significant interest in the royalty rate in which a determination or adjustment is requested. If the Copyright Royalty Judges determine that the petitioner has such a significant interest, the Copyright Royalty Judges shall cause notice of this determination, with the reasons for such determination, to be published in the Federal Register, together with the notice of commencement of proceedings under this chapter. With respect to proceedings under paragraph (1) of section 801(b) concerning the determination or adjustment of royalty rates as provided in sections 112 and 114, during the calendar years specified in the schedule set forth in subsection (b), the Copyright Royalty Judges shall cause notice of commencement of proceedings under this chapter to be published in the Federal Register as provided in section 803(b)(1)(A).

''(b) TIMING OF PROCEEDINGS.—

''(1) SECTION 111 PROCEEDINGS.—(A) A petition described in subsection (a) to initiate proceedings under section 801(b)(2) concerning the adjustment of royalty rates under section 111 to which subparagraph (A) or (D) of section 801(b)(2) applies may be filed during the year 2005 and in each subsequent fifth calendar year.

''(B) In order to initiate proceedings under section 801(b)(2) concerning the adjustment of royalty rates under section 111 to which subparagraph (B) or (C) of section 801(b)(2) applies, within 12 months after an event described in either of those subsections, any owner or user of a copyrighted work whose royalty rates are specified by section 111, or by a rate established under this chapter before or after the enactment of the Copyright Royalty and Distribution Reform Act of 2004, may file a petition with the Copyright Royalty Judges declaring that the petitioner requests an adjustment of the rate. The Copyright Royalty Judges shall then proceed as set forth in subsection (a) of this section. Any change in royalty rates made under this chapter pursuant to this subparagraph may be reconsidered in the year 2005, and each fifth calendar year thereafter, in accordance with the provisions in section 801(b)(3) (B) or (C), as the case may be. A petition for adjustment of rates established by section 111(d)(1)(B) as a result of a change is the rules and regulations of the Federal Communications Commission shall set forth the change on which the petition is based.

''(C) Any adjustment of royalty rates under section 111 shall take effect as of the first accounting period commencing after the publication of the determination of the Copyright Royalty Judges in the Federal Register, or on such other date as is specified in that determination.

''(2) CERTAIN SECTION 112 PROCEEDINGS.—Proceedings under this chapter shall be commenced in the year 2007 to determine reasonable terms and rates of royalty payments for the activities described in section 112(e)(1) relating to the limitation on exclusive rights specified by section 114(d)(1)(C)(iv), to become effective on January 1, 2009. Such proceedings shall be repeated in each subsequent fifth calendar year.

''(3) SECTION 114 AND CORRESPONDING 112 PROCEEDINGS.—

''(A) FOR ELIGIBLE NONSUBSCRIPTION SERVICES AND NEW SUBSCRIPTION SERVICES.—Proceedings under this chapter shall be commenced as soon as practicable after the effective date of the Copyright Royalty and Distribution Reform Act of 2004 to determine reasonable terms and rates of royalty payments under sections 114 and 112 for the activities of eligible nonsubscription transmission services and new subscription services, to be effective for the period beginning on January 1, 2006, and ending on December 31, 2010. Such proceedings shall next be commenced in January 2009 to determine reasonable terms and rates of royalty payments, to become effective on January 1, 2011. Thereafter, such proceedings shall be repeated in each subsequent fifth calendar year.

''(B) FOR PREEXISTING SUBSCRIPTION AND SATELLITE DIGITAL AUDIO RADIO SERVICES.—Proceedings under this chapter shall be commenced in January 2006 to determine reasonable terms and rates of royalty payments under sections 114 and 112 for the activities of preexisting subscription services, to be effective during the period beginning on January 1, 2008, and ending on December 31, 2012, and preexisting satellite digital audio radio services, to be effective during the period beginning on January 1, 2007, and ending on December 31, 2012. Such proceedings shall next be commenced in 2011 to determine reasonable terms and rates of royalty payments, to become effective on January 1, 2013. Thereafter, such proceedings shall be repeated in each subsequent fifth calendar year.

''(C)(i) Notwithstanding any other provision of this chapter, this subparagraph shall govern proceedings commenced pursuant to section 114(f)(1)(C) and 114(f)(2)(C) concerning new types of services.

''(ii) Not later than 30 days after a petition to determine rates and terms for a new type of service that is filed by any copyright owner of sound recordings, or such new type of service, indicating that such new type of service is or is about to become operational, the Copyright Royalty Judges shall issue a notice for a proceeding to determine rates and terms for such service.

''(iii) The proceeding shall follow the schedule set forth in such subsections (b), (c), and (d) of section 803, except that—

''(I) the determination shall be issued by not later than 24 months after the publication of the notice under clause (ii); and

''(II) the decision shall take effect as provided in subsections (c)(2) and (d)(2) of section 803 and section 114(f)(4)(B)(ii) and (C).

''(iv) The rates and terms shall remain in effect for the period set forth in section 114(f)(1)(C) or 114(f)(2)(C), as the case may be.

''(4) SECTION 115 PROCEEDINGS.—A petition described in subsection (a) to initiate proceedings under section 801(b)(1) concerning the adjustment or determination of royalty rates as provided in section 115 may be filed in the year 2006 and in each subsequent fifth calendar year, or at such other times as the parties have agreed under section 115(c)(3)(B) and (C).

''(5) SECTION 116 PROCEEDINGS.—(A) A petition described in subsection (a) to initiate proceedings under section 801(b) concerning the determination of royalty rates and terms as provided in section 116 may be filed at any time within 1 year after negotiated licenses authorized by section 116 are terminated or expire and are not replaced by subsequent agreements.

''(B) If a negotiated license authorized by section 116 is terminated or expires and is not replaced by another such license agreement which provides permission to use a quantity of musical works not substantially smaller than the quantity of such works performed on coin-operated phonorecord players during the 1-year period ending March 1, 1989, the Copyright Royalty Judges shall, upon petition filed under paragraph (1) within 1 year after such termination or expiration, commence a proceeding to promptly establish an interim royalty rate or rates for the public performance by means of a coin-operated phonorecord player of nondramatic musical works embodied in phonorecords which had been subject to the terminated or expired negotiated license agreement. Such rate or rates shall be the same as the last such rate or rates and shall remain in force until the conclusion of proceedings by the Copyright Royalty Judges, in accordance with section 803, to adjust the royalty rates applicable to such works, or until superseded by a new negotiated license agreement, as provided in section 116(b).

''(6) SECTION 118 PROCEEDINGS.—A petition described in subsection (a) to initiate proceedings under section 801(b)(1) concerning the determination of reasonable terms and rates of royalty payments as provided in section 118 may be filed in the year 2006 and in each subsequent fifth calendar year.

''(7) SECTION 1004 PROCEEDINGS.—A petition described in subsection (a) to initiate proceedings under section 801(b)(1) concerning the adjustment of reasonable royalty rates under section 1004 may be filed as provided in section 1004(a)(3).

''(8) PROCEEDINGS CONCERNING DISTRIBUTION OF ROYALTY FEES.—With respect to proceedings under section 801(b)(3) concerning the distribution of royalty fees in certain circumstances under section 111, 119, or 1007, the Copyright Royalty Judges shall, upon a determination that a controversy exists concerning such distribution, cause to be published in the Federal Register notice of commencement of proceedings under this chapter.

''§ 805. General rule for voluntarily negotiated agreements

''Any rates or terms under this title that—

''(1) are agreed to by participants to a proceeding under section 803(b)(3),

''(2) are adopted by the Copyright Royalty Judges as part of a determination under this chapter, and

''(3) are in effect for a period shorter than would otherwise apply under a determination pursuant to this chapter,

shall remain in effect for such period of time as would otherwise apply under such determination, except that the Copyright Royalty Judges shall adjust the rates pursuant to the voluntary negotiations to reflect national monetary inflation during the additional period the rates remain in effect.''.

(b) CONFORMING AMENDMENT.—The table of chapters for title 17, United States Code, is amended by striking the item relating to chapter 8 and inserting the following:

''8. Proceedings by Copyright Royalty Judges ..... 801''.

SEC. 4. DEFINITION.

Section 101 is amended by inserting after the definition of ''copies'' the following:

''A 'Copyright Royalty Judge' is a Copyright Royalty Judge appointed under section 802 of this title, and includes any individual serving as an interim Copyright Royalty Judge under such section.''.

SEC. 5. TECHNICAL AMENDMENTS.

(a) CABLE RATES.—Section 111(d) is amended—

(1) in paragraph (2), in the second sentence, by striking ''a copyright arbitration royalty panel'' and inserting ''the Copyright Royalty Judges.''; and

(2) in paragraph (4)—

(A) in subparagraph (A), by striking ''Librarian of Congress'' each place it appears and inserting ''Copyright Royalty Judges'';

(B) in subparagraph (B)—

(i) in the first sentence, by striking ''Librarian of Congress shall, upon the recommendation of the Register of Copyrights,'' and inserting ''Copyright Royalty Judges shall'';

(ii) in the second sentence, by striking ''Librarian determines'' and inserting ''Copyright Royalty Judges determine''; and

(iii) in the third sentence—

(I) by striking ''Librarian'' each place it appears and inserting ''Copyright Royalty Judges''; and

(II) by striking ''convene a copyright arbitration royalty panel'' and inserting ''conduct a proceeding''; and

(C) in subparagraph (C), by striking ''Librarian of Congress'' and inserting ''Copyright Royalty Judges''.

(b) EPHEMERAL RECORDINGS.—Section 112(e) is amended—

(1) in paragraph (3)—

(A) by amending the first sentence to read as follows: ''Proceedings under chapter 8 shall determine reasonable rates and terms of royalty payments for the activities specified by paragraph (1) during the 5-year periods beginning on January 1 of the second year following the year in which the proceedings are to be commenced, or such other periods as the parties may agree.''; and

(B) by striking the second sentence;

(C) in the third sentence, by striking ''Librarian of Congress'' and inserting ''Copyright Royalty Judges''; and

(D) in the fourth sentence, by striking ''negotiation'';

(2) in paragraph (4)—

(A) by amending the first sentence to read as follows: ''The schedule of reasonable rates and terms determined by the Copyright Royalty Judges shall, subject to paragraph (5), be binding on all copyright owners of sound recordings and transmitting organizations entitled to a statutory license under this subsection during the 5-year period specified in paragraph (3), or such other period as the parties may agree.'';

(B) by striking ''copyright arbitration royalty panel'' each subsequent place it appears and inserting ''Copyright Royalty Judges'';

(C) in the fourth sentence, by striking ''its decision'' and inserting ''their decision'';

(D) in the fifth sentence, by striking ''negotiated as provided'' and inserting ''described''; and

(E) in the last sentence, by striking ''Librarian of Congress'' and inserting ''Copyright Royalty Judges'';

(3) in paragraph (5), by striking ''or decision by the Librarian of Congress'' and inserting '', decision by the Librarian of Congress, or determination by the Copyright Royalty Judges'';

(4) by striking paragraph (6) and redesignating paragraphs (7), (8), and (9), as paragraphs (6), (7), and (8), respectively; and

(5) in paragraph (6)(A), as so redesignated, by striking ''Librarian of Congress'' and inserting ''Copyright Royalty Judges''.

(c) SCOPE OF EXCLUSIVE RIGHTS IN SOUND RECORDINGS.—Section 114(f) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by amending the first sentence to read as follows: ''Proceedings under chapter 8 shall determine reasonable rates and terms of royalty payments for subscription transmissions by preexisting subscription services and transmissions by preexisting satellite digital audio radio services specified by subsection (d)(2) during 5-year periods beginning on January 1 of the second year following the year in which the proceedings are to be commenced, except where different transitional periods are provided in section 804(b), or such periods as the parties may agree.'';

(ii) in the third sentence, by striking ''Librarian of Congress'' and inserting ''Copyright Royalty Judges''; and

(iii) in the fourth sentence, by striking ''negotiation'';

(B) in subparagraph (B)—

(i) by amending the first sentence to read as follows: ''The schedule of reasonable rates and terms determined by the Copyright Royalty Judges shall, subject to paragraph (3), be binding on all copyright owners of sound recordings and entities performing sound recordings affected by this paragraph during the 5-year period specified in subparagraph (A), a transitional period provided in section 804(b), or such other period as the parties may agree.'';

(ii) in the second sentence, by striking ''copyright arbitration royalty panel'' and inserting ''Copyright Royalty Judges''; and

(iii) in the second sentence, by striking ''negotiated as provided'' and inserting ''described''; and

(C) by amending subparagraph (C) to read as follows:

''(C) The procedures under subparagraphs (A) and (B) also shall be initiated pursuant to a petition filed by any copyright owners of sound recordings, any preexisting subscription services, or any preexisting satellite digital audio radio services indicating that a new type of subscription digital audio transmission service on which sound recordings are performed is or is about to become operational, for the purpose of determining reasonable terms and rates of royalty payments with respect to such new type of transmission service for the period beginning with the inception of such new type of service and ending on the date on which the royalty rates and terms for subscription digital audio transmission services most recently determined under subparagraph (A) or (B) and chapter 8 expire, or such other period as the parties may agree.'';

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by amending the first paragraph to read as follows: ''Proceedings under chapter 8 shall determine reasonable rates and terms of royalty payments for subscription transmissions by eligible nonsubscription transmission services and transmissions by new subscription services specified by subsection (d)(2) during 5-year periods beginning on January 1 of the second year following the year in which the proceedings are to be commenced, except where different transitional periods are provided in section 804(b), or such periods as the parties may agree.'';

(ii) in the third sentence, by striking ''Librarian of Congress'' and inserting ''Copyright Royalty Judges''; and

(iii) in the fourth sentence, by striking ''negotiation'';

(B) in subparagraph (B)—

(i) by amending the first sentence to read as follows: ''The schedule of reasonable rates and terms determined by the Copyright Royalty Judges shall, subject to paragraph (3), be binding on all copyright owners of sound recordings and entities performing sound recordings affected by this paragraph during the 5-year period specified in subparagraph (A), a transitional period provided in section 804(b), or such other period as the parties may agree.'';

(ii) by striking ''copyright arbitration royalty panel'' each subsequent place it appears and inserting ''Copyright Royalty Judges''; and

(iii) in the last sentence by striking ''negotiated as provided'' and inserting ''described in''; and

(C) by amending subparagraph (C) to read as follows:

''(C) The procedures under subparagraphs (A) and (B) shall also be initiated pursuant to a petition filed by any copyright owners of sound recordings or any eligible nonsubscription service or new subscription service indicating that a new type of eligible nonsubscription service or new subscription service on which sound recordings are performed is or is about to become operational, for the purpose of determining reasonable terms and rates of royalty payments with respect to such new type of service for the period beginning with the inception of such new type of service and ending on the date on which the royalty rates and terms for preexisting subscription digital audio transmission services or preexisting satellite digital radio audio services, as the case may be, most recently determined under subparagraph (A) or (B) and chapter 8 expire, or such other period as the parties may agree.'';

(3) in paragraph (3), by striking ''or decision by the Librarian of Congress'' and inserting '', decision by the Librarian of Congress, or determination by the Copyright Royalty Judges''; and

(4) in paragraph (4)—

(A) by striking ''Librarian of Congress'' each place it appears and inserting ''Copyright Royalty Judges''; and

(B) by adding after the first sentence ''The notice and recordkeeping rules in effect on the day before the effective date of the Copyright Royalty and Distribution Reform Act of 2004 shall remain in effect unless and until new regulations are promulgated by the Copyright Royalty Judges. If new regulations are promulgated under this subparagraph, the Copyright Royalty Judges shall take into account the substance and effect of the rules in effect on the day before the effective date of the Copyright Royalty and Distribution Reform Act of 2004 and shall, to the extent practicable, avoid significant disruption of the functions of any designated agent authorized to collect and distribute royalty fees.''.

(d) PHONORECORDS OF NONDRAMATIC MUSICAL WORKS.—Section 115(c)(3) is amended—

(1) in subparagraph (A)(ii), by striking ''(F)'' and inserting ''(E)'';

(2) in subparagraph (B)—

(A) by striking ''under this paragraph'' and inserting ''under this section'';

(B) by inserting ''on a nonexclusive basis'' after ''common agents''; and

(C) by striking ''subparagraphs (C) through (F)'' and inserting ''this subparagraph and subparagraphs (C) through (E)''; and

(3) in subparagraph (C)—

(A) by amending the first sentence to read as follows: ''Proceedings under chapter 8 shall determine reasonable rates and terms of royalty payments for the activities specified by this section during periods beginning with the effective date of such rates and terms, but not earlier than January 1 of the second year following the year in which the petition requesting the proceeding is filed, and ending on the effective date of successor rates and terms, or such other period as the parties may agree.'';

(B) in the third sentence, by striking ''Librarian of Congress'' and inserting ''Copyright Royalty Judges''; and

(C) in the fourth sentence, by striking ''negotiation'';

(4) in subparagraph (D)—

(A) by amending the first sentence to read as follows: ''The schedule of reasonable rates and terms determined by the Copyright Royalty Judges shall, subject to subparagraph (E), be binding on all copyright owners of nondramatic musical works and persons entitled to obtain a compulsory license under subsection (a)(1) during the period specified in subparagraph (C), such other period as may be determined pursuant to subparagraphs (B) and (C), or such other period as the parties may agree.'';

(B) in the third sentence, by striking ''copyright arbitration royalty panel'' and inserting ''Copyright Royalty Judges''; and

(C) in the third sentence, by striking ''negotiated as provided in subparagraphs (B) and (C)'' and inserting ''described'';

(5) in subparagraph (E)—

(A) in clause (i)—

(i) in the first sentence, by striking ''Librarian of Congress'' and inserting ''Librarian of Congress, Copyright Royalty Judges, or a copyright arbitration royalty panel to the extent those determinations were accepted by the Librarian of Congress''; and

(ii) in the second sentence, by striking ''(C), (D) or (F) shall be given effect'' and inserting ''(C) or (D) shall be given effect as to digital phonorecord deliveries''; and

(B) in clause (ii)(I), by striking ''(C), (D) or (F)'' each place it appears and inserting ''(C) or (D)''; and

(6) by striking subparagraph (F) and redesignating subparagraphs (G) through (L) as subparagraphs (F) through (K), respectively.

(e) COIN-OPERATED PHONORECORD PLAYERS.—Section 116 is amended—

(1) in subsection (b), by amending paragraph (2) to read as follows:

''(2) CHAPTER 8 PROCEEDING.—Parties not subject to such a negotiation may have the terms and rates and the division of fees described in paragraph (1) determined in a proceeding in accordance with the provisions of chapter 8.''; and

(2) in subsection (c)—

(A) in the subsection heading, by striking ''COPYRIGHT ARBITRATION ROYALTY PANEL DETERMINATIONS'' and inserting ''DETERMINATIONS BY COPYRIGHT ROYALTY JUDGES''; and

(B) by striking ''a copyright arbitration royalty panel'' and inserting ''the Copyright Royalty Judges''.

(f) USE OF CERTAIN WORKS IN CONNECTION WITH NONCOMMERCIAL BROADCASTING.—Section 118 is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in the first sentence, by striking ''Librarian of Congress'' and inserting ''Copyright Royalty Judges''; and

(ii) by striking the second and third sentences;

(B) in paragraph (2), by striking ''Librarian of Congress:'' and all that follows through the end of the sentence and inserting ''Librarian of Congress, a copyright arbitration royalty panel, or the Copyright Royalty Judges, to the extent that they were accepted by the Librarian of Congress, if copies of such agreements are filed with the Copyright Royalty Judges within 30 days of execution in accordance with regulations that the Copyright Royalty Judges shall issue.''; and

(C) in paragraph (3)—

(i) in the second sentence—

(I) by striking ''copyright arbitration royalty panel'' and inserting ''Copyright Royalty Judges''; and

(II) by striking ''paragraph (2).'' and inserting ''paragraph (2) or (3).'';

(ii) in the last sentence, by striking '''Librarian of Congress'' and inserting ''Copyright Royalty Judges''; and

(iii) by striking ''(3) In'' and all that follows through the end of the first sentence and inserting the following:

''(3) Voluntary negotiation proceedings initiated pursuant to a petition filed under section 804(a) for the purpose of determining a schedule of terms and rates of royalty payments by public broadcasting entities to copyright owners in works specified by this subsection and the proportionate division of fees paid among various copyright owners shall cover the 5-year period beginning on January 1 of the second year following the year in which the petition is filed. The parties to each negotiation proceeding shall bear their own costs.

''(4) In the absence of license agreements negotiated under paragraph (2) or (3), the Copyright Royalty Judges shall, pursuant to chapter 8, conduct a proceeding to determine and publish in the Federal Register a schedule of rates and terms which, subject to paragraph (2), shall be binding on all owners of copyright in works specified by this subsection and public broadcasting entities, regardless of whether such copyright owners have submitted proposals to the Copyright Royalty Judges.'';

(2) by striking subsection (c) and redesignating subsections (d) through (g) as subsections (c) through (f), respectively;

(3) in subsection (c), as so redesignated, in the matter preceding paragraph (1)—

(A) by striking ''(b)(2)'' and inserting ''(b)(2) or (3)'';

(B) by striking ''(b)(3)'' and inserting ''(b)(4)''; and

(C) by striking ''a copyright arbitration royalty panel under subsection (b)(3)'' and inserting ''the Copyright Royalty Judges under subsection (b)(3), to the extent that they were accepted by the Librarian of Congress'';

(4) in subsection (d), as so redesignated—

(A) by striking ''in the Copyright Office'' and inserting ''with the Copyright Royalty Judges''; and

(B) by striking ''Register of Copyrights shall prescribe'' and inserting ''Copyright Royalty Judges shall prescribe as provided in section 803(b)(6)''; and

(5) in subsection (f), as so redesignated, by striking ''(d)'' and inserting ''(c)''.

(g) SECONDARY TRANSMISSIONS BY SATELLITE CARRIERS.—Section 119(b) is amended—

(1) in paragraph (3), by striking ''Librarian of Congress'' and inserting ''Copyright Royalty Judges''; and

(2) in paragraph (4)—

(A) in subparagraph (A), by striking ''Librarian of Congress'' each place it appears and inserting ''Copyright Royalty Judges''; and

(B) by amending subparagraphs (B) and (C) to read as follows:

''(B) DETERMINATION OF CONTROVERSY; DISTRIBUTIONS.—After the first day of August of each year, the Copyright Royalty Judges shall determine whether there exists a controversy concerning the distribution of royalty fees. If the Copyright Royalty Judges determine that no such controversy exists, the Librarian of Congress shall, after deducting reasonable administrative costs under this paragraph, distribute such fees to the copyright owners entitled to receive them, or to their designated agents. If the Copyright Royalty Judges find the existence of a controversy, the Copyright Royalty Judges shall, pursuant to chapter 8 of this title, conduct a proceeding to determine the distribution of royalty fees.

''(C) WITHHOLDING OF FEES DURING CONTROVERSY.—During the pendency of any proceeding under this subsection, the Copyright Royalty Judges shall withhold from distribution an amount sufficient to satisfy all claims with respect to which a controversy exists, but shall have the discretion to proceed to distribute any amounts that are not in controversy.''.

(h) DIGITAL AUDIO RECORDING DEVICES.—

(1) ROYALTY PAYMENTS.—Section 1004(a)(3) is amended by striking ''Librarian of Congress'' each place it appears and inserting ''Copyright Royalty Judges''.

(2) ENTITLEMENT TO ROYALTY PAYMENTS.—Section 1006(c) is amended by striking ''Librarian of Congress shall convene a copyright arbitration royalty panel which'' and inserting ''Copyright Royalty Judges''.

(3) PROCEDURES FOR DISTRIBUTING ROYALTY PAYMENTS.—Section 1007 is amended—

(A) in subsection (a), by amending paragraph (1) to read as follows:

''(1) FILING OF CLAIMS.—During the first 2 months of each calendar year, every interested copyright party seeking to receive royalty payments to which such party is entitled under section 1006 shall file with the Copyright Royalty Judges a claim for payments collected during the preceding year in such form and manner as the Copyright Royalty Judges shall prescribe by regulation.''; and

(B) by amending subsections (b) and (c) to read as follows:

''(b) DISTRIBUTION OF PAYMENTS IN THE ABSENCE OF A DISPUTE.—After the period established for the filing of claims under subsection (a), in each year, the Copyright Royalty Judges shall determine whether there exists a controversy concerning the distribution of royalty payments under section 1006(c). If the Copyright Royalty Judges determine that no such controversy exists, the Librarian of Congress shall, within 30 days after such determination, authorize the distribution of the royalty payments as set forth in the agreements regarding the distribution of royalty payments entered into pursuant to subsection (a). The Librarian of Congress shall, before such royalty payments are distributed, deduct the reasonable administrative costs incurred by the Librarian under this section.

''(c) RESOLUTION OF DISPUTES.—If the Copyright Royalty Judges find the existence of a controversy, the Copyright Royalty Judges shall, pursuant to chapter 8 of this title, conduct a proceeding to determine the distribution of royalty payments. During the pendency of such a proceeding, the Copyright Royalty Judges shall withhold from distribution an amount sufficient to satisfy all claims with respect to which a controversy exists, but shall, to the extent feasible, authorize the distribution of any amounts that are not in controversy. The Librarian of Congress shall, before such royalty payments are distributed, deduct the reasonable administrative costs incurred by the Librarian under this section.''.

(4) DETERMINATION OF CERTAIN DISPUTES.—(A) Section 1010 is amended to read as follows:

"§ 1010. Determination of certain disputes

''(a) SCOPE OF DETERMINATION.—Before the date of first distribution in the United States of a digital audio recording device or a digital audio interface device, any party manufacturing, importing, or distributing such device, and any interested copyright party may mutually agree to petition the Copyright Royalty Judges to determine whether such device is subject to section 1002, or the basis on which royalty payments for such device are to be made under section 1003.

''(b) INITIATION OF PROCEEDINGS.—The parties under subsection (a) shall file the petition with the Copyright Royalty Judges requesting the commencement of a proceeding. Within 2 weeks after receiving such a petition, the Chief Copyright Royalty Judge shall cause notice to be published in the Federal Register of the initiation of the proceeding.

''(c) STAY OF JUDICIAL PROCEEDINGS.—Any civil action brought under section 1009 against a party to a proceeding under this section shall, on application of one of the parties to the proceeding, be stayed until completion of the proceeding.

''(d) PROCEEDING.—The Copyright Royalty Judges shall conduct a proceeding with respect to the matter concerned, in accordance with such procedures as the Copyright Royalty Judges may adopt. The Copyright Royalty Judges shall act on the basis of a fully documented written record. Any party to the proceeding may submit relevant information and proposals to the Copyright Royalty Judges. The parties to the proceeding shall each bear their respective costs of participation.

''(e) JUDICIAL REVIEW.—Any determination of the Copyright Royalty Judges under subsection (d) may be appealed, by a party to the proceeding, in accordance with section 803(d) of this title. The pendency of an appeal under this subsection shall not stay the determination of the Copyright Royalty Judges. If the court modifies the determination of the Copyright Royalty Judges, the court shall have jurisdiction to enter its own decision in accordance with its final judgment. The court may further vacate the determination of the Copyright Royalty Judges and remand the case for proceedings as provided in this section.''.

(B) The item relating to section 1010 in the table of sections for chapter 10 is amended to read as follows:

''1010. Determination of certain disputes.''.

SEC. 6. EFFECTIVE DATE AND TRANSITION PROVISIONS.

(a) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect 6 months after the date of enactment of this Act, except that the Librarian of Congress shall appoint 1 or more interim Copyright Royalty Judges under section 802(d) of title 17, United States Code, as amended by this Act, within 90 days after such date of enactment to carry out the functions of the Copyright Royalty Judges under title 17, United States Code, to the extent that Copyright Royalty Judges provided for in section 801(a) of title 17, United States Code, as amended by this Act, have not been appointed before the end of that 90-day period.

(b) TRANSITION PROVISIONS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the amendments made by this Act shall not affect any proceedings commenced, petitions filed, or voluntary agreements entered into before the date of enactment of this Act under the provisions of title 17, United States Code, as amended by this Act, and pending on such date of enactment. Such proceedings shall continue, determinations made in such proceedings, and appeals taken therefrom, as if this Act had not been enacted, and shall continue in effect until modified under title 17, United States Code, as amended by this Act. Such petitions filed and voluntary agreements entered into shall remain in effect as if this Act had not been enacted. For purposes of this paragraph, the Librarian of Congress may determine whether a proceeding has commenced. The Librarian of Congress may terminate any proceeding commenced before the date of enactment of this Act pursuant to chapter 8 of title 17, United States Code, and any proceeding so terminated shall become null and void. In such cases, the Copyright Royalty Judges may initiate a new proceeding in accordance with regulations adopted pursuant to section 803(b)(6) of title 17, United States Code.

(2) CERTAIN ROYALTY RATES PROCEEDINGS.—Notwithstanding any other provision of law, proceedings to determine royalty rates pursuant to section 119(c) of title 17, United States Code, shall be conducted pursuant to the provisions of title 17, United States Code, and the rules and practices in effect under that chapter on the day before any provision of this Act takes effect.

(3) PENDING PROCEEDINGS.—Notwithstanding paragraph (1), any proceedings to establish or adjust rates and terms for the statutory licenses under section 114(f)(2) or 112(e) of title 17, United States Code, for a statutory period commencing on or after January 1, 2005, shall be terminated upon the date of enactment of this Act and shall be null and void. The rates and terms in effect under section 114(f)(2) or 112(e) of title 17, United States Code, on December 31, 2004, for new subscription services, eligible nonsubscription services, and services exempt under section 114(d)(1)(C)(iv) of such title, and the rates and terms published in the Federal Register under the authority of the Small Webcaster Settlement Act of 2002 (17 U.S.C. 114 note; Public Law 107–321) (including the amendments made by that Act) for the years 2003 through 2004, as well as any notice and recordkeeping provisions adopted pursuant thereto, shall remain in effect until the later of the first applicable effective date for successor terms and rates specified in section 804(b) (2) or (3)(A) of title 17, United States Code, or such later date as the parties may agree or the Copyright Royalty Judges may establish. For the period commencing January 1, 2005, an eligible small webcaster or a noncommercial webcaster, as defined in the regulations published by the Register of Copyrights pursuant to the Small Webcaster Settlement Act of 2002 (17 U.S.C. 114 note; Public Law 107–321) (including the amendments made by that Act), may elect to be subject to the rates and terms published in those regulations by complying with the procedures governing the election process set forth in those regulations not later than the first date on which the webcaster would be obligated to make a royalty payment for such period. Until successor terms and rates have been established for the period commencing January 1, 2006, licensees shall continue to make royalty payments at the rates and on the terms previously in effect, subject to retroactive adjustment when successor rates and terms for such services are established.

(4) INTERIM PROCEEDINGS.—Notwithstanding subsection (a), as soon as practicable after the date of enactment of this Act, the Copyright Royalty Judges or interim Copyright Royalty Judges shall publish the notice described in section 803(b)(1)(A) of title 17, United States Code, as amended by this Act, to initiate a proceeding to establish or adjust rates and terms for the statutory licenses under section 114(f)(2) or 112(e) of title 17, United States Code, for new subscription services and eligible nonsubscription services for the period commencing January 1, 2006. The Copyright Royalty Judges or Interim Copyright Royalty Judges are authorized to cause that proceeding to take place as provided in subsection (b) of section 803 of that title within the time periods set forth in that subsection. Notwithstanding section 803(c)(1) of that title, the Copyright Royalty Judges shall not be required to issue their determination in that proceeding before the expiration of the statutory rates and terms in effect on December 31, 2004.

(c) EXISTING APPROPRIATIONS.—Any funds made available in an appropriations Act to carry out chapter 8 of title 17, United States Code, shall be available to the extent necessary to carry out this section.

SA 3976. Ms. COLLINS (for Mr. INHOFE (for himself, Mr. JEFFORDS, Mr. BOND, and Mr. REID)) proposed an amendment to the bill S. 1134, to reauthorize and improve the programs authorized by the Public Works and Economic Development Act of 1965; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Economic Development Administration Reauthorization Act of 2004''.

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

Sec. 1. Short title; table of contents.

TITLE I—GENERAL PROVISIONS

Sec. 101. Findings and declarations.
Sec. 102. Definitions.
Sec. 103. Establishment of Economic Development partnerships.
Sec. 104. Coordination.

TITLE II—GRANTS FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT

Sec. 201. Grants for planning.
Sec. 202. Cost sharing.
Sec. 203. Supplementary grants.
Sec. 204. Regulations on relative needs and allocations.
Sec. 205. Grants for training, research, and technical assistance.
Sec. 206. Prevention of unfair competition.
Sec. 207. Grants for economic adjustment.
Sec. 208. Use of funds in projects constructed under projected cost.
Sec. 209. Special impact areas.
Sec. 210. Performance awards.
Sec. 211. Planning performance awards.
Sec. 212. Direct expenditure or redistribution by recipient.
Sec. 213. Brightfields demonstration program.

TITLE III—COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES

Sec. 301. Eligibility of areas.
Sec. 302. Comprehensive Economic Development strategies.

TITLE IV—ECONOMIC DEVELOPMENT DISTRICTS

Sec. 401. Incentives.
Sec. 402. Provision of comprehensive Economic Development strategies to Regional Commissions.

TITLE V—ADMINISTRATION

Sec. 501. Economic Development information clearinghouse.
Sec. 502. Businesses desiring Federal contracts.
Sec. 503. Performance evaluations of grant recipients.
Sec. 504. Conforming amendments.

TITLE VI—MISCELLANEOUS
Sec. 601. Annual report to Congress.
Sec. 602. Relationship to assistance under other law.
Sec. 603. Brownfields redevelopment report.
Sec. 604. Savings clause
Sec. 605. Sense of Congress regarding Economic Development Representatives.
TITLE VII—FUNDING
Sec. 701. Authorization of appropriations.
Sec. 702. Funding for grants for planning and grants for administrative expenses.

TITLE I—GENERAL PROVISIONS

SEC. 101. FINDINGS AND DECLARATIONS.

Section 2 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121) is amended to read as follows:

"SEC. 2. FINDINGS AND DECLARATIONS.

''(a) FINDINGS.—Congress finds that—

''(1) there continue to be areas of the United States experiencing chronic high unemployment, underemployment, outmigration, and low per capita incomes, as well as areas facing sudden and severe economic dislocations because of structural economic changes, changing trade patterns, certain Federal actions (including environmental requirements that result in the removal of economic activities from a locality), and natural disasters;

''(2) economic growth in the States, cities, and rural areas of the United States is produced by expanding economic opportunities, expanding free enterprise through trade, developing and strengthening public infrastructure, and creating a climate for job creation and business development;

''(3) the goal of Federal economic development programs is to raise the standard of living for all citizens and increase the wealth and overall rate of growth of the economy by encouraging communities to develop a more competitive and diversified economic base by—

''(A) creating an environment that promotes economic activity by improving and expanding public infrastructure;

''(B) promoting job creation through increased innovation, productivity, and entrepreneurship; and

''(C) empowering local and regional communities experiencing chronic high unemployment and low per capita income to develop private sector business and attract increased private sector capital investment;

''(4) while economic development is an inherently local process, the Federal Government should work in partnership with public and private State, regional, tribal, and local organizations to maximize the impact of existing resources and enable regions, communities, and citizens to participate more fully in the American dream and national prosperity;

''(5) in order to avoid duplication of effort and achieve meaningful, long-lasting results, Federal, State, tribal, and local economic development activities should have a clear focus, improved coordination, a comprehensive approach, and simplified and consistent requirements; and

''(6) Federal economic development efforts will be more effective if the efforts are coordinated with, and build upon, the trade, workforce investment, transportation, and technology programs of the United States.

''(b) DECLARATIONS.—In order to promote a strong and growing economy throughout the United States, Congress declares that—

''(1) assistance under this Act should be made available to both rural- and urban-distressed communities;

''(2) local communities should work in partnership with neighboring communities, the States, Indian tribes, and the Federal Government to increase the capacity of the local communities to develop and implement comprehensive economic development strategies to alleviate economic distress and enhance competitiveness in the global economy;

''(3) whether suffering from long-term distress or a sudden dislocation, distressed communities should be encouraged to support entrepreneurship to take advantage of the development opportunities afforded by technological innovation and expanding newly opened global markets; and

''(4) assistance under this Act should be made available to promote the productive reuse of abandoned industrial facilities and the redevelopment of brownfields.''.

SEC. 102. DEFINITIONS.

(a) ELIGIBLE RECIPIENT.—Section 3(4)(A) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3122(4)(A)) is amended—

(1) by striking clause (i) and redesignating clauses (ii) through (vii) as clauses (i) through (vi), respectively; and

(2) in clause (iv) (as redesignated by paragraph (1)) by inserting '', including a special purpose unit of a State or local government engaged in economic or infrastructure development activities,'' after ''State''.

(b) REGIONAL COMMISSIONS; UNIVERSITY CENTER.—Section 3 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3122) is amended—

(1) by redesignating paragraphs (8), (9), and (10) as paragraphs (9), (10), and (11), respectively;

(2) by inserting after paragraph (7) the following:

''(8) REGIONAL COMMISSIONS.—The term 'Regional Commissions' means—

''(A) the Appalachian Regional Commission established under chapter 143 of title 40, United States Code;

''(B) the Delta Regional Authority established under subtitle F of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa et seq.);

''(C) the Denali Commission established under the Denali Commission Act of 1998 (42 U.S.C. 3121 note; 112 Stat. 2681–637 et seq.); and

''(D) the Northern Great Plains Regional Authority established under subtitle G of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009bb et seq.).''; and

(3) by adding at the end the following:

''(12) UNIVERSITY CENTER.—The term 'university center' means an institution of higher education or a consortium of institutions of higher education established as a University Center for Economic Development under section 207(a)(2)(D).''.

SEC. 103. ESTABLISHMENT OF ECONOMIC DEVELOPMENT PARTNERSHIPS.

Section 101 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3131) is amended—

(1) in subsection (b), by striking ''and multi-State regional organizations'' and inserting ''multi-State regional organizations, and nonprofit organizations''; and

(2) in subsection (d)(1), by striking ''adjoining'' each place it appears.

SEC. 104. COORDINATION.

Section 103 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3132) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The Secretary'';

(2) in subsection (a) (as designated by paragraph (1)), by inserting ''Indian tribes,'' after ''districts,''; and

(3) by adding at the end the following:

''(b) MEETINGS.—To carry out subsection (a), or for any other purpose relating to economic development activities, the Secretary may convene meetings with Federal agencies, State and local governments, economic development districts, Indian tribes, and other appropriate planning and development organizations.''.

TITLE II—GRANTS FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT

SEC. 201. GRANTS FOR PLANNING.

Section 203(d) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3143(d)) is amended—

(1) in paragraph (1), by inserting '', to the maximum extent practicable,'' after ''developed'' the second place it appears;

(2) by striking paragraph (3) and inserting the following:

''(3) COORDINATION.—Before providing assistance for a State plan under this section, the Secretary shall consider the extent to which the State will consider local and economic development district plans.''; and

(3) in paragraph (4)—

(A) by striking ''and'' at the end of subparagraph (C);

(B) by redesignating subparagraph (D) as subparagraph (F); and

(C) by adding after subparagraph (C) the following:

''(D) assist in carrying out the workforce investment strategy of a State;

''(E) promote the use of technology in economic development, including access to high-speed telecommunications; and''.

SEC. 202. COST SHARING.

(a) FEDERAL SHARE.—Section 204 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3144) is amended by striking subsection (a) and inserting the following:

''(a) FEDERAL SHARE.—Except as provided in subsection (c), the Federal share of the cost of any project carried out under this title shall not exceed—

''(1) 50 percent; plus

''(2) an additional percent that—

''(A) shall not exceed 30 percent; and

''(B) is based on the relative needs of the area in which the project will be located, as determined in accordance with regulations promulgated by the Secretary.''.

(b) NON-FEDERAL SHARE.—Section 204(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3144(b)) is amended by inserting ''assumptions of debt,'' after ''equipment,''.

(c) INCREASE IN FEDERAL SHARE.—Section 204 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3144) is amended by adding at the end the following:

''(c) INCREASE IN FEDERAL SHARE.—

''(1) INDIAN TRIBES.—In the case of a grant to an Indian tribe for a project under this title, the Secretary may increase the Federal share above the percentage specified in subsection (a) up to 100 percent of the cost of the project.

''(2) CERTAIN STATES, POLITICAL SUBDIVISIONS, AND NONPROFIT ORGANIZATIONS.—In the case of a grant to a State, or a political subdivision of a State, that the Secretary determines has exhausted the effective taxing and borrowing capacity of the State or political subdivision, or in the case of a grant to a nonprofit organization that the Secretary determines has exhausted the effective borrowing capacity of the nonprofit organization, the Secretary may increase the Federal share above the percentage specified in subsection (a) up to 100 percent of the cost of the project.

''(3) TRAINING, RESEARCH, AND TECHNICAL ASSISTANCE.—In the case of a grant provided under section 207, the Secretary may increase the Federal share above the percentage specified in subsection (a) up to 100 percent of the cost of the project if the Secretary determines that the project funded by

the grant merits, and is not feasible without, such an increase.''.

SEC. 203. SUPPLEMENTARY GRANTS.

(a) IN GENERAL.—Section 205 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3145) is amended by striking subsection (b) and inserting the following:

''(b) SUPPLEMENTARY GRANTS.—Subject to subsection (c), in order to assist eligible recipients in taking advantage of designated Federal grant programs, on the application of an eligible recipient, the Secretary may make a supplementary grant for a project for which the recipient is eligible but for which the recipient cannot provide the required non-Federal share because of the economic situation of the recipient.''.

(b) REQUIREMENTS APPLICABLE TO SUPPLEMENTARY GRANTS.—Section 205(c) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3145(c)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

''(1) AMOUNT OF SUPPLEMENTARY GRANTS.—The share of the project cost supported by a supplementary grant under this section may not exceed the applicable Federal share under section 204.

''(2) FORM OF SUPPLEMENTARY GRANTS.—The Secretary shall make supplementary grants by—

''(A) the payment of funds made available under this Act to the heads of the Federal agencies responsible for carrying out the applicable Federal programs; or

''(B) the award of funds under this Act, which will be combined with funds transferred from other Federal agencies in projects administered by the Secretary.''; and

(2) by striking paragraph (4).

SEC. 204. REGULATIONS ON RELATIVE NEEDS AND ALLOCATIONS.

Section 206 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3146) is amended—

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

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

(3) by adding at the end the following:

''(3)(A) rural and urban economically distressed areas are not harmed by the establishment or implementation by the Secretary of a private sector leveraging goal for a project under this title;

''(B) any private sector leveraging goal established by the Secretary does not prohibit or discourage grant applicants under this title from public works in, or economic development of, rural or urban economically distressed areas; and

''(C) the relevant Committees of Congress are notified prior to making any changes to any private sector leveraging goal; and

''(4) grants made under this title promote job creation and will have a high probability of meeting or exceeding applicable performance requirements established in connection with the grants.''.

SEC. 205. GRANTS FOR TRAINING, RESEARCH, AND TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Section 207(a)(2) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3147(a)(2)) is amended—

(1) by striking ''and'' at the end of subparagraph (F);

(2) by redesignating subparagraph (G) as subparagraph (I); and

(3) by inserting after subparagraph (F) the following:

''(G) studies that evaluate the effectiveness of coordinating projects funded under this Act with projects funded under other Acts;

''(H) assessment, marketing, and establishment of business clusters; and''.

(b) COOPERATION REQUIREMENT.—Section 207(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3147(a)) is amended by striking paragraph (3) and inserting the following:

''(3) COOPERATION REQUIREMENT.—In the case of a project assisted under this section that is national or regional in scope, the Secretary may waive the provision in section 3(4)(A)(vi) requiring a nonprofit organization or association to act in cooperation with officials of a political subdivision of a State.''.

SEC. 206. PREVENTION OF UNFAIR COMPETITION.

(a) IN GENERAL.—Section 208 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3148) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 note) is amended by striking the item relating to section 208.

SEC. 207. GRANTS FOR ECONOMIC ADJUSTMENT.

(a) ASSISTANCE TO MANUFACTURING COMMUNITIES.—Section 209(c) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)) is amended—

(1) in paragraph (3), by striking ''or'';

(2) in paragraph (4), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(5) the loss of manufacturing jobs, for reinvesting in and diversifying the economies of the communities.''.

(b) DIRECT EXPENDITURE OR REDISTRIBUTION BY RECIPIENT; SPECIAL PROVISIONS RELATING TO REVOLVING LOAN FUND GRANTS.—Section 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149) is amended by striking subsection (d) and inserting the following:

''(d) SPECIAL PROVISIONS RELATING TO REVOLVING LOAN FUND GRANTS.—

''(1) IN GENERAL.—The Secretary shall promulgate regulations to maintain the proper operation and financial integrity of revolving loan funds established by recipients with assistance under this section.

''(2) EFFICIENT ADMINISTRATION.—The Secretary may—

''(A) at the request of a grantee, amend and consolidate grant agreements governing revolving loan funds to provide flexibility with respect to lending areas and borrower criteria;

''(B) assign or transfer assets of a revolving loan fund to third party for the purpose of liquidation, and the third party may retain assets of the fund to defray costs related to liquidation; and

''(C) take such actions as are appropriate to enable revolving loan fund operators to sell or securitize loans (except that the actions may not include issuance of a Federal guaranty by the Secretary).

''(3) TREATMENT OF ACTIONS.—An action taken by the Secretary under this subsection with respect to a revolving loan fund shall not constitute a new obligation if all grant funds associated with the original grant award have been disbursed to the recipient.

''(4) PRESERVATION OF SECURITIES LAWS.—

''(A) NOT TREATED AS EXEMPTED SECURITIES.—No securities issued pursuant to paragraph (2)(C) shall be treated as exempted securities for purposes of the Securities Act of 1933 (15 U.S.C. 77a et seq.) or the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), unless exempted by rule or regulation of the Securities and Exchange Commission.

''(B) PRESERVATION.—Except as provided in subparagraph (A), no provision of this subsection or any regulation promulgated by the Secretary under this subsection supersedes or otherwise affects the application of the securities laws (as the term is defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))) or the rules, regulations, or orders of the Securities and Exchange Commission or a self-regulatory organization under that Commission.''.

SEC. 208. USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECTED COST.

Section 211 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3151) is amended to read as follows:

''SEC. 211. USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECTED COST.

''(a) IN GENERAL.—In the case of a grant to a recipient for a construction project under section 201 or 209, if the Secretary determines, before closeout of the project, that the cost of the project, based on the designs and specifications that were the basis of the grant, has decreased because of decreases in costs, the Secretary may approve, without further appropriation, the use of the excess funds (or a portion of the excess funds) by the recipient—

''(1) to increase the Federal share of the cost of a project under this title to the maximum percentage allowable under section 204; or

''(2) to improve the project.

''(b) OTHER USES OF EXCESS FUNDS.—Any amount of excess funds remaining after application of subsection (a) may be used by the Secretary for providing assistance under this Act.

''(c) TRANSFERRED FUNDS.—In the case of excess funds described in subsection (a) in projects using funds transferred from other Federal agencies pursuant to section 604, the Secretary shall—

''(1) use the funds in accordance with subsection (a), with the approval of the originating agency; or

''(2) return the funds to the originating agency.

''(d) REVIEW BY COMPTROLLER GENERAL.—

''(1) REVIEW.—The Comptroller General of the United States shall regularly review the implementation of this section.

''(2) REPORT.—Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the Comptroller General on implementation of this subsection.''.

SEC. 209. SPECIAL IMPACT AREAS.

(a) IN GENERAL.—Title II of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141 et seq.) is amended by adding at the end the following:

''SEC. 214. SPECIAL IMPACT AREAS.

''(a) IN GENERAL.—On the application of an eligible recipient that is determined by the Secretary to be unable to comply with the requirements of section 302, the Secretary may waive, in whole or in part, the requirements of section 302 and designate the area represented by the recipient as a special impact area.

''(b) CONDITIONS.—The Secretary may make a designation under subsection (a) only after determining that—

''(1) the project will fulfill a pressing need of the area; and

''(2) the project will—

''(A) be useful in alleviating or preventing conditions of excessive unemployment or underemployment; or

''(B) assist in providing useful employment opportunities for the unemployed or underemployed residents in the area.

''(c) NOTIFICATION.—At the time of the designation under subsection (a), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a written notice of the designation, including a justification for the designation.''.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 note) is amended by inserting after the item relating to section 213 the following:

''Sec. 214. Special impact areas.''.

SEC. 210. PERFORMANCE AWARDS.

(a) IN GENERAL.—Title II of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141 et seq.) (as amended by section 209) is amended by adding at the end the following:

''SEC. 215. PERFORMANCE AWARDS.

''(a) IN GENERAL.—The Secretary may make a performance award in connection with a grant made, on or after the date of enactment of this section, to an eligible recipient for a project under section 201 or 209.

''(b) PERFORMANCE MEASURES.—

''(1) REGULATIONS.—The Secretary shall promulgate regulations to establish performance measures for making performance awards under subsection (a).

''(2) CONSIDERATIONS.—In promulgating regulations under paragraph (1), the Secretary shall consider the inclusion of performance measures that assess—

''(A) whether the recipient meets or exceeds scheduling goals;

''(B) whether the recipient meets or exceeds job creation goals;

''(C) amounts of private sector capital investments leveraged; and

''(D) such other factors as the Secretary determines to be appropriate.

''(c) AMOUNT OF AWARDS.—

''(1) IN GENERAL.—The Secretary shall base the amount of a performance award made under subsection (a) in connection with a grant on the extent to which a recipient meets or exceeds performance measures established in connection with the grant.

''(2) MAXIMUM AMOUNT.—The amount of a performance award may not exceed 10 percent of the amount of the grant.

''(d) USE OF AWARDS.—A recipient of a performance award under subsection (a) may use the award for any eligible purpose under this Act, in accordance with section 602 and such regulations as the Secretary may promulgate.

''(e) FEDERAL SHARE.—Notwithstanding section 204, the funds of a performance award may be used to pay up to 100 percent of the cost of an eligible project or activity.

''(f) TREATMENT IN MEETING NON-FEDERAL SHARE REQUIREMENTS.—For the purposes of meeting the non-Federal share requirements under this, or any other, Act the funds of a performance award shall be treated as funds from a non-Federal source.

''(g) TERMS AND CONDITIONS.—In making performance awards under subsection (a), the Secretary shall establish such terms and conditions as the Secretary considers to be appropriate.

''(h) FUNDING.—The Secretary shall use any amounts made available for economic development assistance programs to carry out this section.

''(i) REPORTING REQUIREMENT.—The Secretary shall include information regarding performance awards made under this section in the annual report required under section 603.

''(j) REVIEW BY COMPTROLLER GENERAL.—

''(1) REVIEW.—The Comptroller General shall regularly review the implementation of this section.

''(2) REPORT.—Not later than 1 year after the date of enactment of this section, the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the Comptroller on implementation of this subsection.''.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 note) is amended by inserting after the item relating to section 214 the following:

''Sec. 215. Performance awards.''.

SEC. 211. PLANNING PERFORMANCE AWARDS.

(a) IN GENERAL.—Title II of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141 et seq.) (as amended by section 210) is amended by adding at the end the following:

''SEC. 216. PLANNING PERFORMANCE AWARDS.

''(a) IN GENERAL.—The Secretary may make a planning performance award in connection with a grant made, on or after the date of enactment of this section, to an eligible recipient for a project under this title located in an economic development district.

''(b) ELIGIBILITY.—The Secretary may make a planning performance award to an eligible recipient under subsection (a) in connection with a grant for a project if the Secretary determines before closeout of the project that—

''(1) the recipient actively participated in the economic development activities of the economic development district in which the project is located;

''(2) the project is consistent with the comprehensive economic development strategy of the district;

''(3) the recipient worked with Federal, State, and local economic development entities throughout the development of the project; and

''(4) the project was completed in accordance with the comprehensive economic development strategy of the district.

''(c) MAXIMUM AMOUNT.—The amount of a planning performance award made under subsection (a) in connection with a grant may not exceed 5 percent of the amount of the grant.

''(d) USE OF AWARDS.—A recipient of a planning performance award under subsection (a) shall use the award to increase the Federal share of the cost of a project under this title.

''(e) FEDERAL SHARE.—Notwithstanding section 204, the funds of a planning performance award may be used to pay up to 100 percent of the cost of a project under this title.

''(f) FUNDING.—The Secretary shall use any amounts made available for economic development assistance programs to carry out this section.''.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 note) is amended by inserting after the item relating to section 215 the following:

''Sec. 216. Planning performance awards.''.

SEC. 212. DIRECT EXPENDITURE OR REDISTRIBUTION BY RECIPIENT.

(a) IN GENERAL.—Title II of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141 et seq.) (as amended by section 211) is amended by adding at the end the following:

''SEC. 217. DIRECT EXPENDITURE OR REDISTRIBUTION BY RECIPIENT.

''(a) IN GENERAL.—Subject to subsection (b), a recipient of a grant under section 201, 203, or 207 may directly expend the grant funds or may redistribute the funds in the form of a subgrant to other eligible recipients to fund required components of the scope of work approved for the project.

''(b) LIMITATION.—A recipient may not redistribute grant funds received under section 201 or 203 to a for-profit entity.

''(c) ECONOMIC ADJUSTMENT.—Subject to subsection (d), a recipient of a grant under section 209 may directly expend the grant funds or may redistribute the funds to public and private entities in the form of a grant, loan, loan guarantee, payment to reduce interest on a loan guarantee, or other appropriate assistance.

''(d) LIMITATION.—Under subsection (c), a recipient may not provide any grant to a private for-profit entity.''.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 note) is amended by inserting after the item relating to section 216 the following:

''Sec. 217. Direct expenditure or redistribution by recipient.''.

SEC. 213. BRIGHTFIELDS DEMONSTRATION PROGRAM.

(a) IN GENERAL.—Title II of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141 et seq.) (as amended by section 212) is amended by adding at the end the following:

''SEC. 218. BRIGHTFIELDS DEMONSTRATION PROGRAM.

''(a) DEFINITION OF BRIGHTFIELD SITE.—In this section, the term 'brightfield site' means a brownfield site that is redeveloped through the incorporation of 1 or more solar energy technologies.

''(b) DEMONSTRATION PROGRAM.—On the application of an eligible recipient, the Secretary may make a grant for a project for the development of a brightfield site if the Secretary determines that the project will—

''(1) use 1 or more solar energy technologies to develop abandoned or contaminated sites for commercial use; and

''(2) improve the commercial and economic opportunities in the area in which the project is located.

''(c) SAVINGS CLAUSE.—To the extent that any portion of a grant awarded under subsection (b) involves remediation, the remediation shall be subject to section 612.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2004 through 2008, to remain available until expended.''.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 note) is amended by inserting after the item relating to section 217 (as added by section 212(b)) the following:

''Sec. 218. Brightfields demonstration program.''.

TITLE III—COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES

SEC. 301. ELIGIBILITY OF AREAS.

Section 301(c)(1) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161(c)(1)) is amended by inserting after ''most recent Federal data available'' the following: ''(including data available from the Bureau of Economic Analysis, the Bureau of Labor Statistics, the Census Bureau, the Bureau of Indian Affairs, or any other Federal source determined by the Secretary to be appropriate)''.

SEC. 302. COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES.

(a) IN GENERAL.—Section 302(a)(3)(A) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3162(a)(3)(A)) is amended by inserting ''maximizes effective development and use of the workforce consistent with any applicable State or local workforce investment strategy, promotes the use of technology in economic development (including access to high-speed telecommunications),'' after ''access,''.

(b) APPROVAL OF OTHER PLAN.—Section 302(c) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3162(c)) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(2) by adding at the end the following:

''(2) EXISTING STRATEGY.—To the maximum extent practicable, a plan submitted under this paragraph shall be consistent and coordinated with any existing comprehensive economic development strategy for the area.''.

TITLE IV—ECONOMIC DEVELOPMENT DISTRICTS

SEC. 401. INCENTIVES.

(a) IN GENERAL.—Section 403 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3173) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 note) is amended by striking the item relating to section 403.

SEC. 402. PROVISION OF COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES TO REGIONAL COMMISSIONS.

(a) IN GENERAL.—Section 404 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3174) is amended to read as follows:

''SEC. 404. PROVISION OF COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES TO REGIONAL COMMISSIONS.

''If any part of an economic development district is in a region covered by 1 or more of the Regional Commissions, the economic development district shall ensure that a copy of the comprehensive economic development strategy of the district is provided to the affected Regional Commission.''.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 note) is amended by striking the item relating to section 404 and inserting the following:

''Sec. 404. Provision of comprehensive economic development strategies to Regional Commissions.''.

TITLE V—ADMINISTRATION

SEC. 501. ECONOMIC DEVELOPMENT INFORMATION CLEARINGHOUSE.

Section 502 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3192) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) maintain a central information clearinghouse on the Internet with—

''(A) information on economic development, economic adjustment, disaster recovery, defense conversion, and trade adjustment programs and activities of the Federal Government;

''(B) links to State economic development organizations; and

''(C) links to other appropriate economic development resources;'';

(2) by striking paragraph (2) and inserting the following:

''(2) assist potential and actual applicants for economic development, economic adjustment, disaster recovery, defense conversion, and trade adjustment assistance under Federal and State laws in locating and applying for the assistance;'';

(3) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(4) by adding at the end the following:

''(4) obtain appropriate information from other Federal agencies needed to carry out the duties under this Act.''.

SEC. 502. BUSINESSES DESIRING FEDERAL CONTRACTS.

(a) IN GENERAL.—Section 505 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3195) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 note) is amended by striking the item relating to section 505.

SEC. 503. PERFORMANCE EVALUATIONS OF GRANT RECIPIENTS.

(a) IN GENERAL.—Section 506(c) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3196(c)) is amended by striking ''after the effective date of the Economic Development Administration Reform Act of 1998''.

(b) EVALUATION CRITERIA.—Section 506(d)(2) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3196(d)(2)) is amended by inserting ''program performance,'' after ''applied research,''.

SEC. 504. CONFORMING AMENDMENTS.

Section 602 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3212) is amended—

(1) in the first sentence, by striking ''in accordance with'' and all that follows before the period at the end and inserting ''in accordance with subchapter IV of chapter 31 of title 40, United States Code''; and

(2) in the third sentence, by striking ''section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c)'' and inserting ''section 3145 of title 40, United States Code''.

TITLE VI—MISCELLANEOUS

SEC. 601. ANNUAL REPORT TO CONGRESS.

Section 603 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3213) is amended—

(1) by striking ''Not later'' and inserting the following:

''(a) IN GENERAL.—Not later''; and

(2) by adding at the end the following:

''(b) INCLUSIONS.—Each report required under subsection (a) shall—

''(1) include a list of all grant recipients by State, including the projected private sector dollar to Federal dollar investment ratio for each grant recipient;

''(2) include a discussion of any private sector leveraging goal with respect to grants awarded to—

''(A) rural and urban economically distressed areas; and

''(B) highly distressed areas; and

''(3) after the completion of a project, include the realized private sector dollar to Federal dollar investment ratio for the project.''.

SEC. 602. RELATIONSHIP TO ASSISTANCE UNDER OTHER LAW.

Section 609 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3219) is amended—

(1) by striking subsection (a); and

(2) by striking ''(b) ASSISTANCE UNDER OTHER ACTS.—''.

SEC. 603. BROWNFIELDS REDEVELOPMENT REPORT.

(a) IN GENERAL.—Title VI of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3171 et seq.) is amended by adding at the end the following:

''SEC. 611. BROWNFIELDS REDEVELOPMENT REPORT.

''(a) DEFINITION OF BROWNFIELD SITE.—In this section, the term 'brownfield site' has the meaning given the term in section 101(39) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(39)).

''(b) REPORT.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Comptroller General shall prepare a report that evaluates the grants made by the Economic Development Administration for the economic development of brownfield sites.

''(2) CONTENTS.—The report shall—

''(A) identify each project conducted during the previous 10-year period in which grant funds have been used for brownfield sites redevelopment activities; and

''(B) include for each project a description of —

''(i) the type of economic development activities conducted;

''(ii) if remediation activities were conducted—

''(I) the type of remediation activities; and

''(II) the amount of grant money used for those activities in dollars and as a percentage of the total grant award;

''(iii) the economic development and environmental standards applied, if applicable;

''(iv) the economic development impact of the project;

''(v) the role of Federal, State, or local environmental agencies, if any; and

''(vi) public participation in the project.

''(3) SUBMISSION OF REPORT.—The Comptroller General shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a copy of the report.''.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 note) is amended by inserting after the item relating to section 610 the following:

''Sec. 611. Brownfields redevelopment report.''.

SEC. 604. SAVINGS CLAUSE.

(a) IN GENERAL.—Title VI of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3171 et seq.) (as amended by section 603(a)) is amended by adding at the end the following:

''SEC. 612. SAVINGS CLAUSE.

''To the extent that any portion of grants made under this Act are used for an economic development project that involves remediation, the remediation shall be conducted in compliance with all applicable Federal, State, and local laws and standards.''.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 note) is amended by inserting after the item relating to section 611 (as added by section 603(b)) the following:

''Sec. 612. Savings clause.''.

SEC. 605. SENSE OF CONGRESS REGARDING ECONOMIC DEVELOPMENT REPRESENTATIVES.

(a) FINDINGS.—Congress finds that—

(1) planning and coordination among Federal agencies, State and local governments, Indian tribes, and economic development districts is vital to the success of an economic development program;

(2) economic development representatives of the Economic Development Administration provide distressed communities with the technical assistance necessary to foster this planning and coordination; and

(3) in the 5 years preceding the date of enactment of this Act, the number of economic development representatives has declined by almost 25 percent.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary should maintain a sufficient number of economic development representatives to ensure that the Economic Development Administration is able to provide effective assistance to distressed

communities and foster economic growth and development among the States.

TITLE VII—FUNDING

SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

Section 701 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3231) is amended to read as follows:

"SEC. 701. GENERAL AUTHORIZATION OF APPROPRIATIONS.

''(a) ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS.—There are authorized to be appropriated for economic development assistance programs to carry out this Act, to remain available until expended—

''(1) $400,000,000 for fiscal year 2004;

''(2) $425,000,000 for fiscal year 2005;

''(3) $450,000,000 for fiscal year 2006;

''(4) $475,000,000 for fiscal year 2007; and

''(5) $500,000,000 for fiscal year 2008.''

''(b) SALARIES AND EXPENSES.—There are authorized to be appropriated for salaries and expenses of administering this Act, to remain available until expended—

''(1) $33,377,000 for fiscal year 2004; and

''(2) such sums as are necessary for each fiscal year thereafter.''.

SEC. 702. FUNDING FOR GRANTS FOR PLANNING AND GRANTS FOR ADMINISTRATIVE EXPENSES.

(a) IN GENERAL.—Title VII of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3231 et seq.) is amended by adding at the end the following:

"SEC. 704. FUNDING FOR GRANTS FOR PLANNING AND GRANTS FOR ADMINISTRATIVE EXPENSES.

''Of the amounts made available under section 701 for each fiscal year, not less than $27,000,000 shall be made available for grants provided under section 203.''.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 note) is amended by inserting after the item relating to section 703 the following:

''Sec. 704. Funding for grants for planning and grants for administrative expenses''.

SA 3977. Ms. COLLINS (for herself and Mr. LIEBERMAN) proposed an amendment to the bill S. 2845, to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes; as follows:

On page 4, beginning on line 10, strike ''information gathered, and activities'' and inserting ''foreign intelligence gathered, and information gathering and other activities''.

On page 4, line 16, insert before the period the following: '', but does not include personnel, physical, document, or communications security programs''.

On page 23, line 8, strike the period and insert ''as it pertains to those programs, projects, and activities within the National Intelligence Program''.

On page 24, line 10, insert ''transactional deposit'' after ''establish''.

On page 181, line 9, insert ''or involving intelligence acquired through clandestine means'' before the period.

SA 3978. Ms. COLLINS (for Mr. ENSIGN) proposed an amendment to the bill S. 2845, to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes; as follows:

At the end, add the following:

TITLE IV—OTHER MATTERS

SEC. 401. RESPONSIBILITIES AND FUNCTIONS OF CONSULAR OFFICERS.

(a) INCREASED NUMBER OF CONSULAR OFFICERS.—The Secretary of State, in each of fiscal years 2006 through 2009, may increase by 150 the number of positions for consular officers above the number of such positions for which funds were allotted for the preceding fiscal year.

(b) LIMITATION ON USE OF FOREIGN NATIONALS FOR VISA SCREENING.—

(1) IMMIGRANT VISAS.—Subsection (b) of section 222 of the Immigration and Nationality Act (8 U.S.C. 1202) is amended by adding at the end the following: ''All immigrant visa applications shall be reviewed and adjudicated by a consular officer.''.

(2) NONIMMIGRANT VISAS.—Subsection (d) of such section is amended by adding at the end the following: ''All nonimmigrant visa applications shall be reviewed and adjudicated by a consular officer.''.

(c) TRAINING FOR CONSULAR OFFICERS IN DETECTION OF FRAUDULENT DOCUMENTS.—Section 305(a) of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1734(a)) is amended by adding at the end the following: ''As part of the consular training provided to such officers by the Secretary of State, such officers shall also receive training in detecting fraudulent documents and general document forensics and shall be required as part of such training to work with immigration officers conducting inspections of applicants for admission into the United States at ports of entry.''.

(d) ASSIGNMENT OF ANTI-FRAUD SPECIALISTS.—

(1) SURVEY REGARDING DOCUMENT FRAUD.—The Secretary of State, in coordination with the Secretary of Homeland Security, shall conduct a survey of each diplomatic and consular post at which visas are issued to assess the extent to which fraudulent documents are presented by visa applicants to consular officers at such posts.

(2) REQUIREMENT FOR SPECIALIST.—

(A) IN GENERAL.—Not later than July 31, 2005, the Secretary of State shall, in coordination with the Secretary of Homeland Security, identify the diplomatic and consular posts at which visas are issued that experience the greatest frequency of presentation of fraudulent documents by visa applicants. The Secretary of State shall assign or designate at each such post at least one full-time anti-fraud specialist employed by the Department of State to assist the consular officers at each such post in the detection of such fraud.

(B) EXCEPTIONS.—The Secretary of State is not required to assign or designate a specialist as described in subparagraph (A) at a diplomatic and consular post if an employee of the Department of Homeland Security is assigned on a full-time basis to such post under the authority in section 428 of the Homeland Security Act of 2002 (6 U.S.C. 236).

SEC. 402. INCREASE IN FULL-TIME BORDER PATROL AGENTS.

In each of fiscal years 2006 through 2010, the Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase by not less than 1,000 the number of positions for full-time active duty border patrol agents within the Department of Homeland Security above the number of such positions for which funds were made available during the preceding fiscal year. Of the additional border patrol agents, in each fiscal year not less than 20 percent of such agents shall be assigned to duty stations along the northern border of the United States.

SEC. 403. INCREASE IN FULL-TIME IMMIGRATION AND CUSTOMS ENFORCEMENT INVESTIGATORS.

In each of fiscal years 2006 through 2010, the Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase by not less than 800 the number of positions for full-time active duty investigators within the Department of Homeland Security investigating violations of immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)) above the number of such positions for which funds were made available during the preceding fiscal year.

SA 3979. Ms. COLLINS (for Mr. KYL) proposed an amendment to the bill S. 2845, to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes; as follows:

At the end, add the following new title:

TITLE IV—VISA REQUIREMENTS

SEC. 401. IN PERSON INTERVIEWS OF VISA APPLICANTS.

(a) REQUIREMENT FOR INTERVIEWS.—Section 222 of the Immigration and Nationality Act (8 U.S.C. 1202) is amended by adding at the end the following new subsection:

''(h) Notwithstanding any other provision of this Act, the Secretary of State shall require every alien applying for a nonimmigrant visa—

''(1) who is at least 12 years of age and not more than 65 years of age to submit to an in person interview with a consular officer unless the requirement for such interview is waived—

''(A) by a consular official and such alien is within that class of nonimmigrants enumerated in section 101(a)(15)(A) or 101(a)(15)(G) or is granted a diplomatic visa on a diplomatic passport or on the equivalent thereof;

''(B) by a consular official and such alien is applying for a visa—

''(i) not more than 12 months after the date on which the alien's prior visa expired;

''(ii) for the classification under section 101(a)(15) for which such prior visa was issued;

''(iii) from the consular post located in the country in which the alien is a national; and

''(iv) the consular officer has no indication that the alien has not complied with the immigration laws and regulations of the United States; or

''(C) by the Secretary of State if the Secretary determines that such waiver is—

''(i) in the national interest of the United States; or

''(ii) necessary as a result of unusual circumstances; and

''(2) notwithstanding paragraph (1), to submit to an in person interview with a consular officer if such alien—

''(A) is not a national of the country in which the alien is applying for a visa;

''(B) was previously refused a visa, unless such refusal was overcome or a waiver of ineligibility has been obtained;

''(C) is listed in the Consular Lookout and Support System (or successor system at the Department of State);

''(D) may not obtain a visa until a security advisory opinion or other Department of State clearance is issued unless such alien is—

''(i) within that class of nonimmigrants enumerated in section 101(a)(15)(A) or 101(a)(15)(G); and

''(ii) not a national of a country that is officially designated by the Secretary of State as a state sponsor of terrorism; or

''(E) is identified as a member of a group or sector that the Secretary of State determines—

''(i) poses a substantial risk of submitting inaccurate information in order to obtain a visa;

''(ii) has historically had visa applications denied at a rate that is higher than the average rate of such denials; or

''(iii) poses a security threat to the United States.''.

SEC. 402. VISA APPLICATION REQUIREMENTS.

Section 222(c) of the Immigration and Nationality Act (8 U.S.C. 1202(c)) is amended by inserting ''The alien shall provide complete and accurate information in response to any request for information contained in the application.'' after the second sentence.

SEC. 403. EFFECTIVE DATE.

Notwithstanding section 341 or any other provision of this Act, this title shall take effect 90 days after date of the enactment of this Act.

SA 3980. Mr. LIEBERMAN (for Mr. SCHUMER) proposed an amendment to the bill S. 2845, to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. REGIONAL MODEL STRATEGIC PLAN PILOT PROJECTS.

(a) PILOT PROJECTS.—Consistent with sections 302 and 430 of the Homeland Security Act of 2002 (6 U.S.C. 182, 238), not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, in coordination with the Executive Director of the Office of State and Local Government Coordination and Preparedness and the Undersecretary for Science and Technology, shall establish not fewer than 2 pilot projects in high threat urban areas or regions that are likely to implement a national model strategic plan.

(b) PURPOSES.—The purposes of the pilot projects required by this section shall be to develop a regional strategic plan to foster interagency communication in the area in which it is established and coordinate the gathering of all Federal, State, and local first responders in that area, consistent with the national strategic plan developed by the Department of Homeland Security.

(c) SELECTION CRITERIA.—In selecting urban areas for the location of pilot projects under this section, the Secretary shall consider—

(1) the level of threat risk to the area, as determined by the Department of Homeland Security;

(2) the number of Federal, State, and local law enforcement agencies located in the area;

(3) the number of potential victims from a large scale terrorist attack in the area; and

(4) such other criteria reflecting a community's risk and vulnerability as the Secretary determines is appropriate.

(d) INTERAGENCY ASSISTANCE.—The Secretary of Defense shall provide assistance to the Secretary of Homeland Security, as necessary for the development of the pilot projects required by this section, including examining relevant standards, equipment, and protocols in order to improve interagency communication among first responders.

(e) REPORTS TO CONGRESS.—The Secretary of Homeland Security shall submit to Congress—

(1) an interim report regarding the progress of the interagency communications pilot projects required by this section 6 months after the date of enactment of this Act; and

(2) a final report 18 months after that date of enactment.

(f) FUNDING.—There are authorized to be made available to the Secretary of Homeland Security, such sums as may be necessary to carry out this section.

SA 3981. Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) proposed an amendment to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; as follows:

Strike all after the resolving clause and insert the following:

SEC. 100. PURPOSE.

It is the purpose of titles I through V of this resolution to improve the effectiveness of the Senate Select Committee on Intelligence, especially with regard to its oversight of the Intelligence Community of the United States Government, and to improve the Senate's oversight of homeland security.

TITLE I—HOMELAND SECURITY OVERSIGHT REFORM

SEC. 101. HOMELAND SECURITY.

(a) COMMITTEE ON HOMELAND SECURITY AND GOVERNMENT AFFAIRS.—The Committee on Governmental Affairs is renamed as the Committee on Homeland Security and Governmental Affairs.

(b) JURISDICTION.—There shall be referred to the committee all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

(1) Department of Homeland Security, except matters relating to the Coast Guard, the Transportation Security Administration, the Federal Law Enforcement Training Center, and the revenue functions of the Customs Service.

(2) Archives of the United States.

(3) Budget and accounting measures, other than appropriations, except as provided in the Congressional Budget Act of 1974.

(4) Census and collection of statistics, including economic and social statistics.

(5) Congressional organization, except for any part of the matter that amends the rules or orders of the Senate.

(6) Federal Civil Service.

(7) Government information.

(8) Intergovernmental relations.

(9) Municipal affairs of the District of Columbia, except appropriations therefor.

(10) Organization and management of United States nuclear export policy.

(11) Organization and reorganization of the executive branch of the Government.

(12) Postal Service.

(13) Status of officers and employees of the United States, including their classification, compensation, and benefits.

(c) ADDITIONAL DUTIES.—The committee shall have the duty of—

(1) receiving and examining reports of the Comptroller General of the United States and of submitting such recommendations to the Senate as it deems necessary or desirable in connection with the subject matter of such reports;

(2) studying the efficiency, economy, and effectiveness of all agencies and departments of the Government;

(3) evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government; and

(4) studying the intergovernmental relationships between the United States and the States and municipalities, and between the United States and international organizations of which the United States is a member.

(d) JURISDICTION OF SENATE COMMITTEES.—The jurisdiction of the Committee on Homeland Security and Governmental Affairs provided in subsection (b) shall supersede the jurisdiction of any other committee of the Senate provided in the rules of the Senate.

TITLE II—INTELLIGENCE OVERSIGHT REFORM

SEC. 201. INTELLIGENCE OVERSIGHT.

(a) COMMITTEE ON ARMED SERVICES MEMBERSHIP.—Section 2(a)(3) of Senate Resolution 400, agreed to May 19, 1976 (94th Congress) (referred to in this section as ''S. Res. 400'') is amended by—

(1) inserting ''(A)'' after ''(3)''; and

(2) inserting at the end the following:

''(B) The Chairman and Ranking Member of the Committee on Armed Services (if not already a member of the select Committee) shall be ex officio members of the select Committee but shall have no vote in the Committee and shall not be counted for purposes of determining a quorum.''.

(b) NUMBER OF MEMBERS.—Section 2(a) of S. Res. 400 is amended—

(1) in paragraph (1), by inserting ''not to exceed'' before ''fifteen members'';

(2) in paragraph (1)(E), by inserting ''not to exceed'' before ''seven''; and

(3) in paragraph (2), by striking the second sentence and inserting ''Of any members appointed under paragraph (1)(E), the majority leader shall appoint the majority members and the minority leader shall appoint the minority members, with the majority having a one vote margin.''.

(c) ELIMINATION OF TERM LIMITS.—Section 2 of Senate Resolution 400, 94th Congress, agreed to May 19, 1976, is amended by striking subsection (b) and by redesignating subsection (c) as subsection (b).

(d) APPOINTMENT OF CHAIRMAN AND RANKING MEMBER.—Section 2(b) of S. Res. 400, as redesignated by subsection (c) of this section, is amended by striking the first sentence and inserting the following: ''At the beginning of each Congress, the Majority Leader of the Senate shall select a chairman of the select Committee and the Minority Leader shall select a vice chairman for the select Committee.''.

(e) SUBCOMMITTEES.—Section 2 of S. Res. 400, as amended by subsections (a) through (d), is amended by adding at the end the following:

''(c) The select Committee may be organized into subcommittees. Each subcommittee shall have a chairman and a vice chairman who are selected by the Chairman and Vice Chairman of the select Committee, respectively.''.

(f) REPORTS.—Section 4(a) of S. Res. 400 is amended by inserting '', but not less than quarterly,'' after ''periodic''.

(g) STAFF.—Section 15 of S. Res. 400 is amended to read as follows:

''SEC. 15. (a) The select Committee shall hire or appoint one employee for each member of the select Committee to serve as such Member's designated representative on the select Committee. The select Committee shall only hire or appoint an employee chosen by the respective Member of the select Committee for whom the employee will serve as the designated representative on the select Committee.

''(b) The select Committee shall be afforded a supplement to its budget, to be determined by the Committee on Rules and Administration, to allow for the hire of each employee who fills the position of designated representative to the select Committee. The designated representative shall have office space and appropriate office equipment in the select Committee spaces, and shall have

full access to select Committee staff, information, records, and databases.

''(c) The designated employee shall meet all the requirements of relevant statutes, Senate rules, and committee clearance requirements for employment by the select Committee.''.

(h) NOMINEES.—S. Res. 400 is amended by adding at the end the following:

''SEC. 17. (a) The select Committee shall have final responsibility for reviewing, holding hearings, and voting on civilian persons nominated by the President to fill a position within the intelligence community that requires the advice and consent of the Senate.

''(b) Other committees with jurisdiction over the nominees' executive branch department may hold hearings and interviews with that person.''.

TITLE III—COMMITTEE STATUS

SEC. 301. COMMITTEE STATUS.

(a) HOMELAND SECURITY.—The Committee on Homeland Security and Governmental Affairs shall be treated as the Committee on Governmental Affairs listed under paragraph 2 of rule XXV of the Standing Rules of the Senate for purposes of the Standing Rules of the Senate.

(b) INTELLIGENCE.—The Select Committee on Intelligence shall be treated as a committee listed under paragraph 2 of rule XXV of the Standing Rules of the Senate for purposes of the Standing Rules of the Senate.

TITLE IV—INTELLIGENCE-RELATED SUBCOMMITTEES

SEC. 401. SUBCOMMITTEE RELATED TO INTELLIGENCE OVERSIGHT.

(a) ESTABLISHMENT.—There is established in the Select Committee on Intelligence a Subcommittee on Oversight which shall be in addition to any other subcommittee established by the select Committee.

(b) RESPONSIBILITY.—The Subcommittee on Oversight shall be responsible for ongoing oversight of intelligence activities.

SEC. 402. SUBCOMMITTEE RELATED TO INTELLIGENCE APPROPRIATIONS.

(a) ESTABLISHMENT.—There is established in the Committee on Appropriations a Subcommittee on Intelligence. The Subcommittee on Military Construction shall be combined with the Subcommittee on Defense into 1 subcommittee.

(b) JURISDICTION.—The Subcommittee on Intelligence of the Committee on Appropriations shall have jurisdiction over funding for intelligence matters.

TITLE V—EFFECTIVE DATE

SEC. 501. EFFECTIVE DATE.

This resolution shall take effect on the convening of the 109th Congress.

SA 3982. Mr. FRIST (for Mr. HATCH (for himself and Mr. BIDEN)) proposed an amendment to the bill S. 2195, to amend the Controlled Substances Act to clarify the definition of anabolic steroids and to provide for research and education activities relating to steroids and steroid precursors; as follows:

In section 4(c) in the matter proposed to be inserted, strike ''primarily''.

SA 3983. Mr. MCCONNELL (for Mr. MCCAIN (for himself and Mr. NELSON of Florida)) proposed an amendment to the bill H.R. 2608, to reauthorize the National Earthquake Hazards Reduction Program, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—EARTHQUAKE HAZARD REDUCTION

Sec. 101. Short title.
Sec. 102. Definitions.
Sec. 103. National earthquake hazards reduction program.
Sec. 104. Authorization of appropriations.

TITLE II—WINDSTORM IMPACT REDUCTION

Sec. 201. Short title.
Sec. 202. Findings.
Sec. 203. Definitions.
Sec. 204. National windstorm impact reduction program.
Sec. 205. National advisory committee on windstorm impact reduction.
Sec. 206. Savings clause.
Sec. 207. Authorization of appropriations.
Sec. 208. Biennial report.
Sec. 209. Coordination.

TITLE III—COMMERCIAL SPACE TRANSPORTATION

Sec. 301. Authorization of appropriations.

TITLE I—EARTHQUAKE HAZARD REDUCTION

SEC. 101. SHORT TITLE.

This title may be cited as the ''National Earthquake Hazards Reduction Program Reauthorization Act of 2004''.

SEC. 102. DEFINITIONS.

Section 4 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.) is amended by adding at the end the following new paragraphs:

''(8) The term 'Interagency Coordinating Committee' means the Interagency Coordinating Committee on Earthquake Hazards Reduction established under section 5(a).

''(9) The term 'Advisory Committee' means the Advisory Committee established under section 5(a)(5).''.

SEC. 103. NATIONAL EARTHQUAKE HAZARDS REDUCTION PROGRAM.

Section 5 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(b)) is amended—

(1) by amending subsection (a) to read as follows:

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established the National Earthquake Hazards Reduction Program.

''(2) PROGRAM ACTIVITIES.—The activities of the Program shall be designed to—

''(A) develop effective measures for earthquake hazards reduction;

''(B) promote the adoption of earthquake hazards reduction measures by Federal, State, and local governments, national standards and model code organizations, architects and engineers, building owners, and others with a role in planning and constructing buildings, structures, and lifelines through—

''(i) grants, contracts, cooperative agreements, and technical assistance;

''(ii) development of standards, guidelines, and voluntary consensus codes for earthquake hazards reduction for buildings, structures, and lifelines;

''(iii) development and maintenance of a repository of information, including technical data, on seismic risk and hazards reduction; and

''(C) improve the understanding of earthquakes and their effects on communities, buildings, structures, and lifelines, through interdisciplinary research that involves engineering, natural sciences, and social, economic, and decisions sciences; and

''(D) develop, operate, and maintain an Advanced National Seismic Research and Monitoring System established under section 13 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7707), the George E. Brown, Jr. Network for Earthquake Engineering Simulation established under section 14 of that Act (42 U.S.C. 7708), and the Global Seismographic Network.

''(3) INTERAGENCY COORDINATING COMMITTEE ON EARTHQUAKE HAZARDS REDUCTION.—

''(A) IN GENERAL.—There is established an Interagency Coordinating Committee on Earthquake Hazards Reduction chaired by the Director of the National Institute of Standards and Technology (referred to in this subsection as the 'Director').

''(B) MEMBERSHIP.—The committee shall be composed of the directors of—

''(i) the Federal Emergency Management Agency;

''(ii) the United States Geological Survey;

''(iii) the National Science Foundation;

''(iv) the Office of Science and Technology Policy; and

''(v) the Office of Management and Budget.

''(C) MEETINGS.—The Committee shall meet not less than 3 times a year at the call of the Director.

''(D) PURPOSE AND DUTIES.—The Interagency Coordinating Committee shall oversee the planning, management, and coordination of the Program. The Interagency Coordinating Committee shall—

''(i) develop, not later than 6 months after the date of enactment of the National Earthquake Hazards Reduction Program Reauthorization Act of 2004 and update periodically—

''(I) a strategic plan that establishes goals and priorities for the Program activities described under subsection (a)(2); and

''(II) a detailed management plan to implement such strategic plan; and

''(ii) develop a coordinated interagency budget for the Program that will ensure appropriate balance among the Program activities described under subsection (a)(2), and, in accordance with the plans developed under clause (i), submit such budget to the Director of the Office of Management and Budget at the time designated by that office for agencies to submit annual budgets.

''(4) ANNUAL REPORT.—The Interagency Coordinating Committee shall transmit, at the time of the President's budget request to Congress, an annual report to the Committee on Science and the Committee on Resources of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate. Such report shall include—

''(A) the Program budget for the current fiscal year for each agency that participates in the Program, and for each major goal established for the Program activities under subparagraph (3)(A);

''(B) the proposed Program budget for the next fiscal year for each agency that participates in the Program, and for each major goal established for the Program activities under subparagraph (3)(A);

''(C) a description of the activities and results of the Program during the previous year, including an assessment of the effectiveness of the Program in furthering the goals established in the strategic plan under (3)(A);

''(D) a description of the extent to which the Program has incorporated the recommendations of the Advisory Committee;

''(E) a description of activities, including budgets for the current fiscal year and proposed budgets for the next fiscal year, that are carried out by Program agencies and contribute to the Program, but are not included in the Program; and

''(F) a description of the activities, including budgets for the current fiscal year and proposed budgets for the following fiscal year, related to the grant program carried out under subsection (b)(2)(A)(i).

''(5) ADVISORY COMMITTEE.—

''(A) IN GENERAL.—The Director shall establish an Advisory Committee on Earthquake Hazards Reduction of at least 11 members, none of whom may be an employee (as defined in subparagraphs (A) through (F) of section 7342(a)(1) of title 5, United States Code, including representatives of research and academic institutions, industry standards development organizations, State and local government, and financial communities who are qualified to provide advice on earthquake hazards reduction and represent all related scientific, architectural, and engineering disciplines. The recommendations of the Advisory Committee shall be considered by Federal agencies in implementing the Program.

''(B) ASSESSMENT.—The Advisory Committee shall assess—

''(i) trends and developments in the science and engineering of earthquake hazards reduction;

''(ii) effectiveness of the Program in carrying out the activities under (a)(2);

''(iii) the need to revise the Program; and

''(iv) the management, coordination, implementation, and activities of the Program.

''(C) REPORT.—Not later than 1 year after the date of enactment of the National Earthquake Hazards Reduction Program Reauthorization Act of 2004 and at least once every 2 years thereafter, the Advisory Committee shall report to the Director on its findings of the assessment carried out under subparagraph (B) and its recommendations for ways to improve the Program. In developing recommendations, the Committee shall consider the recommendations of the United States Geological Survey Scientific Earthquake Studies Advisory Committee.

''(D) FEDERAL ADVISORY COMMITTEE ACT APPLICATION.—Section 14 of the Federal Advisory Committee Act (5 App. U.S.C. 14) shall not apply to the Advisory Committee.'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''Federal Emergency Management Agency'' and all that follows through ''of the Agency'' and inserting ''National Institute of Standards and Technology shall have the primary responsibility for planning and coordinating the Program. In carrying out this paragraph, the Director of the Institute'';

(ii) by striking subparagraphs (B) and (C) and redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively;

(iii) by inserting after subparagraph (A) the following:

''(B) support the development of performance-based seismic engineering tools, and work with appropriate groups to promote the commercial application of such tools, through earthquake-related building codes, standards, and construction practices;'';

(iv) by striking ''The principal official carrying out the responsibilities described in this paragraph shall be at a level no lower than that of Associate Director.''; and

(v) in subparagraph (D), as redesignated by clause (ii), by striking ''National Science Foundation, the National Institutes of Standards and Technology'' and inserting ''Federal Emergency Management Agency, the National Science Foundation'';

(B) by striking so much of paragraph (2) as precedes subparagraph (B) and inserting the following:

''(2) DEPARTMENT OF HOMELAND SECURITY; FEDERAL EMERGENCY MANAGEMENT AGENCY.—

''(A) PROGRAM RESPONSIBILITIES.—The Under Secretary of Homeland Security for Emergency Preparedness and Response (the Director of the Federal Emergency Management Agency)—

''(i) shall work closely with national standards and model building code organizations, in conjunction with the National Institute of Standards and Technology, to promote the implementation of research results;

''(ii) shall promote better building practices within the building design and construction industry including architects, engineers, contractors, builders, and inspectors;

''(iii) shall operate a program of grants and assistance to enable States to develop mitigation, preparedness, and response plans, prepare inventories and conduct seismic safety inspections of critical structures and lifelines, update building and zoning codes and ordinances to enhance seismic safety, increase earthquake awareness and education, and encourage the development of multi-State groups for such purposes;

''(iv) shall support the implementation of a comprehensive earthquake education and public awareness program, including development of materials and their wide dissemination to all appropriate audiences and support public access to locality-specific information that may assist the public in preparing for, mitigating against, responding to and recovering from earthquakes and related disasters;

''(v) shall assist the National Institute of Standards and Technology, other Federal agencies, and private sector groups, in the preparation, maintenance, and wide dissemination of seismic resistant design guidance and related information on building codes, standards, and practices for new and existing buildings, structures, and lifelines, and aid in the development of performance-based design guidelines and methodologies supporting model codes for buildings, structures, and lifelines that are cost effective and affordable;

''(vi) shall develop, coordinate, and execute the National Response Plan when required following an earthquake, and support the development of specific State and local plans for each high risk area to ensure the availability of adequate emergency medical resources, search and rescue personnel and equipment, and emergency broadcast capability;

''(vii) shall develop approaches to combine measures for earthquake hazards reduction with measures for reduction of other natural and technological hazards including performance-based design approaches;

''(viii) shall provide preparedness, response, and mitigation recommendations to communities after an earthquake prediction has been made under paragraph (3)(D); and

''(ix) may enter into cooperative agreements or contracts with States and local jurisdictions and other Federal agencies to establish demonstration projects on earthquake hazard mitigation, to link earthquake research and mitigation efforts with emergency management programs, or to prepare educational materials for national distribution.'';

(C) in paragraph (3)—

(i) by inserting ''and other activities'' after ''shall conduct research'';

(ii) in subparagraph (C), by striking ''the Agency'' and inserting ''the Director of the Federal Emergency Management Agency and the Director of the National Institute of Standards and Technology'';

(iii) in subparagraph (D), by striking ''the Director of the Agency'' and inserting ''the Director of the Federal Emergency Management Agency and the Director of the National Institute of Standards and Technology'';

(iv) in subparagraph (E), by striking ''establish, using existing facilities, a Center for the International Exchange of Earthquake Information'' and inserting ''operate, using the National Earthquake Information Center, a forum for the international exchange of earthquake information'';

(v) in subparagraph (F), by striking ''Network'' and inserting ''System''; and

(vi) by inserting after subparagraph (H) the following new subparagraphs:

''(I) work with other Program agencies to coordinate Program activities with similar earthquake hazards reduction efforts in other countries, to ensure that the Program benefits from relevant information and advances in those countries; and

''(J) maintain suitable seismic hazard maps in support of building codes for structures and lifelines, including additional maps needed for performance-based design approaches.'';

(D) in paragraph (4)—

(i) by redesignating subparagraphs (D), (E), and (F) as subparagraphs (E), (F), and (H), respectively;

(ii) by inserting after subparagraph (C) the following:

''(D) support research that improves the safety and performance of buildings, structures, and lifeline systems using large-scale experimental and computational facilities of the George E. Brown Jr. Network for Earthquake Engineering Simulation and other institutions engaged in research and the implementation of the National Earthquake Hazards Reduction Program;'';

(iii) in subparagraph (F) (as so redesignated), by striking ''; and'' and inserting a semicolon; and

(iv) by inserting after subparagraph (F) (as so redesignated) the following:

''(G) include to the maximum extent practicable diverse institutions, including Historically Black Colleges and Universities and those serving large proportions of Hispanics, Native Americans, Asian-Pacific Americans, and other underrepresented populations; and'';

(E) in paragraph (5), by striking ''The National'' and inserting ''In addition to the lead agency responsibilities described under paragraph (1), the National''; and

(F) in paragraph (5)—

(i) by striking ''and'' after the semicolon in subparagraph (C);

(ii) by redesignating subparagraph (D) as subparagraph (E); and

(iii) by inserting after subparagraph (C) the following:

''(D) support the development and commercial application of cost effective and affordable performance-based seismic engineering by providing technical support for seismic engineering practices and related building code, standards, and practices development; and''; and

(3) in subsection (c)(1), by striking ''Agency'' and inserting ''Interagency Coordinating Committee''.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 12 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706) is amended—

(1) by adding at the end of subsection (a) the following:

''(8) There are authorized to be appropriated to the Federal Emergency Management Agency for carrying out this title—

''(A) $21,000,000 for fiscal year 2005,

''(B) $21,630,000 for fiscal year 2006,

''(C) $22,280,000 for fiscal year 2007,

''(D) $22,950,000 for fiscal year 2008, and

''(E) $23,640,000 for fiscal year 2009,

of which not less than 10 percent of available program funds actually appropriated shall be made available each such fiscal year for supporting the development of performance-based, cost-effective, and affordable design guidelines and methodologies in codes for buildings, structures, and lifelines.'';

(2) by inserting ''(1)'' before ''There'' in subsection (b);

(3) by striking ''subsection'' in the last sentence and inserting ''paragraph'';

(4) by redesignating paragraphs (1) through (5) of subsection (b) as subparagraphs (A) through (E), respectively;

(5) by adding at the end of subsection (b) the following:

''(2) There are authorized to be appropriated to the United States Geological Survey for carrying out this title—

''(A) $77,000,000 for fiscal year 2005, of which not less than $30,000,000 shall be made available for completion of the Advanced National Seismic Research and Monitoring System established under section 13;

''(B) $84,410,000 for fiscal year 2006, of which not less than $36,000,000 shall be made available for completion of the Advanced National Seismic Research and Monitoring System established under section 13;

''(C) $85,860,000 for fiscal year 2007, of which not less than $36,000,000 shall be made available for completion of the Advanced National Seismic Research and Monitoring System established under section 13;

''(D) $87,360,000 for fiscal year 2008, of which not less than $36,000,000 shall be made available for completion of the Advanced National Seismic Research and Monitoring System established under section 13; and

''(E) $88,900,000 for fiscal year 2009, of which not less than $36,000,000 shall be made available for completion of the Advanced National Seismic Research and Monitoring System established under section 13.'';

(6) by inserting ''(1)'' before ''To'' in subsection (c);

(7) by adding at the end of subsection (c) the following:

''(2) There are authorized to be appropriated to the National Science Foundation for carrying out this title—

''(A) $38,000,000 for fiscal year 2005;

''(B) $39,140,000 for fiscal year 2006;

''(C) $40,310,000 for fiscal year 2007;

''(D) $41,520,000 for fiscal year 2008; and

''(E) $42,770,000 for fiscal year 2009.'';

(8) by inserting ''(1)'' before ''To'' in subsection (d); and

(9) by adding at the end of subsection (d) the following:

''(2) There are authorized to be appropriated to the National Institute of Standards and Technology for carrying out this title—

''(A) $10,000,000 for fiscal year 2005,

''(B) $11,000,000 for fiscal year 2006,

''(C) $12,100,000 for fiscal year 2007,

''(D) $13,310,000 for fiscal year 2008, and

''(E) $14,640,000 for fiscal year 2009,

of which $2,000,000 shall be made available each such fiscal year for supporting the development of performance-based, cost-effective, and affordable codes for buildings, structures, and lifelines.''.

(b) SEPARATE AUTHORIZATION FOR THE ADVANCED NATIONAL SEISMIC RESEARCH AND MONITORING SYSTEM.—Section 13 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7707) is amended by striking subsection (c).

(c) SEPARATE AUTHORIZATION FOR THE NETWORK FOR EARTHQUAKE ENGINEERING SIMULATION.—Section 14(b) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7708(b)) is amended—

(1) by striking ''and'' after the semicolon in paragraph (3);

(2) by striking ''2004.'' in paragraph (4) and inserting ''2004;'';

(3) by adding at the end the following:

''(5) $20,000,000 for fiscal year 2005, all of which shall be available for operations and maintenance;

''(6) $20,400,000 for fiscal year 2006, all of which shall be available for operations and maintenance;

''(7) $20,870,000 for fiscal year 2007, all of which shall be available for operations and maintenance;

''(8) $21,390,000 for fiscal year 2008, all of which shall be available for operations and maintenance; and

''(9) $21,930,000 for fiscal year 2009, all of which shall be available for operations and maintenance.''.

TITLE II—WINDSTORM IMPACT REDUCTION

SEC. 201. SHORT TITLE.

This Act may be cited as the ''National Windstorm Impact Reduction Act of 2004''.

SEC. 202. FINDINGS.

The Congress finds the following:

(1) Hurricanes, tropical storms, tornadoes, and thunderstorms can cause significant loss of life, injury, destruction of property, and economic and social disruption. All States and regions are vulnerable to these hazards.

(2) The United States currently sustains several billion dollars in economic damages each year due to these windstorms. In recent decades, rapid development and population growth in high-risk areas has greatly increased overall vulnerability to windstorms.

(3) Improved windstorm impact reduction measures have the potential to reduce these losses through—

(A) cost-effective and affordable design and construction methods and practices;

(B) effective mitigation programs at the local, State, and national level;

(C) improved data collection and analysis and impact prediction methodologies;

(D) engineering research on improving new structures and retrofitting existing ones to better withstand windstorms, atmospheric-related research to better understand the behavior and impact of windstorms on the built environment, and subsequent application of those research results; and

(E) public education and outreach.

(4) There is an appropriate role for the Federal Government in supporting windstorm impact reduction. An effective Federal program in windstorm impact reduction will require interagency coordination, and input from individuals, academia, the private sector, and other interested non-Federal entities.

SEC. 203. DEFINITIONS.

In this title:

(1) DIRECTOR.—The term ''Director'' means the Director of the Office of Science and Technology Policy.

(2) PROGRAM.—The term ''Program'' means the National Windstorm Impact Reduction Program established by section 204(a).

(3) STATE.—The term ''State'' means each of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

(4) WINDSTORM.—The term ''windstorm'' means any storm with a damaging or destructive wind component, such as a hurricane, tropical storm, tornado, or thunderstorm.

SEC. 204. NATIONAL WINDSTORM IMPACT REDUCTION PROGRAM.

(a) ESTABLISHMENT.—There is established the National Windstorm Impact Reduction Program.

(b) OBJECTIVE.—The objective of the Program is the achievement of major measurable reductions in losses of life and property from windstorms. The objective is to be achieved through a coordinated Federal effort, in cooperation with other levels of government, academia, and the private sector, aimed at improving the understanding of windstorms and their impacts and developing and encouraging implementation of cost-effective mitigation measures to reduce those impacts.

(c) INTERAGENCY WORKING GROUP.—Not later than 90 days after the date of enactment of this Act, the Director shall establish an Interagency Working Group consisting of representatives of the National Science Foundation, the National Oceanic and Atmospheric Administration, the National Institute of Standards and Technology, the Federal Emergency Management Agency, and other Federal agencies as appropriate. The Director shall designate an agency to serve as Chair of the Working Group and be responsible for the planning, management, and coordination of the Program, including budget coordination. Specific agency roles and responsibilities under the Program shall be defined in the implementation plan required under subsection (e). General agency responsibilities shall include the following:

(1) The National Institute of Standards and Technology shall support research and development to improve building codes and standards and practices for design and construction of buildings, structures, and lifelines.

(2) The National Science Foundation shall support research in engineering and the atmospheric sciences to improve the understanding of the behavior of windstorms and their impact on buildings, structures, and lifelines.

(3) The National Oceanic and Atmospheric Administration shall support atmospheric sciences research to improve the understanding of the behavior of windstorms and their impact on buildings, structures, and lifelines.

(4) The Federal Emergency Management Agency shall support the development of risk assessment tools and effective mitigation techniques, windstorm-related data collection and analysis, public outreach, information dissemination, and implementation of mitigation measures consistent with the Agency's all-hazards approach.

(d) PROGRAM COMPONENTS.—

(1) IN GENERAL.—The Program shall consist of three primary mitigation components: improved understanding of windstorms, windstorm impact assessment, and windstorm impact reduction. The components shall be implemented through activities such as data collection and analysis, risk assessment, outreach, technology transfer, and research and development. To the extent practicable, research activities authorized under this title shall be peer-reviewed, and the components shall be designed to be complementary to, and avoid duplication of, other public and private hazard reduction efforts.

(2) UNDERSTANDING OF WINDSTORMS.—Activities to enhance the understanding of windstorms shall include research to improve knowledge of and data collection on the impact of severe wind on buildings, structures, and infrastructure.

(3) WINDSTORM IMPACT ASSESSMENT.—Activities to improve windstorm impact assessment shall include—

(A) development of mechanisms for collecting and inventorying information on the performance of buildings, structures, and infrastructure in windstorms and improved collection of pertinent information from sources, including the design and construction industry, insurance companies, and building officials;

(B) research, development, and technology transfer to improve loss estimation and risk assessment systems; and

(C) research, development, and technology transfer to improve simulation and computational modeling of windstorm impacts.

(4) WINDSTORM IMPACT REDUCTION.—Activities to reduce windstorm impacts shall include—

(A) development of improved outreach and implementation mechanisms to translate existing information and research findings into

cost-effective and affordable practices for design and construction professionals, and State and local officials;

(B) development of cost-effective and affordable windstorm-resistant systems, structures, and materials for use in new construction and retrofit of existing construction; and

(C) outreach and information dissemination related to cost-effective and affordable construction techniques, loss estimation and risk assessment methodologies, and other pertinent information regarding windstorm phenomena to Federal, State, and local officials, the construction industry, and the general public.

(e) IMPLEMENTATION PLAN.—Not later than 1 year after date of enactment of this title, the Interagency Working Group shall develop and transmit to the Congress an implementation plan for achieving the objectives of the Program. The plan shall include—

(1) an assessment of past and current public and private efforts to reduce windstorm impacts, including a comprehensive review and analysis of windstorm mitigation activities supported by the Federal Government;

(2) a description of plans for technology transfer and coordination with natural hazard mitigation activities supported by the Federal Government;

(3) a statement of strategic goals and priorities for each Program component area;

(4) a description of how the Program will achieve such goals, including detailed responsibilities for each agency; and

(5) a description of plans for cooperation and coordination with interested public and private sector entities in each program component area.

(f) BIENNIAL REPORT.—The Interagency Working Group shall, on a biennial basis, and not later than 180 days after the end of the preceding 2 fiscal years, transmit a report to the Congress describing the status of the windstorm impact reduction program, including progress achieved during the preceding two fiscal years. Each such report shall include any recommendations for legislative and other action the Interagency Working Group considers necessary and appropriate. In developing the biennial report, the Interagency Working Group shall consider the recommendations of the Advisory Committee established under section 205.

SEC. 205. NATIONAL ADVISORY COMMITTEE ON WINDSTORM IMPACT REDUCTION.

(a) ESTABLISHMENT.—The Director shall establish a National Advisory Committee on Windstorm Impact Reduction, consisting of not less than 11 and not more than 15 non-Federal members representing a broad cross section of interests such as the research, technology transfer, design and construction, and financial communities; materials and systems suppliers; State, county, and local governments; the insurance industry; and other representatives as designated by the Director.

(b) ASSESSMENT.—The Advisory Committee shall assess—

(1) trends and developments in the science and engineering of windstorm impact reduction;

(2) the effectiveness of the Program in carrying out the activities under section 204(d);

(3) the need to revise the Program; and

(4) the management, coordination, implementation, and activities of the Program.

(c) BIENNIAL REPORT.—At least once every two years, the Advisory Committee shall report to Congress and the Interagency Working Group on the assessment carried out under subsection (b).

(d) SUNSET EXEMPTION.—Section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Committee established under this section.

SEC. 206. SAVINGS CLAUSE.

Nothing in this title supersedes any provision of the National Manufactured Housing Construction and Safety Standards Act of 1974. No design, construction method, practice, technology, material, mitigation methodology, or hazard reduction measure of any kind developed under this title shall be required for a home certified under section 616 of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5415), pursuant to standards issued under such Act, without being subject to the consensus development process and rulemaking procedures of that Act.

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

(a) FEDERAL EMERGENCY MANAGEMENT AGENCY.—There are authorized to be appropriated to the Federal Emergency Management Agency for carrying out this title—

(1) $8,700,000 for fiscal year 2006;

(2) $9,400,000 for fiscal year 2007; and

(3) $9,400,000 for fiscal year 2008.

(b) NATIONAL SCIENCE FOUNDATION.—There are authorized to be appropriated to the National Science Foundation for carrying out this title—

(1) $8,700,000 for fiscal year 2006;

(2) $9,400,000 for fiscal year 2007; and

(3) $9,400,000 for fiscal year 2008.

(c) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—There are authorized to be appropriated to the National Institute of Standards and Technology for carrying out this title—

(1) $3,000,000 for fiscal year 2006;

(2) $4,000,000 for fiscal year 2007; and

(3) $4,000,000 for fiscal year 2008.

(d) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—There are authorized to be appropriated to the National Oceanic and Atmospheric Administration for carrying out this title—

(1) $2,100,000 for fiscal year 2006;

(2) $2,200,000 for fiscal year 2007; and

(3) $2,200,000 for fiscal year 2008.

SEC. 208. BIENNIAL REPORT.

Section 37(a) of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885d(a)) is amended by striking ''By January 30, 1982, and biennially thereafter'' and inserting ''By January 30 of each odd-numbered year''.

SEC. 209. COORDINATION.

The Secretary of Commerce, the Director of the National Institute of Standards and Technology, the Director of the Office of Science and Technology Policy and the heads of other Federal departments and agencies carrying out activities under this title and the statutes amended by this title shall work together to ensure that research, technologies, and response techniques are shared among the programs authorized in this title in order to coordinate the Nation's efforts to reduce vulnerability to the hazards described in this title.

TITLE III—COMMERCIAL SPACE TRANSPORTATION

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Section 70119 of title 49, United States Code, is amended by striking paragraphs (1) and (2) and inserting the following:

''(1) $11,941,000 for fiscal year 2005;

''(2) $12,299,000 for fiscal year 2006;

''(3) $12,668,000 for fiscal year 2007;

''(4) $13,048,000 for fiscal year 2008; and

''(5) $13,440,000 for fiscal year 2009.''.

SA 3984. Mr. BAYH (for himself, Mr. ROBERTS, Mr. WYDEN, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

Section 201 is amended by adding at the end the following:

(i) REFERRAL.—Section 3 of S. Res. 400 is amended by—

(1) striking subsection (b); and

(2) redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SA 3985. Mr. CHAMBLISS (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

At the end of section 101(b)(1) insert the following:

''and except matters relating to the U.S. Citizenship and Immigration Service, the U.S. Customs and Border Protection, and the U.S. Immigration and Customs Enforcement, other than predominantly and substantially anti-terrorism matters; and except matters relating to the immigration functions of the Directorate of Border and Transportation Security.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on October 6, 2004, at 10 a.m., in open session to consider the following nominations: Francis J. Harvey to be Secretary of the Army; Richard Greco, Jr., to be Assistant Secretary of the Navy for Financial Management; and General Gregory S. Martin, USAF, for reappointment to the grade of General and to be Commander, United States Pacific Command.

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

COMMITTEE ON ARMED SERVICES

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on October 6, 2004, at 2:30 p.m., in open session to receive testimony on the report of the Special Advisor to the Director of Central Intelligence for strategy regarding Iraqi weapons of mass destruction programs.

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

COMMITTEE ON FOREIGN RELATIONS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 6, 2004 at 9:30 a.m. to hold a hearing on Addressing the New Reality of Current Visa Policy on International Student Researchers.

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

COMMITTEE ON FOREIGN RELATIONS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 6, 2004 at 2:30 p.m. to hold a hearing on Neglected Diseases in East Asia: Are Public Health Programs Working?

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions and the Committee on the Judiciary be authorized to meet for a joint hearing on BioShield II: Responding to an Ever-Changing Threat during the session of the Senate on Wednesday, October 6, 2004 at 10 a.m. in SH–216.

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

COMMITTEE ON INDIAN AFFAIRS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, October 6, 2004, at 10 a.m., in room 485 of the Hart Senate Office Building to conduct a business meeting on pending Committee matters.

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

COMMITTEE ON VETERANS' AFFAIRS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on October 6, 2004, for a markup on the nominations of Robert N. Davis, to be Judge, U.S. Court of Appeals for Veterans Claims; Mary J. Schoelen, to be a Judge, U.S. Court of Appeals for Veterans Claims; William A. Moorman, to be Judge, U.S. Court of Appeals for Veterans Claims; and Robert Allen Pittman, to be Assistant Secretary (Human Resources and Administration), U.S. Department of Veterans Affairs.

The meeting will take place in S–216 in the Capitol, immediately following the first rollcall vote of the Senate after 11:30 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Ms. COLLINS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 6, 2004, at 10 a.m., to hold a closed hearing.

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

SUBCOMMITTEE ON COMPETITION, FOREIGN COMMERCE, AND INFRASTRUCTURE

Ms. COLLINS. Mr. President, I ask unanimous consent that the Subcommittee on Competition, Foreign Commerce, and Infrastructure be authorized to meet on Wednesday, October 6, 2004, at 2:30 p.m., on Natural Gas.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, in executive session, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of the following nominations: PN 1790, PN 1825, PN 1991, PN 1992, career senior Foreign Service list PN 1952.

I further ask unanimous consent that the Senate proceed to their consideration, the nominations be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's actions, and the Senate resume legislative session.

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

The nominations considered and confirmed are as follows:

DEPARTMENT OF STATE

Christopher J. LaFleur, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Malaysia.

B. Lynn Pascoe, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Indonesia.

Ryan C. Crocker, of Washington, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Pakistan.

Marcie B. Ries, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Albania.

The following-named Career Members of the Senior Foreign Service, Class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service of a sustained period:

To be career ambassador

Ryan C. Crocker, of Washington
Marc Isaiah Grossman, of Virginia
A. Elizabeth Jones, of Maryland
Alan Philip Larson, of Iowa
Johnny Young, of Maryland

NOMINATIONS PLACED ON THE CALENDAR—PN–1881, PN–1880, PN–1840, PN–1829, PN–1830

Mr. MCCONNELL. Mr. President, I further ask consent that the Foreign Relations Committee be discharged from consideration of the following nominations, and that the nominations be placed on the calendar: PN–1881, PN–1880, PN–1840, PN–1829, PN–1830.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

APPOINTMENT

The PRESIDING OFFICER. the Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the following Senators as members of the Senate Delegation to the NATO Parliamentary Assembly during the Second Session of the 108th Congress: Senator CHARLES GRASSLEY of Iowa, Senator MIKE DEWINE of Ohio, Senator MIKE ENZI of Wyoming and Senator GEORGE VOINOVICH of Ohio.

ANABOLIC STEROID CONTROL ACT OF 2004

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 750, S. 2195.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2195) to amend the Controlled Substances Act to clarify the definition of anabolic steroids and to provide for research and education activities relating to steroids and steroid precursors.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

[Strike the part shown in black brackets and insert the part in italic.]

S. 2195

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

[SECTION 1. SHORT TITLE.

[This Act may be cited as the ''Anabolic Steroid Control Act of 2004''.

[SEC. 2. AMENDMENTS TO THE CONTROLLED SUBSTANCES ACT.

[(a) DEFINITIONS.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

[(1) in paragraph (41)—

[(A) by realigning the margin so as to align with paragraph (40); and

[(B) by striking subparagraph (A) and inserting the following:

[''(A) The term 'anabolic steroid' means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone), and includes—

[''(i) androstanediol—

[''(I) 3β,17β-dihydroxy-5α-androstane; and

[''(II) 3α,17β-dihydroxy-5α-androstane;

[''(ii) androstanedione (5α-androstan-3,17-dione);

[''(iii) androstenediol—

[''(I) 1-androstenediol (3β,17β-dihydroxy-5α-androst-1-ene);

[''(II) 1-androstenediol (3α,17β-dihydroxy-5α-androst-1-ene);

[''(III) 4-androstenediol (3β,17β-dihydroxy-androst-4-ene); and

[''(IV) 5-androstenediol (3β,17β-dihydroxy-androst-5-ene);

[''(iv) androstenedione—

[''(I) 1-androstenedione ([5α]-androst-1-en-3,17-dione);

[''(II) 4-androstenedione (androst-4-en-3,17-dione); and

[''(III) 5-androstenedione (androst-5-en-3,17-dione);

[''(v) bolasterone (7α,17α-dimethyl-17β-hydroxyandrost-4-en-3-one);

[''(vi) boldenone (17β-hydroxyandrost-1,4,-diene-3-one);

[''(vii) calusterone (7β,17α-dimethyl-17β-hydroxyandrost-4-en-3-one);

[''(viii) clostebol (4-chloro-17β-hydroxyandrost-4-en-3-one);

[''(ix) dehydrochloromethyltestosterone (4-chloro-17β-hydroxy-17α-methyl-androst-1,4-dien-3-one);

[''(x) Δ 1-dihydrotestosterone (a.k.a. '1-testosterone') (17β-hydroxy-5α-androst-1-en-3-one);

[''(xi) 4-dihydrotestosterone (17β-hydroxy-androstan-3-one);

[''(xii) drostanolone (17β-hydroxy-2α-methyl-5α-androstan-3-one);

[''(xiii) ethylestrenol (17α-ethyl-17β-hydroxyestr-4-ene);

[''(xiv) fluoxymesterone (9-fluoro-17α-methyl-11β,17β-dihydroxyandrost-4-en-3-one);

[''(xv) formebolone (2-formyl-17α-methyl-11α,17β-dihydroxyandrost-1,4-dien-3-one);

[''(xvi) furazabol (17α-methyl-17β-hydroxyandrostano[2,3-c]-furazan);

[''(xvii) 13α-ethyl-17α-hydroxygon-4-en-3-one;

[''(xviii) 4-hydroxytestosterone (4,17β-dihydroxy-androst-4-en-3-one);

[''(xix) 4-hydroxy-19-nortestosterone (4,17β-dihydroxy-estr-4-en-3-one);

[''(xx) mestanolone (17α-methyl-17β-hydroxy-5α-androstan-3-one);

[''(xxi) mesterolone (1α-methyl-17β-hydroxy-[5α]-androstan-3-one);

[''(xxii) methandienone (17α-methyl-17β-hydroxyandrost-1,4-dien-3-one);

[''(xxiii) methandriol (17α-methyl-3β,17β-dihydroxyandrost-5-ene);

[''(xxiv) methenolone (1-methyl-17β-hydroxy-5α-androst-1-en-3-one);

[''(xxv) methyltestosterone (17α-methyl-17β-hydroxyandrost-4-en-3-one);

[''(xxvi) mibolerone (7α,17α-dimethyl-17β-hydroxyestr-4-en-3-one);

[''(xxvii) 17α-methyl-Δ 1-dihydrotestosterone (17β-hydroxy-17α-methyl-5α-androst-1-en-3-one) (a.k.a. '17-α-methyl-1-testosterone');

[''(xxviii) nandrolone (17β-hydroxyestr-4-en-3-one);

[''(xxix) norandrostenediol—

[''(I) 19-nor-4-androstenediol (3β, 17β-dihydroxyestr-4-ene);

[''(II) 19-nor-4-androstenediol (3α, 17β-dihydroxyestr-4-ene);

[''(III) 19-nor-5-androstenediol (3β, 17β-dihydroxyestr-5-ene); and

[''(IV) 19-nor-5-androstenediol (3α, 17β-dihydroxyestr-5-ene);

[''(xxx) norandrostenedione—

[''(I) 19-nor-4-androstenedione (estr-4-en-3,17-dione); and

[''(II) 19-nor-5-androstenedione (estr-5-en-3,17-dione;

[''(xxxi) norbolethone (13β,17α-diethyl-17β-hydroxygon-4-en-3-one);

[''(xxxii) norclostebol (4-chloro-17β-hydroxyestr-4-en-3-one);

[''(xxxiii) norethandrolone (17α-ethyl-17β-hydroxyestr-4-en-3-one);

[''(xxxiv) oxandrolone (17α-methyl-17β-hydroxy-2-oxa-[5α]-androstan-3-one);

[''(xxxv) oxymesterone (17α-methyl-4,17β-dihydroxyandrost-4-en-3-one);

[''(xxxvi) oxymetholone (17α-methyl-2-hydroxymethylene-17β-hydroxy-[5α]-androstan-3-one);

[''(xxxvii) stanozolol (17α-methyl-17β-hydroxy-[5α]-androst-2-eno[3,2-c]-pyrazole);

[''(xxxviii) stenbolone (17β-hydroxy-2-methyl-[5α]-androst-1-en-3-one);

[''(xxxix) testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);

[''(xl) testosterone (17β-hydroxyandrost-4-en-3-one);

[''(xli) tetrahydrogestrinone (13β,17α-diethyl-17β-hydroxygon-4,9,11-trien-3-one);

[''(xlii) trenbolone (17β-hydroxyestr-4,9,11-trien-3-one); and

[''(xliii) any salt, ester, or ether of a drug or substance described in this paragraph.''; and

[(2) in paragraph (44), by inserting ''anabolic steroids,'' after ''marihuana,''.

[(b) AUTHORITY AND CRITERIA FOR CLASSIFICATION.—Section 201(g) of the Controlled Substances Act (21 U.S.C. 811(g)) is amended—

[(1) in paragraph (1), by striking ''substance from a schedule if such substance'' and inserting ''drug which contains a controlled substance from the application of titles II and III of the Comprehensive Drug Abuse Prevention and Control Act (21 U.S.C. 802 et seq.) if such drug''; and

[(2) in paragraph (3), by adding at the end the following:

[''(C) Upon the recommendation of the Secretary of Health and Human Services, a compound, mixture, or preparation which contains any anabolic steroid, which is intended for administration to a human being or an animal, and which, because of its concentration, preparation, formulation or delivery system, does not present any significant potential for abuse.''.

[(c) ANABOLIC STEROIDS CONTROL ACT.—Section 1903 of the Anabolic Steroids Control Act of 1990 (Public Law 101–647) is amended—

[(1) by striking subsection (a); and

[(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

[SEC. 3. SENTENCING COMMISSION GUIDELINES.

[The United States Sentencing Commission shall—

[(1) review the Federal sentencing guidelines with respect to offenses involving anabolic steroids;

[(2) consider amending the Federal sentencing guidelines to provide for increased penalties with respect to offenses involving anabolic steroids in a manner that reflects the seriousness of such offenses and the need to deter anabolic steroid trafficking and use; and

[(3) take such other action that the Commission considers necessary to carry out this section.

[SEC. 4. PREVENTION AND EDUCATION PROGRAMS.

[(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this Act as the ''Secretary'') shall award grants to public and nonprofit private entities to enable such entities to carry out science-based education programs in elementary and secondary schools to highlight the harmful effects of anabolic steroids.

[(b) ELIGIBILITY.—

[(1) APPLICATION.—To be eligible for grants under subsection (a), an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

[(2) PREFERENCE.—In awarding grants under subsection (a), the Secretary shall give preference to applicants that intend to use grant funds to carry out programs based on—

[(A) the Athletes Training and Learning to Avoid Steroids program;

[(B) the Athletes Targeting Healthy Exercise and Nutrition Alternatives program; and

[(C) other programs determined to be effective by the National Institute on Drug Abuse.

[(c) USE OF FUNDS.—Amounts received under a grant under subsection (a) shall be used primarily for education programs that will directly communicate with teachers, principals, coaches, as well as elementary and secondary school children concerning the harmful effects of anabolic steroids.

[(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $15,000,000 for each of fiscal years 2005 through 2010.

[SEC. 5. NATIONAL SURVEY ON DRUG USE AND HEALTH.

[(a) IN GENERAL.—The Secretary of Health and Human Services shall ensure that the National Survey on Drug Use and Health includes questions concerning the use of anabolic steroids.

[(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $1,000,000 for each of fiscal years 2005 through 2010.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Anabolic Steroid Control Act of 2004''.

SEC. 2. AMENDMENTS TO THE CONTROLLED SUBSTANCES ACT.

(a) DEFINITIONS.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (41)—

(A) by realigning the margin so as to align with paragraph (40); and

(B) by striking subparagraph (A) and inserting the following:

''(A) The term 'anabolic steroid' means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone), and includes—

''(i) androstanediol—

''(I) 3β,17β-dihydroxy-5α-androstane; and

''(II) 3α,17β-dihydroxy-5α-androstane;

''(ii) androstanedione (5α-androstan-3,17-dione);

''(iii) androstenediol—

''(I) 1-androstenediol (3β,17β-dihydroxy-5α-androst-1-ene);

''(II) 1-androstenediol (3α,17β-dihydroxy-5α-androst-1-ene);

''(III) 4-androstenediol (3β,17β-dihydroxy-androst-4-ene); and

''(IV) 5-androstenediol (3β,17β-dihydroxy-androst-5-ene);

''(iv) androstenedione—

''(I) 1-androstenedione ([5α]-androst-1-en-3,17-dione);

''(II) 4-androstenedione (androst-4-en-3,17-dione); and

''(III) 5-androstenedione (androst-5-en-3,17-dione);

''(v) bolasterone (7α,17α-dimethyl-17β-hydroxyandrost-4-en-3-one);

''(vi) boldenone (17β-hydroxyandrost-1,4,-diene-3-one);

''(vii) calusterone (7β,17α-dimethyl-17β-hydroxyandrost-4-en-3-one);

''(viii) clostebol (4-chloro-17β-hydroxyandrost-4-en-3-one);

''(ix) dehydrochloromethyltestosterone (4-chloro-17β-hydroxy-17α-methyl-androst-1,4-dien-3-one);

''(x) Δ 1-dihydrotestosterone (a.k.a. '1-testosterone') (17β-hydroxy-5α-androst-1-en-3-one);

''(xi) 4-dihydrotestosterone (17β-hydroxy-androstan-3-one);

''(xii) drostanolone (17β-hydroxy-2α-methyl-5α-androstan-3-one);

''(xiii) ethylestrenol (17α-ethyl-17β-hydroxyestr-4-ene);

''(xiv) fluoxymesterone (9-fluoro-17α-methyl-11β,17β-dihydroxyandrost-4-en-3-one);

''(xv) formebolone (2-formyl-17α-methyl-11α,17β-dihydroxyandrost-1,4-dien-3-one);

''(xvi) furazabol (17α-methyl-17β-hydroxyandrostano[2,3-c]-furazan);

''(xvii) 13β-ethyl-17α-hydroxygon-4-en-3-one;

''(xviii) 4-hydroxytestosterone (4,17β-dihydroxy-androst-4-en-3-one);

''(xix) 4-hydroxy-19-nortestosterone (4,17β-dihydroxy-estr-4-en-3-one);

''(xx) mestanolone (17α-methyl-17β-hydroxy-5α-androstan-3-one);

''(xxi) mesterolone (1α-methyl-17β-hydroxy-[5α]-androstan-3-one);

''(xxii) methandienone (17α-methyl-17β-hydroxyandrost-1,4-dien-3-one);

''(xxiii) methandriol (17α-methyl-3β,17β-dihydroxyandrost-5-ene);

''(xxiv) methenolone (1-methyl-17β-hydroxy-5α-androst-1-en-3-one);

''(xxv) 17α-methyl-3β, 17β-dihydroxy-5α-androstane;

''(xxvi) 17α-methyl-3α,17β-dihydroxy-5α-androstane;

''(xxvii) 17α-methyl-3β,17β-dihydroxyandrost-4-ene.

''(xxviii) 17α-methyl-4-hydroxynandrolone (17α-methyl-4-hydroxy-17β-hydroxyestr-4-en-3-one);

''(xxix) methyldienolone (17α-methyl-17β-hydroxyestra-4,9(10)-dien-3-one);

''(xxx) methyltrienolone (17α-methyl-17β-hydroxyestra-4,9-11-trien-3-one);

''(xxxi) methyltestosterone (17α-methyl-17β-hydroxyandrost-4-en-3-one);

''(xxxii) mibolerone (7α,17α-dimethyl-17β-hydroxyestr-4-en-3-one);

''(xxxiii) 17α-methyl-Δ 1-dihydrotestosterone (17β-hydroxy-17α-methyl-5α-androst-1-en-3-one) (a.k.a. '17-α-methyl-1-testosterone');

''(xxxiv) nandrolone (17β-hydroxyestr-4-en-3-one);

''(xxxv) norandrostenediol—

''(I) 19-nor-4-androstenediol (3β, 17β-dihydroxyestr-4-ene);

''(II) 19-nor-4-androstenediol (3α, 17β-dihydroxyestr-4-ene);

''(III) 19-nor-5-androstenediol (3β, 17β-dihydroxyestr-5-ene); and

''(IV) 19-nor-5-androstenediol (3α, 17β-dihydroxyestr-5-ene);

''(xxxvi) norandrostenedione—

''(I) 19-nor-4-androstenedione (estr-4-en-3,17-dione); and

''(II) 19-nor-5-androstenedione (estr-5-en-3,17-dione;

''(xxxvii) norbolethone (13β,17α-diethyl-17β-hydroxygon-4-en-3-one);

''(xxxviii) norclostebol (4-chloro-17β-hydroxyestr-4-en-3-one);

''(xxxix) norethandrolone (17α-ethyl-17β-hydroxyestr-4-en-3-one);

''(xl) normethandrolone (17α-methyl-17β-hydroxyestr-4-en-3-one);

''(xli) oxandrolone (17α-methyl-17β-hydroxy-2-oxa-[5α]-androstan-3-one);

''(xlii) oxymesterone (17α-methyl-4,17β-dihydroxyandrost-4-en-3-one);

''(xliii) oxymetholone (17α-methyl-2-hydroxymethylene-17β-hydroxy-[5α]-androstan-3-one);

''(xliv) stanozolol (17α-methyl-17α-hydroxy-[5α]-androst-2-eno[3,2-c]-pyrazole);

''(xlv) stenbolone (17β-hydroxy-2-methyl-[5α]-androst-1-en-3-one);

''(xlvi) testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);

''(xlvii) testosterone (17β-hydroxyandrost-4-en-3-one);

''(xlviii) tetrahydrogestrinone (13β,17α-diethyl-17β-hydroxygon-4,9,11-trien-3-one);

''(xlix) trenbolone (17β-hydroxyestr-4,9,11-trien-3-one); and

''(xlx) any salt, ester, or ether of a drug or substance described in this paragraph.

The substances excluded under this subparagraph may at any time be scheduled by the Attorney General in accordance with the authority and requirements of subsections (a) through (c) of section 201.''; and

(2) in paragraph (44), by inserting ''anabolic steroids,'' after ''marihuana,''.

(b) AUTHORITY AND CRITERIA FOR CLASSIFICATION.—Section 201(g) of the Controlled Substances Act (21 U.S.C. 811(g)) is amended—

(1) in paragraph (1), by striking ''substance from a schedule if such substance'' and inserting ''drug which contains a controlled substance from the application of titles II and III of the Comprehensive Drug Abuse Prevention and Control Act (21 U.S.C. 802 et seq.) if such drug''; and

(2) in paragraph (3), by adding at the end the following:

''(C) Upon the recommendation of the Secretary of Health and Human Services, a compound, mixture, or preparation which contains any anabolic steroid, which is intended for administration to a human being or an animal, and which, because of its concentration, preparation, formulation or delivery system, does not present any significant potential for abuse.''.

(c) ANABOLIC STEROIDS CONTROL ACT.—Section 1903 of the Anabolic Steroids Control Act of 1990 (Public Law 101–647) is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of enactment of this Act.

SEC. 3. SENTENCING COMMISSION GUIDELINES.

The United States Sentencing Commission shall—

(1) review the Federal sentencing guidelines with respect to offenses involving anabolic steroids;

(2) consider amending the Federal sentencing guidelines to provide for increased penalties with respect to offenses involving anabolic steroids in a manner that reflects the seriousness of such offenses and the need to deter anabolic steroid trafficking and use; and

(3) take such other action that the Commission considers necessary to carry out this section.

SEC. 4. PREVENTION AND EDUCATION PROGRAMS.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this Act as the ''Secretary'') shall award grants to public and nonprofit private entities to enable such entities to carry out science-based education programs in elementary and secondary schools to highlight the harmful effects of anabolic steroids.

(b) ELIGIBILITY.—

(1) APPLICATION.—To be eligible for grants under subsection (a), an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(2) PREFERENCE.—In awarding grants under subsection (a), the Secretary shall give preference to applicants that intend to use grant funds to carry out programs based on—

(A) the Athletes Training and Learning to Avoid Steroids program;

(B) The Athletes Targeting Healthy Exercise and Nutrition Alternatives program; and

(C) other programs determined to be effective by the National Institute on Drug Abuse.

(c) USE OF FUNDS.—Amounts received under a grant under subsection (a) shall be used primarily for education programs that will directly communicate with teachers, principals, coaches, as well as elementary and secondary school children concerning the harmful effects of anabolic steroids.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $15,000,000 for each of fiscal years 2005 through 2010.

SEC. 5. NATIONAL SURVEY ON DRUG USE AND HEALTH.

(a) IN GENERAL.—The Secretary of Health and Human Services shall ensure that the National Survey on Drug Use and Health includes questions concerning the use of anabolic steroids.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $1,000,000 for each of fiscal years 2005 through 2010.

DIETARY SUPPLEMENTS

Mr. BIDEN. The purpose of S. 2195, The Anabolic Steroid Control Act of 2004, is to address the abuse of steroids by athletes and, especially, by youngsters and teenagers. Some substances marketed as dietary supplements, such as androstenedione, will be anabolic steroids under this bill. That means that they will be regulated as controlled substances and not as dietary supplements. As such, there will be significant controls on their distribution and use, including substantial criminal penalties.

Mr. DURBIN. Will the Senator yield for a question?

Mr. BIDEN. I will.

Mr. DURBIN. I would like to commend the senior Senator from Delaware and the chairman of the Judiciary Committee, the senior Senator from Utah, for their leadership on this important legislation. I would also like to ask the distinguished Senator from Delaware to elaborate on how this bill affects DHEA, a hormone precursor that is sometimes marketed as a dietary supplement.

Mr. BIDEN. I thank the senior Senator from Illinois for his question, and for working with us to clarify this issue in the bill. We do not intend this bill to stop the use of substances that are legitimately marketed as dietary supplements, or to limit access to substances that are not abused as steroids by athletes or children. With respect to DHEA, this legislation does not make it a controlled substance, and the legislation should mean that legitimate users of DHEA would continue to have access to it if it is lawfully marketed.

Mr. HATCH. Will the Senator yield?

Mr. BIDEN. I will.

Mr. HATCH. I too would like to thank the senior Senator from Illinois for working with the senior Senator from Delaware and with me on this legislation. I would also like to clarify, however, that the legislation does provide that, if the Drug Enforcement Administration should find that DHEA is being abused by athletes, by youngsters, or by teenagers, DEA can schedule it as a controlled substance.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. HATCH. I will.

Mr. KENNEDY. I commend the senior Senator from Utah, as well as the senior Senator from Delaware, for their leadership on this legislation, and for working with me and the senior Senator from Illinois to address the issue of DHEA. Could the Senator explain to me how the Drug Enforcement Administration would go about scheduling DHEA?

Mr. HATCH. Certainly. The legislation clarifies that DEA may schedule DHEA by applying the standards in section 201 of the Controlled Substances Act, including the standard eight factors listed in section 201(c) of that Act.

Mr. DURBIN. Will the distinguished Senator yield for a question?

Mr. HATCH. I will.

Mr. DURBIN. Will the Senator please explain whether the Drug Enforcement Administration will need to consider that DHEA meets each of the eight factors in section 201(c) to schedule it?

Mr. HATCH. The DEA need not find that DHEA meets each of the eight factors before it can be scheduled. For example, if DEA considers that DHEA

has no or minimal psychic or physiological dependence liability, DEA may nonetheless schedule DHEA if DEA concludes, after consideration of the facts and relative importance of other of the factors such as the actual or relative potential for abuse; the history and current pattern of abuse; or the scope, duration, and significance of abuse, that it should be scheduled. Karen P. Tandy, the administrator of the DEA, has written me a letter stating that the presence of each of the eight factors is not a mandatory prerequisite to scheduling. I ask unanimous consent that the letter dated May 20, 2004, be printed in the RECORD.

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

U.S. DEPARTMENT OF JUSTICE,
DRUG ENFORCEMENT ADMINISTRATION,
Washington, DC, May 20, 2004.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to respond to questions your staff posed regarding consideration of certain statutory factors incident to scheduling substances under the Controlled Substances Act.

The relevant statutory provision, 21 U.S.C. §811(c), requires consideration of eight specific factors as one of the prerequisites to whether a substance should be scheduled. The presence of each individual factor or specific findings with respect to each individual factor are not a mandatory prerequisite to scheduling. These statutory factors are: (1) The drug's actual or relative potential for abuse; (2) Scientific evidence of the drug's pharmacological effects; (3) The state of current scientific knowledge regarding the subject; (4) Its history and current pattern of abuse; (5) The scope, duration, and significance of abuse; (6) What, if any, risk there is to the public health; (7) The drug's psychic or physiological dependence liability and; (8) Whether a substance is an immediate precursor of a substance already controlled.

You should be aware that evaluation of these eight factors is not solely determinative and is part of a more extensive scheduling process. The entire process for scheduling substances to which these eight factors apply includes: consideration of additional statutory criteria relevant to each specific schedule [21 U.S.C. §811(b)]; an evaluation and recommendation by the Secretary of Health and Human Services; and then a formal rulemaking.

I appreciate the opportunity to clarify this matter, and please let me know if I may answer any further questions.

Sincerely,

KAREN P. TANDY,
Administrator.

Mr. KENNEDY. Will my good friend from Utah yield for a further question?

Mr. HATCH. Certainly.

Mr. KENNEDY. If DHEA becomes an abuse problem by athletes or by youngsters or teenagers, and DEA fails to act, can the Senator assure me and the senior Senator from Illinois that the Judiciary Committee will act accordingly?

Mr. HATCH. Yes, I am committed to stepping in to change the law to protect the public health if abuse of DHEA by athletes or by youngsters or teenagers is a problem and DEA fails to take effective action with the authority we have given it. I must add for the record that at the present time I am not aware of sufficient evidence of DHEA abuse among athletes or young people to warrant it being categorized as an anabolic steroid at this time.

Mr. BIDEN. Will the Senator yield?

Mr. HATCH. Yes.

Mr. BIDEN. I, too, am committed to acting whenever any substance, whether it is DHEA or another steroid substance, becomes an abuse problem.

Mr. MCCONNELL. I ask unanimous consent that the technical amendment at the desk be agreed to; the committee-reported amendment, as amended, be agreed to; the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 3982) was agreed to, as follows:

In section 4(c) in the matter proposed to be inserted, strike ''primarily''.

The committee amendment, in the nature of a substitute, as amended, was agreed to.

The bill (S. 2195), as amended, was read the third time and passed.

DISTRICT OF COLUMBIA APPROPRIATIONS FOR THE FISCAL YEAR 2005, AND FOR OTHER PURPOSES—CONFERENCE REPORT

Mr. MCCONNELL. Mr. President, I submit a report of the committee of conference on the bill (H.R. 4850), and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4850), making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the proceedings of the House in the RECORD of Tuesday, October 5, 2004.)

Ms. LANDRIEU. Mr. President, I am very pleased to join Chairman DEWINE while the Senate considers passage of the fiscal year 2005 District of Columbia appropriations conference report. The bill totals $560 million, which is an increase of $18.3 million from fiscal year 2004. The conference agreement represents a concerted effort of the House and Senate members to complete a bi-partisan bill only 6 days into the new fiscal year. This is a true win for the District of Columbia, whose budget has been delayed in Congress past December and January in recent years.

During our 3-year term as chairman and ranking member of the D.C. Appropriations Subcommittee, Senator DEWINE and I have met many challenges to stay in our allocation and deal appropriately with controversial issues. Above it all we have remained great friends. The conference report meets the District's current needs in security, criminal justice, education, and child welfare.

The conference report funds the three criminal justice functions transferred to the Federal Government for funding and oversight in the National Capital Revitalization and Self-Government Improvement Act of 1997. These functions, the courts, offender supervision, and defender services, are funded at a level which will meet the needs of FY 2005, though it was necessary to reduce funding in order to support other priorities of the Mayor and Council of the District.

The conferees recommend $190.8 million for the D.C. Courts, of which $56 million is for capital improvements which we believe will be sufficient to continue restoration of the historic Old Courthouse and planning for the new Family Court facility. I was pleased to attend the ribbon cutting just a few weeks ago for the renovated interim space of the Family Court, which we funded last year. The courts have done a tremendous job of improving how the court operates, as well as improving the points where residents interact with the court—the training of their staff and the aesthetic of space. It is so important, especially for children visiting the court, to have a space that welcomes them and enables confidence in the justice system. The courts are to be commended for doing so much with small increases and we have confidence they will be able to continue this year.

In addition, $180 million is included for the Court Services and Offender Supervision Agency which is responsible for all adult offenders reentering the community from prison. This agency has a critical role in public safety in the District and we have worked to ensure they have the tools needed to do their job. Chairman DEWINE championed an initiative to lower the caseload ratios for special population offenders and expand use of technology to ensure offenders are meeting their parole requirements. The conference also includes $38.5 million for defender services which represents indigent defendants in the District. It is our intention this level will enable the courts to increase the pay of lawyers from $50 to $60 per hour, an increase which was started 3 years ago.

Outside of the Congress' responsibility for the main criminal justice functions in the District, the bill also funds several key initiatives which the House and Senate have launched to contribute to improving education and the welfare of children in the District. I want to recognize Senator DEWINE's commitment to abused and neglected children in this city, including $5 million for early intervention services,

mental health services, and to support foster parents. Through Senator DEWINE's commitment the status of children in the child welfare system has improved greatly, and with his sure hand I am confident it will continue to improve. There is much work to be done. In addition, $6 million was included in the conference report on behalf of the House Chairman RODNEY FRELINGHUYSEN to renovate school libraries in the District of Columbia public schools which will enable many more of the 65,000 student in the system to enjoy books and technology.

Great communities need great schools. This bill includes $26 million for public education in support of the committee's goal to improve education in the District, evenly divided between traditional public schools and public charter schools. A new superintendent has been hired for the D.C. Public School system, Dr. Clifford Janey, and we are excited about his energy to reform and improve and want to support his efforts as strongly as possible. This bill includes certain tools to contribute to Dr. Janey's work.

In our public schools we must recognize and reward excellence. We must acknowledge and eliminate failure. This bill directs a total of $4 million for a new incentive grant program for public education improvement in both traditional public schools and public charter schools. These grants will be awarded to the principal of high-performing or significantly improved public schools to reward their good work. A reward is a powerful incentive to build on success and meet some of the areas which can make their school thrive. I want to take this opportunity to recognize the House chairman and ranking member for their support of this new program which will contribute to reinvigorating our public schools.

The second prong of the School Improvement Fund, $13 million for public charter schools, is a contribution to strengthen the chartering system. With 42 charters granted to date, the highest number of charter schools per capita, is a leader in the effort to use charter schools to spur system-wide improvement from within our system of public education. Senator DEWINE and I maintain our commitment to serve as a full and equal partner in this endeavor.

Strengthening charter schools, which were created in the District by Congress in the 1995 School Reform Act, is a primary tenet of our work to improve education. Pursuant to Section 120 of P.L. 106–522, the FY 01 DC Appropriations Act, the local government is prohibited from amending the School Reform Act. Therefore, Congress has continued our oversight responsibility of the charter school law this year. The bill fortifies the environment where strong, accountable, academically excellent charter schools flourish.

Finally, the conference report begins a new investment in the administration of justice in the District by contributing $8 million to the construction of a new forensics lab, a top priority for the Mayor and council. This laboratory will alleviate contract pressure D.C. imposes on other Federal agencies, such as the FBI, to complete local forensic work and ensure timely processing of lab work, such as DNA tests. The bill also contributes to security and emergency preparedness in the Nation's capital with $21 million to bolster the police and first responders. This includes the annual payment of $15 million for security of Federal installations in the city and to enable the police presence now required. The conferees also provide $6 million to complete the Unified Communications Center which will coordinate all first-responders in the capital region. In addition to all of the important investments in the District, there is $7.8 million for cleaning up the Anacostia River and providing recreation for the entire region and $2.5 million for transportation improvements.

I would like to close by thanking the Mayor of the District of Columbia, Anthony Williams, the entire Council, particularly the Chair Linda Cropp, and the D.C. Delegate to Congress ELEANOR HOLMES NORTON for their many contributions and advice in developing this bill. The D.C. Appropriations Subcommittee has a unique role to fund certain aspects of the city government and we could not do that well without the guidance of the elected representative of the city's residents. They are great partners for Chairman DEWINE and I to ensure the bill meets the needs of the District. I am especially pleased this year that we are passing the final budget so early in the fiscal year, because the city's local budget, nearly $8 billion, of locally-generated tax dollars, must be approved as part of this bill.

I appreciate the chairman's consideration and our ability to work together so well. And finally, no bill could be completed without the diligent work of our staff, Mary Dietrich for Senator DEWINE and Kate Eltrich and Kathleen Strottman on my staff. This year has been blessed by a comity not often observed in the Congress in regards to our Capital City, and I thank all my colleagues for their commitment to a positive year and a first-rate bill for the District.

Mr. MCCONNELL. Mr. President, was that the reading of the DC conference report?

The PRESIDING OFFICER. Yes.

Mr. MCCONNELL. I ask unanimous consent that the Senate now proceed to the consideration of the conference report to accompany H.R. 4850, the DC appropriations bill, provided that the conference report be adopted, and the motion to reconsider be laid upon the table.

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

The conference report was agreed to.

SENATE LEGAL COUNSEL AUTHORIZATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 450, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 450) to authorize testimony and representation of the United States v. Daniel Bayly, et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, this resolution concerns a request for testimony and representation in a criminal case arising out of the Enron debacle. The Justice Department's Enron Task Force has brought a case in Federal court in Texas against six individuals formerly associated with the Enron Corporation and Merrill Lynch. The indictment alleges conspiracy, false statements, obstruction of justice, and perjury relating to transactions involving offshore power barges. The Government alleges that Enron in essence parked assets with Merrill Lynch to enhance fraudulently Enron's financial statements.

The transactions at the center of this case were the subject of extensive investigation and a hearing by the Permanent Subcommittee on Investigations of the Committee on Government Affairs during the last Congress. In the course of the subcommittee's investigation, subcommittee staff interviewed two of the individuals who are now on trial, about these transactions.

Last Congress the Senate agreed to Senate Resolution 317, authorizing the Permanent Subcommittee on Investigations to cooperate with requests from law enforcement agencies for access to subcommittee records from its Enron investigation. In June of this year, the Senate agreed to Senate Resolution 394, authorizing a former subcommittee counsel and a subcommittee detailee who interviewed the defendants to testify at this trial.

The trial of this case began on September 20, 2004, in Houston. One of the defendants has now additionally subpoenaed a former subcommittee employee and a former detailee to testify about the same events. Accordingly, this resolution would authorize the former subcommittee staff to testify at this trial with representation by the Senate Legal Counsel.

Mr. MCCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The resolution (S. Res. 450) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 450

Whereas, by Senate Resolution 317, 107th Congress, the Senate authorized the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs to produce records from its investigation into the collapse to Enron Corporation to law enforcement and regulatory officials and agencies;

Whereas, by Senate Resolution 394, 108th Congress, the Senate authorized testimony and legal representation of a former employee of, and a detailee to, the Permanent Subcommittee on Investigation in the case of United States v. Daniel Bayly, et al., Cr. No. H–03–363, pending in the United States District Court for the Southern District of Texas;

Whereas, in the case of United States v. Daniel Bayly, et al., subpoenas for testimony have been issued to Claire Barnard, a former employee of, and Edna Falk Curtin, a former detailee to, Permanent Subcommittee on Investigation;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Claire Barnard and Edna Falk Curtin are authorized to testify in the case of United States v. Daniel Bayly, et al., except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Claire Barnard and Edna Falk Curtin in connection with the testimony authorized in section one of this resolution.

FAMILY FARMER BANKRUPTCY RELIEF ACT OF 2004

Mr. MCCONNELL. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 2864, and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2864) to extend for eighteen months the period for which chapter 12 of title 11, United States Code, is reenacted.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate is passing legislation to renew and extend family farmer bankruptcy protection through June 30, 2005.

Senator GRASSLEY and I introduced the Family Farmer Bankruptcy Relief Act, S. 2864, to retroactively renew and temporarily extend these protections that our farmers have come to rely upon because Chapter 12 of the Bankruptcy Code expired on January 1, 2004. Representative TAMMY BALDWIN and Representative NICK SMITH have introduced companion legislation in the House of Representatives.

But our bipartisan legislation is just a short-term fix. We need to stop playing politics and permanently reauthorize the Chapter 12 family farmer protections.

Too many family farmers have been left in legal limbo in bankruptcy courts across the country because Chapter 12 of the Bankruptcy Code is still a temporary measure. This is the eleventh time that Congress must act to restore or extend basic bankruptcy safeguards for family farmers because Chapter 12 is still a temporary provision despite its first passage into law in 1986. Our family farmers do not deserve these lapses in bankruptcy law that could mean the difference between foreclosure and farming.

Mr. President, I ask unanimous consent that a letter from many representatives of family farmers that underscores the need for renewing the Chapter 12 bankruptcy protections be printed in the RECORD at the end of my remarks.

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

(See exhibit 1.)

Mr. LEAHY. It is time to end this absurdity and make these bankruptcy protections permanent. Everyone agrees that Chapter 12 has worked. It is time for Congress to make Chapter 12 a permanent part of the Bankruptcy Code to provide a stable safety net for our Nation's family farmers.

I will continue to work with Senator GRASSLEY, Senator FEINGOLD, Representative BALDWIN, Representative NICK SMITH and others on both sides of the aisle to pass legislation that once and for all assures our farmers of permanent bankruptcy protections to help them keep their farms. In the meantime, the House of Representatives should quickly pass the Family Farmer Bankruptcy Relief Act and end the current lapse in basic bankruptcy protections for our family farmers.

OCTOBER 6, 2004.

Hon. PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: The undersigned organizations urge immediate passage of S. 2864 that reinstates Chapter 12 bankruptcy provisions of our nation's family farmers. Since January 1, 2004 farmers facing serious financial problems resulting from low commodity prices, increasing production costs, and natural disasters have not been able to consider filing a Chapter 12 bankruptcy.

The need for a separate bankruptcy code that enables farmers to stay on the land while reorganizing their debt is as urgent now as it was in 1986 when initially enacted by Congress. This lapse in coverage results in farmers having to face foreclosure and liquidation. Instead, Chapter 12 would offer farmers the opportunity to negotiate with their creditors. This benefits the farm family, their creditors and rural businesses.

Please act quickly. Every day that Congress delays on Chapter 12 has a direct cost to our nation's family farmers and rural communities.

Sincerely,

American Corn Growers Association.
Association of Chapter 12 Trustees.
Community Food Security Coalition.
Family Farm Defenders.
Farm Aid.
Farm Wives United (New York).
Federation of Southern Cooperatives.
Livestock Marketing Association.
National Bankruptcy Conference.
National Catholic Rural Life Conference.
National Family Farm Coalition.
National Farmers Union.
New York Sustainable Agriculture Working Group (NYSAWG).
Northeast States Association for Agricultural Stewardship (NSAAS).
Rural Advancement Foundation International (RAFI–USA).
Rural Coalition/Coalicion Rural.
Southern Sustainable Agriculture Working Group (SSAWG).
Soybean Producers of America.
Women, Food, and Agriculture.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 2864) was read the third time and passed as follows:

S. 2864

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Family Farmer Bankruptcy Relief Act of 2004''.

SEC. 2. EIGHTEEN-MONTH EXTENSION OF PERIOD FOR WHICH CHAPTER 12 OF TITLE 11, UNITED STATES CODE, IS REENACTED.

(a) AMENDMENTS.—Section 149 of title I of division C of Public Law 105–277 (11 U.S.C. 1201 note) is amended—

(1) by striking ''January 1, 2004'' each place that term appears and inserting ''July 1, 2005''; and

(2) in subsection (a)—

(A) by striking ''June 30, 2003'' and inserting ''December 31, 2003''; and

(B) by striking ''July 1, 2003'' and inserting ''January 1, 2004''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) are deemed to have taken effect on January 1, 2004.

NATIONAL EARTHQUAKE HAZARDS REDUCTION PROGRAM REAUTHORIZATION ACT OF 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 771, H.R. 2608.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2608) to reauthorize the National Earthquake Hazards Reduction Program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCAIN. Mr. President, I wish to speak in relation to the H.R. 2608, the National Earthquake Hazards Reduction Program Reauthorization Act,

which passed with a substitute amendment by unanimous consent.

Earthquakes are some of the world's most dangerous natural hazards. They can seem to strike with sudden unpredictability, and can affect a large area causing damage miles away from the epicenter. The National Earthquake Hazards Reduction Program, NEHRP, was created in 1977 to conduct basic research about earthquakes and develop strategies, such as stricter building codes, to mitigate the effects of them. The NEHRP program is composed of the Federal Emergency Management Agency, FEMA, in the Department of Homeland Security's Emergency Preparedness and Response, EP&R, Directorate; the National Institute of Standards and Technology, NIST; the U.S. Geological Survey, USGS; and the National Science Foundation, NSF.

The 6.0 magnitude earthquake that struck Parkfield, California last week demonstrated both the dangers of earthquakes and the success of the NEHRP program. Because of the strong building codes and preparations developed by NEHRP and taken by the people of Parkfield, there were no fatalities.

This bill would authorize the NEHRP program from Fiscal Year, FY, 2005 through FY 2009. In addition, it would make a number of reforms to the program, including designating NIST as the program's lead agency and establishing an Interagency Coordinating Committee and an Advisory Committee on Earthquake Hazards Reduction to improve the program's coordination and implementation.

This bill also would require the Director of the Office of Science and Technology Policy to establish a National Windstorm Impact Reduction Program consisting of representatives from NIST, NSF, FEMA, and the National Oceanic and Atmospheric Administration, NOAA. The purpose of this program would be to improve our understanding of windstorms and how they affect our communities. We recently witnessed the devastation to Florida by Hurricanes Charley, Frances, Ivan, and Jeanne. Congress should recognize the importance of windstorm research to develop ways to reduce future damage from hurricanes, tornadoes, and other such phenomena.

Finally, the bill would authorize funding for the Federal Aviation Administration's Office of Commercial Space Transportation from FY 2005 through FY 2009. SpaceShipOne demonstrated yesterday that we are at the beginning of a new age in space travel, in which private citizens will be able to finance, operate, and travel in their own vehicles. It is vital that this office be adequately funded to ensure that the government plays an appropriate oversight role in this promising field.

Mr. President, I thank my colleagues for their support of this legislation, and ask unanimous consent that my statement be printed in the RECORD.

Mr. HOLLINGS. Mr. President, I rise today in support of the substitute amendment to H.R. 2608, the National Earthquake Hazards Reduction Program Reauthorization Act. I fully support this amendment. The first two titles in this substitute amendment were distinct bills, each extremely important to fighting the respective hazard. I want to thank Senator BILL NELSON and Senator HUTCHISON for their work in bring the wind title to the committee's attention.

Earthquakes are deadly natural hazards that arrive without warning and can claim thousands of lives. For example, a 6.6 magnitude earthquake in Iran last year killed 30,000 people, while a similar magnitude quake in California killed two people. Thousands of lives have been saved as a result of the fine research conducted through the National Earthquake Hazards Reduction Program. I support the earthquake title of the substitute amendment, but I want to reiterate that the National Institute of Standards and Technology needs greater funding if it is to fulfill its new role as the lead agency in this program. I hope that my colleagues will see to it that this excellent agency has the resources it needs to continue to develop standards that protect the public.

Building codes work. The hurricanes we've seen in the past month prove that. According to the St. Petersburg Times, houses built before the building codes were revised in 1992, as a result of Hurricane Andrew, were blown off their foundations. Houses built after new building codes were in place are still standing. These disasters cost the country several billion dollars in damage each year. By establishing a national program to improve design and engineering to protect against windstorms, we can save not only money, but more importantly lives.

Mr. NELSON of Florida. Mr. President, I rise today in support of the windstorm impact reduction bill, a bill included in the earthquake bill before the Senate for consideration today. The windstorm bill, supported in the Senate by me and Senator HUTCHISON and by Representatives MOORE and NEUGEBAUER in the House, sets up a national program to reduce the loss of life and property due to windstorms.

It is an understatement to say that the four hurricanes that hit Florida—Hurricanes Charley, Frances, Ivan and Jeanne—in the last 6 weeks demonstrate the great need for this legislation. More than 70 lives were lost, and homes, businesses, roads and bridges were devastated by the hurricanes. It is estimated that the losses from these hurricanes will surpass the $20 billion in losses from Hurricane Andrew in 1992, the costliest hurricane ever.

It is imperative that the amount of destruction suffered by the State of Florida never be repeated again. This bill will give us the tools to protect our communities from future material losses and to reduce human suffering. An interagency working group consisting of representatives of the National Science Foundation, the National Oceanic and Atmospheric Administration, the National Institute of Standards and Technology and the Federal Emergency Management Agency will be responsible for planning and managing this program.

The program will have three goals: No. 1, improved understanding of windstorms; No. 2, windstorm impact assessment; and No. 3, windstorm impact reduction. We will achieve these goals through data collection and analysis, outreach, technology transfer, and research and development.

As a result of this program, we will translate existing and future information and research findings into cost-effective and affordable practices for design and construction professionals, and State and local officials. And this Interagency group will provide biennial updates of their progress to Congress so we know what progress has been made and what more needs to be done.

We'll also get a broad cross-section of interests involved through an advisory committee—so that real life issues are addressed and on-site expertise is utilized. Any my hope is that the devastation of Hurricanes Charley, Frances, Ivan and Jeanne will never be experienced again in my State of Florida or in any other State.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the McCain substitute amendment which is at the desk be agreed to; the bill, as amended, be read a third time and passed; the motion to reconsider be laid upon the table with no intervening action or debate; and that any statements related to the bill be printed in the RECORD.

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

The amendment (No. 3983) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (H.R. 2608), as amended, was read the third time and passed.

BELARUS DEMOCRACY ACT OF 2003

Mr. MCCONNELL. Mr. President, also I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 854 which is at the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A bill (H.R. 854) to provide for the promotion of democracy, human rights and rule of law in the Republic of Belarus, and for the consolidation and strengthening of Belarus sovereignty and independence.

There being no objection, the Senate proceeded to consider the bill.

Mr. BIDEN. Mr. President, I am today in support of H.R. 854, the Belarus Democracy Act. Alexander Lukashenka, President of Belarus, is the last remaining dictator in Europe. After orchestrating an illegal and unconstitutional referendum in November 1996, enabling him to impose a new

constitution, abolish the duly-elected parliament, and install a largely powerless national assembly, he has progressively abolished the previously existing democracy in that country.

Belarusian authorities under Lukashenka's control have mounted a major systematic crackdown on civil society through the closure, harassment, and repression of non-governmental organizations and independent trade unions. Three leaders of the democratic forces in Belarus—Victor Gonchar, Anatoly Krasovsky, and Yuri Zakharenka—and one critical journalist, Dmitry Zavadsky, have disappeared and are presumed dead. Former Belarus Government officials have made credible allegations, with evidence, that officials of the Lukashenka regime were involved in the disappearances. Lukashenka's administration has repressed freedom of speech and expression, has reversed the revival of Belarusian language and culture, and has harassed religious groups.

The Government of Belarus has made no substantive progress in addressing criteria established in 2000 by the Organization for Security and Cooperation in Europe to end repression and the climate of fear, permit functioning independent media, ensure transparency of the election process, and strengthen the functions of parliament. The campaign for the parliamentary elections to be held October 17 has not been fair. Lukashenka has also added a referendum to the ballot to eliminate term-limits for the presidency so that he can run again in 2006.

H.R. 854, the Belarus Democracy Act, authorizes funds to assist in the observation of elections and the promotion of free and fair electoral processes; the development of democratic political parties; radio and television broadcasting to and within Belarus; the development of non-governmental organizations promoting democracy and supporting human rights; the development of independent media within Belarus and from outside the country; international exchanges and professional training programs for leaders and members of the democratic forces; and other activities consistent with the purposes of the Act.

Like most other legislation, this bill is not perfect. I would have preferred even stronger legislation. In fact, I had prepared such legislation, which I planned to introduce in the form of an amendment to the State Department Authorization legislation if it had reached the Senate floor. My bill would have authorized, with specific numbers, increased funding for the activities described above; would have streamlined and tightened controls on exports to Belarus; and would have imposed visa bans on Lukashenka and his inner circle.

Unfortunately, for unrelated reasons, the State Department Authorization bill has not been brought up, and there is no time in the closing days of the 108th Congress to introduce my legislation as a free-standing bill.

Nonetheless, I strongly support H.R. 854. It makes unmistakably clear to President Lukashenka and his cohorts that the United States strongly disapproves of his brutal authoritarian rule and that we intend to continue to oppose him. Lukashenka is an anachronism in twenty-first century Europe and is surely destined for the ash-heap of history. The Belarus Democracy Act may hasten this process. I urge my colleagues to support H.R. 854.

I thank the Chair and yield the floor.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 854) was read the third time and passed.

Daily Digest

HIGHLIGHTS

Senate passed S. 2845, National Intelligence Reform Act.

Senate and House agreed to the Conference Report to accompany H.R. 4850, District of Columbia Appropriations Act.

The House passed H.R. 5212, Further Supplemental Appropriations for Disaster Relief.

Senate

Chamber Action

Routine Proceedings, pages S10469–S10613

Measures Introduced: Eleven bills and four resolutions were introduced, as follows: S. 2899–2909, S. Res. 448–450, and S. Con. Res. 141. **Page S10568**

Measures Passed:

Trademarks: Committee on the Judiciary was discharged from further consideration of S. 2796, to clarify that service marks, collective marks, and certification marks are entitled to the same protections, rights, and privileges of trademarks, and the bill was then passed. **Page S10488**

Copyright Royalty and Distribution Reform Act: Senate passed H.R. 1417, to amend title 17, United States Code, to replace copyright arbitration royalty panels with Copyright Royalty Judges, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S10488–S10504**

Collins (for Hatch/Leahy) Amendment No. 3975, in the nature of a substitute. **Page S10504**

Public Works and Economic Development Act Reauthorization: Senate passed S. 1134, to reauthorize and improve the program authorized by the Public Works and Economic Development Act of 1965, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S10504–12**

Collins (for Inhofe) Amendment No. 3976, in the nature of a substitute. **Page S10512**

National Intelligence Reform Act: By 96 yeas to 2 nays (Vote No. 199), Senate passed S. 2845, to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, after taking action on the following amendments proposed thereto: **Pages S10476–88, S10512–43**

Adopted:

Stevens Modified Amendment No. 3840, to modify the discharge of the milestone decision authority with respect to the acquisition of major systems for intelligence programs of the Department of Defense. **Pages S10476–78**

Stevens Modified Amendment No. 3830, to modify certain provisions relating to the Central Intelligence Agency. **Pages S10476–78**

Stevens Modified Amendment No. 3882, to improve the provisions relating to the Inspector General of the National Intelligence Authority. **Pages S10476–78**

By a unanimous vote of 98 yeas (Vote No. 198), Roberts Modified Amendment No. 3742, to clarify the continuing applicability of section 504 of the National Security Act of 1947 to the obligation and expenditure of funds appropriated for the intelligence and intelligence-related activities of the United States. **Pages S10476, S10485–86**

Leahy/Grassley Amendment No. 3945, to require Congressional oversight of translators employed and contracted for by the Federal Bureau of Investigation. **Pages S10476, S10486–87**

Reid (for Harkin) Modified Amendment No. 3821, to modify the functions of the Privacy and Civil Liberties Oversight Board. **Pages S10476, S10487**

Collins/Lieberman Amendment No. 3962 (to Amendment No. 3809), to improve the amendment. **Pages S10487–88**

Levin Modified Amendment No. 3809, to exempt military personnel from certain personnel transfer authorities. **Pages S10476, S10487–88**

Warner Modified Amendment No. 3875, relating to the components of the National Intelligence Program. **Pages S10476, S10516–18**

Stevens/Inouye Modified Amendment No. 3827, to strike section 206, relating to information sharing. **Pages S10476, S10518–19**

Reid (for Leahy) Modified Amendment No. 3915, to establish criteria for placing individuals on the

consolidated screening watch list of the Terrorist Screening Center. **Pages S10476, S10520–21**

Reid (for Leahy) Modified Amendment No. 3916, to strengthen civil liberties protections.

Pages S10476, S10521

Collins (for Frist) Further Modified Amendment No. 3895, to establish the National Counterproliferation Center within the National Intelligence Authority. **Pages S10476, S10537–40**

Collins (for Frist) Amendment No. 3896, to include certain additional Members of Congress among the congressional intelligence committees.

Pages S10476, S10540

Collins/Lieberman Amendment No. 3977, to improve the bill. **Pages S10541–43**

Collins (for Ensign) Amendment No. 3978, to authorize the Secretary of State to increase the number of consular officers, clarify the responsibilities and functions of consular officers, and require the Secretary of Homeland Security to increase the number of border patrol agents and customs enforcement investigators. **Pages S10541–43**

Collins (for Kyl) Amendment No. 3979, to amend the Immigration and Nationality Act to ensure that nonimmigrant visas are not issued to individuals with connections to terrorism or who intend to carry out terrorist activities in the United States.

Pages S10541–43

Lieberman (for Schumer) Amendment No. 3980, to require the establishment of pilot projects relating to the coordination of information among emergency first responders. **Pages S10541–43**

Lieberman (for Conrad) Modified Amendment No. 3837, to require the Secretary of Homeland Security to carry out an advanced technology northern border security pilot program. **Pages S10541–43**

Collins (for Domenici) Modified Amendment No. 3861, to direct the Secretary of Homeland Security to develop and implement a plan for continuous surveillance of the Southwest border of the United States by remotely piloted aircraft. **Pages S10541–43**

Lieberman (for Sarbanes) Amendment No. 3760, to provide that the Privacy and Civil Liberties Oversight Board include in certain reports, any proposal that the Board advised against, but actions were taken to implement. **Pages S10541–43**

Collins (for Roberts/DeWine) Modified Amendment No. 3924, to require the Federal Bureau of Investigation to maintain and update an enterprise architecture. **Pages S10541–43**

Lieberman (for Wyden) Modified Amendment No. 3733, to provide a report on the use of data to Congress. **Pages S10541–43**

Collins (for Warner) Modified Amendment No. 3880, to provide that the personnel policies and programs established by the National Intelligence Director shall be consistent with the personnel policies and standards applicable to members of the uniformed services. **Pages S10541–43**

Withdrawn:

Kyl Amendment No. 3801, to modify the privacy and civil liberties oversight. **Pages S10476, S10481–85**

Levin Amendment No. 3810, to clarify the definition of National Intelligence Program.

Pages S10476, S10518

Stevens Amendment No. 3839, to strike section 201, relating to public disclosure of intelligence funding. **Pages S10476, S10519**

Reid (for Leahy) Amendment No. 3913, to address enforcement of certain subpoenas.

Pages S10476, S10521

Warner Amendment No. 3876, to preserve certain authorities and accountability in the implementation of intelligence reform. **Pages S10476, S10540**

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

Page S10522

During consideration of this measure today, Senate also took the following action:

McCain/Lieberman Modified Amendment No. 3807, to develop a strategy for combining terrorist travel intelligence, operations, and law enforcement, previously agreed to on Friday, October 1, 2004, was modified by unanimous-consent. **Pages S10540–41**

Anabolic Steroid Control Act: Senate passed S. 2195, to amend the Controlled Substances Act to clarify the definition of anabolic steroids and to provide for research and education activities relating to steroids and steroid precursors, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto:

Pages S10606–09

Frist (for Hatch/Biden) Amendment No. 3982, to make a technical amendment. **Page S10609**

Authorizing Legal Representation: Senate agreed to S. Res. 450, to authorize testimony and representation in United States v. Daniel Bayly, et al.

Pages S10610–11

Family Farmer Bankruptcy Relief Act: Committee on the Judiciary was discharged from further consideration of S. 2864, to extend for eighteen months the period for which chapter 12 of title 11, United States Code, is reenacted, and the bill was then passed. **Page S10611**

National Earthquake Hazards Reduction Program: Senate passed H.R. 2608, to reauthorize the National Earthquake Hazards Reduction Program, after agreeing to the following amendment proposed thereto: **Pages S10611–12**

McConnell (for McCain/Nelson) Amendment No. 3983, in the nature of a substitute. **Page S10612**

Belarus Democracy Act: Senate passed H.R. 854, to provide for the promotion of democracy, human rights, and rule of law in the Republic of Belarus

and for the consolidation and strengthening of Belarus sovereignty and independence, clearing the measure for the President. **Pages S10612–13**

Intelligence Committee Reorganization: Senate began consideration of S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence, taking action on the following amendment proposed thereto: **Pages S10543–51**

Pending:

McConnell/Reid/Frist/Daschle Amendment No. 3981, in the nature of a substitute. **Pages S10543–51**

A motion was entered to close further debate on McConnell/Reid/Frist/Daschle Amendment No. 3981, in the nature of a substitute and, in accordance with provisions of Rule XXII of the Standing Rules of the Senate, a cloture vote will occur on Friday, October 8, 2004. **Page S10550**

A motion was entered to close further debate on S. Res. 445 and, in accordance with provisions of Rule XXII of the Standing Rules of the Senate, a cloture vote will occur on Friday, October 8, 2004. **Page S10551**

A unanimous-consent agreement was reached providing for further consideration of the resolution at approximately 10 a.m., on Thursday, October 7, 2004. **Page S10555**

District of Columbia Appropriations—Conference Report: Senate agreed to the conference report to accompany H.R. 4850, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2005, clearing the measure for the President. **Pages S10609–10**

Appointments:

NATO Parliamentary Assembly: The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appointed the following Senators as members of the Senate Delegation to the NATO Parliamentary Assembly during the Second Session of the 108th Congress: Senators Grassley, DeWine, Enzi, and Voinovich. **Page S10606**

Nominations Confirmed: Committee on Foreign Relations was discharged from further consideration of the following nominations which were then confirmed:

Christopher J. LaFleur, of New York, to be Ambassador to Malaysia.

B. Lynn Pascoe, of Virginia, to be Ambassador to the Republic of Indonesia.

Ryan C. Crocker, of Washington, to be Ambassador to the Islamic Republic of Pakistan.

Marcie B. Ries, of the District of Columbia, to be Ambassador to the Republic of Albania.

A routine list in the Department of State. **Pages S10555, S10606**

Nominations Received: Senate received the following nomination:

1 Air Force nomination in the rank of general. **Page S10555**

Nominations Withdrawn: Senate received notification of withdrawal of the following nomination:

1 Air Force nomination in the rank of general. **Page S10555**

Nominations Discharged: Committee on Foreign Relations was discharged from further consideration of the following nominations which were then placed on the Executive Calendar:

Lloyd O. Pierson, of Virginia, to be an Assistant Administrator of the United States Agency for International Development, which was sent to the Senate on July 21, 2004, from the Senate Committee on Foreign Relations.

Lloyd O. Pierson, an Assistant Administrator of the United States Agency for International Development, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2009, which was sent to the Senate on July 21, 2004, from the Senate Committee on Foreign Relations.

Hector E. Morales, of Texas, to be United States Executive Director of the Inter-American Development Bank for a term of three years, which was sent to the Senate on July 22, 2004, from the Senate Committee on Foreign Relations.

Douglas Menarchik, of Texas, to be an Assistant Administrator of the United States Agency for International Development, which was sent to the Senate on September 8, 2004, from the Senate Committee on Foreign Relations.

Catherine Todd Bailey, of Kentucky, to be Ambassador to the Republic of Latvia, which was sent to the Senate on September 8, 2004, from the Senate Committee on Foreign Relations. **Pages S10555, S10567**

Messages From the House: **Page S10566**

Measures Referred: **Page S10566**

Executive Reports of Committees: **Page S10566**

Additional Cosponsors: **Pages S10568–70**

Statements on Introduced Bills/Resolutions: **Pages S10570–87**

Additional Statements: **Pages S10564–66**

Amendments Submitted: **Pages S10587–S10605**

Authority for Committees to Meet: **Pages S10605–06**

Record Votes: Two record votes were taken today. (Total—199) **Pages S10486, S10543**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 8:01 p.m., until 9:30 a.m., on Thursday, October 7, 2004. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S10555.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

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

WMD'S

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

NATURAL GAS

Committee on Commerce, Science, and Transportation: Subcommittee on Competition, Foreign Commerce, and Infrastructure concluded a hearing to examine issues relating to natural gas, focusing on the domestic supply and cost for the approaching peak winter months, after receiving testimony from Guy F. Caruso, Administrator, Energy Information Administration, Department of Energy; Paul Wilkinson, American Gas Association, and Wenonah Hauter, Public Citizen Energy Program, both of Washington, DC; and Gary D. Huss, Hudapack Metal Treating, Inc., Elkhorn, Wisconsin, on behalf of the National Association of Manufacturers.

CURRENT VISA POLICY

Committee on Foreign Relations: Committee concluded a hearing to examine the impact of current visa policy on international students and researchers, after receiving testimony from Martin C. Jischke, Purdue University, West Lafayette, Indiana; Adam W. Herbert, Indiana University, Bloomington; C.D. Mote, Jr., University of Maryland, College Park; Catheryn Cotten, Duke University International Office, Durham, North Carolina; Allan E. Goodman, Institute of International Education, New York, New York; and Marlene M. Johnson, NAFSA: Association of International Educators, and Theodore H. Kattouf, AMIDEAST, both of Washington, DC.

EAST ASIA HEALTH PROGRAMS

Committee on Foreign Relations: Subcommittee on East Asian and Pacific Affairs concluded a hearing to examine neglected diseases in East Asia regarding public health programs, focusing on malaria, the Global Fund to Fight AIDS, Tuberculosis, and Malaria, and the World Health Organization, after receiving testimony from Anne Peterson, Assistant Administrator for Global Health, U.S. Agency for International Development; Donald R. Roberts, Professor, Division of Tropical Public Health, Department of Preventive Medicine and Biometrics, Uniformed Services University of the Health Sciences; and Robert Desowitz, University of North Carolina School of Public Health, Chapel Hill.

BUSINESS MEETING

Committee on Indian Affairs: Committee approved the issuance of additional subpoenas pursuant to the In re Tribal Lobbying Matters, et al. investigation.

BUSINESS MEETING

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

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

House of Representatives

Chamber Action

Measures Introduced: 16 public bills, H.R. 5225–5240; 1 private bill, H.R. 5241; and 4 resolutions, H. Con. Res. 510, and H. Res. 824–826, were introduced. **Pages H8407–08**

Additional Cosponsors: **Pages H8408–09**

Reports Filed: Reports were filed today as follows:

H.R. 4667, to authorize and facilitate hydroelectric power licensing of the Tapoco Project (H. Rept. 108–721, Pt. 2);

H.R. 4887, to adjust the boundary of the Cumberland Island Wilderness, to authorize tours of the Cumberland Island National Seashore, amended (H. Rept. 108–738);

H.R. 4984, to provide that the royalty rate on the output from Federal lands of potassium and potassium compounds from the mineral sylvite in the 5-year period beginning on the date of the enactment of this Act shall be reduced to 1.0 percent (H. Rept. 108–739);

S. 434, to authorize the Secretary of Agriculture to sell or exchange all or part of certain parcels of National Forest System land in the State of Idaho and use the proceeds derived from the sale or exchange for National Forest System purposes (H. Rept. 108–740);

H.R. 4285, to provide for the conveyance of certain public land in Clark County, Nevada, for use as a heliport (H. Rept. 108–741);

H.R. 4282, to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity (H. Rept. 108–742);

H.R. 3258, to authorize the Secretary of the Interior, in cooperation with the University of New Mexico, to construct and occupy a portion of the Hibben Center for Archaeological Research at the University of New Mexico, amended (H. Rept. 108–743);

H.R. 3207, to direct the Secretary of the Interior to conduct a study on the preservation and interpretation of the historic sites of the Manhattan Project for potential inclusion in the National Park System, amended (H. Rept. 108–744);

H. Res. 556, congratulating the United States Geological Survey on its 125th Anniversary (H. Rept. 108–745);

H.R. 5082, to authorize the Secretary of Transportation to award grants to public transportation agencies and over-the-road bus operators to improve security, amended (H. Rept. 108–746);

H.R. 775, to amend the Immigration and Nationality Act to eliminate the diversity immigrant program (H. Rept. 108–747);

H.R. 3755, to authorize the Secretary of Housing and Urban Development to insure zero-downpayment mortgages for one-unit residences, amended (H. Rept. 108–748);

H.R. 5163, to amend title 49, United States Code, to provide the Department of Transportation a more focused research organization with an emphasis on innovative technology (H. Rept. 108–749, Pt. 1); and

H.R. 3242, to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops, amended (H. Rept. 108–750, Pt. 1);

H. Res. 827, providing for consideration H.R. 10, to provide for reform of the intelligence community, terrorism prevention and prosecution, border security, and international cooperation and coordination (H. Rept. 108-751);

H. Res. 828, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 108-752); and

H. Res. 829, providing for consideration of motions to suspend the rules (H. Rept. 108-753). **Page H8407**

Speaker: Read a letter from the Speaker wherein he appointed Representative Isakson to act as Speaker Pro Tempore for today. **Page H8171**

Chaplain: The prayer was offered today by the Rev. John J. Ryan, Pastor, St. Brendan Roman Catholic Church in Ormond Beach, Florida. **Page H8171**

Justice for All Act of 2004: The House passed H.R. 5107, to protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, by a yea-and-nay vote of 393 yeas to 14 nays, Roll No. 497. **Pages H8179–H8204, H8208–09**

Agreed to the Sensenbrenner amendment (printed in H. Rept. 108–737) that changes provisions to allow a victim a right to bring a motion to enforce the right to be heard in plea, sentence, and parole proceedings. **Pages H8195–H8204**

H. Res. 823, the rule providing for consideration of the rule was agreed to by voice vote. **Pages H8175–77**

District of Columbia Appropriations Act, 2005—Conference Report: The House agreed to the conference report to accompany H.R. 4850, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005, by a yea-and-nay vote of 377 yeas to 36 nays, Roll No. 498.

Pages H8204–08, H8209–10

H. Res. 822, the rule providing for consideration of the conference report was agreed to by voice vote.

Pages H8177–79

Suspensions: The House agreed to suspend the rules and pass the following measures:

Satellite Home Viewer Extension and Reauthorization Act of 2004: H.R. 4518, amended, to extend the statutory license for secondary transmissions under section 119 of title 17, United States Code;

Pages H8210–24

Agreed to amend the title so as to read: to extend the statutory license for secondary transmissions by satellite carriers of transmissions by television broadcast stations under title 17, United States Code, and to amend the Communications Act of 1934 with respect to such transmissions. **Page H8224**

Water Supply, Reliability, and Environmental Improvement Act: Agree to the Senate amendment to H.R. 2828, to authorize the Secretary of the Interior to implement water supply technology and infrastructure programs aimed at increasing and diversifying domestic water resources—clearing the measure for the President; **Pages H8224–35**

Amending the Immigration and Nationality Act with regard to employment eligibility: H.R. 4306, amended, to amend section 274A of the Immigration and Nationality Act to improve the process for verifying an individual's eligibility for employment;

Pages H8235–37

Access to Rural Physicians Improvement Act of 2004: H.R. 4453, amended, to improve access to physicians in medically underserved areas;

Pages H8237–39

Mentally Ill Offender Treatment and Crime Reduction Act of 2003: S. 1194, amended, to foster local collaborations which will ensure that resources are effectively and efficiently used within the criminal and juvenile justice systems; **Pages H8239–45**

Extending certain authority of the Supreme Court Police: S. 2742, to extend certain authority of the Supreme Court Police, modify the venue of prosecutions relating to the Supreme Court building and grounds, and authorize the acceptance of gifts to the United States Supreme Court—clearing the measure for the President; **Pages H8245–46**

Honoring the victims of the Sixteenth Street Baptist Church bombing on the occasion of its 40th anniversary: H. Res. 389, honoring the young victims of the Sixteenth Street Baptist Church bombing, recognizing the historical significance of the tragic event, and commending the efforts of law enforcement personnel to bring the perpetrators of this crime to justice on the occasion of its 40th anniversary; **Pages H8246–50**

Honoring the goals and ideals of National Nurse Practitioners Week: H. Con. Res. 500, honoring the goals and ideals of National Nurse Practitioners Week; **Pages H8252–53**

Amending the Public Health Service Act relating to children's hospitals: H.R. 5204, to amend section 340E of the Public Health Service Act (relating to children's hospitals) to modify provisions regarding the determination of the amount of payments for indirect expenses associated with operating approved graduate medical residency training programs; **Pages H8253–55**

District of Columbia Civil Commitment Modernization Act of 2004: H.R. 4302, amended, to amend title 21, District of Columbia Official Code, to enact the provisions of the Mental Health Civil Commitment Act of 2002 which affect the Commission on Mental Health and require action by Congress in order to take effect; **Pages H8257–59**

Federal Workforce Flexibility Act of 2003: S. 129, amended, to provide for reform relating to Federal employment; **Pages H8259–64**

Congratulating Andrew Wojtanik for winning the 16th Annual National Geographic Bee: H. Res. 815, congratulating Andrew Wojtanik for winning the 16th Annual National Geographic Bee, conducted by the National Geographic Society;

Pages H8264–65

Honoring the communities that received the 2004 All-America City Award: H. Con. Res. 464, honoring the 10 communities selected to receive the 2004 All-America City Award; **Pages H8265–68**

Leonard C. Burch Post Office Building Designation Act: H.R. 5051, to designate the facility of the United States Postal Service located at 1001 Williams Street in Ignacio, Colorado, as the "Leonard C. Burch Post Office Building"; **Pages H8268–69**

Adam G. Kinser Post Office Building Designation Act: H.R. 4807, to designate the facility of the United States Postal Service located at 140 Sacramento Street in Rio Vista, California, as the "Adam G. Kinser Post Office Building";

Pages H8269–70

Robert J. Opinsky Post Office Building Designation Act: S. 2415, to designate the facility of the United States Postal Service located at 4141 Postmark Drive, Anchorage, Alaska, as the "Robert J. Opinsky Post Office Building";—clearing the measure for the President; **Page H8270**

Lieutenant General James V. Edmundson Post Office Building Designation Act: H.R. 4847, to designate the facility of the United States Postal Service located at 560 Bay Isles Road in Longboat

Key, Florida, as the "Lieutenant General James V. Edmundson Post Office Building"; **Pages H8271–72**

Bill Monroe Post Office Designation Act: H.R. 4968, to designate the facility of the United States Postal Service located at 25 McHenry Street in Rosine, Kentucky, as the "Bill Monroe Post Office"; **Page H8272**

Lieutenant John F. Finn Post Office Designation Act: H.R. 5053, to designate the facility of the United States Postal Service located at 1475 Western Avenue, Suite 45, in Albany, New York, as the "Lieutenant John F. Finn Post Office"; **Pages H8272–74**

Congressman Jack Fields Post Office Redesignation Act: H.R. 4232, to redesignate the facility of the United States Postal Service located at 4025 Feather Lakes Way in Kingwood, Texas, as the "Congressman Jack Fields Post Office"; **Pages H8274–76**

Irma Rangel Post Office Building Designation Act: H.R. 4829, to designate the facility of the United States Postal Service located at 103 East Kleberg in Kingsville, Texas, as the "Irma Rangel Post Office Building"; **Pages H8276–78**

Special Olympics Sport and Empowerment Act of 2004: H.R. 5131, to provide assistance to Special Olympics to support expansion of Special Olympics and development of education programs and a Healthy Athletes Program; **Pages H8311–14**

Honoring former President Jimmy Carter on his 80th birthday: H. Res. 798, amended, honoring former President James Earl (Jimmy) Carter on the occasion of his 80th birthday; **Pages H8314–17**

Temporarily extending the programs under the Higher Education Act of 1965: H.R. 5185, amended, to temporarily extend the programs under the Higher Education Act of 1965; **Pages H8317–19**

Supporting efforts to assist youths in high-risk situations: H. Res. 805, supporting efforts to promote greater public awareness of effective runaway youth prevention programs and the need for safe and productive alternatives, resources, and supports for youth in high-risk situations; **Pages H8326–28**

Sense of Congress that student travel is a vital component of the educational process: H. Con. Res. 131, amended, expressing the sense of the Congress that student travel is a vital component of the educational process; **Pages H8328–29**

Supporting the goals and ideals of "Lights On Afterschool" programs: H. Res. 809, amended, supporting the goals and ideals of "Lights On Afterschool, a national celebration of after-school programs; **Pages H8329–30**

Recognizing and supporting efforts to promote greater civic awareness in the U.S.: H. Res. 796, recognizing and supporting all efforts to promote greater civic awareness among the people of the United States; **Pages H8331–37**

Amending the Federal Water Pollution Control Act with regard to the Lake Pontchartrain Basin Restoration Program: H.R. 4470, amended, to amend the Federal Water Pollution Control Act to extend the authorization of appropriations for the Lake Pontchartrain Basin Restoration Program from fiscal year 2005 to 2010; **Pages H8337–38**

Amending the Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000: H.R. 4794, amended, to amend the Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000 to extend the authorization of appropriations; **Pages H8338–40**

Norman Y. Mineta Research and Special Programs Reorganization Act: H.R. 5163, amended, to amend title 49, United States Code, to provide the Department of Transportation a more focused research organization with an emphasis on innovative technology; **Pages H8340–44**

Amending the Lease Lot Conveyance Act of 2002: S. 1791, to amend the Lease Lot Conveyance Act of 2002 to provide that the amounts received by the United States under that Act shall be deposited in the reclamation fund—clearing the measure for the President; **Pages H8349–50**

Chimayo Water Supply System and Espanola Filtration Facility Act of 2004: S. 2511, to direct the Secretary of the Interior to conduct a feasibility study of a Chimayo water supply system, to provide for the planning, design, and construction of a water supply, reclamation, and filtration facility for Espanola, New Mexico—clearing the measure for the President; **Pages H8350–51**

National Park System Laws Technical Amendments Act of 2004: S. 2178, to make technical corrections to laws relating to certain units of the National Park System and to National Park programs—clearing the measure for the President; **Pages H8351–52**

Northern Rio Grande National Heritage Area Act: S. 211, amended, to establish the Northern Rio Grande National Heritage Area in the State of New Mexico; **Pages H8352–65**

American Indian Probate Reform Act of 2004: S. 1721, to amend the Indian Land Consolidation Act to improve provisions relating to probate of trust and restricted land; **Pages H8365–76**

Congratulating Mojave Aerospace Ventures for Winning the Ansari X Prize: H. Res. 820, amended, to congratulate Mojave Aerospace Ventures for winning the privately funded $10,000,000 Ansari X Prize and commend the X Prize Foundation for spurring this achievement; **Pages H8376–77**

Specialty Crops Competitiveness Act of 2003: H.R. 3242, amended, to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the

competitiveness of United States-grown specialty crops; and **Pages H8377–82**

Homeless Veterans Assistance Reauthorization Act of 2004: H.R. 4248, amended, to amend title 38, United States Code, to extend the authority of the Secretary of Veterans Affairs to make grants to expand or modify existing comprehensive service programs for homeless veterans. **Pages H8382–84**

Agreed to amend the title so as to read: to amend title 38, United States Code, to increase the authorization of appropriations for the Secretary of Veterans Affairs to make grants to existing comprehensive service programs for homeless veterans. **Page H8384**

Servicemembers Legal Protection Act of 2004: H.R. 4658, amended, to amend the Servicemembers Civil Relief Act to make certain improvements and technical corrections to that Act; **Pages H8384–90**

Agreed to amend the title so as to read: to amend the Servicemembers Civil Relief Act to make certain improvements and technical corrections to that Act, otherwise to improve legal protections provided to reserve component members called to active duty. **Page H8390**

Congratulating and commending the Veterans of Foreign Wars: H.J. Res. 108, congratulating and commending the Veterans of Foreign Wars; **Pages H8390–91**

Sense of Congress that a minute of silence should be observed annually on Veterans Day, November 11: H. Con. Res. 195, expressing the sense of Congress that a minute of silence should be observed annually at 11 a.m. on Veterans Day, November 11, in honor of the veterans of all United States wars and to memorialize those members of the Armed Forces who gave their lives in the defense of the United States; **Pages H8391–92**

Celebrating the 50th anniversary of the opening of the Falcon International Dam: H. Res. 818, celebrating the 50th anniversary of the opening of the Falcon International Dam, recognizing the dam's importance as a source of water and power and as a symbol of friendship and cooperation between the United States and the United Mexican States, and urging Mexico to honor all of its obligations under the 1944 Treaty Relating to the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande; **Pages H8398–99**

Condemning the abduction of Dylan Benwell from the U.S.: H. Res. 821, condemning the abduction of Dylan Benwell from the United States and calling for his return; and **Pages H8399–H8401**

Calling on the U.N. Security Council to take appropriate action in Burma: H. Res. 768, calling on the United Nations Security Council to immediately consider and take appropriate action to respond to the growing threat that the ruling State Peace and Development Council in Burma poses to the Southeast Asia region and to the people of Burma. **Pages H8401–03**

Suspensions—Proceedings Postponed: The House completed debate on the following measures under suspension of the rules. Consideration on the measures will continue tomorrow, October 7.

Internet Spyware (I-SPY) Prevention Act of 2004: H.R. 4661, amended, to amend title 18, United States Code, to discourage spyware; **Pages H8250–52**

Research Review Act of 2004: H.R. 5213, amended, to expand research information regarding multidisciplinary research projects and epidemiological studies; **Pages H8255–57**

Providing additional teacher loan forgiveness on Federal student loans: H.R. 5186, amended, to reduce certain special allowance payments and provide additional teacher loan forgiveness on Federal student loans; and **Pages H8319–26**

Reauthorizing and improving programs under the Public Works and Economic Development Act of 1965: S. 1134, to reauthorize and improve the programs authorized by the Public Works and Economic Development Act of 1965; and **Pages H8344–49**

Comprehensive Peace in Sudan Act: H.R. 5061, amended, to provide assistance for the current crisis in the Darfur region of Sudan and to facilitate a comprehensive peace in Sudan. **Pages H8393–98**

Continue Consideration of Suspensions: Agreed that the Speaker be authorized to entertain motions to suspend the rules for the remainder of this legislative day; **Page H8326**

Further Supplemental Appropriations for Disaster Relief: The House passed H.R. 5212, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, for additional disaster assistance relating to storm damage, by yea-and-nay vote of 412 yeas with none voting ''nay'', Roll No. 501. **Pages H8287–H8311**

Agreed to the Neugebauer amendment (No. 2 printed in the Congressional Record of October 6) that changes section 101 of the bill relating to Agriculture Disaster Assistance. **Pages H8304–07**

Rejected the Hensarling amendment (printed in H. Rept. 108–735) that sought to fully offset the cost of the supplemental with a proportional reduction of FY05 discretionary funds once enacted (by a recorded vote of 89 ayes to 321 noes, Roll No. 500). **Pages H8307–10**

H. Res. 819, the rule providing for consideration of the bill was agreed to by voice vote. **Pages H8278–87**

Agreed to the Putnam amendment in the nature of a substitute to the rule by voice vote, after agreeing to order the previous question by a yea-and-nay vote of 216 yeas to 186 nays, Roll No. 499. **Pages H8285–87**

Additional Co-Sponsors: Agreed that the Union Calendar print of H.R. 10, to provide for reform of the intelligence community, terrorism prevention and prosecution, border security, and international

cooperation and coordination, reflect additional cosponsors submitted by the Speaker. **Page H8268**

Early Organization of 109th Congress: The House agreed to H. Res. 824, relating to early organization of the House of Representatives for the One Hundred Ninth Congress. **Page H8330**

Amending the Congressional Accountability Act of 1995: The House agreed to the Senate amendment to H.R. 5122, to amend the Congressional Accountability Act of 1995 to permit members of the Board of Directors of the Office of Compliance to serve for 2 terms—clearing the measure for the President. **Pages H8330–31**

Discharge Petition: Representative Miller of North Carolina moved to discharge the Committee on Rules from the consideration of H. Res. 800, providing for the consideration of H.R. 2802, to reauthorize the Small Business Act and the Small Business Investment Act of 1958 (Discharge Petition No. 16).

Senate Messages: Messages received from the Senate today appear on pages H8171, H8252, H8311, and H8403.

Senate Referrals: S. 2484, S. 2896, S. 1134, S. 2195, and S. 2895 were held at the desk; S. 2796 and S. 2864 were referred to the Committee on the Judiciary. **Page H8404**

Quorum Calls—Votes: Four yea-and-nay votes and one recorded vote developed during the proceedings of today. There were no quorum calls.

Pages H8208–09, H8209–10, H8286–87, H8310, H8310–11

Amendments: Amendments ordered printed pursuant to the rule appear on pages H8409–10.

Recess: The House recessed at 3:03 a.m. on Thursday, October 7 and reconvened at 8:07 a.m.

Page H8403

Adjournment: The House met at 10 a.m. and adjourned at 8:08 a.m. on Thursday, October 7.

Committee Meetings

FEDERAL REVENUE OPTIONS

Committee on the Budget: Held a hearing on Federal Revenue Options. Testimony was heard from Representatives Linder, Burgess, English, Price (NC) and Sandlin; and the following former Representatives from Texas: Richard K. Armey; and Bill Archer; and public witnesses.

CHILD PRODUCT SAFETY

Committee on Energy and Commerce: Subcommittee on Commerce, Trade and Consumer Protection held a hearing entitled "Child Product Safety: Do Current Standards Provide Enough Protection?" Testimony was heard from Hal Stratton, Chairman, Consumer Product Safety Commission; and public witnesses.

OFHEO REPORT—FANNIE MAE—ALLEGATIONS OF ACCOUNTING AND MANAGEMENT FAILURE

Committee on Financial Services: Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises held a hearing entitled "The OFHEO Report: Allegations of Accounting and Management Failure at Fannie Mae." Testimony was heard from Armando Falcon, Director, Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development; the following officials of Fannie Mae: Franklin D. Raines, Chairman and Chief Executive Officer; Timothy Howard, Vice Chairman and Chief Financial Officer; and Ann McLaughlin Korologos, Presiding Director, Board of Directors.

COMBATING WEST NILE VIRUS—CURRENT CHALLENGES

Committee on Government Reform: Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs held a hearing entitled "Current Challenges in Combating the West Nile Virus." Testimony was heard from the following officials of the Department of Health and Human Services: Anthony S. Fauci, M.D., Director, National Institute of Allergy and Infectious Diseases, NIH; and Stephen M. Ostroff, M.D., Deputy Director, National Center for Infectious Diseases, Centers for Disease Control and Prevention; Benjamin J. Grumbles, Acting Assistant Administrator, Office of Water, EPA; John Pape, Chief Epidemiologist, Department of Public Health and Environment, State of Colorado; and public witnesses.

INTERNATIONAL RELIGIOUS FREEDOM 2004 ANNUAL REPORT

Committee on International Relations: Held a hearing on the Annual Report on International Religious Freedom 2004 and Designations of Countries of Particular Concern. Testimony was heard from Ambassador-at-Large John V. Hanford III, International Religious Freedom, Department of State; Preeta Bansal, Chair, U.S. Commission on International Religious Freedom; and public witnesses.

U.S. TRADE DISPUTES—PERU AND ECUADOR

Committee on International Relations: Subcommittee on Western Hemisphere held a hearing on U.S. Trade Disputes in Peru and Ecuador, Testimony was heard from Earl Anthony Wayne, Assistant Secretary, Bureau of Economic and Business Affairs, Department of State; Regina K. Vargo, Assistant U.S. Trade Representative for the Americas; and public witnesses.

OVERSIGHT—PRESIDENTIAL SUCCESSION ACT

Committee on the Judiciary: Subcommittee on the Constitution held an oversight hearing on the Presidential Succession Act. Testimony was heard from

Representative Sherman; Thomas H. Neale, Government and Finance Division, CRS, Library of Congress; and public witnesses.

SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE RULES COMMITTEE—CONFERENCE REPORT—AMERICAN JOBS CREATION ACT

Committee on Rules: Granted, by voice vote, a rule waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The rule applies the waiver to any special rule reported on the legislative day of October 7, 2004, providing for consideration or disposition of a conference report to accompany the bill (H.R. 4520) to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Committee on Rules: Granted, by voice vote, a rule providing that suspensions will be in order at any time on the legislative day of Thursday, October 7, 2004. The rule provides that the Speaker or his designee will consult with the Minority Leader or her designee on any suspension considered under the rule.

9/11 RECOMMENDATIONS IMPLEMENTATION ACT

Committee on Rules: Granted, by voice vote, a structured rule providing three hours and forty minutes of general debate on H.R. 10, 9/11 Recommendations Implementation Act, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence, 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services, 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform, 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations, 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure, and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Select Committee on Homeland Security. The rule waives all points of order against consideration of the bill.

The rule provides that the amendment in the nature of a substitute consisting of the text of the Rules Committee print dated October 4, 2004, shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute consisting of the text of the Rules Committee print. The rule makes in order only those further amendments printed in the Rules Committee report accompanying the resolution. The rule provides that the amendments printed in the report may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report. The rule provides one motion to recommit with or without instructions.

OVERSIGHT—MARITIME DOMAIN AWARENESS

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held an oversight hearing on Maritime Domain Awareness. Testimony was heard from the following officials of the Department of Homeland Security: Jeffrey P. High, Director, Maritime Domain Awareness, U.S. Coast Guard; and Robert A. Kacksta, Executive Director, Border Security and Facilitation, U.S. Customs and Border Protection; RADM Samuel P. DeBow, Director, Marine and Aviation Operations, NOAA, Department of Commerce.

VA SMART CARD INITIATIVE(S)

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

BRIEFING—THREAT UPDATE

Permanent Select Committee on Intelligence: Met in executive session to receive a Briefing on Threat Update. The Committee was briefed by departmental witnesses.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1012)*

H.R. 1308, to amend the Internal Revenue Code of 1986 to provide tax relief for working families. Signed on October 4, 2004. (Public Law 108–311)

H.R. 265, to provide for an adjustment of the boundaries of Mount Rainier National Park. Signed on October 5, 2004. (Public Law 108–312)

H.R. 1521, to provide for additional lands to be included within the boundary of the Johnstown Flood National Memorial in the State of Pennsylvania. Signed on October 5, 2004. (Public Law 108–313)

H.R. 1616, to authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, Georgia. Signed on October 5, 2004. (Public Law 108–314)

H.R. 1648, to authorize the Secretary of the Interior to convey certain water distribution systems of the Cachuma Project, California, to the Carpinteria Valley Water District and the Montecito Water District. Signed on October 5, 2004. (Public Law 108–315)

H.R. 1658, to amend the Railroad Right-of-Way Conveyance Validation Act to validate additional conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to facilitate the construction of the transcontinental railway. Signed on October 5, 2004. (Public Law 108–316)

H.R. 1732, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Williamson County, Texas, Water Recycling and Reuse Project. Signed on October 5, 2004. (Public Law 108–317)

H.R. 2696, to establish Institutes to demonstrate and promote the use of adaptive ecosystem management to reduce the risk of wildfires, and restore the health of fire-adapted forest and woodland ecosystems of the interior West. Signed on October 5, 2004. (Public Law 108–318)

H.R. 3209, to amend the Reclamation Project Authorization Act of 1972 to clarify the acreage for which the North Loup division is authorized to provide irrigation water under the Missouri River Basin project. Signed on October 5, 2004. (Public Law 108–319)

H.R. 3249, to extend the term of the Forest Counties Payments Committee. Signed on October 5, 2004. (Public Law 108–320)

H.R. 3389, to amend the Stevenson-Wydler Technology Innovation Act of 1980 to permit Malcolm Baldrige National Quality Awards to be made to nonprofit organizations. Signed on October 5, 2004. (Public Law 108–321)

H.R. 3768, to expand the Timucuan Ecological and Historic Preserve, Florida. Signed on October 5, 2004. (Public Law 108–322)

S.J. Res. 41, commemorating the opening of the National Museum of the American Indian. Signed on October 5, 2004. (Public Law 108–323)

COMMITTEE MEETINGS FOR THURSDAY, OCTOBER 7, 2004

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: business meeting to consider S. 1379, to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States, and the nomination of Pamela Hughes Patenaude, of New Hampshire, to be an Assistant Secretary of Housing and Urban Development for Community Planning and Development, Time to be announced, S–216, Capitol.

Committee on Commerce, Science, and Transportation: to hold hearings to examine the effect of Federal bankruptcy and pension policy on the financial situation of the airlines, 9:30 a.m., SR–253.

Committee on the Judiciary: business meeting to consider pending calendar business, 9:30 a.m., SD–226.

House

Committee on Energy and Commerce, Subcommittee on Energy and Air Quality, to mark up H.R. 3403, To amend the Clean Air Act to modify certain provisions regarding methyl bromide, 1 p.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee Housing and Community Opportunity, hearing entitled "Mortgage Fraud and its Impact on Mortgage Lenders," 10 a.m., 2128 Rayburn.

Committee on International Relations, to mark up the following measures: H. Res. 28, Expressing the sense of the House of Representatives that the United States should declare its support for the Independence of Kosova; and H.R. 2760, Resolution of the Ethiopia-Eritrea Border Dispute Act of 2003, 10 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Crime, Terrorism, and Homeland Security, oversight hearing on Federal Offender Reentry and Protecting Children from Criminal Recidivists, 9 a.m., 2141 Rayburn.

Permanent Select Committee on Intelligence, executive, Briefing on Iraq Survey Group Report, 2 p.m., H–405 Capitol.

Joint Meetings

Joint Economic Committee: to hold hearings to examine the long-run economics of natural gas, 10 a.m., SD–628.

Next Meeting of the SENATE

9:30 a.m., Thursday, October 7

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond 30 minutes), Senate will continue consideration of S. Res. 445, Intelligence Committee Reorganization Resolution. Also, Senate may begin consideration of the conference report to accompany H.R. 4520, American Jobs Creation Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, October 7

House Chamber

Program for Thursday: Consideration of H.R. 10, 9/11 Recommendations Implementation Act (subject to a rule).

Rolled votes on Suspensions:

(1) Internet Spyware (I–SPY) Prevention Act of 2004;

(2) Research Review Act of 2004;

(3) Providing additional teacher loan forgiveness on Federal student loans

(4) Reauthorizing and improving programs under the Public Works and Economic Development Act of 1965; and

(5) Comprehensive Peace in Sudan Act.

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