

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,