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## Senate

The Senate met at 10:04 a.m. and was called to order by the Honorable GORDON H. SMITH, a Senator from the State of Oregon.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God our shield, the giver of victory and honor, shine on us with Your kindness and bring us the rich harvest of joy. Lord, through many dangers You have brought us and we would not be guilty of ingratitude. Thank You for the catastrophes that haven't happened, for the unseen angels who have guarded our land and those we love. Help us to remember that all efforts to defend ourselves will fail without Your sovereign will and loving providence. May we not place our trust only in our ingenuity and courage, but instead lean on You, the Lord our God.

Today guide us with Your gentle spirit and lead us to right paths. Bless our lawmakers. May they trust You completely and permit You to clear the road ahead. Train them in Your school of humility so they will walk safely and never stumble. Give them the wisdom to obey Your teachings so they will live long and prosper.

We pray this in Your Holy Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable GORDON H. SMITH led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 24, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable GORDON H. SMITH, a Senator from the State of Oregon, to perform the duties of the Chair.

TED STEVENS,  
President pro tempore.

Mr. SMITH thereupon assumed the Chair as Acting President pro tempore.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The assistant majority leader is recognized.

### SCHEDULE

Mr. MCCONNELL. Mr. President, this morning, the Senate will be in a period for morning business to accommodate several Members who have statements to make. I do not anticipate a long session today, and once we complete our business, we will adjourn until Monday. As we announced last night, no rollcall votes will occur during today's session of the Senate.

As a reminder to Senators, on Monday we will begin consideration of the intelligence reform bill. No rollcall votes will occur on Monday. However, we anticipate that amendments will be offered and debated during Monday's session. Any votes ordered with respect to those amendments will occur Tuesday morning. Therefore, Senators can expect the next vote or votes to occur sometime Tuesday morning. As always, we will notify our colleagues as any votes are ordered.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

### RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. The assistant Democratic leader is recognized.

### ORDER OF PROCEDURE

Mr. REID. Mr. President, we have two Senators on our side who wish to speak: Senator WYDEN for 10 minutes and Senator DORGAN. On behalf of Senator DORGAN, I ask unanimous consent that he be allowed to speak for up to 40 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, we have at least one Senator who would like to speak on this side who should be here shortly.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. DOLE). Without objection, it is so ordered.

### TRADE

Mr. DORGAN. Mr. President, I was intending to speak earlier this week on the subject of trade, but because of the Senate schedule I decided to wait until today, when we don't have Senate business that would require votes.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Before I get to the subject of trade, I first want to mention that this morning in the Congressional Daily, there is a lead story that says:

Growing GOP resistance might doom farm money in homeland funding bill.

It says here that House Republican leaders are digging in against a package of drought assistance that Senators added to the Homeland Security appropriations bill.

The House Republican leaders say that the drought amendment doesn't have a head of steam.

I am wondering how is it these leaders seem to think that spending is very important when it comes to funding the reconstruction of Iraq—which ran through here like a big old truck in fifth gear—but when it comes to spending here at home to help people, in this case helping family farmers through a real tough time, they say we don't know that we can do that. They are going to dig in our heels.

The Senate passed disaster relief for farmers. We also supported disaster relief for the victims of hurricanes. I have never in all the time I have been in Congress opposed disaster relief for those who have been victims. It seems to me, whether it is the fury of a hurricane that hits your area or drought or some other act of nature or God, when people are victimized, the rest of this country will extend its hands and say, you are not alone, we want to help. And we have always done that.

For those poor folks in Florida and the rest of the Southeast who have been hit by hurricane after hurricane, we have a responsibility to help them and we did and we will. We will do more. But it is also the case, for example in my State, where torrential rains meant that 1.7 million acres of ground couldn't even be planted and family farmers who rely on that planting to make a living will lose their opportunity and perhaps lose their farm if they don't get help. In August there was a freeze, and that freeze dramatically injured crops. And there was a drought in the southeast part of my State, where between January and July they received 2.2 inches of moisture in 6 months, and they too need some hope.

So when we pass disaster assistance, whether it is for the hurricane victims or for those in agricultural areas that suffer weather-related disasters, and then we hear that there is opposition to this by the GOP in the House of Representatives, I ask myself this: Why is it that they are so anxious to help everybody except the people in this country?

I offered an amendment last year on the floor of the Senate to strip about \$20 billion out of the bill for Iraq reconstruction which the President sent to us. That was the single largest cut in spending proposed on the floor of the U.S. Senate last year. Why did I offer that amendment? Because the President said, let's spend this money for reconstructing Iraq, when, in fact, Iraq has plenty of money to reconstruct

itself. Iraq has the second largest reserves of oil in the world. It is perfectly capable, especially with oil prices where they are. Iraq is now pumping slightly less than 3 million barrels a day—about 2.5 million. But they clearly have the capability to pump oil and sell the oil and raise the money to reconstruct themselves.

Instead, what we have is a roads program in Iraq paid for by the American people; we have an education program in Iraq paid for by American taxpayers; we have a jobs program in Iraq paid for by American taxpayers; we have a health care program for Iraq paid for by American taxpayers. You name it, We have all of these programs in Iraq paid for by us, the American taxpayers. The supporters of that bill were rushing to get that through the Congress and couldn't get it through quickly enough.

Now when some folks in this country are hurting and we pass a disaster relief bill to say, you are not alone, we want to give you some help, we have the GOP leaders in the House saying, you can't do that. Why not? That is investing here at home, at least. You were so quick to rush \$20 billion to Iraq to reconstruct Iraq; how about returning some money to help those family farmers who have suffered weather-related disasters?

This isn't over. There is going to be a big fight. If that is the attitude of other side, we are going to have a big fight about this because we owe it to those producers across the country who live on the land, who go to the fields in the morning alone to plow with nothing but hope that somehow things will work out. When they have weather-related disasters, they too need some help. They too deserve our help. So this is going to be a big fight.

We are not going to sit idly by and have GOP leaders in the House say that this isn't going to happen. It is going to happen one way or the other. We are going to make this happen. If we can spend nearly \$20 billion on reconstruction in Iraq, this country can surely open up its pocketbook and provide some much needed help for family farmers in a significant part of this country who have suffered weather-related disasters. That is a fact.

#### INTERNATIONAL TRADE

Mr. DORGAN. Mr. President, I wanted to come to the Senate floor to speak about international trade, a subject about which I've spoken many times before.

I have just finished reading a book by Lou Dobbs. It is a quite remarkable book. And I wanted to share some of its observations with my colleagues.

At the outset, let me say that Lou Dobbs describes himself in this book as a lifelong Republican. This issue of trade is not the ideas of one political party or the other; the book is about a failed trade strategy which undermines the strength of this country by shifting

American jobs overseas. The title of his book is "Exporting America: Why Corporate Greed is Shipping American Jobs Overseas."

Lou Dobbs has been vilified for writing this book. But it is a rare and wonderful book. I am not in the business of selling anybody's books, but to those who are interested in this issue of what is happening to American jobs, who are interested in what is happening with our trade strategy, this is a good book to read.

We have lost nearly 2 million private sector jobs in this President's term, a fair amount of it to outsourcing. The outsourcing issue is one we need to explore in some depth.

I offered an amendment on the Senate floor not long ago. It says, let us eliminate out of our tax system incentives for American companies to shift their jobs overseas. If companies decide to ship jobs overseas, we ought not give them a tax break. That makes no sense at all.

Now, on page 19 of this book, Mr. Dobbs writes:

... American multinational companies that are outsourcing and offshoring are also essentially firing their customers. India can provide our software; China can provide our toys; Sri Lanka can make our clothes; Japan can make our cars. But at some point we have to ask, what will we export? At what will the Americans work? And for what kind of wages? No one I've asked in government, academia, or even the private sector has been answering those questions.

On page 31, Mr. Dobbs says:

Big business is saying that all we need to do to become the most competitive nation on Earth is to cut wages, throw out our environmental, worker safety, investor protection, product liability, and consumer laws, and eliminate corporate tax obligations altogether—and while we're at it, let's repeal those unfriendly antitrust laws. There's no doubt the result would be sharply lower wages and higher profits, but the result would also be a plummeting standard of living and the shattering of the American dream.

For writing a book that expresses a radical thought that we ought to be standing up for American jobs and try to find ways to stop shipping American jobs overseas, Mr. Dobbs has been wildly vilified.

The executive director of the Business Roundtable says this of Mr. Dobbs:

It's as if whatever made Linda Blair's head spin around in *The Exorcist* had invaded the body of Lou Dobbs and left him with the brain of Dennis Kucinich.

That's from John Castellani, executive director of the Business Roundtable. It is such a colorful quote. But it isn't even original. Daniel Henninger of the Wall Street Journal had written those same words about Lou Dobbs just 2 months earlier.

Let me share a few other of Mr. Dobbs' observations. One of the points he makes, which I have also made on the floor of the Senate often, is that the actual rules of trade are now being set by corporations. They have no allegiance to nations, much less individual communities or towns. They certainly

have no allegiance to government. And the corporations set the rules of trade. Mr. Dobbs says:

Corporations have overwhelmed governments in the borderless global economy. And corporate logos in many cases have more powerful symbolic importance than national flags. In part, that's because more than half of the largest 100 economies in the entire world are corporations.

Mr. Dobbs in his book used figures from the year 2000 to come up with his conclusions. At the time, Wal-Mart was equivalent to the 25th largest economy in the world. I have actually looked at the figures from 2003. What you see is that Wal-Mart, when you compare countries and corporations by size, is number 20 in the world. Wal-Mart is bigger than Austria, Indonesia, Sri Lanka, Saudi Arabia, Pakistan, Turkey, Denmark, and Poland, to name a few. But, then, the list of top 100 economies also includes ExxonMobil, so is General Motors, Royal Dutch/Shell, Ford Motor, DaimlerChrysler, and dozens of other corporations.

On page 40 of his book, Lou Dobbs says this:

We might begin by reminding our business leaders and politicians that Americans want to be regarded as citizens, not just consumers, and that they need to see this country of ours first as a nation, not [just] a marketplace.

It seems to me it is a good starting point for this discussion. There is so much effort these days to outsource almost everything, not understanding that it begins to diminish and erode the basic economic strength of our country.

Forty state governments are now outsourcing what were American jobs.

Again, this is from Mr. Dobbs's book.

The state of Indiana's Department of Workforce Development is responsible for helping out of work Indiana citizens find jobs. Ironically, the department awarded a \$15 million contract to update its computers to a firm in Bombay, India. The project would have provided employment to sixty-five workers coming from India on L-1 visas.

Why would they do that? Because of the millions of dollars it would save. But I expect the taxpayers of Indiana would have preferred their tax dollars be used to help those who are out of work in Indiana.

Again, this is quoting Lou Dobbs:

Only after a loud public outcry did the governor of Indiana cancel the contract.

A recent survey found that 40 States plus the District of Columbia have food stamp help desks that use operators in foreign countries.

In January of 2004, the Times of India ran a story with this headline: "Silicon Valley Falls to Bangalore." It says:

BANGALORE: The inevitable has happened. Bangalore, which grew under the shadow of America's Silicon Valley over the last two decades, has finally overtaken its parent.

Today, Bangalore stands ahead of Bay Area, San Francisco and California, with a lead of 20,000 techies, while employing a total number of 150,000 engineers.

Service jobs are being exported from this country. It is true in almost every single area.

Massachusetts General Hospital had a firestorm on its hands when it was learned that the hospital was sending x rays and MRIs to India for examination, even though it is illegal for technicians in India to diagnose U.S. patients. And even though Medicare does not pay for work done outside the United States, hospitals have found a way around that. They just have an American doctor do a cursory review of the work and then sign off on it.

This again is from Lou Dobbs's book.

Recently, we had a statement by Mr. Greg Mankiw, who is the head of domestic policy, the top economist in the Bush administration, that caused a great deal of consternation. He said that this administration supports outsourcing.

Lou Dobbs, I think correctly, points out in his book that both Democratic and Republican administrations have done very little to address these issues and, in fact, in many cases have made them worse. So this is not about one party or the other. Neither political party, in my judgment, has developed a set of policies that would address this. I think both political parties have largely been silent on this issue or have done things that have made this problem worse.

But the current administration has said that outsourcing is really a good policy. In February, the Los Angeles Times reported that the administration, the White House, was endorsing outsourcing.

This is what Lou Dobbs had to say about Mr. Mankiw. He said:

A number of people on Capitol Hill thought Mankiw should have resigned, but I disagreed. On my broadcast . . . I called for the President to fire him. Not merely because I obviously disagreed with him, but because Mankiw's statement raised the administration's support of overseas outsourcing to a declaration of government policy.

To drive home the point, Mr. Mankiw, the chairman of the President's Council of Economic Advisers, told reporters that the President plainly supported shifting jobs overseas, provided those jobs could be done more cheaply overseas. This is what Mr. Mankiw said to reporters:

Outsourcing is just a new way of doing international trade.

More things are tradable than were tradable in the past. And that's a good thing.

Maybe we will outsource a few radiologists. What does that mean? Well, maybe the next generation of doctors will train fewer radiologists and will train more general practitioners or surgeons. . . . Maybe we have learned that we don't have a comparative advantage in radiologists.

And the President's report said this about outsourcing:

One facet of increased services trade is the increased use of offshore outsourcing in which a company relocates labor-intensive service industry functions to another country.

In fact, the President's report says when it comes to trade, white-collar jobs should be no different from manufacturing jobs.

Well, after many of us raised some real questions about this, including Lou Dobbs, the White House spokesman, Scott McClellan said:

We certainly don't want to do anything that would undermine free trade.

Mr. Dobbs concludes: I believe this is a declaration of Government policy with respect to outsourcing.

So this is what is happening in the private sector with respect to the outsourcing of jobs.

The Wall Street Journal ran a feature article that I read some while ago that was interesting to me. It was an article on IBM's outsourcing practices. It described internal company memos which described a strategy to systematically outsource American jobs overseas.

This is from an IBM memo. It says: "Do not be transparent regarding the purpose/intent" and cautions that the "Terms 'On-shore' and 'Off-shore' should never be used." The company expects to shift about 3,000 jobs from the U.S. overseas. So they advise managers on how to communicate the news to the affected employees. The memo says that anything written to employees should first be "sanitized" by human resources and communications staffers.

The plan IBM had, according to the Wall Street Journal, would move jobs from U.S. locations, including Connecticut, New York, North Carolina, and Colorado. It would transfer them to India, to China, and to Brazil. It says:

Some of the foreign programmers will come to the U.S. for several weeks of on-the-job training by the people whose jobs they will take over.

That's an aspect of offshoring that many high-tech workers regard as particularly humiliating.

So this internal memo directs managers to say this to workers about to lose their jobs:

This action is a statement about the rate and pace of change in this demanding industry. . . . It is in no way a comment on the excellent work you have done over the years.

So see you later. We are going to move your job to India or China or Brazil. Thank you. You have done excellent work. The fact that you have lost your job is in no way a comment on the excellent work you have done.

Now, what are our trade officials doing about this? I will tell you what—they are trying to facilitate even more outsourcing, by enabling corporations to use even cheaper overseas labor.

Let me review some of the trade agreements we have been doing recently. Let me talk about CAFTA, the Central American Free Trade Agreement. This would integrate our economy with that of El Salvador, among others.

This is from a recent news story, describing how El Salvador is scarred by child labor. Subsistence work in sugarcane fields leads to injuries, continuing poverty.

Jesus Franco, 14 years of age, has scars crisscrossing his legs from his ankles to his

thighs and more on his small hands. For more than half of his young life, he has spent long days cutting sugarcane. He has the machete scars to prove it, and so do his four sisters, age 9 to 19. His story is repeated countless times across Latin America, where children even younger than he are found working in cane fields at subsistence wages, \$75 a month, which isn't even enough to pay for basic food needs.

So we are now going to integrate our economies with those of El Salvador, Guatemala, Honduras, and Costa Rica in a Central America Free Trade Agreement and set up our sugar producers for failure. That is what this is about, among other things.

Let me tell you about some kids who came to a hearing we had, who were working in a factory overseas producing rugs. These were kids who were locked in the factories, young kids 10, 11, 12 years old, producing carpets and rugs. We discovered that some of them had gun powder put on the tips of their fingers, and then it was lit so that it would burn the tips of their fingers and create big scars on all their fingertips. They did that so that when these young kids were sewing with needles, when they stuck their fingers, it wouldn't hurt because they had been scarred by the burns. Young kids with scarred fingers using needles to produce carpets to be sent to our stores. Free trade? Hardly.

Let me give some other examples. I have spoken often about Huffy bicycles. They were made in Ohio, manufactured in a plant by people who made \$11 an hour and were proud of their jobs. Huffy bicycles were 20 percent of the American marketplace for bicycles. They were sold in Sears and Wal-Mart and K-Mart. Huffy bicycles had a decal on the front of the American flag.

Well, Huffy bicycles aren't made in the United States anymore. They are made in China. They closed the plant, fired the workers, and said: \$11 an hour is too much for workers in Ohio who make bicycles. We will make them in China. And, by the way, the last job was to take the flag decal off the bike and replace it with a decal of a globe. Now Huffy bicycles, if you buy them, are made in China, made by people who work for 33 cents an hour. They work 12 to 14 hours a day, 7 days a week. Should we compete with that? Can we compete with that, with kids and others making 33 cents an hour? Huffy bicycles are gone. The people in Ohio who made them were fired. And Chinese workers now work 7 days a week at 33 cents an hour to make Huffy bicycles.

Another American company that moved its production overseas is Radio Flyer. They made the little red wagons. Everybody has ridden in a little red wagon. It was American for 100 years. This is pure Americana, except Radio Flyer is not made here any longer. After 100 years, the jobs of the American people who made the little red wagon are gone. The workers were fired. The jobs moved to China for low labor costs.

The list goes on and on. Fig Newton cookies. That is an all-American cookie. Every kid grew up with a Fig Newton cookie someplace on the shelf. But Fig Newton cookies are now made in Mexico. So when someone says to you, let's have some Mexican food, you can say: How about Fig Newtons. They left the United States. The people who made them are out of jobs.

The list goes on and on and on. The question is, Where will it end and when will it end? Should American workers be asked to compete with a 14-year-old working in a sugar field for subsistence wages? Should American workers in a textile plant be asked to compete with a 9-year-old kid who has gun powder burns on his or her fingertips to spare them the pain of the stabbing of needles when they make the carpets? Should an American worker be asked to compete with someone who makes 33 cents an hour working in a plant in China making bicycles or Radio Flyer little red wagons?

Let me describe the plight of a young woman in China and describe the circumstances under which we are asked to compete these days by those who want to find the lowest wages available on the face of the Earth and fatten profits, even while they diminish the standard of living. This is a story from the Washington Post. It is entitled "Worked Till They Drop. Few Protections for China's New Laborers."

This picture is of a girl named Li Chunmei.

It reads:

On the night she died, Li Chunmei must have been exhausted.

Co-workers said she had been on her feet for nearly 16 hours, running back and forth in the Bainan Toy Factory, carrying toy parts from machine to machine. This was the busy season before Christmas when orders peaked from Japan and the United States for the factory's stuffed animals.

Long hours were mandatory, and at least two months had passed since Li and the other workers had enjoyed even a Sunday off.

Lying on her bed that night, staring at the bunk above her, the slight 19-year-old complained she felt washed out. The factory food was so bad, she said, she felt as if she had not eaten at all. "I want to quit," one of her roommates . . . remembered her saying. "I want to go home."

Her roommates had already fallen asleep when Li started coughing up blood. They found her in the bathroom a few hours later, curled up on the floor, moaning softly in the dark, bleeding from her nose and mouth. Someone called an ambulance, but she died before it arrived.

The exact cause of her death remains unknown. But what happened to her last November in this industrial town in southeastern Guangdong Province is described by family, friends, and co-workers as an example of what China's more daring newspapers call . . . "over-work death."

The story of her death highlights labor conditions that are the norm for a new generation of workers in China, tens of millions of migrants who flock from the nation's impoverished countryside to its prospering coast.

The question for this country is, Do we want to ask the American consumer

to compete against companies that work a young girl to death, that put a young boy in a cane field with scars on his legs and arms, or put a young child in a factory making carpets? Is that what we want to ask our economy to do? Clearly that is importing low wages to this country. It is not just exporting American jobs, it is importing low wages.

I want to turn for a moment to a Nobel prize-winning economist named Paul Samuelson. I studied Samuelson in college.

Samuelson wrote the textbook on economics. If you went to college in the last 30, 40 years, you studied Samuelson. Professor Paul Samuelson is now 89 years old.

I have such respect for this man, Paul Samuelson. He has, just this month, started weighing in, at age 89, on the issue of outsourcing.

He has always been a free trader, a believer in Ricardo and the doctrine of comparative advantage, and Adam Smith. You know, the common sense notion that if you can produce the textiles in England—the sheep and the wool and the textiles—and you can raise the grapes in Portugal to produce the wine, it makes good sense for England to trade the textiles for the wine, and the English can drink and the Portuguese can wear wool. That is the trade we have all learned in textbooks—classic economics, the doctrine of comparative advantage.

The New York Times reports, however, that Paul Samuelson is rethinking the effects of outsourcing.

At 89, Paul Samuelson, the Nobel Prize-winning economist and professor emeritus at MIT, still seems to have plenty of intellectual edge and the ability to antagonize and amuse. His dissent from mainstream economic consensus about outsourcing and globalization will appear later this month in a distinguished journal, cloaked in clever phrases and theoretical equations, but clearly aimed at the orthodoxy in his profession.

I will give you a couple quotes:

Being able to purchase groceries 20 percent cheaper at Wal-Mart does not necessarily make up for the wage losses.

If you don't believe that outsourcing changes the average wages in America, then you believe in the tooth fairy.

That is Paul Samuelson, speaking today.

The fact is, when we talk about the issue of trade and fair trade, for some reason, we have just lost common sense.

Let me describe our trade with Korea in the area of automobiles. In 2003, we imported from Korea 692,000 cars. Guess how many American cars we sold in Korea? We sold 3,800. I will say that again. Ships brought Korean cars here, nearly 700,000 of them, and we were able to sell not quite 4,000 cars in Korea. Why is that? Is it because we produce a dramatically inferior car? No. The Koreans want access to our marketplace. They want to sell to the American consumer, but they don't want American vehicles in Korea. They just don't.

We sit around thumbing our suspenders and smoking cigars and pontificating about free trade, never willing to say to the Koreans: If you want to trade with us, I will tell you what, then be fair. If our market is open to you, your market must be open to us. If not, sell your cars in Zambia. Go try to sell them there. You don't sell them in the American marketplace unless your market is open to our product.

How about China? It is interesting. We did a bilateral trade agreement with China. I would love to find the negotiator who made that deal for us.

Here is what our negotiator agreed to. After a phase-in, the Chinese will impose a 25-percent tariff on American cars that would be sold in China. And we will only have a 2.5-percent tariff on Chinese cars they want to sell in the United States. The Chinese can have a tariff 10 times the size of ours on reciprocal automobile trade.

I think that is stark raving nuts. Who on Earth could have negotiated such an incompetent deal? Do we not have people who will stand up for the interests of this country for a change?

Here is what I suggest for that trade negotiator. That trade negotiator should have worn this shirt during the negotiations.

You know we just finished the Olympics. We asked the Olympic athletes to wear a uniform so we could look down and see where they are from, and it always says USA. God bless them. I would love our trade negotiator, just once, to wear a uniform that says USA.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DORGAN. Madam President, I ask unanimous consent for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I would love, just once, to ask our trade negotiators to wear a uniform so at least they know on whose behalf they are negotiating.

I am so tired of what is happening in international trade negotiations. Will Rogers said, 70 years ago, that the United States of America has never lost a war and never won a conference. He must surely have been thinking about our trade negotiators. It doesn't matter what it is—the United States-Canada FTA, CAFTA, NAFTA, WTO—all our negotiators have to do is show up and lose. They do it routinely.

This isn't a partisan issue, international trade. I think both Republicans and Democrats have let this country down. We need a new trade strategy.

Globalization is here, that is true. We are not going to turn back globalization, but we at least, by God, ought to have rules that are fair to this country and to the workers of this country and to the businesses of this country that do business here and stay here.

I have one final point. This Senate did not even have the strength and the backbone to at least shut down the per-

verse tax incentives that reward companies that export U.S. jobs. If we cannot take the first baby step in the right direction, it is a pretty hopeless situation.

We will have an opportunity to address these issues next year. I hope Republicans and Democrats today will decide in unison that exporting these jobs hurts this country, and there are policies and approaches we can do to change the fortune of this country's economic future.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, I ask unanimous consent that I be allowed to speak in morning business for so much time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

### IRAQ

Mr. CORNYN. Madam President, I want to talk a little bit about the war in Iraq and what I consider to be a larger problem confronting this Nation, indeed, confronting the American people, particularly during an election year. It is really a challenge we all have, and that is how, in a country that is founded on the legitimacy of our laws, being founded on consent of the governed, how do the people know what is happening, not just in their Government but in the world? How do they get good information?

I will give an example. Two nights ago, I received a call from one of my constituents in Lubbock, TX, who said he had heard we were going to reinstate the draft because of concerns about Iraq and Afghanistan and American forces being spread too thin. Of course, I told him we have more than 2.5 million men and women in uniform, including our Active Duty, our Reserves, and our National Guard. I said the phrase I have come to use often, and that is that we are out of balance, but we are not out of troops.

Secretary Rumsfeld yesterday spoke before the Armed Services Committee—the distinguished Presiding Officer, of course, is a member of that committee and heard those remarks as well—that we are in the process of restructuring our military forces so we can access more of those forces, so we can put those troops where they need to be. That is a process that is part of the global posture review and certainly the Base Realignment and Closure Commission process that goes forward next year, all of which falls under the heading of transformation.

Getting back to the question my constituent asked—which is, I am worried because I hear that we may reinstate the draft—I asked Secretary Rumsfeld that very question. Indeed, I alluded to a statement that had been made the day before by the Democratic Presidential nominee where it was said that it was possible that the President would reinstate the draft to handle the

war in Iraq if President Bush was re-elected. This statement followed on a charge last week that the President was planning a surprise postelection callup of additional Guard and Reserve troops.

I asked the Secretary of Defense, Secretary Rumsfeld, for the record: Are there any plans for a postelection callup of additional Guard and Reserve troops, and is there any truth to this rumor that the President plans to reinstate the draft?

He gave a very spirited response, but the bottom line is he said: That is nonsense. It is not true. It is false.

I guess if he could find other ways to try to get that message through, he would do that. I cannot remember if it was Mark Twain who said rumor makes it halfway around the world while the truth is still putting on its shoes, or something to that effect. It is in that vein that I come to the floor of the Senate to talk about Iraq.

Let me start by sharing the results of a recent nationwide poll of the Iraqi people conducted by the Independent Institute for Administrative and Civil Society Studies. I refer to this poll because, of course, like the distinguished Presiding Officer, I am sure she has experienced troops who have been in Iraq and come back to the United States, who read the newspaper accounts, watch TV news, and do not recognize what they are seeing and reading because, indeed, the troops in Iraq, in addition to being everyday heroes, are well disciplined, morale is high, and they know they are doing an important job and they are getting the job done. But they come back to the States, read a newspaper and watch the news, and they are met with gloom and doom and pessimism about our prospects.

I worry—and I expressed this concern yesterday—that particularly in an election season, those of us who are in elected office need to be very careful and very responsible about our statements, even when we are in the heat of political combat, because we do not want to do anything that would have the consequence of demoralizing our troops or breaking the resolve of the American people as we fight this global war on terror.

But this poll of the Iraqi people I believe is important because it consisted of more than 2,300 household interviews and was distributed across Iraq's 18 provinces. Here are just a few of the interesting statistics this survey reveals:

A full 75 percent of the Iraqis expressed hopefulness about the future of the nation, and more than 70 percent say they would not leave their country even if they were given an opportunity to live elsewhere.

While earlier polls show the Iraqis were concerned with security, and that is obvious to all of us that they would be and should be, as we are, the Iraqi police and army are gaining the confidence of the Iraqi people to deal with their transition from a terrible, blood-thirsty dictator under Saddam Hussein

to now this interim government leading up to full democratic elections in late January. More than two-thirds of the respondents expressed trust for the Iraqi men and women trying to bring about peace and stability and security—that is, the growing Iraqi Army and security forces—and, in fact, as the distinguished Presiding Officer knows, the single largest component of the coalition efforts in Iraq now are Iraqis. More than 238,000 Iraqis serve as part of that country's security force as we speak. As we have heard from Secretary Rumsfeld and others, that will continue to grow.

General David Petraeus is assigned the job of making sure they are trained. As we train more recruits to become good security forces in Iraq, it will decrease the pressure on America to provide those security forces and others of our coalition partners. That is good news to me and I am sure good news to people all across this country.

This same survey revealed that the interim government of Iraq is trusted by 65 percent of its citizens.

I wish all of us in elected office could claim those sorts of approval ratings in the United States, but I will not go there. The Iraqi courts and judges, the most important component of restoring respect for the rule of law in Iraq, are trusted by more than 64 percent of Iraqis responding to this survey of 2,300 households. More than 77 percent of those polled believe that holding regular, fair elections is the most important political right for the Iraqi people.

I will talk more to that in a moment, because I am afraid there are some who do not believe that the people of the Middle East are capable of democracy and doubt their aspirations for liberty. But 77 percent of those polled believe that holding regular, fair elections is the most important political right for the Iraqi people.

Finally, 58 percent of those polled believe that democracy in Iraq is likely to succeed. That is a far cry from the doom and gloom preached by some of the naysayers in this election season and, indeed, some of what we see on our televisions and read in our newspapers.

Yesterday, in a joint session of Congress, I had the honor to hear interim Prime Minister Allawi speak. He started out his remarks, after a few moments, with these words: Thank you, America. Thank you, America, for delivering the Iraqi people from a terrible dictator and tyrant in Saddam Hussein.

He went on to express his appreciation not only for the sacrifices of the men and women in uniform but to all of the people of this great country who hold the ideal of liberty, freedom, and opportunity as not just an American aspiration but something that everyone, every human being, aspires to.

I will quote from his remarks because they go to the heart of the pessimism that is expressed in some quarters about the Middle East and what is happening in Iraq. He said:

Ladies and gentlemen, good will aside, I know that many observers around the world honestly wonder if we in Iraq really can restore our economy, be good neighbors, guarantee the democratic rule of law and overcome the enemies who seek to tear us down. I understand why, faced with the daily headlines, there are these doubts. I know, too, that there will be many more setbacks and obstacles to overcome.

But these doubters risk underestimating our country and they risk fueling the hopes of the terrorists.

I will read that again because it is so important. Prime Minister Allawi said:

But these doubters risk underestimating our country and they risk fueling the hopes of the terrorists.

He goes on to say:

Despite our problems, despite our recent history, no one should doubt that Iraq is a country of tremendous human resources and national resources.

Iraq is still a nation with an inspiring culture and tradition and an educated and civilized people. And Iraq is still a land made strong by a faith which teaches us tolerance, love, respect and duty.

Above all, they risk underestimating the courage, determination of the Iraqi people to embrace democracy, peace and freedom, for the dreams of our families are the same as the dreams of the families here in America and around the world. There are those who want to divide our world. I appeal to you, who have done so much already to help us, to ensure they don't succeed.

Do not allow them to say to Iraqis, to Arabs, to Muslims, that we have only two models of governments, brutal dictatorship and religious extremism. This is wrong.

Like Americans, we Iraqis want to enjoy the fruits of liberty. Half of the world's 1.5 billion Muslims already enjoy democratically elected governments.

As Prime Minister Blair said to you last year when he stood here, anywhere, any time ordinary people are given the chance to choose, the choice is the same: freedom over tyranny, democracy not dictatorship, and the rule of law not the rule of the secret police.

Do not allow them to convince others that the values of freedom, of tolerance and democracy are for you in the West but not for us.

For the first time in our history, the Iraqi people can look forward to controlling our own destiny. This would not have been possible without the help and sacrifices of this country and its coalition partners. I thank you again from the bottom of my heart.

Finally, the Prime Minister said:

And let me tell you that as we meet our greatest challenge by building a democratic future, we the people of the new Iraq will remember those who have stood by us. As generous as you have been, we will stand with you, too. As stalwart as you have been, we will stand with you, too. Neither tyranny nor terrorism has a place in our region or our world. And that is why we Iraqis will stand by you, America, in a war larger than either of our nations, the global battle to live in freedom.

I believe that lengthy quote is worth hearing again because I also want to talk a minute about the nature of the threat we confront and that Prime Minister Allawi spoke of, not just a war confined to Iraq but indeed a global war on terrorism.

It was 3 years ago this month that we were forced to realize as a nation that

the terrorist foe we had been fighting on the margin for years sought a more deadly goal than we ever suspected. The terrorist threat we battle today does not just seek victory over America; it seeks an extermination of our unity, our culture, our liberty, everything that makes America the envy of the free world today.

I think of recent expressions I have read. The 9/11 Commission did a very good job of expressing the nature of the threat Prime Minister Allawi spoke of and that we confront today. Under its recommendations, the 9/11 Commission said:

The enemy is not just "terrorism." It is the threat posed specifically by Islamist terrorism, by Bin Ladin and others who draw on a long tradition of extreme intolerance within a minority strain of Islam that does not distinguish politics from religion, and distorts both.

The enemy is not Islam, the great world faith, but a perversion of Islam. The enemy goes beyond al Qaeda to include the radical ideological movement, inspired in part by al Qaeda, that has spawned other terrorist groups and violence. Thus our strategy must match our means to two ends: dismantling the al Qaeda network and, in the long term, prevailing over the ideology that contributes to Islamic terrorism.

Skipping down a paragraph, they conclude from this reading:

What should Americans expect from their government? The goal seems unlimited: Defeat terrorism anywhere in the world.

We have seen—and it is not a matter of taking my word for it or even the 9/11 Commission's word for it or Prime Minister Allawi's word for it—that the war we are fighting is not confined to Iraq. It is not confined to Afghanistan. In fact, I think those who suggest otherwise are ignoring the lessons of history, as well as the sage words of the 9/11 Commission, the Prime Minister, and others.

We have seen the evil works of this terrorist wave, and not just on 9/11. We saw the attack on the *USS Cole* in 2000, an attack that killed 17 American sailors and wounded 39. We saw the bombing in Bali in Indonesia 2 years ago. We see, it seems like with horrible regularity, Palestinian suicide attacks in Israel, and the United Nations compound car bomb attack in Iraq.

This year alone we have seen massacres in Madrid, the Twin Tupolev bombings in Russia, and the suicide car bomb attacks in Afghanistan and Iraq. Most recently, we have seen the butchery by terrorists who murdered children in the schoolyards of Beslan.

No, the war on terror is not limited to Iraq. It is not limited to Afghanistan. They are but fronts in the global war we are waging today. In fact, it was the combatant commander, the Central Command General John Abizaid, who only a couple of months ago admonished all of us in the Senate not to look at the war as though looking through a soda straw, not to look at what is happening in Afghanistan and at what is happening in Iraq and say this is all there is, this is reality.



Indeed, some have even suggested that the war in Iraq is a diversion from the real war on terror. But, of course, that is flying in the face of the facts: the long litany of terrorist attacks in many different parts of the world, the presence of Al Qaeda forces and allies in Iraq, and, of course, what Prime Minister Allawi has said as well.

Indeed, during this political season when international affairs and the war on terror is a prime topic in political debates and discussions, there appears to be an attempt to decouple Iraq from the global war on terrorism, to suggest that it is a distraction. But I hope I have convinced those within the sound of my voice that cannot be true; that is not true. Indeed, I believe that argument is a disservice to the American people and our forces in the field, whose resolve must remain strong as we continue to fight this great scourge on humanity.

Under President Bush's leadership, despite the naysayers who claim this task could not be done, we have confronted this evil for what it is. We have employed the very best weapon America has to offer: the power of our ideals and the power of liberty. Even as we battle them around the world, the terrorists have flocked to specific points to battle us. As coalition forces liberated Iraq and Afghanistan, they have been attracted to Iraq and Afghanistan like moths to the flame. Why? Because they realize that their dark ideology of hate will not—cannot—survive the spreading light of freedom.

The spread of democracy, the new foundation of the rule of law, and the creation of fledgling representative governments that honor and respect human rights—together these actions spell out the increasing marginalization of the terrorists, as they have fewer and fewer places to run and hide. Ultimately, they herald the end of terrorism as we know it.

Of course, none of us asked for this task. We cannot erase 9/11, as much as our hearts desire it. We cannot change the past. But we must acknowledge that this responsibility has fallen to us—in this time, in this generation—and we must and we will win by fighting this enemy where they plot and plan, so we do not have to fight them on American soil.

I want to reiterate: We must always remain conscious in this body as elected officials, as representatives of our States and of this great Nation—we must always be conscious of the fact that the words we say, particularly during an election season, can have a broad and negative effect on the morale of our soldiers in the field. We must continue to give our forces all the support they need and stay focused on our goal. And while our enemies began this fight on their terms, we will finish it on ours.

We will widen the span of the democratic peace into places where the enemy trains and recruits. We will liberate the people held under the yoke of

darkness and despotism for generations. And around the world we will hear the rumble of millions of people waking to discover that yes, at long last, they are free.

Madam President, the terrorists have heard a great noise in Iraq—and it is the sound of their doom.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

#### SECRET HOLDS

Mr. WYDEN. Madam President, I think if you walked down the streets of the small towns in North Carolina or Oregon and asked people what the "secret hold" is in the Senate, my guess is you would not find one out of a thousand people who would have any idea what this extraordinarily important rule is here in the Senate. As the President knows, it is possible for any Member of this body to put a hold on a bill or nomination, and do it in secret. It is one of the most extraordinary powers a Member of the Senate has.

Senator GRASSLEY and I have led, over more than 5 years, a bipartisan effort to try to change it, to have some sunlight over the secret hold. We have been fortunate to have the support of Senator LOTT and Senator DODD. Senator BYRD has been exceptionally helpful on it. I am very hopeful that we will finally get this changed when the Senate resumes in January, after the election.

Senator FRIST has been very kind meeting with us. He, of course, became the leader and had a lot on his plate besides the question of reform of Senate rules. But we saw again last week why this is so important. Right in front of the desks here in the front of our Chamber, we saw Senators scurrying around, trying to figure out who had a hold on their bill; who, in effect, was using in these last few days of our proceeding with our work before the election, who was holding up legislation they had worked on for months, and in a couple of cases, for years.

I think this is fundamentally wrong. The rules of this body and the precedents established, as Senator BYRD has taught us so well, make so much sense. But this is a flagrant example of abuse of the rules, to have in the last few days of a Senate session Senators scurrying about here in the front of the Chamber, trying to figure out who is objecting to something they have worked on.

I think we all ought to be held accountable. If you object to a nomination or a piece of legislation, fine. But with that right should come accountability. I am very hopeful we can get those rules changed. And in the spirit of changing those rules, Senator GRASSLEY and I have said we are in effect going to jump-start the process by making it clear that if we have an objection to the consideration of a nomination or a bill, we are going to come to the floor and announce it.

For that reason, I want to take a few minutes and outline why I publicly have placed a hold on the nomination of Deborah Majoras to chair the Federal Trade Commission. She now serves in a recess capacity. Of course, the FTC is the agency that is in a very strong position to protect the American consumer from price gouging at the gas pumps. But instead of doing its job, the Federal Trade Commission, in my view, has chosen to waste the taxpayers' money by very recently issuing a self-serving report that they use to justify their lack of enforcement action to block oil companies from merging.

In making these comments, I want to make it clear that there are a host of reasons why gasoline prices are going up. Worldwide demand is certainly a big factor. We see that higher demand is contributing to higher prices, particularly in the case of China. Certainly the mischief of OPEC is a very significant factor. Certainly the inability to put in place the kind of conservation practices our country needs in the transportation sector. There are a host of reasons why gasoline prices have soared. But the U.S. General Accounting Office (GAO), our independent body that audits these kinds of issues, said in an important recent study that the oil industry mergers the Federal Trade Commission keeps approving are a significant factor in why gasoline prices are so high.

In fact, the GAO found that the oil industry mergers that went through in the 1990s increased concentration in the oil industry significantly and increased gasoline prices for consumers by as much as 7 cents per gallon on the west coast of the United States.

Let us acknowledge there are a variety of reasons that gasoline prices have soared. But the GAO has found in an independent review that the policies of the Federal Trade Commission with respect to mergers have hammered the consumer, especially on the west coast of the United States, and in effect caused a shift of dollars out of the pockets of the consumer and into the pockets of those oil companies that benefit from these mergers.

In effect, the Federal Trade Commission again and again has tried to offer excuses for their inaction on this oil company merger issue. In their recent report, the Federal Trade Commission tries to excuse their inaction by claiming that gasoline prices at the pump are determined by world oil prices.

Again, no one disputes that can be a factor. But the record shows there is a lot more to this than the Federal Trade Commission's simplistic analysis.

Yesterday, for example, the price of a barrel of oil soared to \$49 per barrel, just short of the all-time highest price on record. Yesterday's price is 15 percent higher than the price of oil was just before the Memorial Day weekend.

In effect, there is a 25-percent difference in recent gasoline prices that cannot be explained by the Federal

Trade Commission's simplistic analysis. Clearly, there is a lot more going on in U.S. gasoline markets than can be accounted for by world oil prices alone.

In the hearings we held in the Commerce Committee, I have repeatedly cited the need on a bipartisan basis to make the case for why we need the Federal Trade Commission to do a better job of watchdogging these oil company mergers and protecting the consumer against anticompetitive practices.

I have asked repeatedly about this new study from the GAO. I have asked about the fact that the FTC issued a report which I think vastly oversimplifies the reasons why gasoline prices are so high and is an excuse to look the other way on this issue of oil company mergers. But the GAO is not alone in documenting how the Federal Trade Commission regulators have been missing in action when it comes to protecting the American consumer at the gas pump.

Since 2001, according to Bloomberg News, oil industry mergers totaling \$19.5 billion have been unchallenged by the Federal Trade Commission. Bloomberg reports also that these unchecked mergers have played a role in contributing to the highest gasoline prices in the past few decades.

According to our review and the Federal Trade Commission's own records, the agency imposed no conditions on 28 of 33 oil mergers since 2001.

You can see the result of the Federal Trade Commission's inaction on this issue at gas stations in Oregon and across the country.

Nationwide, the GAO found that between 1994 and 2002, gasoline market concentration increased in all but four States. As a result of Federal Trade Commission merger policies, 46 State gasoline markets now face significant concentration which is almost double what we faced in 1994.

The Federal Trade Commission, oil industry officials, and consumer groups in effect now agree that in concentrated gasoline markets—and there are 46 gasoline markets, and I represent one of those markets—the oil companies do not need to go out and directly collude in order to raise prices. They don't need to go off to a steakhouse somewhere and sit down and in effect set the prices. The Federal Trade Commission's own general counsel said recently:

It may be possible in selected markets for individual firms to unilaterally increase their prices.

So what you have is the Federal Trade Commission's general counsel in effect admitting that the oil companies in these concentrated markets have so much clout that in specific instances, they can price gouge with impunity.

Despite all of the evidence that gasoline markets around the country have become concentrated, and in these concentrated markets, individual firms can raise prices and extract monopoly

profits, the Federal Trade Commission sits on its hands.

The General Accounting Office, in a May 2004 report, identified two major changes that even occurred in the gasoline market as a result of the wave of oil industry mergers and increased concentration during the 1990s.

First, the availability of generic gasoline, which is generally lower priced than branded gasoline, had decreased substantially. Second, refiners now preferred to deal with large distributors and retailers which has motivated further consolidation in distributor and retail markets. The net results of these changes are likely to be higher prices and fewer choices for consumers when they purchase gasoline, especially in the concentrated markets. We have seen almost a doubling of the markets that are concentrated in recent years.

Despite the troubling findings of the General Accounting Office's report, Deborah Majoras has given no indication that she would in any way change the Federal Trade Commission's review of oil mergers. My sense is that Ms. Majoras hopes the General Accounting Office report disappears, that somehow Members of the Senate, who are busy and have lots of assignments, are going to go on to other things and are going to forget about this report which documents that the policies of the Federal Trade Commission are hammering the people I represent in Oregon and up and down the west coast.

As far as I could tell, when she is not trying to ignore the General Accounting Office report, she has taken steps to discredit the work of the General Accounting Office as she did in a letter to me.

An additional reason for my concern is that at virtually every opportunity, Deborah Majoras passes on the opportunity to even use her office as a bully pulpit to say that she is concerned about this issue. When she came for her confirmation hearings, she didn't even mention high gasoline prices among the issues she thought warranted consideration in her opening statement.

She didn't provide one significant new action she would take to address this urgent consumer issue. On August 16, Ms. Majoras received a recess appointment, and in the weeks since her recess appointment, there is no evidence that anything is going to change. As far as I can tell, the evidence indicates the campaign of inaction on competitive prices in the gasoline markets will continue. For example, Deborah Majoras announced that her priority as Federal Trade Commissioner is going to be involved in the national campaign on obesity. Well, I don't take a back seat to anybody in terms of fighting this problem. In fact, Senator FRIST and I have introduced legislation directed at the growing problem of childhood obesity. I hope Deborah Majoras will testify at the hearing to be held the first week in October on the Frist-Wyden legislation to tackle this serious problem of obesity.

But I come to the floor to say one reason I will continue the public hold I

have on the Majoras appointment is that as she works on the important issue of obesity, she also needs to turn her attention to those oil companies feeding off American consumers' hard-earned money. As far as we know today, on her watch it is going to be business as usual in the gasoline market, with more oil company mergers, more concentration of oil and gas industries and higher gasoline prices for consumers at the pump. In my view, it is hard to find a more important consumer protection issue that the Federal Trade Commission has a responsibility for than overseeing competitive prices in our gasoline markets. High gasoline prices act like a tax on the consumers that reduces their purchasing power.

On average, gasoline prices are 20 cents a gallon higher than they were at this time last year. These higher prices mean a typical family is spending \$600 more this year to fill the gas tanks in their car than they were a year ago.

Despite the urging that I and other colleagues have done, it has been hard to see the administration take any action to give the consumer a break from these record-high gasoline prices they have been paying throughout the year. I think it is interesting that there was a new development with respect to the Strategic Petroleum Reserve in the last 24 hours. In the last 24 hours, the administration announced it is negotiating to provide loans of oil from the Strategic Petroleum Reserve at the request of oil refiners to help keep their refineries supplied because of shortages of crude oil supplies in the Gulf of Mexico following the recent hurricanes.

I want to be clear. If there are significant supply shortages that can be relieved by the release of Strategic Petroleum Reserve oil, then I am all for making that oil available. That is what the Strategic Reserve was created to address. But I think it needs to be pointed out that this administration has a double standard with respect to using the Strategic Petroleum Reserve. They are willing to use the Strategic Petroleum Reserve to help big companies when they are in a jam, but they are not willing to use the Strategic Petroleum Reserve to help the little guy when the little guy is getting clobbered.

So I very much hope we will see a change in the administration's policies with respect to the Strategic Petroleum Reserve. Let's use it when we need to help companies, which seems to be the case with respect to the situation in the Gulf following the recent hurricanes. But let us not have a double standard that says we will use the Strategic Petroleum Reserve to help the big and powerful and sit on our hands when the little guy is getting hammered.

Let me close simply with one last point with respect to the role of the Federal Trade Commission. I intend to keep the public hold on the Majoras appointment for as long as it takes, until



that time when we see changes at the agency that will promote competition in our gasoline markets. Ms. Majoras has given no indication at her confirmation hearing or since then that she is going to change the Federal Trade Commission's oil companies' merger policies, which the GAO found in an independent review have increased gasoline prices for consumers.

Ms. Majoras didn't even believe high gasoline prices were enough of a problem for consumers to mention them in her opening statement at the confirmation hearings. When I and others pressed her at the hearing to say what she would do to protect consumers from higher gasoline prices, we were not given one example of how to address this urgent issue. She subsequently offered the committee a blueprint for inaction. Out of seven so-called commitments she wanted to make, three are a continuation of the status quo, and three essentially are public relations activities. Only one would involve something new—an investigation of a refinery closure using a subpoena, which is sort of like sending a search party after a horse that was turned loose years ago.

Since her recess appointment more than 4 weeks ago, Ms. Majoras has made it clear that protecting consumers from getting gouged at the gas pump is simply not a priority.

For these reasons, I have placed a public hold on the Majoras nomination. I intend to continue to object to any unanimous consent request for the Senate to consider this nomination, until we see that there are going to be some changes at the Federal Trade Commission to protect gasoline consumers, particularly the ones I represent on the west coast of the United States, who are now getting mugged at the gas pump.

I yield the floor.

#### THE ADMINISTRATION POLICY IN IRAQ

Mr. HATCH. Madam President, it has been another interesting week in the public debate on Iraq. Yesterday, a joint session of Congress was convened to hear the address of the Interim Prime Minister of Iraq, Iyad Allawi.

I have heard many foreign leaders address joint sessions, and I have found many of those addresses compelling, powerful, historic. Last year we heard the Prime Minister of Great Britain, Tony Blair, give a riveting speech, where a leader of a famous center-left democratic party forcefully supported our President and his administration on a question that has always been best served when the parties join together: the question of war and security.

We all remember the speech Prime Minister Blair gave, and the rationale he reiterated for joining his nation's forces to the cause of the coalition's liberation of Iraq. Prime Minister Blair and I come from two different political traditions, and we represent two dif-

ferent political philosophies, but I respect him and I admire him. His speech was one of the best speeches I have heard given in a joint session.

But yesterday's speech by Interim Prime Minister Allawi was truly one of the most historic speeches by a foreign leader before this Congress.

Prime Minister Allawi was direct in his gratitude for the U.S. contribution and sacrifice to liberate his country from tyranny. He was compelling in his declaration that the Iraqi people are determined to move forward in assuming their security and in conducting free and fair elections. And he committed his Government's partnership to fighting terrorism in that region and throughout the world. The House Chamber was fully packed by my colleagues from both parties. The Prime Minister received much applause and, to the best that I could see, that applause came from all of us. I am happy to recognize this because Prime Minister Allawi is not the Republican's ally in Iraq, he is America's ally in Iraq.

As we know from his biographies in the press, the Prime Minister has worked with American administrations before this one, including a Democratic administration. He is not beholden to Democrats or Republicans. He is beholden to the cause of an Iraq that is free from terror and tyranny. And he has the scars to prove that.

This is why I was so appalled to hear some of the criticisms of Prime Minister Allawi that emanated from the other side yesterday. None was so appalling as this statement, quoted in today's Los Angeles Times, by Joe Lockhart, a senior adviser to the Kerry campaign:

The last thing you want to be seen as is a puppet of the United States.

Now, what a thought to put out. What a condemnation of a man who risks his life every day for freedom in Iraq and freedom throughout the whole Middle East and freedom throughout the world.

"The last thing you want to be seen as is a puppet of the United States," said Mr. Lockhart who, last I checked, was not known for his foreign policy expertise. He continued:

You can almost see the hand underneath the shirt today moving the lips.

Now, Madam President, this quote will be read in Iraq today. The reason it can be read in Iraq today is because today Iraq has freedom of the press.

The reason there is freedom of the press today is because a brutal totalitarian dictatorship was deposed by a U.S.-led coalition. The reason there is freedom of the press today is because the United States has sacrificed over 1,000 of our young men and women to free a country from a dictator who tortured his people, gassed his subjects, invaded his neighbors, associated with terrorists and al-Qaida, built and hid weapons of mass destruction, repeatedly violated international law requiring him to reveal the whereabouts of

those weapons of mass destruction, never allowed international inspectors to confirm the destruction of those weapons, and never—never—ceased his virulent and hostile rhetoric against the United States, and who caused the death of at least 300,000 of his own fellow countrymen who now or did lay in mass graves.

Madam President, you know what is underneath the shirt of Prime Minister Allawi? Scars from an ax attack by Saddam's henchmen. And do you know what is underneath those scars? A brave and patriotic Iraqi heart, beholden to no one but the cause of a free Iraq.

The Democratic spokesman's statement was a calumny, pure and simple. It was a cheap and pathetic shot from a man whose only combat experience is bullet points in 10-point font. It was a cheap jab to a man who barely survived an ax attack ordered by a tyrant we have deposed, and who has been four times—four times—targeted by the terrorists and gangsters who kill our troops and the Iraqi people and who would kill us if they could.

But let me be plain. The statement was worse than a calumny. It was a deliberate attempt to undermine our mission in Iraq. And I am sick and tired of some suggestions I have heard in the press recently that we cannot speak plainly about these matters.

Prime Minister Allawi is as legitimate a politician as anyone in Iraq today. He has fought for the cause since before Joe Lockhart chose the pencil as his weapon of choice. He can list more fallen, tortured, vanished comrades than Joe Lockhart can list maitre d's. He is the Iraqi Interim Prime Minister because he was chosen last June by the Iraqi Governing Council—Iraqis, if you will—to lead his own country. He is the man we are relying on to lead us to elections in January, which is a key aspect of our policy in Iraq.

We are not there but to liberate these people. And we have done so, so far. And I am getting sick and tired of some who have found fault with this in the most discouraging of ways. I think some of those comments undermine our young men and women over there. How would you like your sons or daughters over there to have to read this drivel that not only has been said by Mr. Lockhart but others who have continually maligned this war, continually maligned our cause, continually maligned our leaders, and, by implication, our efforts in this war?

When a Democratic spokesman publicly says Prime Minister Allawi is a puppet, which Prime Minister Allawi clearly is not, and he says so in a way that Iraqis under fire from terrorists and gangsters can read, there is no way we can conclude that this is not undermining the Interim Prime Minister.

When the Interim Prime Minister is undermined, our political ally in Iraq is undermined. And when our political ally in Iraq is undermined, the work of

our soldiers—whose mission is to create the security to support our political strategy—is undermined. Their work is undermined.

Recently, there has been some tut-tutting in some of the press and the antiwar movement that such declarations as I have just made are beyond proper discourse.

Let me be clear: A state of war should give no cause for inhibiting free speech in a democratic society, and I would tolerate no restriction of free speech here or anywhere in the country.

After all, Michael Moore is free to denounce every manifestation of American foreign policy; is he not? And we are upholding his right to do so, as ridiculous and inane and asinine as his comments are. His antiwar work includes Serbian propaganda clips in defense of genocide in "Bowling for Columbine" to nice pictures of playful Iraqis peacefully flying kites in the halcyon days of Saddam Hussein, which is in his latest virulently anti-Bush creed, and, of course, cheered on by some of our colleagues on the other side. The man is not an idiot, but he acts like an idiot, and he is undermining our young men and women over there.

But likewise, honest policy debates—and the comments on the role rhetoric plays—should also not be restricted.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. HATCH. I thought I had 15.

The PRESIDING OFFICER. We are in morning business with 10-minute grants.

Mr. HATCH. I think I can finish in the next 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. When a Democratic spokesman calls Prime Minister Allawi a puppet, that is not a suggestion as to what the Prime Minister could better do in his difficult job. That is a statement that undermines the Prime Minister, our ally in a war against terror and tyranny. And when you undermine our principal ally in a war against terror and tyranny, you are undermining our cause.

Madam President, I buried my brother-in-law at Arlington Cemetery last week. I spoke of him on the Senate floor yesterday. He was a tough sergeant in the Marines. He had that unique pride that I have come to so admire in the Marines. His modesty over his sacrifices for his country was surpassed only by his love of his country. He was a true hero. He fought in Korea and Vietnam, and he bore the wounds of Vietnam through his life. Agent orange exposure killed him. And to his dying day, he thought the cause he fought for in Vietnam was just.

Last May, the Democratic nominee in this fall's Presidential campaign was quoted as saying that President Bush "didn't learn the lessons of our generation in Vietnam." I find this remark staggeringly ironic.

Let me say this, Madam President. I honor the service of all who fought bravely and honorably in Vietnam—everyone, without exception.

But there are two different interpretations of our Vietnam policy. The antiwar movement's view on our Vietnam policy concluded that the use of American power was immoral and not to be trusted. Today, that world view is still very strong, overseas and here among the American left.

It has not changed much, except that, today, the left, which still distrusts the use of American power, believes that that power must be checked by the international community. That view holds that American power is illegitimate without the sanction of other powers, including the United Nations.

There is another view on Vietnam policy that my late brother-in-law held. And that view is that the sacrifices of those who fought nobly and bravely in Vietnam are to be forever honored. That view—my view—is that the American military won that war. When President Nixon signed the Paris Peace Treaty in early 1973, U.S. forces fighting with South Vietnam had secured South Vietnam. The war was lost when the north violated that peace treaty and a Democratic Congress failed to provide the arms and funds to help an ally defend itself from an invasion supported by the Soviets and the Chinese.

We made many policy mistakes in Vietnam, and the enslavement of the south to communism was a sad conclusion whose responsibility must never be borne by those who fought, but by those who failed to hold the course.

Do you know what one of the earliest policy mistakes we made was? It was when, under the Kennedy administration, the decision was made to stop supporting the Diem administration in South Vietnam. When that happened, the south lost a leading figure, a political leader. Diem was no democrat, but he was our political ally. We dealt ourselves a serious political blow when we failed to support Diem. He was assassinated, and our political goals were undermined.

I am not going to stand by and be silent when our ally, Prime Minister Allawi, is undermined by rhetoric from a top spokesman of the other party. Because some people need to understand that rhetoric has consequences.

Let debate rage, I say. Let the antiwar movement have its say, and let Michael Moore collect his fees on college campuses. But I believe that, in a time of war, we need to hold ourselves to higher standards of intellectual content, honesty and clarity.

Recently we have heard a lot about a CIA analysis from earlier this summer. Am I the only one to notice that the people who have been declaring that CIA analyses are unreliable are treating this latest analysis as holy writ? That the people who have taken the good work of Chairman ROBERTS and our committee—which did a stark and

honest review of the failings of pre-war intelligence—and concluded that the CIA cannot be trusted are now asking us to conclude, based on an analysis no one has read, that the President is lying?

A CIA analysis is just that: analysis. It is more than guesswork, but it is a lot less than prediction. Yes, the situation could go bad in Iraq—very bad.

But at no time in American history has an administration conducting a war concluded during a dark hour that success was no longer attainable. That is not leadership. To focus on the course to success is not lying. It is leadership. To focus on the darkness of the hour is not.

The situation in Iraq is difficult, but it will not go bad, because we will not accept failure as an outcome. Failure would endanger our security, and this administration will not allow that.

We are in a charged political season. The American public will choose who they believe will best ensure their security. I would ask all who opine to remember that, while we are in a political season, we are in a war. Let us criticize as best we can, but let us do just that: as best as we can. That standard, is far above the rhetoric of defeat, despair and, in the case of calling Prime Minister Allawi a puppet, self-defeating delusion.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak up to 15 minutes.

The ACTING PRESIDENT pro tempore (Mr. SMITH). Without objection, it is so ordered.

#### NORTH KOREA HUMAN RIGHTS ACT

Mr. BROWNBACK. Mr. President, I believe this body is about to consider and pass the North Korea Human Rights Act and our amendment in the nature of a substitute. It is cleared through the House of Representatives and is on our consent calendar. It is about to clear through here, I believe, and I am thankful to the Foreign Relations Committee, the staff of the committee, the chairman and ranking member, for their work getting this moved forward.

This is about the fundamental human rights of the people of North Korea. It is my hope that this will pass today—and if not today, at least Monday.

It is no secret that North Korea policy continues to be a matter of intense debate at the highest levels of our Government and governments around the world. Reasonable people with good intentions disagree vehemently on various aspects of what an appropriate North Korea policy should be.

This is why I am pleased that the Senate, along with the House of Representatives, will soon be able to come together in unity and speak clearly on one particular set of issues regarding North Korea, and that is the most fundamental rights, human rights, of the

people of North Korea, and to put that in a policy position.

The people of North Korea have endured some of the most horrendous assaults on the inherent dignity of human beings of any group of people in the world. Inside North Korea, the totalitarian dynasty of the Kim regime permits no dissent and maintains an inhumane system of prison camps that houses an estimated 200,000 political inmates.

I have held a hearing on this. We have had satellite photography. People who have left the country have testified about this system of gulags that exists and is in operation today in 2004.

The regime strictly prohibits freedoms of speech, press, religion, assembly, and movement. Torture and execution, often in public, are regular tools of state control. Since the collapse of the centralized agricultural system in the 1990s, more than 2 million North Koreans are estimated to have died of starvation and related diseases. That is nearly 10 percent of the total North Korean population—over 2 million people.

North Koreans outside of North Korea are also targets of abuse. Many thousands are hiding inside China, which currently refuses to allow the U.N. High Commissioner for Refugees to evaluate and identify genuine refugees among the North Korean migrant population. This is so even though China is a signatory and has obligations as a party to the U.N. Refugee Convention.

China forcibly returns North Koreans to North Korea where they routinely face imprisonment and torture and sometimes execution. The stories from North Korean refugees who are able to get out are absolutely horrific.

Inside China, North Korean women and girls are particularly vulnerable to trafficking and sexual exploitation. Recent reports also indicate that chemical and biological experiments are going on in the country's gulags inside North Korea.

Let me explain what the bill does. The bill promotes the human rights of North Koreans by funding private, non-profit human rights and democracy programs, increasing the availability of nonstate-controlled sources of information to North Koreans and U.S. broadcasting into North Korea, urging additional North Korea-specific actions by the U.N. High Commission on Refugees and by the U.N. Human Rights Commission.

The bill promotes responsible assistance to the North Korean people by increasing funding for humanitarian assistance to North Koreans outside North Korea. This would include refugees, orphans, widows, and trafficking victims.

The bill endorses U.S. support for providing humanitarian aid inside North Korea but conditioning increases over current levels upon significant improvements in transparency, access, and monitoring. To date, we have had

no transparency; very little monitoring has been able to take place of the humanitarian aid we have provided to North Korea. It conditions future direct aid to the North Korean Government on substantial progress on human rights and transparency benchmarks.

Let me elaborate a little bit on this final point. In an AP story this morning that ran in the *Kansas City Star*, appearing in many papers across the country, the headline reads: "North Korea Asking for More Foreign Aid." The article quotes an NGO official that the North Korean Government wants not only additional humanitarian aid but also technical assistance and developmental cooperation.

At the same time, we have stories and information from Secretary of State Colin Powell warning North Korea against conducting a new missile test.

It would be naive for us to think that North Korea was not making a connection between the two. That is, if aid is not forthcoming, they will test new missiles. If that is not blackmail, I don't know what is. This bill will make it clear that as a matter of U.S. policy, we will not give in to those threats.

At the same time, I doubt that anyone in this body would oppose providing aid if there were assurances that the distribution and use of such aid were conditioned on substantial improvement in human rights and transparency benchmarks, that NGOs would get complete access to vulnerable populations, that such aid would be clearly marked and targeted for children and people in need and not the North Korean military apparatus, and that the North Korean Government demonstrates that it is cooperating with NGOs.

The bill additionally protects refugees by clarifying U.S. policy toward North Korean refugees, and the eligibility of North Koreans for U.S. asylum and refugee processing; urging the U.N. High Commission for Refugees to use all available means to gain access and provide assistance to North Koreans in China; and seeking solutions to North Korea's lack of access to refugee protections.

As amended, the bill also asks the President to appoint a special envoy for human rights in North Korea, a person of high distinction. We have in mind someone such as former Senator John Danforth, now the U.N. Representative for the United States to the U.N., who was so instrumental in bringing together the north/south peace accords in Sudan.

In addition, the bill requires a number of reports that will keep the issue of human rights front and center so that even as we continue to seek a resolution to the nuclear issue, which we should, that this matter of human rights is not swept under the carpet and that the matter of human rights does not become a mere afterthought.

For too long, we have challenged rogue regimes on such fundamental

issues and values as freedom of thought, religion, assembly, and press to back down now. We are not going to. We are going to continue to challenge rogue regimes, such as North Korea, on how they treat their own people.

As experience has taught us, during the Cold War and the battle over ideas during that period, these are some of the most effective ways in which we can promote freedom: open and democratic institutions within these countries.

Recently, a leading member of South Korea's Congress said to me in my office that North Koreans fear the West's criticism of its human rights more than any criticism about its nuclear program. North Korea will throw up all kinds of bluster when it comes to their threat as a potential nuclear power, but if you engage them on human rights, they become silent because even they know they cannot hide from the shame of the crimes they have committed against their own people.

With this bill, the regime in Pyongyang will now have to answer for itself in multiparty talks or any other setting on such matters as the gulags, chemical experiments on human beings, the denial of food and deliberate policies of starvation as a political tool, and a thousand other ways they violated human rights by which this regime in Pyongyang maintains its tenuous hold on power.

I know some were concerned about the impact of the bill, but the bill does not tie the hands of the President and ongoing negotiations over North Korean nuclear activities. Rather, I believe this bill will strengthen our negotiating position.

As I said at the outset, I thank the chairman of the Foreign Relations Committee and the ranking member, Chairman LUGAR and Ranking Member BIDEN, and their staff for their assistance in getting this bill to the floor. Hopefully, as I said, it will clear on Monday.

I thank the International Relations Committee, Chairman LEACH of the Asia Pacific subcommittee and his staff, Jamie McCormick and Doug Anderson. Both Chairman HYDE and Congressman LANTOS were critical in securing a bipartisan consensus in getting this bill to the floor in the House.

I also recognize Peter Yeo of Mr. LANTOS' staff and Sean Woo of my staff for the tremendous work in getting this moving forward.

There is a humanitarian crisis in North Korea, a human rights crisis, and I believe on a humanitarian basis, we are seeing in places such as North Korea and the Sudan a use of a humanitarian tool to maintain power and, in the process, people are dying and being killed.

Countries such as North Korea and Sudan have created an axis of death on their own people. This should not be, and it should not be allowed to take place in this world today. We need to stand up for the human dignity of

every person, wherever they are located in the world.

The North Korea Human Rights Act highlights this problem and establishes a position for this country that hopefully will be a model position for many countries around the world in dealing with the human rights tragedy inside North Korea.

I thank the Members of this body for allowing this presentation. I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### HELP THE VICTIMS OF AGRICULTURAL NATURAL DISASTERS

Mr. DASCHLE. Mr. President, South Dakotans have always been generous when our fellow Americans, even those living thousands of miles away, are suffering.

After September 11, we saw equipment makers, firefighters, school children, scout troops, church organizations, and countless other South Dakotans donate whatever they could to the victims. One ranch couple, themselves struggling, even sold 100 calves and dedicated the proceeds to the victims.

As hurricanes ravaged, and continue to threaten, Florida, South Dakotans sent not only their prayers, but also generators and plywood. Yet, while all of these things have taken place, South Dakota has been experiencing its own disaster, the slow-motion disaster of drought.

For the last several years, South Dakotans have been impacted to varying degrees by drought. In fact, 2002 was the worst drought since the Dust Bowl year of 1936. That is why I have worked so hard to get natural disaster aid for our state in the 2002 farm bill. The provision was not in the House-passed farm bill, and it was opposed and eventually stopped by the administration.

That is why I felt that as the Senate considered disaster assistance for the people of Florida, it was time for us to look for ways to help the people of South Dakota and other areas of the Nation who have been the victims of agricultural disasters. Make no mistake about it, this aid would help farmers and ranchers in Florida who have lost a majority of their citrus crop, much of the nursery stock and hundreds of head of cattle. In fact, farmers in Mississippi, Alabama, Louisiana, and Georgia and all along the eastern seaboard were seriously damaged by the myriad hurricanes, and the devastation may not be over. But for farmers and ranchers in the upper Midwest, the drought has continued for years.

On August 17, I wrote to the President expressing my support for assist-

ance to hurricane victims and asking him to include other natural disaster victims, including drought-related disaster relief, in any emergency-funding request that he might send to Congress. While the Bush administration did not include this funding in its emergency hurricane funding requests, I still believed there was a way to secure this assistance.

When the first disaster assistance bill for Florida was on the floor of the Senate, I attempted to include agricultural disaster assistance in that legislation. While a procedural maneuver blocked that effort, we were able to secure a commitment from Senator FRIST to allow a vote on drought relief as part of the Homeland Security appropriations measure. On September 15, we got that vote, and the Senate passed a bipartisan provision for \$2.9 billion in emergency disaster relief to agricultural producers.

This is a tremendously important for farmers and ranchers throughout the Nation, including those in South Dakota. It is important for our nation's rural economy, and for all of the communities that have waited too long for this relief.

The package includes \$2.5 billion in assistance to crop producers through the crop disaster program, \$475 million to livestock producers through the livestock assistance program, and \$20 million for the tree assistance program. While some of us would have preferred assistance for both 2003 and 2004, the provision that passed would allow producers to choose compensation for either the 2003 or 2004 crop year.

The Senate's passage of this assistance is not the final step in this process, and the Senate and the House are currently meeting to resolve the differences they have with the Homeland Security bill.

I am deeply troubled by news reports that some in the House Republican leadership and the Bush administration are opposed to this most recent emergency aid provision. I would hope that the broad bipartisan support for this disaster provision in the Senate will convince the House and the President to provide the support farmers and ranchers across the country so badly need.

I wholeheartedly support providing States like Florida with the assistance they need to bounce back from a hurricane. By unanimously approving this agriculture-related disaster aid, the Senate also acknowledged something South Dakotans know far too well: victims of agricultural natural disasters are no less deserving of assistance than victims of hurricanes, floods, or tornadoes.

In South Dakota, we believe in helping our neighbors through tough times. But sometimes, we need some help, too.

I am hopeful that help will soon be on the way, and the administration will reverse its long-standing opposition to agricultural disaster aid for

farmers and ranchers throughout the Nation.

#### STATUS OF THE TRANSPORTATION BILL

Mr. DASCHLE. Mr. President, I want to say a few words about the state of the transportation bill. That bill expired a year ago, and we have been operating on short-term extensions ever since. The delay has denied us the opportunity to create over 100,000 jobs and has led to continuing uncertainty in the States as they try to make contract and construction decisions without knowing what funding will be available. Our states, our communities, and our infrastructure deserve better.

It is not as if there have been no efforts to pass a new and stronger transportation bill. The Senate-passed transportation bill was a model of bipartisanship. It met the needs of States like South Dakota, which have a sparse population, but have a large geography and many miles of roads. Likewise, it ensures that the more populated States were treated fairly.

In the Senate bill, we were able to reach an agreement that worked for everyone. Our bill not only treated States fairly, but it treated transit fairly. There has often been a struggle between highways and transit, and the Senate bill struck a good balance. More importantly, it was a bill that did right by America's families, making critical investments in our infrastructure, and creating nearly 2 million jobs in the process.

The one area where we were unable to reach agreement was on the rail provisions, and I am hopeful that we can work to remedy that as we move forward. Having a dependable and affordable rail system to transport goods, including agricultural commodities, is critical to our Nation.

It is clear to me that despite the broad bipartisan agreement we were able to reach in the Senate, the rejection of that agreement by the President and some of the House majority leadership means that we are being denied the opportunity to debate and pass a bipartisan transportation bill.

Senators BOND and REID have suggested that we give some certainty to the States by ensuring that they will have a steady funding stream for the next 6 months. Senator SHELBY and Senator SARBANES, our leaders on the Banking Committee and on transit issues, agree. I, too, think that this is, unfortunately, the best course of action given the situation in which we find ourselves. And so I am hopeful that the majority leader will take up the bill early next week.

The reason for not completing this bill is clearly over the question of resources. The administration has not been willing to consider any bill that is anything other than their proposed \$256 billion. In fact, the President threatened to veto both the House and Senate-passed bills because they contained

greater levels of investment. And yet, to invest significantly less than the Senate was willing to invest fails to meet the goals I just discussed: to treat all States and modes of transportation fairly.

That does not mean that the Senate level is the only level and that a long-term bill cannot be completed at a lower investment level. But I have not seen, nor do I believe that anyone has seen, a willingness to seriously discuss that possibility.

Thus, we find ourselves in the unfortunate position of once again being up against the end of another extension. Rather than keeping States in the dark about their future, it seems to me that the bipartisan approach of Senators BOND, REID, SHELBY and SARBANES makes sense. In fact, several transportation groups have also called for a longer-term extension. As I said, I hope and urge the majority leader to take up the Bond-Reid transportation extension early next week.

Transportation has, by and large, been a bipartisan endeavor. After all, our economy, our infrastructure, and our Nation's families need and deserve a good transportation bill, one that will create good jobs and provide the investments in our Nation's infrastructure that are so desperately needed. I am hopeful that we can do better, that we will renew our efforts and continue to work as hard as possible to find the bipartisan solution that has been so elusive. And I hope that we can reach that compromise sooner rather than later.

I yield the floor.

#### HOMELAND SECURITY NEEDS A GREEN LIGHT, NOT A BLUE SLIP

Mr. BYRD. Mr. President, last week, the Senate approved overwhelmingly the fiscal year 2005 Homeland Security Appropriations bill. This bill makes critical investments in our protections here at home. And in light of the constant threat warnings from law enforcement and homeland security officials, those investments cannot be made quickly enough. Yet it has been 10 days since the Senate passed the measure and the House has not even appointed conferees.

Why has any progress toward protecting the people hit a brick wall? The legislation is in jeopardy because of the judgment of the chairman of the House Ways and Means Committee. I do not intend to talk about the chairman in a negative light. But I must point out to Senators that the chairman's actions could jeopardize the entire Homeland Security Appropriations bill.

During Senate debate, Democrat and Republican Senators worked to invest additional dollars in homeland security. We must work to close the gaps in our protections here at home. Too many exist, and you can be sure that, if we know where those gaps are, so do the terrorists.

That is why it was welcomed on both sides of the aisle when the Senator from Montana, Mr. BAUCUS, suggested a way to include \$784 million in homeland security protections without violating arbitrary congressional spending limits. The Senator from Montana suggested that we help to protect Americans from terrorist attack by extending existing customs user fees that are set to expire in March 2005. It was a commonsense approach, one that I applaud Senator COCHRAN, the chairman of the Senate Appropriations Homeland Security panel, and the majority leader, Senator FRIST, for embracing. It was common sense because many of the agreement provided funding to key programs within the Department of Homeland Security, most of which are customs related, and did so without violating the budget caps or adding to the deficit.

The Senate adopted that funding, approved the bill, and asked the House for a conference. We were making progress. We were helping to save lives.

But then came the disappointment. The Senate was informed that the chairman of the Ways and Means Committee has recommended that the House of Representatives "blue-slip" this legislation, returning the measure to the Senate. But the funding will help to protect this country from attack, and we should not allow congressional turf battles to stop it.

Congressman MARTIN OLAV SABO, the ranking member of the House Appropriations Homeland Security Subcommittee, and I have written to the Speaker of the House and urge that the Speaker help to move this legislation forward. We ought to send it to conference, complete our work, and help to protect our country. Delay is unacceptable.

The additional funding provides needed investments to protect our borders, equip first responders, enhance air and rail security, and ensure that security measures are provided to harden potential terrorism targets.

Specifically, the additional funding will allow Customs and Border Protection to purchase additional radiation detectors to respond to the threat of a nuclear or radiological weapon being smuggled into this country. CBP is far behind on its plan for deploying 2,037 radiation portal monitors at our ports. The additional \$50 million provided by this amendment will allow CBP to deploy radiation portal monitors to screen 100 percent of inbound containerized cargo at 30 additional seaport terminals.

This investment will provide Immigration and Customs Enforcement with an additional \$50 million to address a manpower shortage within the Federal Air Marshal program and be more aggressive in placing air marshals on high-interest flights.

The funding being stymied in the House would increase resources to equip and train our nation's firemen by providing an additional \$50 million

through the fire grants program, which is one of the best run programs in the Federal Government.

The money would address the shortage of border employees by providing \$150 million for more border inspectors and agents, and immigration and customs criminal investigators. The Department of Homeland Security has not yet met the northern border staffing goals set in the U.S. PATRIOT Act. An additional \$50 million is also included for the detention and removal of illegal aliens.

This amendment strengthens the northern border by providing an additional \$200 million to speed up the development of five air wings along the northern border which will track, identify, and intercept aircraft that are unauthorized to enter U.S. airspace.

The funds advance efforts to protect the millions of Americans who use public transportation over 32 million times per work day. The additional \$128 million was approved by the Senate so that the Department can pursue investments to harden the security of transit systems by investing in additional law enforcement, canine teams, and training.

The legislation invests an additional \$56 million to the Emergency Management Performance Grants program to help emergency managers at the state and community level to prepare, respond, and recover from all hazards.

Finally, the bill ensures that \$50 million goes to high-risk non-profit organizations to develop security plans and make necessary improvements to prevent a terrorist attack.

The Department of Homeland Security is working day and night to stop potential terrorist attacks. But the Department cannot operate if it does not have any money. We cannot wait to address gaps in our nation's defenses while this new department is crafted. Terrorists will not wait to attack anew.

We cannot afford delay. The Senate has passed this critical legislation; now it requires the approval of the entire Congress. This bipartisan legislation must move quickly to bolster our weaknesses, address our shortfalls, and protect American lives.

I urge the Speaker, and the chairman of the House Ways and Means Committee to drop this threat of delay. The President, the Vice President, the Secretary of Homeland Security, the Attorney General, the CIA Director, and the FBI Director have each stated quite clearly that the country is at risk of attack. It serves no one's best interests to bicker over turf battles when lives are at stake. For the sake of the people, for the sake of the nation, I urge the House to strengthen the homeland security protections and make life more difficult for the terrorists. Don't blue-slip this funding. Green light it instead.

# WORKING FAMILIES TAX RELIEF ACT

Mr. KOHL. Mr. President, I rise to discuss the conference report passed yesterday by the Senate, the Working Families Tax Relief Act of 2004. I supported this legislation, which will continue tax relief for thousands of middle-class families in Wisconsin and across the country. Most importantly, this bill provides for the extension of the \$1,000 child tax credit, marriage penalty relief, and the 10 percent bracket. The bill also includes extensions important to business, such as the Research and Development tax credit, which expired in June of this year. Finally, the bill includes an acceleration of the increase from 10 to 15 percent of refundability in the child credit, a provision that helps the families who need it most. The end of the fiscal year is in sight, and the expiration of these cuts would negatively impact middle-class families throughout the country. I supported this legislation because I believe it is the responsibility of Congress to do its best to provide economic stability for hard-working American families.

However, by passing this legislation, Congress is also failing in its responsibility to our troops. Under current law, many soldiers are unable to claim the Earned Income Credit or the child tax credit because combat pay is excluded from the definition of earned income. Members of the conference had an opportunity to permanently solve this oversight in current law—despite Democratic efforts, the conference report only solves the problem for two years. Without a permanent solution, men and women serving on the front lines could potentially see a tax increase in 2006. I believe Congress has a responsibility to these brave men and women, and I hope we fulfill it before the end of the year.

This legislation is far from perfect. However, I believe that the benefits it will provide to middle class families across America are essential in today's economy. I thank my colleagues.

## FOREIGN OPERATIONS APPROPRIATIONS

Mr. FEINGOLD. Mr. President, I am pleased to support the fiscal year 2005 Foreign Operations Appropriations bill.

Recently, the release of the 9/11 Commission report gave us all reason to redouble our efforts to focus on the importance of the foreign policy and foreign assistance priorities that are addressed in this bill. The commission's intelligence reform proposals have been the focus of most of the media attention surrounding the 9/11 report, but the commission's call for more focused, effective ways to attack the terrorists and their organizations, and, critically, to prevent the continued growth of Islamist terrorism, deserve equally intense examination and certainly deserve action. If we are to leave our

children a safer world, we must take the long view in this struggle, and we must find ways to regain the kind of international support and resolve that emerged in the aftermath of the 9/11 attacks. That support—so critical to any effort to deny terrorists sanctuary, to unravel their financial networks, and to effectively piece together the intelligence picture that can reveal their plans and weaknesses—has dipped dramatically in recent years, and we have sustained terrible losses of an extraordinarily valuable type of American power: our power to persuade, to lead, and to inspire. Throwing our support behind citizens fighting corruption abroad, helping to strengthen networks committed to fighting international crime, investing in the future by supporting child survival and health initiatives—all of these efforts, if pursued wisely, can help create a more secure world for the next generation.

In this context, it is important to note that the entire Foreign Operations Appropriations bill amounts to less than the amount that the U.S. has already appropriated for reconstruction projects in just one country: Iraq. When I reflect on this disparity, and then reflect on the fact that resources in this bill are in many cases stretched very thin—for example, the appropriators, who I know strongly support the Peace Corps, were unable to meet the administration's requested funding level for that important program—I am concerned about the balance and focus of U.S. policy in the midst of what is a truly global struggle against the terrorists who attacked this country.

I strongly support the provisions in this bill that provide resources for the fight against HIV/AIDS, and believe that the U.S. must continue to ramp up assistance—and to ensure that this assistance is effective—to honor the commitments that the President has made to the millions around the world struggling with this horrific pandemic.

I am pleased that this bill fully funds the President's request for assistance for Israel, as well as requests for Egypt, Jordan, Afghanistan and Pakistan. While the U.S. relationship with each of these important countries is complex, there can be no question that continued U.S. investment in the future of these states makes good sense.

I continue to have concerns about the assistance provided to Colombia under the Andean Counterdrug Initiative because of ongoing reports of human rights violations by armed groups in Colombia and links between paramilitary groups and the Colombian Armed Forces. I hope that the administration will take seriously the provisions in this bill conditioning the obligation of much of this assistance on whether human rights, alternative development, and fumigation requirements are met.

I am pleased that an amendment I cosponsored, expressing the need for international support for the people of Haiti, was included in this bill. The lat-

est disaster in Haiti, in which over 1,000 were killed in severe flooding caused by Tropical Storm Jeanne, has only intensified the suffering Haitians face on a daily basis from political insecurity and extreme poverty. This tragedy underscores the need for the international community to make a serious and sustained commitment to the future of Haiti.

As the ranking member of the Senate Foreign Relations Committee's Subcommittee on African Affairs, I am especially pleased that this bill provides \$5 million to establish pilot programs in the Democratic Republic of the Congo, Uganda, Burundi, and Liberia to address sexual and gender-based violence. My office worked with the appropriators on this important provisions.

I also strongly support provisions in the bill calling for improvements in the human rights situation in Uganda, and particularly calling for greater efforts devoted to civilian protection and child protection in the North. These provisions dovetail with the Northern Uganda Crisis Response Act, a bill I authored which was passed by the Senate and House and signed into law this summer.

## CONTINUING CARE FOR RECOVERING FAMILIES ACT

Mr. KENNEDY. Mr. President, one of the greatest domestic challenges facing our country today is the soaring cost of health care. It is a serious problem for millions of families. But when the chief income earner in a family suddenly becomes unemployed, the problem can be critical, and we give a helping hand. We give them the opportunity to continue their coverage through their employer for a reasonable period. Families who lost loved ones on September 11 deserve the same opportunity until they can land on their feet again.

The Continuing Care for Recovering Families Act I introduced yesterday with Senator LAUTENBERG and Senator CLINTON recognizes that many of the September 11 families are still struggling to recover and we have an obligation to assist them.

Some of the families have found ways to cover their health costs by purchasing private insurance or obtaining grant assistance on their own. For others, employers have agreed to provide coverage. For still other families, however, the safety net is about to fall apart, because their coverage is about to expire under COBRA—the temporary low-cost continuation of coverage available under current Federal law for those who change their job, lose their job, or for families that lose their chief income earner through death.

The Continuing Care for Recovering Families Act will give spouses and children of victims of September 11 the ability to purchase or continue to purchase coverage under COBRA indefinitely, as long as they enroll within 120 days after passage of the act or 120



days after they lose their COBRA coverage. Eligibility for the program would expire only if they enroll in a private insurance plan or become eligible for Medicare.

The families of September 11 have shown great courage and extraordinary resilience. But we still have much more to do to help them on their long and arduous road to recovery, and I hope very much that we can pass this legislation this year. It will only affect a small number of families. But for them, it will make a world of a difference.

#### KEEP OUR PROMISE

Mr. LEVIN. Mr. President, as the assault weapons ban expired last Monday, one of our Nation's law enforcement officers was recovering in a Miami, FL hospital from two gunshot wounds inflicted by an AK-47 rifle. According to the Brady Campaign, all models of this make of assault rifle were prohibited at the time of the attack, but are now legal due to the expiration of the assault weapons ban on September 13.

Last Monday, the Miami Herald reported that on September 12, 2004 Miami-Dade Police Officer Keenya Hubert was on a routine patrol when she heard gunshots fired in a nearby neighborhood. She spotted a suspicious vehicle leaving the area, called for backup, and pulled the vehicle over. Suddenly, the driver got out of his vehicle and fired nearly two-dozen bullets at Officer Hubert and her police car using an AK-47 assault rifle. One of those bullets struck Officer Hubert in the shoulder and another grazed her forehead. Later in the week a man was arrested in connection with this attack. Press reports indicate the man had been previously convicted of attacking two other police officers in 1997.

Unfortunately, assault rifles like the one reportedly used in the attack on Officer Hubert's life as well as many other similar assault weapons are once again being legally produced and sold as a result of the expiration of the assault weapons ban. The ban also included firearms that can accept detachable magazines and have more than one of several specific military features, such as a folding/telescoping stock, protruding pistol grip, bayonet mount, threaded muzzle or flash suppressor, barrel shroud or grenade launcher. Common sense tells us that there is no reason for civilians to have easy access to guns with these features.

In 1994, I voted for the assault weapons ban and in March of this year I joined a bipartisan majority of the Senate in voting to extend the ban for 10 years. Unfortunately, despite the overwhelming support of the law enforcement community, the ongoing threat of terrorism, and bipartisan support in the Senate, neither the President nor the Republican Congressional leadership acted to protect Americans

from assault weapons like the one used in the attack on Officer Hubert.

Last week, Sarah Brady, the wife of Jim Brady who was shot in John Hinckley's attempted assassination of President Reagan, issued an open letter to President Bush expressing disappointment in his decision to allow the assault weapons ban to expire.

Mr. President, I hope that in the remaining days of the 108th Congress the Republican leadership and the President will reverse course and act to extend the assault weapons ban.

I ask unanimous consent that Sarah Brady's letter to President Bush be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 14, 2004.

DEAR PRESIDENT BUSH: I cannot begin to express my disappointment in your decision to let the Assault Weapons Ban expire yesterday.

Four years ago you said you supported renewal of the assault weapons ban, though you made it clear that you were generally opposed to reasonable gun violence prevention laws. I was very happy to hear you say it then, because it was a sensible position, and one long supported by such conservative leaders as Ronald Reagan and Barry Goldwater. As a lifelong Republican, it gave me hope that my party would move away from the knee-jerk tendency to oppose whatever the gun lobby said Republicans should oppose.

Now, these guns, designed by military scientists to inflict the maximum level of damage to human beings, are back on our streets.

You have broken your promise to the American people and you should be ashamed. Jim and I loved Ronald Reagan, and one of the main reasons we loved him was that he was always, always, true to his word.

This law worked, and it saved lives. It saved the lives of police officers and children. You cast your support aside for a political endorsement. We all pay prices in life for our actions. I hope the American people will make you pay a price for this decision.

In your current campaign, you are pledging to keep America safe. But your conscious decision to let this ban expire has placed us all in jeopardy.

The expiration of this law is temporary. It will be renewed: It is only a matter of how long it will take to renew it. There is still time for you to show leadership, do the right thing, and restore this law. But know that Jim and I will continue our efforts to restore the ban, with or without your help. And we will succeed. Lives are hanging in the balance.

Mr. President, step forward and do the right thing.

Sincerely,

SARAH BRADY.

#### RELEASE OF YASER HAMDI

Mr. LEAHY. Mr. President, at a hearing Wednesday before the Judiciary Committee, I asked some tough questions about the record of the Department of Justice in prosecuting terrorism cases. Later that day, the Department announced the imminent release of Yaser Esam Hamdi, the so-called "enemy combatant" who has been held for nearly 3 years without

being formally charged with any crime. During this period, the Bush administration argued that it could deny Hamdi, a U.S. citizen, due process and detain him indefinitely. In June, the Supreme Court struck down the administration's assertion of unchecked executive power, ruling that Hamdi had the right to challenge his detention. Rather than proceed in court, the Justice Department now says that it will release Hamdi, who will renounce his U.S. citizenship and join his family in Saudi Arabia.

The Justice Department has claimed that Hamdi fought with the Taliban and posed a threat to our national security. Hamdi claimed that he was an innocent captured in Afghanistan by the Northern Alliance. We simply do not know the truth. But, as the Rutland Herald correctly points out in its editorial Thursday, that is what trials are for. If Hamdi was a combatant, or a civilian caught up in a combat zone, he should have been treated in accordance with the Geneva Conventions, which provide for the treatment of soldiers and civilians in wartime. If Hamdi committed a crime, he should have been charged and tried. The timing of his release is curious. Three months after the Supreme Court rejected the administration's refusal to grant Hamdi due process, the Justice Department suddenly determined that Hamdi no longer posed a threat. Now it will release a person it previously claimed was so dangerous that he had to be held for years in a military brig, mainly in solitary confinement.

The Attorney General relied on powerful rhetoric to defend the Department's record. He liked to say that no one had successfully challenged the Government's use of authority under the PATRIOT Act and that no court had found the Government had overreached. Since the Supreme Court decisions on Hamdi and related cases last summer, it has become harder for him to make such claims. Those Court decisions do not stand alone in defining the Department's level of success, however. The list of reversals of this Administration's policies and practices has become extensive. From the Department's involvement in rewriting our country's adherence to the Geneva Convention and the Convention Against Torture, which contributed to the breakdown at the Abu Ghraib prison and elsewhere, to the Supreme Court's rejection of the administration's Guantanamo practices, there is much that needs attention and correction.

Indeed, the Justice Department has accumulated one loss after another in terrorism cases. In recent weeks, we have witnessed the unraveling of the Department's first post-September 11 prosecution of a terrorist sleeper cell in Detroit. This followed on the heels of a growing list of losses and questionable cases, including the wrongful arrest of a Portland attorney based on a fingerprint mismatch; the acquittal of

a Saudi college student who was charged with providing material support to terrorists; the release on bail of two defendants in Albany, NY, after the Government admitted having mistranslated a key piece of evidence—the evidence referred to one defendant as “brother,” not “commander,” as originally represented; the collapse of all charges against Muslim chaplain, James Yee, an Army Captain who served at Guantanamo and was originally accused of espionage; and the Supreme Court’s repudiation of the administration’s claim that it can hold citizens indefinitely as “unlawful combatants,” without access to counsel or family. In addition to announcing its decision to release Hamdi 2 days ago, the Government also folded its case against Ahmad al Halabi, a Senior Airman who served as a translator at Guantanamo Bay. Al Halabi once faced the death penalty for spying. He ultimately pled guilty to four minor charges, such as photographing a guard tower and taking a classified document to his quarters; other charges were dropped.

The fact is, there have been only a few real victories in cases that have brought terrorism charges since 9/11, and these have been overshadowed by seemingly half-hearted prosecutions. We all remember the antiterrorism sweeps that occurred after 9/11. The Justice Department detained over 5,000 foreign nationals in those sweeps, but, as law professor David Cole points out in an article in the October 4, 2004, edition of *The Nation*, not a single one of them was charged with terrorism.

Department officials say their record since the 2001 attacks reflects a successful strategy of catching suspected terrorists before they can launch deadly plots, even if that involves charging them with lesser crimes. I certainly will not contest that lesser crimes are being charged. According to the Transactional Records Access Clearinghouse (TRAC), of the approximately 184 cases disclosed as “international terrorism” matters, 171 received a sentence of one year or less. But is that making us safer? What exactly happens to a suspected terrorist who spends 6 months in prison and then is deported to his country of origin in the midst of a war that has no end in sight? Does it really squelch deadly plots?

The administration has yet to answer pointed questions about the deportation of Nabil al-Marabh to Syria, a nation that is a state sponsor of terrorism. Al-Marabh was at one time Number 27 on the FBI’s list of Most Wanted Terrorists, and experienced prosecutors wanted to indict him. Why was he released? According to court records, Al-Marabh shared an address with defendants in the Detroit case who are now facing only document fraud charges. What is going on here?

We still await the resolution of the case against Jose Padilla. The Attorney General made a frightening announcement from Moscow when Jose

Padilla was arrested—as if the Government had miraculously averted a radioactive “dirty bomb” from being detonated in our heartland. As Deputy Attorney General James Comey represented to the Federal courts a few months ago, the Government no longer even contends that Mr. Padilla was engaged in a “dirty bomb” plot. We have yet to see criminal charges against him, but I hope that we will. The Attorney General always finds time to announce allegations and dangers to frighten the American people but never seems to have time to be accountable when those specters prove false, when criminal cases can not be made, or when the Government has overreached or when innocent Americans have been unfairly accused.

We will soon be asked to give the Government more tools, more powers, and even greater authorities. I hope that we will not be asked to add PATRIOT Act-related powers to legislation to implement 9/11 Commission recommendations. The families of 9/11 victims have asked us to focus only on those actions endorsed by the Commission. We should honor this request. Before Congress considers granting the Government more powers to add to the Federal arsenal, we must determine which tools are actually being used, and how are they working? Which tools are subject to abuse, and which need to be modified? I hope that we can start getting some of those answers.

I ask unanimous consent to print in the *RECORD* the Rutland Herald editorial and *The Nation* article I mentioned earlier.

There being no objection, the material was ordered to be printed in the *RECORD*, as follows:

[From the Rutland Herald, Sept. 23, 2004]

#### CONSTITUTIONAL VICTORY

One of the most alarming abuses in President Bush’s war on terrorism has come to a peculiar resolution. On Wednesday the government announced it would release Yaser Hamdi from custody.

Hamdi is an American citizen, born in Louisiana, and an Arab whose family lives in Saudi Arabia. U.S. forces gained custody of Hamdi when Northern Alliance officials handed him over during the war in Afghanistan. The U.S. military was rounding up Taliban fighters, and Hamdi ended up in Guantanamo, Cuba.

Hamdi said he was wrongfully captured by the Northern Alliance in northern Afghanistan and was wrongfully imprisoned by the U.S. military. But the Bush administration viewed him as an “enemy combatant,” a designation that led to the government’s asserted claim that it had the power to rob Hamdi of all his rights.

It is unknown whether Hamdi is telling the truth when he says he had nothing to do with the Taliban and was not involved in the Afghan war. In America that is what trials are for. Until found guilty of a crime, suspects are presumed innocent and are protected by an array of constitutional rights.

These rights ought to be cherished by every American. Otherwise each person is vulnerable to government abuse. These include the right to legal representation, the right to know the charges one is facing, the right to bail, and the right to a speedy and

fair trial. Unrestrained by these rights, the government could jail any one of us on the flimsiest of excuses—or with no excuses.

It was a shocking event when the Bush administration claimed it had the power to deny Hamdi all of those rights. The claim was not made on the basis of any evidence or charge. Bush was asserting he had the right to declare anyone he saw fit to be an enemy combatant and to lock him or her up with no trial, no charges, no legal representation.

Hamdi was just one man; there is one other, Jose Padilla, who is being held on similar charges. But the power arrayed against him was the power of a police state—until the Supreme Court stepped in.

In June, the court ruled, 8-1, that Bush did not have the power to discard the Constitution and that Hamdi had the right to contest his detention. It was a victory celebrated by civil libertarians of the left and the right. Then on Wednesday the government announced it would release Hamdi to Saudi Arabia, where he would rejoin his family, and he would renounce his U.S. citizenship.

So for nearly three years the U.S. government, on the say of President Bush, held a U.S. citizen in solitary confinement on no charges. The Supreme Court has shown that, in our constitutional system, the judiciary remains an essential line to protect us against governmental abuse. Authoritarian regimes frequently cite dangers to civil order as an excuse to round up and jail people who are out of favor. In Bush’s hands the war on terrorism had become a war on the Constitution. It appears that, fortunately, this time the Constitution has won.

[From the Nation]

#### TAKING LIBERTIES

(By David Cole)

On September 2, a federal judge in Detroit threw out the only jury conviction the Justice Department has obtained on a terrorism charge since 9/11. In October 2001, shortly after the men were initially arrested, Attorney General John Ashcroft heralded the case in a national press conference as evidence of the success of his anti-terror campaign. The indictment alleged that the defendants were associated with Al Qaeda and planning terrorist attacks. But Ashcroft held no news conference in September when the case was dismissed, nor did he offer any apologies to the defendants who had spent nearly three years in jail. That wouldn’t be good for his boss’s campaign, which rests on the “war on terrorism.” Here, as in Iraq, Bush’s war is not going as well as he pretends.

The Detroit case was extremely weak from the outset. The government could never specify exactly what terrorist activity was allegedly being planned and never offered any evidence linking the defendants to Al Qaeda. Its case consisted almost entirely of a pair of sketches and a videotape, described by an FBI agent as “casing materials” for a terrorist plot, and the testimony of a witness of highly dubious reliability seeking a generous plea deal. It now turns out that the prosecution failed to disclose to the defense evidence that other government experts did not consider the sketches and videotape to be terrorist casing materials at all and that the government’s key witness had admitted to lying.

Until that reversal, the Detroit case had marked the only terrorist conviction obtained from the Justice Department’s detention of more than 5,000 foreign national in antiterrorism sweeps since 9/11. So Ashcroft’s record is 0 for 5,000. When the Attorney General was locking these men up in the immediate wake of the attacks, he held almost daily press conferences to announce how many “suspected terrorists” had been

detained. No press conference has been forthcoming to announce that exactly none of them have turned out to be actual terrorists.

Meanwhile, despite widespread recognition that Abu Ghraib has done untold damage worldwide to the legitimacy of the fight against terrorism, the military has still not charged any higher-ups in the Pentagon, and the Administration has shown no inclination to appoint an independent commission to investigate. It prefers to leave the investigation to the Justice Department and the Pentagon, the two entities that drafted secret legal memos defending torture.

And in late July, resurrecting the ideological exclusion practices so familiar from the cold war, the Department of Homeland Security revoked a work visa for a prominent Swiss Islamic scholar who had been hired by Notre Dame for an endowed chair in its International Peace Studies Institute. DHS invoked a Patriot Act provision that, like the McCarran-Walter Act of the cold war, authorizes exclusion based purely on speech. If a person uses his position of prominence to "endorse" terrorism or terrorist organization, the Patriot Act says, he may not enter the United States. The McCarran-Walter Act, on the books until its repeal in 1990, was used to exclude such "subversives" as Czeslaw Milosz and Graham Greene. This time the man whose views are too dangerous for Americans to hear firsthand is Tariq Ramadan, a highly respected intellectual and author of more than twenty books who was named by Time magazine as one of the hundred most likely innovators of the twenty-first century.

Notre Dame is not known as a hotbed of Islamic extremism—and Ramadan is no extremist. He argues for a modernized version of Islam that promotes tolerance and women's rights. Two days after 9/11 he called on fellow Muslims to condemn the attacks. In short, Ramadan is precisely the kind of moderate voice in Islam that the United States should be courting if it hopes to isolate Al Qaeda. The barring of Ramadan reinforces the sense that the Administration cannot or will not distinguish between moderates and extremists and is simply anti-Muslim.

What is most troubling is that none of these developments—the revelation of prosecutorial abuse in the interest of obtaining a "win" in the war on terrorism; the continuing failure to hold accountable those most responsible for the torture at Abu Ghraib; and the exclusion of a moderate Muslim as too dangerous for Americans to hear—is an isolated mistake. Rather, they are symptoms of a deeper problem. The President thinks he can win this war by "acting tough" and treating the rule of law and constitutional freedoms as optional. With enough fearmongering, that attitude may win him the election. But it will lose the war. Bush is playing right into Al Qaeda's hands by further alienating those we most need on our side.

#### MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 2844. A bill to designate Poland as a program country under the visa waiver program established under section 217 of the Immigration and Nationality Act.

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.

#### 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. REID (for himself and Mr. ENSIGN):

S. 2846. A bill to provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the University and Community College System of Nevada, and for other purposes; 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. VOINOVICH:

S. Res. 435. A resolution congratulating the Croatia Fraternal Union of America on its 110th anniversary; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 556

At the request of Mr. CAMPBELL, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 556, a bill to amend the Indian Health Care Improvement Act to revise and extend that Act.

S. 2671

At the request of Mr. SMITH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2671, a bill to extend temporary State fiscal relief, and for other purposes.

S. 2789

At the request of Mr. BROWNBACK, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2789, a bill to reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself and Mr. ENSIGN):

S. 2846. A bill to provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the University and Community College System of Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today for myself and Senator ENSIGN to introduce the Nye County Higher Education Campus Conveyance Act. This bill would transfer 280 acres of federal land in Nye County, NV, to the University and Community College System of Nevada for a much-needed college campus.

As you may know, southern Nevada is one of the most rapidly growing regions of the country. For some time now, growth has been progressing out of Las Vegas, over the mountains, and into nearby surrounding areas. The Pahrump Valley in Nye County is one such area that is growing. However, Nye County does not have a single institution of higher learning to serve its now more than 33,000 residents.

This bill would set the stage to change that. The land conveyed by this bill would become the home of a college campus with facilities shared among the Community College of Southern Nevada, Nevada State College, and the Nye County School District.

In other States, educational systems can acquire land to accommodate growth relatively easily. In Nevada, where the Federal government owns 87 percent of the land, even a new college campus requires an Act of Congress.

The college campus that this bill would enable will become an exceptional asset not only to the citizens of Nye County, but to all Nevadans and ultimately to the Nation as a whole.

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. 2846

*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 "Nye County Higher Education Campus Conveyance Act".

#### SEC. 2. DEFINITIONS.

(a) DEFINITIONS.—In this Act:

(1) CHANCELLOR.—The term "Chancellor" means the Chancellor of the University system.

(2) COUNTY.—The term "County" means the County of Nye, Nevada.

(3) COLLEGE.—The term "College" means the Nye County Nevada Higher Education Campus in Pahrump Valley, Nevada, a component of the University system.

(4) FEDERAL LAND.—The term "Federal land" means the parcel of Bureau of Land Management land identified on the map as the N $\frac{1}{2}$  (excluding the NW $\frac{1}{4}$ NW $\frac{1}{4}$ ) of sec. 2 of T. 21 S., R. 54 E.

(5) MAP.—The term "map" means the map entitled "Southern Nevada Public Land Management Act" and dated October 1, 2002.

(6) STATE.—The term "State" means the State of Nevada.

(7) UNIVERSITY SYSTEM.—The term "University system" means the University and Community College System of Nevada.

#### SEC. 3. CONVEYANCE TO THE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF NEVADA.

(a) IN GENERAL.—Notwithstanding the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and section 1(c) of the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869(c)), not later than 1 year after the date on which a survey defining the official metes and bounds of the Federal land is approved by the Secretary, the Secretary shall convey to the University system without consideration, all right, title, and interest of the United States in and to the Federal land for use as a campus for the College.

## (b) CONDITIONS.—

(1) IN GENERAL.—As a condition of the conveyance under subsection (a), the Chancellor shall agree in writing—

(A) to pay any administrative costs associated with the conveyance, including the cost of any environmental, wildlife, cultural, or historical resources studies;

(B) to use the Federal land conveyed for educational and recreational purposes;

(C) to release and indemnify the United States from any claims or liabilities which may arise from uses that are carried out on the Federal land on or before the date of enactment of this Act by the United States or any person;

(D) as soon as practicable after the date of the conveyance under subsection (a), to erect at the College an appropriate and centrally located monument that acknowledges the conveyance of the Federal land by the United States for the purpose of furthering the higher education of citizens in the State; and

(E) to assist the Bureau of Land Management in providing information to the students of the College and the citizens of the State on—

(i) public land in the State; and

(ii) the role of the Bureau of Land Management in managing, preserving, and protecting the public land.

(2) VALID EXISTING RIGHTS.—The conveyance under subsection (a) shall be subject to all valid existing rights.

## (c) USE OF FEDERAL LAND.—

(1) IN GENERAL.—The University system may use the land conveyed under subsection (a) for—

(A) any purpose relating to the establishment, operation, growth, and maintenance of the College; and

(B) any uses relating to those purposes, including residential and commercial development that would generally be associated with an institution of higher education.

(2) OTHER ENTITIES.—The University system may—

(A) consistent with Federal and State law, lease or otherwise provide property or space at the College, with or without consideration, to religious, public interest, community, or other groups for services and events that are of interest to the College, the University system, or any community located in the County;

(B) allow the County or any other community in the County to use facilities of the College for educational and recreational programs of the County or community; and

(C) in conjunction with the County, plan, finance (including through the provision of cost-share assistance), construct, and operate facilities for the County on the Federal land for educational or recreational purposes consistent with this section.

(d) REVERSION.—If the Federal land or any portion of the Federal land conveyed under subsection (a) ceases to be used for the College, the Federal land or any portion of the Federal land shall, at the discretion of the Secretary, revert to the United States.

## SUBMITTED RESOLUTIONS

## SENATE RESOLUTION 435—CONGRATULATING THE CROATIAN FRATERNAL UNION OF AMERICA ON ITS 110TH ANNIVERSARY

Mr. VOINOVICH submitted the following resolution; which was referred to the Committee on the Judiciary:

## S. RES. 435

Whereas the Croatian Fraternal Union of America will celebrate its 110th anniversary on Sunday, September 26, 2004;

Whereas on September 2, 1894, Mr. Zdravko V. Muzina established the Croatian Fraternal Union in old Allegheny City, Pennsylvania;

Whereas the Croatian Fraternal Union began as a means to establish an insurance society to provide coverage for its members and their families;

Whereas the Croatian Fraternal Union of America is the largest Croatian organization outside of the Republic of Croatia, with tens of thousands of members in the United States; and

Whereas the members of the Croatian Fraternal Union remain active and engaged in efforts to provide their members with a secure foundation celebrating their Croatian heritage: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the Croatian Fraternal Union of America on the occasion of its 110th anniversary; and

(2) congratulates the members of the Croatian Fraternal Union on reaching this significant milestone.

Mr. VOINOVICH. Mr. President, I rise today to submit a resolution congratulating the Croatian Fraternal Union of America on the occasion of its 110th anniversary.

This weekend, members of the Croatian Fraternal Union will gather in Pittsburgh, PA to celebrate this significant event. As the CFU prepares for this celebration, I would like to extend my best wishes to Mr. Bernard Luketich, who serves as President of the CFU, and whom I have had the pleasure of knowing and working with for many years.

The Croatian Fraternal Union in Ohio, particularly in the Cleveland area, has for decades promoted the understanding and preservation of the Croatian heritage. Through its many cultural festivals, dances and other events, the local lodges have worked to ensure that the Croatian culture has remained strong and vibrant in Ohio.

I am honored to be a member of the Zumberak Lodge 859, and I attend as many of the lodge's events as my schedule allows. I fondly remember taking my own granddaughters to see the CFU sponsored Tamburitza performance, because I know it was important to expose the next generation to this wonderful art form and culture. This is the sort of important role that the Croatian Fraternal Union's lodges have filled for the past 110 years, which continues today.

## AUTHORITY FOR COMMITTEES TO MEET

## COMMITTEE ON FOREIGN RELATIONS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, September 24, 2004 at 9:30 a.m. to hold a hearing on the Dutch Tax Treaty.

## SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND WATER

Mr. CORNYN. Mr. President, I ask unanimous consent that the Sub-

committee on Fisheries, Wildlife, and Water be authorized to meet on Friday, September 24, 2004 at 9 a.m. to conduct an oversight hearing to review State and private programs for sage grouse conservation.

The hearing will be held in SD 406.

LEGISLATIVE BRANCH  
APPROPRIATIONS ACT, 2005

On Tuesday, September 21, 2004, the Senate passed H.R. 4755, as follows:

## H.R. 4755

*Resolved*, That the bill from the House of Representatives (H.R. 4755) entitled "An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2005, and for other purposes," do pass with the following amendments:

(1) Page 2, after line 5, insert the following:

## SENATE

## EXPENSE ALLOWANCES

*For expense allowances of the Vice President, \$20,000; the President Pro Tempore of the Senate, \$20,000; Majority Leader of the Senate, \$20,000; Minority Leader of the Senate, \$20,000; Majority Whip of the Senate, \$10,000; Minority Whip of the Senate, \$10,000; President Pro Tempore emeritus, \$7,500; Chairmen of the Majority and Minority Conference Committees, \$5,000 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, \$5,000 for each Chairman; in all, \$127,500.*

REPRESENTATION ALLOWANCES FOR THE  
MAJORITY AND MINORITY LEADERS

*For representation allowances of the Majority and Minority Leaders of the Senate, \$15,000 for each such Leader; in all, \$30,000.*

## SALARIES, OFFICERS AND EMPLOYEES

*For compensation of officers, employees, and others as authorized by law, including agency contributions, \$134,440,000, which shall be paid from this appropriation without regard to the following limitations:*

## OFFICE OF THE VICE PRESIDENT

*For the Office of the Vice President, \$2,108,000.*

## OFFICE OF THE PRESIDENT PRO TEMPORE

*For the Office of the President Pro Tempore, \$561,000.*

OFFICE OF THE PRESIDENT PRO TEMPORE  
EMERITUS

*For the Office of the President Pro Tempore emeritus, \$163,000.*

OFFICES OF THE MAJORITY AND MINORITY  
LEADERS

*For Offices of the Majority and Minority Leaders, \$3,408,000.*

## OFFICES OF THE MAJORITY AND MINORITY WHIPS

*For Offices of the Majority and Minority Whips, \$2,556,000.*

## COMMITTEE ON APPROPRIATIONS

*For salaries of the Committee on Appropriations, \$13,301,000.*

## CONFERENCE COMMITTEES

*For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, \$1,413,000 for each such committee; in all, \$2,826,000.*

## OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

*For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, \$702,000.*

## POLICY COMMITTEES

*For salaries of the Majority Policy Committee and the Minority Policy Committee, \$1,473,000 for each such committee; in all, \$2,946,000.*

## OFFICE OF THE CHAPLAIN

For Office of the Chaplain, \$341,000.

## OFFICE OF THE SECRETARY

For Office of the Secretary, \$19,586,000.

OFFICE OF THE SERGEANT AT ARMS AND  
DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, \$50,635,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY  
AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, \$1,528,000.

## AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, \$33,779,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE  
SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, \$5,152,000.

## OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, \$1,265,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF  
THE SENATE, SERGEANT AT ARMS AND DOOR-  
KEEPER OF THE SENATE, AND SECRETARIES FOR  
THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, \$6,000; Sergeant at Arms and Doorkeeper of the Senate, \$6,000; Secretary for the Majority of the Senate, \$6,000; Secretary for the Minority of the Senate, \$6,000; in all, \$24,000.

## CONTINGENT EXPENSES OF THE SENATE

## INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted under section 134(a) of the Legislative Reorganization Act of 1946 (Public Law 97-601), section 112 of the Supplemental Appropriations and Rescission Act, 1980 (Public Law 96-304), and Senate Resolution 281, 96th Congress, agreed to March 11, 1980, \$110,000,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS  
ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, \$520,000.

## SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, \$1,700,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE  
SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, \$127,182,000, of which \$20,045,000 shall remain available until September 30, 2007, and of which \$4,255,000 shall remain available until September 30, 2009.

## MISCELLANEOUS ITEMS

For miscellaneous items, \$18,326,000, of which up to \$500,000 shall be made available for a pilot program for mailings of postal patron postcards by Senators for the purpose of providing notice of a town meeting by a Senator in a county (or equivalent unit of local government) at which the Senator will personally attend: Provided, That any amount allocated to a Senator for such mailing shall not exceed 50 percent of the cost of the mailing and the remaining cost shall be paid by the Senator from other funds available to the Senator.

SENATORS' OFFICIAL PERSONNEL AND OFFICE  
EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, \$326,000,000.

## OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, \$300,000.

## ADMINISTRATIVE PROVISIONS

SEC. 1. GROSS RATE OF COMPENSATION IN OFFICES OF SENATORS. Effective on and after October 1, 2004, each of the dollar amounts contained in the table under section 105(d)(1)(A) of the Legislative Branch Appropriations Act, 1968

(2 U.S.C. 61-1(d)(1)(A)) shall be deemed to be the dollar amounts in that table, as adjusted by law and in effect on September 30, 2004, increased by an additional \$50,000 each.

SEC. 2. CONSULTANTS. With respect to fiscal year 2005, the first sentence of section 101(a) of the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h-6(a)) shall be applied by substituting "nine individual consultants" for "eight individual consultants".

SEC. 3. UNITED STATES SENATE COLLECTION. Section 316 of Public Law 101-302 (2 U.S.C. 2107) is amended in the first sentence of subsection (a) by striking "2004" and inserting "2005".

SEC. 4. PRESIDENT PRO TEMPORE EMERITUS OF THE SENATE. Section 7(e) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 32b note) is amended by inserting "and the 109th Congress" after "108th Congress".

SEC. 5. TRANSFER OF FUNDS FROM APPROPRIATIONS ACCOUNT OF THE OFFICE OF THE VICE PRESIDENT AND THE OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY TO THE SENATE CONTINGENT FUND. (a) OFFICE OF THE VICE PRESIDENT.—

(1) IN GENERAL.—Upon the written request of the Vice President, the Secretary of the Senate shall transfer from the appropriations account appropriated under the subheading "OFFICE OF THE VICE PRESIDENT" under the heading "SALARIES, OFFICERS AND EMPLOYEES" such amount as the Vice President shall specify to the appropriations account under the heading "MISCELLANEOUS ITEMS" within the contingent fund of the Senate.

(2) AUTHORITY TO INCUR EXPENSES.—The Vice President may incur such expenses as may be necessary or appropriate. Expenses incurred by the Vice President shall be paid from the amount transferred under paragraph (1) by the Vice President and upon vouchers approved by the Vice President.

(3) AUTHORITY TO ADVANCE SUMS.—The Secretary of the Senate may advance such sums as may be necessary to defray expenses incurred in carrying out paragraphs (1) and (2).

(b) OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY.—

(1) IN GENERAL.—Upon the written request of the Secretary for the Majority or the Secretary for the Minority, the Secretary of the Senate shall transfer from the appropriations account appropriated under the subheading "OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY" under the heading "SALARIES, OFFICERS AND EMPLOYEES" such amount as the Secretary for the Majority or the Secretary for the Minority shall specify to the appropriations account under the heading "MISCELLANEOUS ITEMS" within the contingent fund of the Senate.

(2) AUTHORITY TO INCUR EXPENSES.—The Secretary for the Majority or the Secretary for the Minority may incur such expenses as may be necessary or appropriate. Expenses incurred by the Secretary for the Majority or the Secretary for the Minority shall be paid from the amount transferred under paragraph (1) by the Secretary for the Majority or the Secretary for the Minority and upon vouchers approved by the Secretary for the Majority or the Secretary for the Minority, as applicable.

(3) AUTHORITY TO ADVANCE SUMS.—The Secretary of the Senate may advance such sums as may be necessary to defray expenses incurred in carrying out paragraphs (1) and (2).

(c) EFFECTIVE DATE.—This section shall apply to fiscal year 2005 and each fiscal year thereafter.

SEC. 6. ACTIVITIES RELATING TO FOREIGN PARLIAMENTARY GROUPS AND FOREIGN OFFICIALS. Section 2(c) of chapter VIII of title I of the Supplemental Appropriations Act, 1987 (2 U.S.C. 65f(c)) is amended in the first sentence by striking "with the approval of" and inserting "and upon notification to".

SEC. 7. TRANSPORTATION OF OFFICIAL RECORDS AND PAPERS TO A SENATOR'S STATE. (a) PAYMENT OF REASONABLE TRANSPORTATION EX-

PENSES.—Upon request of a Senator, amounts in the appropriation account "Miscellaneous Items" within the contingent fund of the Senate shall be available to pay the reasonable expenses of sending or transporting the official records and papers of the Senator from the District of Columbia to any location designated by such Senator in the State represented by the Senator.

(b) SENDING AND TRANSPORTATION.—The Sergeant at Arms and Doorkeeper of the Senate shall provide for the most economical means of sending or transporting the official records and papers under this section while ensuring the orderly and timely delivery of the records and papers to the location specified by the Senator.

(c) OVERSIGHT.—The Committee on Rules and Administration shall have the authority to issue rules and regulations to carry out the provisions of this section.

(d) OFFICIAL RECORDS DEFINED.—In this section, the term "official records and papers" means books, records, papers, and official files which could be sent as franked mail.

(e) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2005 and each succeeding fiscal year.

SEC. 8. COMPENSATION FOR LOST OR DAMAGED PROPERTY. (a) IN GENERAL.—Any amounts received by the Sergeant at Arms and Doorkeeper of the Senate (in this section referred to as the "Sergeant at Arms") for compensation for damage to, loss of, or loss of use of property of the Sergeant at Arms that was procured using amounts available to the Sergeant at Arms in the account for Contingent Expenses, Sergeant at Arms and Doorkeeper of the Senate, shall be credited to that account or, if applicable, to any subaccount of that account.

(b) AVAILABILITY.—Amounts credited to any account or subaccount under subsection (a) shall be merged with amounts in that account or subaccount and shall be available to the same extent, and subject to the same terms and conditions, as amounts in that account or subaccount.

(c) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2005 and each fiscal year thereafter.

SEC. 9. AGE REQUIREMENT FOR SENATE PAGES. Section 491(b)(1) of the Legislative Reorganization Act of 1970 (2 U.S.C. 88b-1(b)(1)) is amended by striking "fourteen" and inserting "sixteen".

SEC. 10. TREATMENT OF ELECTRONIC SERVICES PROVIDED BY SERGEANT AT ARMS. The Office of the Sergeant at Arms and Doorkeeper of the United States Senate, and any officer, employee, or agent of the Office, shall not be treated as acquiring possession, custody, or control of any electronic mail or other electronic communication, data, or information by reason of its being transmitted, processed, or stored (whether temporarily or otherwise) through the use of an electronic system established, maintained, or operated, or the use of electronic services provided, in whole or in part by the Office.

(2) Page 9, strike line 20 and all that follows through, Page 21, line 6 and insert the following:

## JOINT ITEMS

For Joint Committees, as follows:

## JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, \$4,139,000, to be disbursed by the Secretary of the Senate.

## JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, \$8,476,000, to be disbursed by the Chief Administrative Officer of the House.

For other joint items, as follows:

## OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for

the Attending Physician and his assistants, including: (1) an allowance of \$2,175 per month to the Attending Physician; (2) an allowance of \$725 per month each to four medical officers while on duty in the Office of the Attending Physician; (3) an allowance of \$725 per month each to two assistants and \$580 per month each to not to exceed 11 assistants on the basis heretofore provided for such assistants; and (4) \$1,680,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, \$2,528,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

#### CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, \$3,844,000, to be disbursed by the Secretary of the Senate: Provided, That no part of such amount may be used to employ more than 58 individuals: Provided further, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than 120 days each, and not more than 10 additional individuals for not more than 6 months each, for the Capitol Guide Service.

#### STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the second session of the 108th Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, \$30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

#### CAPITOL POLICE SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, \$198,000,000, to be disbursed by the Chief of the Capitol Police or his designee.

#### GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, domestic travel, foreign travel as approved by the Capitol Police Board, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than \$5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, \$28,925,000, of which \$700,000 is to remain available until expended, to be disbursed by the Chief of the Capitol Police or his designee.

#### ADMINISTRATIVE PROVISIONS

##### (INCLUDING TRANSFER OF FUNDS)

SEC. 1001. TRANSFER AUTHORITY. Amounts appropriated for fiscal year 2005 for the Capitol Police may be transferred between the headings "SALARIES" and "GENERAL EXPENSES" upon the approval of the Committees on Appropriations of the Senate and the House of Representatives.

SEC. 1002. LIMITATION ON CERTAIN HIRING AUTHORITY OF CAPITOL POLICE. Section 1006(b) of the Legislative Branch Appropriations Act, 2004 (Public Law 108-83; 117 Stat. 1023) is amended—

(1) in paragraph (3)—

(A) in subparagraph (B), by inserting at the end "The Chief of Police may hire individuals under this subsection who are not submitted for selection under this subparagraph. All hirings under this subparagraph shall comply with the limitations under this paragraph for any fiscal year."; and

(B) in subparagraph (C), by striking "(C) LIMITATION.—" and inserting "(C) LIMITATION FOR FISCAL YEAR 2004.—"; and

(C) by adding at the end the following:

"(D) LIMITATION FOR FISCAL YEAR 2005.—During fiscal year 2005, the number of individuals hired under this subsection may not exceed—

"(i) the number of Library of Congress Police employees who separated from service or transferred to a position other than a Library of Congress Police employee position during fiscal year 2004 for whom a corresponding hire was not made under this subsection; and

"(ii) the number of Library of Congress Police employees who separate from service or transfer to a position other than a Library of Congress Police employee position during fiscal year 2005."; and

(2) in paragraph (4), by striking the first sentence and inserting "Notwithstanding subsection (a)(1)(C), the Chief of the Capitol Police may detail an individual hired under this subsection to the Library of Congress Police on a nonreimbursable basis. Any individual detailed under this subsection shall receive necessary training, including training by the Library of Congress Police.".

SEC. 1003. COMPENSATION FOR DAMAGED OR LOST PROPERTY. (a) IN GENERAL.—Any amounts received by the Capitol Police for compensation for damage to, loss of, or loss of use of property of the Capitol Police (including any insurance payments or payment made by an officer or civilian employee of the Capitol Police) shall be credited to the account established for the general expenses of the Capitol Police, and shall be available to carry out the purposes of such account during the fiscal year in which the amounts are received and the following fiscal year.

(b) EFFECTIVE DATE.—This section shall apply to fiscal year 2005 and each fiscal year thereafter.

SEC. 1004. PARTICIPATION IN VOLUNTARY TRANSFER OF LEAVE WITH OTHER AGENCIES. (a) IN GENERAL.—The Office of Personnel Management shall apply the regulations prescribed under section 6334(c) of title 5, United States Code, to the Capitol Police to provide for the participation of employees of the Capitol Police in the voluntary transfer of leave between employees of different agencies under subchapter III of chapter 63 of that title.

(b) CERTIFICATION OF LEAVE ACCOUNTS.—For purposes of this section, the Office of Personnel Management shall accept the certification of the Chief of the Capitol Police of the amount of annual leave in the annual leave account of any leave donor or leave recipient who is an employee of the Capitol Police.

(c) REGULATIONS.—After consultation with the Chief of the Capitol Police, the Office of Personnel Management may prescribe regulations to carry out this section.

(d) EFFECTIVE DATE.—This section shall apply to fiscal year 2005 and each fiscal year thereafter.

SEC. 1005. AUTHORIZATION OF WEAPONS. Section 1824 of the Revised Statutes (2 U.S.C. 1941) is amended—

(1) in the first sentence—

(A) by striking "The Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives" and inserting "The Capitol Police Board"; and

(B) by striking all beginning with "payable out" through the period and inserting "payable from appropriations to the Capitol Police upon certification of payment by the Chief of the Capitol Police."; and

(2) in the second sentence—

(A) by inserting "or other arms as authorized by the Capitol Police Board" after "furnished"; and

(B) by striking "the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives" and inserting "the Capitol Police Board".

SEC. 1006. RELEASE OF SECURITY INFORMATION. (a) DEFINITION.—In this section, the term "security information" means information that—

(1) is sensitive with respect to the policing, protection, physical security, intelligence, counterterrorism actions, or emergency preparedness and response relating to Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds; and

(2) is obtained by, on behalf of, or concerning the Capitol Police Board, the Capitol Police, or any incident command relating to emergency response.

(b) AUTHORITY OF BOARD TO DETERMINE CONDITIONS OF RELEASE.—Notwithstanding any other provision of law, any security information in the possession of the Capitol Police may be released by the Capitol Police to another entity, including an individual, only if the Capitol Police Board determines in consultation with other appropriate law enforcement officials, experts in security preparedness, and appropriate committees of Congress, that the release of the security information will not compromise the security and safety of the Capitol buildings and grounds or any individual whose protection and safety is under the jurisdiction of the Capitol Police.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect the ability of the Senate and the House of Representatives (including any Member, officer, or committee of either House of Congress) to obtain information from the Capitol Police regarding the operations and activities of the Capitol Police that affect the Senate and House of Representatives.

(d) REGULATIONS.—The Capitol Police Board may promulgate regulations to carry out this section, with the approval of the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives.

(e) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and apply with respect to—

(1) any remaining portion of fiscal year 2004, if this Act is enacted before October 1, 2004; and

(2) fiscal year 2005 and each fiscal year thereafter.

SEC. 1007. ACCEPTANCE OF DONATIONS OF ANIMALS. (a) IN GENERAL.—The Capitol Police may accept the donation of animals to be used in the canine or equine units of the Capitol Police.

(b) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2005 and each fiscal year thereafter.

SEC. 1008. SETTLEMENT AND PAYMENT OF TORT CLAIMS. (a) FEDERAL TORT CLAIMS ACT.—

(1) IN GENERAL.—Except as provided in paragraph (2) with respect to the Senate, the Chief of the Capitol Police, in accordance with regulations prescribed by the Attorney General and any regulations as the Capitol Police Board may prescribe, may consider, ascertain, determine, compromise, adjust, and settle, in accordance with the provisions of chapter 171 of title 28, United States Code, any claim for money damages against the United States for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Capitol Police while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

(2) SENATE.—

(A) IN GENERAL.—With respect to any claim of a Senator or an employee whose pay is disbursed by the Secretary of the Senate, the Chief of the Capitol Police shall—



(i) not later than 14 days after the receipt of such a claim, notify the Chairman of the Committee on Rules and Administration of the receipt of the claim; and

(ii) not later than 90 days after the receipt of such a claim, submit a proposal for the resolution of such claim which shall be subject to the approval of the Chairman of the Committee on Rules and Administration.

(B) EXTENSION.—The 90-day period in subparagraph (A)(ii) may be extended, not to exceed 90 days, for good cause by the Chairman of the Committee on Rules and Administration upon the request of the Chief of the Capitol Police.

(3) HEAD OF AGENCY.—For purposes of section 2672 of title 28, United States Code, the Chief of the Capitol Police shall be the head of a Federal agency with respect to the Capitol Police.

(4) REGULATIONS.—The Capitol Police Board may prescribe regulations to carry out this subsection.

(b) CLAIMS OF EMPLOYEES OF CAPITOL POLICE.—

(1) IN GENERAL.—The Capitol Police Board may prescribe regulations to apply the provisions of section 3721 of title 31, United States Code, for the settlement and payment of a claim against the Capitol Police by an employee of the Capitol Police for damage to, or loss of personal property incident to service.

(2) LIMITATION.—No settlement and payment of a claim under regulations prescribed under this subsection may exceed \$2,000.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect—

(1) any payment under section 1304 of title 31, United States Code, of a final judgement, award, compromise settlement, and interest and costs specified in the judgment based on a claim against the Capitol Police; or

(2) any authority for any—

(A) settlement under section 414 of the Congressional Accountability Act of 1995 (2 U.S.C. 1414); or

(B) payment under section 415 of that Act (2 U.S.C. 1415).

(d) EFFECTIVE DATE.—This section shall apply to fiscal year 2005 and each fiscal year thereafter.

SEC. 1009. FOREIGN TRAVEL AUTHORIZATION. Notwithstanding any other provision of law and subject to the approval of the Capitol Police Board, the Capitol Police are authorized, in a non-law enforcement capacity, to travel with and assist overseas congressional delegations in a security advisory and liaison role, including advance security liaison preparations for such congressional foreign travel.

#### OFFICE OF COMPLIANCE

##### SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), \$2,421,000: Provided, That the Executive Director of the Office of Compliance may, within the limits of available appropriations, dispose of surplus or obsolete personal property by interagency transfer, donation, or discarding.

#### CONGRESSIONAL BUDGET OFFICE

##### SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than \$3,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, \$34,790,000: Provided, That no part of such amount may be used for the purchase or hire of a passenger motor vehicle.

#### ARCHITECT OF THE CAPITOL

##### GENERAL ADMINISTRATION

For salaries for the Architect of the Capitol, and other personal services, at rates of pay pro-

vided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than \$5,000 for official representation and reception expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, \$74,063,000, of which \$720,000 shall remain available until September 30, 2009.

##### CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, \$24,784,000, of which \$8,770,000 shall remain available until September 30, 2009.

##### CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, \$6,940,000.

##### SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, \$62,303,000, of which \$9,070,000 shall remain available until September 30, 2009.

(3) Page 21, strike line 12 and all that follows through, Page 50, line 13 and insert the following:

##### CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, \$60,928,000, of which \$2,190,000 shall remain available until September 30, 2009: Provided, That not more than \$4,400,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2005.

##### LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, \$65,145,000, of which \$47,114,000 shall remain available until September 30, 2009.

##### CAPITOL POLICE BUILDINGS AND GROUNDS

For all necessary expenses for the maintenance, care, and operation of buildings and grounds of the United States Capitol Police, \$7,090,000, of which \$1,500,000 shall remain available until September 30, 2009.

##### BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, \$6,294,000: Pro-

vided, That this appropriation shall not be available for construction of the National Garden.

##### LIBRARY OF CONGRESS

##### SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, \$379,648,000, of which not more than \$6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2005, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than \$350,000 shall be derived from collections during fiscal year 2005 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: Provided, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than the \$6,350,000: Provided further, That of the total amount appropriated, \$11,981,000 shall remain available until expended for the partial acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including \$40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: Provided further, That of the total amount appropriated, not more than \$12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: Provided further, That of the total amount appropriated, \$1,175,000 shall remain available until expended for the purpose of teaching educators and librarians how to incorporate the Library's digital collections into school curricula and shall be transferred to the educational consortium formed to conduct the "Adventure of the American Mind" project as approved by the Library: Provided further, That of the amount appropriated, \$500,000 shall remain available until expended, and shall be transferred to the Abraham Lincoln Bicentennial Commission for carrying out the purposes of Public Law 106-173, of which \$10,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission: Provided further, That of the total amount appropriated, \$15,620,000 shall remain available until expended for partial support of the National Audio-Visual Conservation Center: Provided further, That of the total amount appropriated, \$2,795,000 shall remain available until expended for the development and maintenance of the Alternate Computer Facility: Provided further, That of the amount appropriated, \$500,000 shall be used to provide a grant to the Middle Eastern Text Initiative for translation and publishing of middle eastern text.

##### COPYRIGHT OFFICE

##### SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, \$53,518,000, of which not more than \$26,843,000, to remain available until expended, shall be derived from collections credited to this

appropriation during fiscal year 2005 under section 708(d) of title 17, United States Code: Provided, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That not more than \$6,496,000 shall be derived from collections during fiscal year 2005 under sections 111(d)(2), 119(b)(2), 802(h), 1005, and 1316 of such title: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than \$33,339,000: Provided further, That not more than \$100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: Provided further, That not more than \$4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars.

#### CONGRESSIONAL RESEARCH SERVICE

##### SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, \$96,678,000: Provided, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

#### BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

##### SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), \$53,937,000, of which \$15,960,000 shall remain available until expended.

#### ADMINISTRATIVE PROVISIONS

SEC. 1101. INCENTIVE AWARDS PROGRAM. Of the amounts appropriated to the Library of Congress in this Act, not more than \$5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 1102. REIMBURSABLE AND REVOLVING FUND ACTIVITIES. (a) IN GENERAL.—For fiscal year 2005, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed \$106,985,000.

(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) TRANSFER OF FUNDS.—During fiscal year 2005, the Librarian of Congress may temporarily transfer funds appropriated in this Act, under the heading "LIBRARY OF CONGRESS" under the subheading "SALARIES AND EXPENSES" to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106-481; 2 U.S.C. 182c): Provided, That the total amount of such transfers may not exceed \$1,900,000: Provided further, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

SEC. 1103. NATIONAL DIGITAL INFORMATION INFRASTRUCTURE AND PRESERVATION PROGRAM.

The Miscellaneous Appropriations Act, 2001 (enacted into law by section 1(a)(4) of Public Law 106-554, 114 Stat. 2763A-194) is amended in the first proviso under the subheading "SALARIES AND EXPENSES" under the heading "LIBRARY OF CONGRESS" in chapter 9 of division A—

(1) by inserting "and pledges" after "other than money"; and

(2) by striking "March 31, 2005" and inserting "March 31, 2010".

SEC. 1104. CONSTRUCTION OF UNITED STATES DIPLOMATIC FACILITIES. None of the funds in this Act may be used to pay any fee charged by the Department of State for the purpose of constructing United States diplomatic facilities.

SEC. 1105. NATIONAL FILM PRESERVATION BOARD AND NATIONAL FILM PRESERVATION FOUNDATION. (a) EFFECTIVE DATES.—Notwithstanding the effective date under section 113 of the National Film Preservation Act of 1996 (2 U.S.C. 179w), title I of that Act shall be considered to be effective through fiscal year 2005.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 151711(a) of title 36, United States Code, is amended by striking "2003" and inserting "2005".

#### GOVERNMENT PRINTING OFFICE

##### CONGRESSIONAL PRINTING AND BINDING

##### (INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, \$88,800,000: Provided, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: Provided further, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: Provided further, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

#### OFFICE OF SUPERINTENDENT OF DOCUMENTS

##### SALARIES AND EXPENSES

##### (INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, \$31,935,000: Provided, That amounts of not more than \$2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for fis-

cal years 2003 and 2004 to depository and other designated libraries: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

#### GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office may make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: Provided, That not more than \$5,000 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: Provided further, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: Provided further, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: Provided further, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: Provided further, That the revolving fund and the funds provided under the headings "OFFICE OF SUPERINTENDENT OF DOCUMENTS" and "SALARIES AND EXPENSES" together may not be available for the full-time equivalent employment of more than 2,621 workyears (or such other number of workyears as the Public Printer may request, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate): Provided further, That activities financed through the revolving fund may provide information in any format: Provided further, That not more than \$10,000 may be expended from the revolving fund in support of the activities of the Benjamin Franklin Tercentenary Commission established by Public Law 107-202.

#### ADMINISTRATIVE PROVISION

SEC. 1301. DISCOUNTS FOR SALES COPIES. Section 1708 of title 44, United States Code, is amended by striking "of not to exceed 25 percent may be allowed to book dealers and quantity purchasers", and inserting in lieu thereof the following: "may be allowed as determined by the Superintendent of Documents".

#### GOVERNMENT ACCOUNTABILITY OFFICE

##### SALARIES AND EXPENSES

For necessary expenses of the Government Accountability Office, including not more than \$12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under section 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, \$470,000,000: Provided, That not more than

\$4,919,000 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2005: Provided further, That not more than \$2,500,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2005: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: Provided further, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

#### ADMINISTRATIVE PROVISION

SEC. 1401. REPORTS TO THE COMPTROLLER GENERAL. (a) LIMITATIONS ON EXPENDITURES, OBLIGATIONS, AND VOLUNTARY SERVICES.—Section 1351 of title 31, United States Code, is amended by inserting "A copy of each report shall also be transmitted to the Comptroller General on the same date the report is transmitted to the President and Congress." after the first sentence.

(b) PROHIBITED OBLIGATIONS AND EXPENDITURES.—Section 1517(b) of title 31, United States Code, is amended by inserting "A copy of each report shall also be transmitted to the Comptroller General on the same date the report is transmitted to the President and Congress." after the first sentence.

#### PAYMENT TO THE OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center, \$13,500,000.

#### ADMINISTRATIVE PROVISION

SEC. 1501. EXPANSION OF OPEN WORLD LEADERSHIP COUNTRIES.—Section 313(j) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151(j)) is amended—

(1) in paragraph (1), by striking "and" after the semicolon;

(2) in paragraph (2), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(3) any other country that is designated by the Board, except that the Board shall notify the Committees on Appropriations of the Senate and the House of Representatives of the designation at least 90 days before the designation is to take effect."

#### TITLE II—GENERAL PROVISIONS

SEC. 201. MAINTENANCE AND CARE OF PRIVATE VEHICLES. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 202. FISCAL YEAR LIMITATION. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2005 unless expressly so provided in this Act.

SEC. 203. RATES OF COMPENSATION AND DESIGNATION. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appro-

priated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: Provided, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 204. CONSULTING SERVICES. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

SEC. 205. AWARDS AND SETTLEMENTS. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act (2 U.S.C. 1415(a)) to pay awards and settlements as authorized under such subsection.

SEC. 206. COSTS OF LBFMC. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed \$2,000.

SEC. 207. LIMITATION ON TRANSFERS. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 208. VOLUNTARY COMPLIANCE WITH GOVERNMENT ETRAVEL SERVICE REGULATION. (a) DEFINITION.—In this section, the term "agency" means the—

- (1) Architect of the Capitol;
- (2) Congressional Budget Office;
- (3) Government Accountability Office;
- (4) Government Printing Office;
- (5) Library of Congress; and
- (6) Office of Compliance.

(b) COMPLIANCE ELECTION.—Notwithstanding any other provision of law, an agency, at the discretion of the head of the agency, may—

(1) elect to comply with the requirements of parts 300–3, 301–50, 301–52, 301–70, and 301–73 of title 41 of the Code of Federal Regulations, or any modification to those requirements, (relating to the Governmentwide eTravel Service); and

(2) if the head of the agency makes an election to comply under paragraph (1), enter into an agreement with the General Services Administration to modify those requirements, as applicable to that agency, relating to confidentiality of information or other concerns of the head of the agency.

(c) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2005 and each fiscal year thereafter.

SEC. 209. CONGRESSIONAL RECOGNITION FOR EXCELLENCE IN ARTS EDUCATION. Section 210 of the Legislative Branch Appropriations Act, 2003 is amended—

- (1) by striking the first proviso; and
- (2) by striking "Provide further," and inserting "Provided,".

SEC. 210. TRANSFER OF JURISDICTION OVER REAL PROPERTY NEAR JAPANESE AMERICAN PATRIOTISM MEMORIAL. (a) TRANSFER OF JURISDICTION.—

(1) IN GENERAL.—Jurisdiction over the parcels of Federal real property described under para-

graph (2) (over which jurisdiction was transferred under section 514(b)(2)(C) of the Omnibus Parks and Public Lands Management Act of 1996 (40 U.S.C. 5102 note; Public Law 104–333)) is transferred to the Architect of the Capitol, without consideration.

(2) PARCELS.—The parcels of Federal real property referred to under paragraph (1) are the following:

(A) That portion of New Jersey Avenue, N.W., between the northernmost point of the intersection of New Jersey Avenue, N.W., and D Street, N.W., and the northernmost point of the intersection of New Jersey Avenue, N.W., and Louisiana Avenue, N.W., between squares 631 and W632, which remains Federal property, and whose maintenance and repair shall be the responsibility of the District of Columbia.

(B) That portion of D Street, N.W., between its intersection with New Jersey Avenue, N.W., and its intersection with Louisiana Avenue, N.W., between squares 630 and W632, which remains Federal property.

(b) MISCELLANEOUS.—

(1) COMPLIANCE WITH OTHER LAWS.—Compliance with this section shall be deemed to satisfy the requirements of all laws otherwise applicable to transfers of jurisdiction over parcels of Federal real property.

(2) UNITED STATES CAPITOL GROUNDS.—

(A) DEFINITION.—Section 5102 of title 40, United States Code, is amended to include within the definition of the United States Capitol Grounds the parcels of Federal real property described in subsection (a)(2).

(B) JURISDICTION OF CAPITOL POLICE.—The United States Capitol Police shall have jurisdiction over the parcels of Federal real property described in subsection (a)(2) in accordance with section 9 of the Act entitled "An Act to define the United States Capitol Grounds, to regulate the use thereof, and for other purposes", approved July 31, 1946 (2 U.S.C. 1961).

(3) EFFECT OF TRANSFER.—A person relinquishing jurisdiction over any parcel of Federal real property transferred by subsection (a) shall not retain any interest in the parcel except as specifically provided in this section.

(c) EFFECTIVE DATE.—This Act shall apply to fiscal year 2005 and each fiscal year thereafter.

SEC. 211. COMMISSION ON THE ABRAHAM LINCOLN STUDY ABROAD FELLOWSHIP PROGRAM.—

(a) APPROPRIATION.—There are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005, \$495,000, for the Commission on the Abraham Lincoln Study Abroad Fellowship Program established under section 104 of division H of the Consolidated Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 435).

(b) EXTENSION OF REPORT AND TERMINATION DATES.—Section 104 of division H of the Consolidated Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 435) is amended—

(1) in subsection (f), by striking "December 1, 2004" and inserting "December 1, 2005"; and

(2) in subsection (g), by striking "December 31, 2004" and inserting "December 31, 2005".

This Act may be cited as the "Legislative Branch Appropriations Act, 2005".

#### DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2005

On Wednesday, September 22, 2004, the Senate passed H.R. 4850, as follows:

H.R. 4850

Resolved, That the bill from the House of Representatives (H.R. 4850) entitled "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," do pass with the following amendment:

Strike out all after the enacting clause and insert:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia and related agencies for the fiscal year ending September 30, 2005, and for other purposes, namely:*

#### TITLE I—FEDERAL FUNDS

##### FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

*For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, \$21,200,000, to remain available until expended: Provided, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to \$2,500 each year at eligible private institutions of higher education: Provided further, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: Provided further, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: Provided further, That the account shall be under the control of the District of Columbia Chief Financial Officer who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: Provided further, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and Senate for these funds showing, by object class, the expenditures made and the purpose therefor: Provided further, That not more than 7 percent of the total amount appropriated for this program may be used for administrative expenses.*

##### FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

*For necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, \$15,000,000, to remain available until expended, to reimburse the District of Columbia for the costs of providing public safety at events related to the presence of the national capital in the District of Columbia and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions: Provided, That any amount provided under this heading shall be available only after notice of its proposed use has been transmitted by the President to Congress and such amount has been appropriated pursuant to chapter 15 of title 31, United States Code.*

##### FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

*For salaries and expenses for the District of Columbia Courts, \$195,010,000, to be allocated as follows: for the District of Columbia Court of Appeals, \$8,952,000, of which not to exceed \$1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, \$84,948,000, of which not to exceed \$1,500 is for official reception and representation expenses; for the District of Columbia Court System, \$40,699,000, of which not to exceed \$1,500 is for official reception and representation expenses; and \$60,411,000, to remain available until September 30, 2005, for capital improvements for District of Columbia courthouse facilities:*

*Provided, That funds made available for capital improvements shall be expended consistent with the General Services Administration master plan study and building evaluation report: Provided further, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232-18: Provided further, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate: Provided further, That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and Senate, the District of Columbia Courts may reallocate not more than \$1,000,000 of the funds provided under this heading among the items and entities funded under such heading for operations, and not more than 4 percent of the funds provided under this heading for facilities.*

##### DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

*For payments authorized under section 11-2604 and section 11-2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance and/or such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Code, and payments for counsel authorized under section 21-2060, D.C. Official Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), \$34,500,000, to remain available until expended: Provided, That the funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the \$53,011,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: Provided further, That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia shall use funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the \$53,011,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: Provided further, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: Provided further, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with*

*the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate.*

##### FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

##### (INCLUDING TRANSFER OF FUNDS)

*For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia and the Public Defender Service for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, \$182,490,000, of which not to exceed \$2,000 is for official reception and representation expenses related to Community Supervision and Pretrial Services Agency programs; of which not to exceed \$25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002; of which \$113,343,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons; of which \$39,314,000 shall be available to the Pretrial Services Agency; and of which \$29,833,000 shall be transferred to the Public Defender Service for the District of Columbia: Provided, That \$1,100,000 shall be to lower supervision caseload ratios to 25:1 for special population offenders: Provided further, That \$200,000 shall be to expand monitoring of offenders using global position system technology: Provided further, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: Provided further, That notwithstanding chapter 12 of title 40, United States Code, the Director may acquire by purchase, lease, condemnation, or donation, and renovate as necessary, Building Number 17, 1900 Massachusetts Avenue, Southeast, Washington, District of Columbia to house or supervise offenders and defendants, with funds made available for this purpose in Public Law 107-96: Provided further, That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: Provided further, That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection: Provided further, That the Court Services and Offender Supervision Agency Director is authorized to accept and use reimbursement from the D.C. Government for space and services provided on a cost reimbursement basis: Provided further, That the Public Defender Service is authorized to charge fees to cover cost of materials distributed to attendees of educational events, including conferences, sponsored by the Public Defender Service, and notwithstanding 31 U.S.C. 3302, said fees shall be credited to the Public Defender Service account to be available for use without further appropriation.*

##### FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

*For a Federal payment to the District of Columbia Water and Sewer Authority, \$10,000,000, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan: Provided, That the District of*

Columbia Water and Sewer Authority provides a 100 percent match for this payment.

**FEDERAL PAYMENT FOR THE ANACOSTIA  
WATERFRONT INITIATIVE**

For a Federal payment to the District of Columbia Department of Transportation, \$3,000,000, to remain available until September 30, 2006, for design and construction of a continuous pedestrian and bicycle trail system from the Potomac River to the District's border with Maryland.

**FEDERAL PAYMENT TO THE CRIMINAL JUSTICE  
COORDINATING COUNCIL**

For a Federal payment to the Criminal Justice Coordinating Council, \$1,300,000, to remain available until expended, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

**FEDERAL PAYMENT FOR THE UNIFIED  
COMMUNICATIONS CENTER**

For a Federal payment to the District of Columbia, \$7,000,000, to remain available until expended, shall be for the Unified Communications Center.

**FEDERAL PAYMENT FOR TRANSPORTATION  
ASSISTANCE**

For a Federal payment to the District of Columbia Department of Transportation, \$5,000,000, of which \$1,000,000 shall be allocated to implement a downtown circulator transit system, and of which \$4,000,000 shall be to offset a portion of the District of Columbia's allocated operating subsidy payment to the Washington Metropolitan Area Transit Authority.

**FEDERAL PAYMENT FOR FOSTER CARE  
IMPROVEMENTS IN THE DISTRICT OF COLUMBIA**

For a Federal payment to the District of Columbia for foster care improvements, \$5,000,000, to remain available until expended: Provided, That \$3,250,000 shall be for the Child and Family Services Agency, of which \$2,000,000 shall be for the early intervention program to provide intensive and immediate services for foster children; of which \$750,000 shall be for the emergency support fund to purchase services or technology necessary to allow children to remain in the care of an approved and licensed family member; of which \$500,000 shall be for technology upgrades: Provided further, That \$1,250,000 shall be for the Department of Mental Health to provide all court-ordered or agency-required mental health screenings, assessments and treatments for children under the supervision of the Child and Family Services Agency: Provided further, That \$500,000 shall be for the Washington Metropolitan Council of Governments, to continue a program in conjunction with the Foster and Adoptive Parents Advocacy Center, to provide respite care for and recruitment of foster parents: Provided further, That these Federal funds shall supplement and not supplant local funds for the purposes described under this heading.

**FEDERAL PAYMENT TO THE OFFICE OF THE CHIEF  
FINANCIAL OFFICER OF THE DISTRICT OF CO-  
LUMBIA**

For a Federal payment to the Office of the Chief Financial Officer of the District of Columbia, \$32,500,000: Provided, That these funds shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act: Provided further, That each entity that receives funding under this heading shall submit to the Office of the Chief Financial Officer of the District of Columbia and the Committees on Appropriations of the House of Representatives and Senate a report on the activities to be carried out with such funds no later than March 15, 2005.

**FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT**

For a Federal payment for a School Improvement Program in the District of Columbia,

\$40,000,000, to be allocated as follows: for the District of Columbia Public Schools, \$13,000,000 to improve public school education in the District of Columbia, \$13,000,000 to expand quality public charter schools in the District of Columbia; for the Secretary of the Department of Education, \$14,000,000 to provide opportunity scholarships for students in the District of Columbia in accordance with Public Law 108-199, of which up to \$1,000,000 may be used to administer and fund assessments: Provided, That of the \$13,000,000 for the District of Columbia Public Schools, \$5,000,000 shall be for a new incentive fund to reward high performing or significantly improved public schools; \$5,000,000 shall be to support the Transformation School Initiative directed to schools in need of improvement: Provided further, That of the remaining amounts, the Superintendent of the District of Columbia Public Schools shall use such sums as necessary to contract for management consulting services and implement recommended reforms: Provided further, That the Comptroller General shall conduct a financial audit of the District of Columbia Public Schools: Provided further, That of the \$13,000,000 provided for public charter schools in the District of Columbia, \$4,000,000 shall be for the City Build Initiative to create neighborhood-based charter schools; \$2,750,000 shall be for the Direct Loan Fund for Charter Schools; \$150,000 shall be for administrative expenses of the Office of Charter School Financing and Support to expand outreach and support of charter schools; \$100,000 shall be for the D.C. Public Charter School Association to enhance the quality of charter schools; \$4,000,000 shall be for the development of an incubator facility for public charter schools; and \$2,000,000 shall be for a new incentive fund to reward high performing or significantly improved public charter schools: Provided further, That the District of Columbia government shall establish a dedicated account for the Office of Charter School Financing and Support (the Office) that shall consist of the Federal funds appropriated in this Act, any subsequent appropriations, any unobligated balances from prior fiscal years, any additional grants, and any interest and principal derived from loans made to Charter Schools, and repayment of dollars utilized to support credit enhancement earned in this or any fiscal year: Provided further, That the account shall be under the control of the District of Columbia Chief Financial Officer who shall use those funds solely for the purposes of carrying out the Credit Enhancement Program, Direct Loan Fund Grant Program, and any other charter school financing under the management of the Office: Provided further, That in this and subsequent fiscal years the Office of the Chief Financial Officer shall conduct an annual audit of the funds expended by the Office and provide an annual financial report to the Mayor, the Council of the District of Columbia, the Office of the District of Columbia Treasurer and the Committees on Appropriations of the House of Representatives and Senate for these funds showing, by object class, the expenditures made and the purpose therefor: Provided further, That not more than \$1,000,000 of the total amount appropriated for this program may be used for administrative expenses and training expenses related to the cost of the National Charter School Conference(s) to be hosted by December 2006; and no more than 5 percent of the funds appropriated for the direct loan fund may be used for administrative expenses related to the administration and annual audit of the direct loan, grant, and credit enhancement programs.

**FEDERAL PAYMENT FOR BIOTERRORISM AND  
FORENSICS LABORATORY**

For a Federal payment to the District of Columbia, \$8,000,000, to remain available until September 30, 2006, for design, planning, and procurement costs associated with the construction

of a bioterrorism and forensics laboratory: Provided, That the District of Columbia shall provide an additional \$2,300,000 with local funds as a condition of receiving this payment.

**TITLE II—DISTRICT OF COLUMBIA FUNDS  
OPERATING EXPENSES  
DIVISION OF EXPENSES**

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: Provided, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1-204.50a) and the provisions of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2005 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or \$7,206,164,000 (of which \$4,215,088,000 shall be from local funds, \$1,762,046,000 shall be from Federal funds, \$1,214,843,000 shall be from other funds, and \$14,817,000 shall be from private funds), and an intra-district amount of \$435,054,000, in addition, \$186,900,000 from funds previously appropriated in this Act as Federal payments: Provided further, That this amount may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: Provided further, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act as amended by this Act: Provided further, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2005, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

**GOVERNMENTAL DIRECTION AND SUPPORT**

Governmental direction and support, \$416,069,000 (including \$261,068,000 from local funds, \$100,256,000 from Federal funds, and \$54,745,000 from other funds), in addition, \$32,500,000 from funds previously appropriated in this Act under the heading "Federal Payment to the Office of the Chief Financial Officer of the District of Columbia", \$15,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for Emergency Planning and Security Costs in the District of Columbia", and \$5,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for Foster Care Improvements in the District of Columbia": Provided, That not to exceed \$9,300 for the Mayor, \$9,300 for the Chairman of the Council of the District of Columbia, \$9,300 for the City Administrator, and \$9,300 for the Office of the Chief Financial Officer shall be available from this appropriation for official reception and representation expenses: Provided further, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: Provided further, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally generated revenues: Provided further, That notwithstanding any other provision of law, or Mayor's Order 86-45, issued March 18, 1986, the Office of the Chief Technology Officer's delegated small purchase authority shall be \$500,000: Provided further, That the District of Columbia government may not require the Office of the Chief



Technology Officer to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed \$500,000.

#### ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, \$334,745,000 (including \$55,764,000 from local funds, \$93,050,000 from Federal funds, \$185,806,000 from other funds, and \$125,000 from private funds), of which \$13,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996 (D.C. Law 11-134; D.C. Official Code, sec. 2-1215.01 et seq.), and the Business Improvement Districts Amendment Act of 1997 (D.C. Law 12-26; D.C. Official Code, sec. 2-1215.15 et seq.): Provided, That such funds are available for acquiring services provided by the General Services Administration: Provided further, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia: Provided further, That local funds in the amount of \$1,200,000 shall be appropriated for the Excel Institute.

#### PUBLIC SAFETY AND JUSTICE

Public safety and justice, \$798,723,000 (including \$760,849,000 from local funds, \$7,899,000 from Federal funds, \$29,966,000 from other funds, and \$9,000 from private funds), in addition, \$1,300,000 from funds previously appropriated in this Act under the heading "Federal Payment to the Criminal Justice Coordinating Council": Provided, That not to exceed \$500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: Provided further, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: Provided further, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

#### PUBLIC EDUCATION SYSTEM

##### (INCLUDING TRANSFERS OF FUNDS)

Public education system, including the development of national defense education programs, \$1,266,424,000 (including \$1,058,709,000 from local funds, \$194,979,000 from Federal funds, \$8,957,000 from other funds, \$3,780,000 from private funds to be allocated as follows:

(1) DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—\$901,944,000 (including \$760,494,000 from local funds, \$130,450,000 from Federal funds, \$7,330,000 from other funds, \$3,670,000 from private funds, and not to exceed \$6,816,000, to remain available until expended, from the Medicaid and Special Education Reform Fund established pursuant to the Medicaid and Special Education Reform Fund Establishment Act of 2002 (D.C. Law 14-190; D.C. Official Code 4-204.51 et seq.)), and \$14,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for School Improvement in the District of Columbia" shall be available for District of Columbia Public Schools: Provided, That notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public School employees shall be a non-negotiable item for collective bargaining purposes: Provided further, That this appropriation shall not be available to subsidize the education of any nonresident of the District of

Columbia at any District of Columbia public elementary or secondary school during fiscal year 2005 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia that are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): Provided further, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia Public Schools on July 1, 2005, an amount equal to 10 percent of the total amount of the local funds provided for the District of Columbia Public Schools in the proposed budget of the District of Columbia for fiscal year 2005 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the District of Columbia Public Schools under the District of Columbia Appropriations Act, 2005: Provided further, That not to exceed \$9,300 for the Superintendent of Schools shall be available from this appropriation for official reception and representation expenses.

(2) TEACHERS' RETIREMENT FUND.—\$9,200,000 from local funds shall be available for the Teachers' Retirement Fund.

(3) STATE EDUCATION OFFICE.—\$73,104,000 (including \$10,015,000 from local funds, \$62,914,000 from Federal funds, and \$176,000 from other funds), in addition, \$26,500,000 from funds previously appropriated in this Act under the heading "Federal Payment for Resident Tuition Support" and \$14,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for School Improvement in the District of Columbia" shall be available for the State Education Office: Provided, That of the amounts provided to the State Education Office, \$500,000 from local funds shall remain available until June 30, 2006 for an audit of the student enrollment of each District of Columbia Public School and of each District of Columbia public charter school.

(4) DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOLS.—\$196,802,000 from local funds shall be available for District of Columbia public charter schools: Provided, That there shall be quarterly disbursement of funds to the District of Columbia public charter schools, with the first payment to occur within 15 days of the beginning of the fiscal year: Provided further, That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall remain available as follows: (A) the first \$3,000,000 shall be deposited in the Credit Enhancement Revolving Fund established pursuant to section 603(e) of the Student Loan Marketing Association Reorganization Act of 1996 (Public Law 104-208; 110 Stat. 3009; 20 U.S.C. 1155(e)); and (B) the balance shall be for public education in accordance with section 2403(b)(2) of the District of Columbia School Reform Act of 1995 (D.C. Official Code, sec. 38-1804.03(b)(2)): Provided further, That of the amounts made available to District of Columbia public charter schools, \$25,000 shall be made available to the Office of the Chief Financial Officer as authorized by section 2403(b)(6) of the District of Columbia School Reform Act of 1995 (D.C. Official Code, sec. 38-1804.03(b)(6)): Provided further, That \$660,000 of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs: Provided further, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia public charter schools on July 1, 2005, an amount equal to 25 percent of the total amount of the local funds appropriations request provided for payments to public charter schools in the proposed budget of the District of Columbia for fiscal year 2005 (as submitted to Congress), and the amount of such payment shall be

chargeable against the final amount provided for such payments under the District of Columbia Appropriations Act, 2005: Provided further, That notwithstanding any other provision of law, of the funds appropriated herein for the District of Columbia Public Charter Schools, the Chief Financial Officer of the District of Columbia, in coordination with the District of Columbia Chartering Authorities for the District of Columbia Public Charter Schools, shall establish requirements, policies and procedures for the performance of a single financial audit, to be performed by one auditing firm selected by the Chief Financial Officer of the District of Columbia: Provided further, That beginning in fiscal year 2005, the District of Columbia Chartering Authorities for the District of Columbia Public Charter Schools shall implement and follow these requirements (including, but not limited to, the terms and conditions), policies and procedures to ensure the completion of the annual financial single audit of all District of Columbia Public Charter Schools conducted in accordance herewith.

(5) UNIVERSITY OF THE DISTRICT OF COLUMBIA SUBSIDY.—\$49,602,000 from local funds shall be available for the University of the District of Columbia: Provided, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2005, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: Provided further, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the University of the District of Columbia on July 1, 2005, an amount equal to 10 percent of the total amount of the local funds appropriations request provided for the University of the District of Columbia in the proposed budget of the District of Columbia for fiscal year 2005 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the University of the District of Columbia under the District of Columbia Appropriations Act, 2005: Provided further, That not to exceed \$9,300 for the President of the University of the District of Columbia shall be available from this appropriation for official reception and representation expenses.

(6) DISTRICT OF COLUMBIA PUBLIC LIBRARIES.—\$30,831,000 (including \$28,978,000 from local funds, \$1,093,000 from Federal funds, and \$651,000 from other funds) shall be available for the District of Columbia Public Libraries: Provided, That not to exceed \$7,500 for the Public Librarian shall be available from this appropriation for official reception and representation expenses.

(7) COMMISSION ON THE ARTS AND HUMANITIES.—\$4,941,000 (including \$3,618,000 from local funds, \$523,000 from Federal funds, and \$800,000 from other funds) shall be available for the Commission on the Arts and Humanities.

#### HUMAN SUPPORT SERVICES

##### (INCLUDING TRANSFER OF FUNDS)

Human support services, \$2,533,825,000 (including \$1,165,314,000 from local funds, \$1,331,670,000 from Federal funds, \$27,441,000 from other funds, \$9,400,000 from private funds, in addition, \$5,000,000 from funds previously appropriated in this Act under the heading "Federal Payment to Foster Care Improvements in the District of Columbia": Provided, That \$29,600,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: Provided further, That no less than \$8,498,720, to remain available until expended, shall be deposited in the Addiction Recovery Fund, established pursuant to section 5



of the Choice in Drug Treatment Act of 2000 (D.C. Law 13-146; D.C. Official Code, sec. 7-3004) and used exclusively for the purpose of the Choice in Drug Treatment program, established pursuant to section 4 of the Choice in Drug Treatment Act of 2000 (D.C. Law 13-146; D.C. Official Code, sec. 7-3003), of which \$7,500,000 shall be provided from local funds: Provided further, That none of the \$8,498,720 for the Choice in Drug Treatment program shall be used by the Department of Health's Addiction Prevention and Recovery Administration to provide youth residential treatment services or youth outpatient treatment services: Provided further, That no less than \$2,000,000 shall be available to the Department of Health's Addiction Prevention and Recovery Administration exclusively for the purpose of providing youth residential treatment services: Provided further, That no less than \$1,575,416 shall be available to the Department of Health's Addiction Prevention and Recovery Administration exclusively for the purpose of providing youth outpatient treatment services, of which \$750,000 shall be made available exclusively to provide intensive outpatient treatment slots, outpatient treatment slots, and other program costs for youth in the care of the Youth Services Administration: Provided further, That no less than \$1,400,000 shall be used by the Department of Health's Addiction Prevention and Recovery Administration to fund a Child and Family Services Agency pilot project entitled Family Treatment Court: Provided further, That \$1,200,000 of local funds, to remain available until expended, shall be deposited in the Adoption Voucher Fund, established pursuant to section 3805(a) of the Adoption Voucher Fund Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code, sec. 4-344(a)), to be used exclusively for the purposes set forth in section 3805(b) of the Adoption Voucher Fund Act (D.C. Official Code, sec. 4-344(b)): Provided further, That no less than \$300,000 shall be used by the Department of Health's Environmental Health Administration to operate the Total Maximum Daily Load program: Provided further, That no less than \$1,268,500 shall be used by the Department of Health's Environmental Health Administration to operate its air quality programs, of which no less than \$242,000 shall be used to fund 4 full-time air quality employees: Provided further, That the Department of Human Services, Youth Services Administration shall not expend any appropriated fiscal year 2005 funds until the Mayor has submitted to the Council by September 30, 2004 a plan, including time lines, to close the Oak Hill Youth Center at the earliest feasible date. All of the above proviso amounts in this heading relate back to and are a subset of the first-referenced appropriation amount of \$2,533,825,000.

#### PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, \$331,936,000 (including \$312,035,000 from local funds, \$4,000,000 from Federal funds, and \$15,901,000 from other funds), in addition, \$5,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for Transportation Assistance": Provided, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

#### CASH RESERVE

For the cumulative cash reserve established pursuant to section 202(j)(2) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (D.C. Official Code, sec. 47-392.02(j)(2)), \$50,000,000 from local funds.

#### EMERGENCY AND CONTINGENCY RESERVE FUNDS

For the emergency reserve fund and the contingency reserve fund under section 450A of the

District of Columbia Home Rule Act (D.C. Official Code, sec. 1-204.50a), such additional amounts from the District's general fund balance as are necessary to meet the balance requirements for funds under section 450A.

#### REPAYMENT OF LOANS AND INTEREST

For payment of principal, interest, and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act (D.C. Official Code, secs. 1-204.62, 1-204.75, and 1-204.90), \$347,700,000 from local funds.

#### PAYMENT OF INTEREST ON SHORT-TERM BORROWING

For payment of interest on short-term borrowing, \$4,000,000 from local funds.

#### CERTIFICATES OF PARTICIPATION

For principal and interest payments on the District's Certificates of Participation, issued to finance the ground lease underlying the building located at One Judiciary Square, \$11,252,000 from local funds.

#### SETTLEMENTS AND JUDGMENTS

For making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government, \$20,270,000 from local funds: Provided, That this appropriation shall not be construed as modifying or affecting the provisions of section 103 of this Act.

#### WILSON BUILDING

For expenses associated with the John A. Wilson building, \$3,633,000 from local funds.

#### WORKFORCE INVESTMENTS

For workforce investments, \$38,114,000 from local funds, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for which employees are properly payable: Provided, That of this amount \$3,548,000 shall remain available until expended to meet the requirements of the Compensation Agreement Between the District of Columbia Government Units 1 and 2 Approval Resolution of 2004, effective February 17, 2004 (Res. 15-459; 51 DCR 2325).

#### NON-DEPARTMENTAL AGENCY

To account for anticipated costs that cannot be allocated to specific agencies during the development of the proposed budget, \$13,946,000 (including \$4,000,000 from local funds and \$9,946,000 from other funds) to be transferred by the Mayor of the District of Columbia within the various appropriations headings in this Act: Provided, That \$4,000,000 from local funds shall be for anticipated costs associated with the No Child Left Behind Act.

#### PAY-AS-YOU-GO CAPITAL

For Pay-As-You-Go Capital funds in lieu of capital financing, \$6,531,000 from local funds, to be transferred to the Capital Fund, subject to the Criteria for Spending Pay-as-You-Go Funding Amendment Act of 2003 (D.C. Act 15-106): Provided, That pursuant to this Act, there are authorized to be transferred from Pay-As-You-Go Capital funds to other headings of this Act, such sums as may be necessary to carry out the purposes of this Act.

#### EMERGENCY PLANNING AND SECURITY FUND

For Emergency Planning and Security Fund, \$15,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for Planning and Security Costs in the District of Columbia".

#### OLD CONVENTION CENTER DEMOLITION RESERVE

For the Old Convention Center Demolition Reserve, such amounts as may be necessary, not to exceed \$11,000,000, from the District's general fund balance.

#### TAX INCREMENT FINANCING PROGRAM

For a Tax Increment Financing Program, such amounts as are necessary to meet the Tax

Increment Financing requirements, not to exceed \$9,710,000 from the District's general fund balance.

#### PAY-AS-YOU-GO CONTINGENCY

For Pay-As-You-Go Contingency Fund, \$43,137,000, subject to the Criteria for Spending Pay-as-You-Go Funding Act of 2004, approved by the Council of the District of Columbia on 1st reading, May 14, 2004 (Title I of Bill 15-768), there are authorized to be transferred from the contingency fund to certain other headings of this Act as necessary to carry out the purposes of this Act. Expenditures from the Pay-As-You-Go Contingency Fund shall be subject to the approval of the Council by resolution.

#### REVISED REVENUE ESTIMATE CONTINGENCY PRIORITY

If the Chief Financial Officer for the District of Columbia certifies through a revised revenue estimate that funds are available from local funds, such available funds shall be expended as provided in the Contingency for Recordation and Transfer Tax Reduction and the Office of Property Management and Library Expenditures Act of 2004, approved by the Council of the District of Columbia on 1st reading, May 14, 2004 (Bill 15-768), including up to \$2,000,000 to the Office of Property Management, up to \$1,200,000 to the District of Columbia Public Library, up to \$256,000 to the D.C. Police and Firefighters Retirement and Relief Board, and \$132,600 for the Police and Fire Clinic.

#### ENTERPRISE AND OTHER FUNDS

##### WATER AND SEWER AUTHORITY

For operation of the Water and Sewer Authority, \$287,206,000 from other funds, of which \$15,180,402 shall be apportioned for repayment of loans and interest incurred for capital improvement projects and payable to the District's debt service fund.

For construction projects, \$371,040,000, to be distributed as follows: \$181,656,000 for the Blue Plains Wastewater Treatment Plant, \$43,800,000 for the sewer program, \$9,118,000 for the stormwater program, \$122,627,000 for the water program, and \$13,839,000 for the capital equipment program; in addition, \$10,000,000 from funds previously appropriated in this Act under the heading "Federal Payment to the District of Columbia Water and Sewer Authority": Provided, That the requirements and restrictions that are applicable to general fund capital improvement projects and set forth in this Act under the Capital Outlay appropriation account shall apply to projects approved under this appropriation account.

##### WASHINGTON AQUEDUCT

For operation of the Washington Aqueduct, \$47,972,000 from other funds.

##### STORMWATER PERMIT COMPLIANCE ENTERPRISE FUND

For operation of the Stormwater Permit Compliance Enterprise Fund, \$3,792,000 from other funds.

##### LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act, 1982, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia (D.C. Law 3-172; D.C. Official Code, sec. 3-1301 et seq. and sec. 22-1716 et seq.), \$247,000,000 from other funds: Provided, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board: Provided further,

That the Lottery and Charitable Games Enterprise Fund is hereby authorized to make transfers to the general fund of the District of Columbia, in excess of this appropriation, if such funds are available for transfer.

#### SPORTS AND ENTERTAINMENT COMMISSION

For the Sports and Entertainment Commission, \$7,322,000 from other funds: Provided, That the paragraph under the heading "Sports and Entertainment Commission" in Public Law 108-199 (118 Stat. 125) is amended by striking the term "local funds" and inserting the term "other funds" in its place.

#### DISTRICT OF COLUMBIA RETIREMENT BOARD

For the District of Columbia Retirement Board, established pursuant to section 121 of the District of Columbia Retirement Reform Act of 1979 (D.C. Official Code, sec. 1-711), \$15,277,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: Provided, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: Provided further, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

#### WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, \$77,176,000 from other funds.

#### NATIONAL CAPITAL REVITALIZATION CORPORATION

For the National Capital Revitalization Corporation, \$7,850,000 from other funds.

#### UNIVERSITY OF THE DISTRICT OF COLUMBIA

For the University of the District of Columbia, \$85,102,000 (including, \$49,602,000 from local funds previously appropriated in this Act under the heading "Public Education Systems", \$15,192,000 from Federal funds, \$19,434,000 from other funds, and \$873,000 from private funds): Provided, That this appropriation shall not be available to subsidize the education of non-residents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2005, a tuition rate schedule that will establish the tuition rate for non-resident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.

#### UNEMPLOYMENT COMPENSATION FUND

For the Unemployment Compensation Fund, \$180,000,000 from other funds.

#### DISTRICT OF COLUMBIA PERSONNEL TRUST FUND

For the District of Columbia Personnel Trust Fund, \$953,000 from other funds.

#### DISTRICT OF COLUMBIA PUBLIC LIBRARY TRUST FUND

For the District of Columbia Public Library Trust Fund, \$17,000 from other funds: Provided, That \$7,000 shall be for the Theodore W. Noyes Trust Fund: Provided further, That \$10,000 shall be for the Peabody Trust Fund.

#### CAPITAL OUTLAY

##### (INCLUDING RESCISSIONS)

For construction projects, an increase of \$1,087,649,000, of which \$839,897,000 shall be from local funds, \$38,542,000 from Highway Trust funds, \$37,000,000 from the Rights-of-way funds, \$172,209,000 from Federal funds, and a rescission of \$367,763,000 from local funds appropriated under this heading in prior fiscal years,

for a net amount of \$725,886,000, to remain available until expended; in addition, \$7,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for the Unified Communications Center" and \$3,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for the Anacostia Waterfront Initiative": Provided, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: Provided further, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: Provided further, That the Office of the Chief Technology Officer of the District of Columbia shall implement the following information technology projects on behalf of the District of Columbia Public Schools: Student Information System (project number T2240), Student Information System PCS (project number T2241), Enterprise Resource Planning (project number T2242), E-Rate (project number T2243), and SETS Expansion PCS (project number T2244).

#### TITLE III—GENERAL PROVISIONS

SEC. 301. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 302. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: Provided, That in the case of the Council of the District of Columbia, funds may be expended with the authorization of the Chairman of the Council.

SEC. 303. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly to provided herein.

SEC. 305. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, and salary are not available for inspection by the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Council of the District of Columbia, or their duly authorized representatives.

SEC. 306. None of the Federal funds provided in this Act may be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 307. (a) None of the Federal funds provided in this Act may be used to carry out lobbying activities on any matter.

(b) Nothing in this section may be construed to prohibit any elected official from advocating with respect to any issue.

SEC. 308. (a) None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2005, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditures for an agency through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or responsibility center;

(3) establishes or changes allocations specifically denied, limited or increased under this Act;

(4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;

(5) reestablishes any program or project previously deferred through reprogramming;

(6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of \$1,000,000 or 10 percent, whichever is less; or

(7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center, unless the Committee on Appropriations of the House of Representatives and Senate are notified in writing 15 days in advance of the reprogramming.

(b) None of the local funds contained in this Act may be available for obligation or expenditure for an agency through a transfer of any local funds in excess of \$1,000,000 from one appropriation heading to another unless the Committees on Appropriations of the House of Representatives and Senate are notified in writing 15 days in advance of the transfer, except that in no event may the amount of any funds transferred exceed 4 percent of the local funds in the appropriations.

SEC. 309. Consistent with the provisions of section 1301(a) of title 31, United States Code, appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 310. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2-139; D.C. Official Code, sec. 1-601.01 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1-2041.22(3)), shall apply with respect to the compensation of District of Columbia employees: Provided, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 311. No later than 30 days after the end of the first quarter of fiscal year 2005, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia and the Committees on Appropriations of the House of Representatives and Senate the new fiscal year 2005 revenue estimates as of the end of such quarter. These estimates shall be used in the budget request for fiscal year 2005. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 312. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6-85; D.C. Official Code, sec. 2-303.03), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical, but only if the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and has been reviewed and certified by the Chief Financial Officer of the District of Columbia.

SEC. 313. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3-171; D.C. Official Code, sec. 1-123).

SEC. 314. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would

be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 315. None of the Federal funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9-114; D.C. Official Code, sec. 32-701 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 316. (a) Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer of the District of Columbia may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(b)(1) No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to subsection (a) until—

(A) the Chief Financial Officer of the District of Columbia submits to the Council a report setting forth detailed information regarding such grant; and

(B) the Council has reviewed and approved the acceptance, obligation, and expenditure of such grant.

(2) For purposes of paragraph (1)(B), the Council shall be deemed to have reviewed and approved the acceptance, obligation, and expenditure of a grant if—

(A) no written notice of disapproval is filed with the Secretary of the Council within 14 calendar days of the receipt of the report from the Chief Financial Officer under paragraph (1)(A); or

(B) if such a notice of disapproval is filed within such deadline, the Council does not by resolution disapprove the acceptance, obligation, or expenditure of the grant within 30 calendar days of the initial receipt of the report from the Chief Financial Officer under paragraph (1)(A).

(c) No amount may be obligated or expended from the general fund or other funds of the District of Columbia government in anticipation of the approval or receipt of a grant under subsection (b)(2) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such subsection.

(d) The Chief Financial Officer of the District of Columbia may adjust the budget for Federal, private, and other grants received by the District government reflected in the amounts appropriated in this Act, or approved and received under subsection (b)(2) to reflect a change in the actual amount of the grant.

(e) The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this section. Each such report shall be submitted to the Council of the District of Columbia and to the Committees on Appropriations of the House of Representatives and Senate not later than 15 days after the end of the quarter covered by the report.

SEC. 317. (a) Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term "official duties" does not include travel between the officer's or employee's residence and workplace, except in the case of—

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department;

(2) an officer or employee of the District of Columbia Fire and Emergency Medical Services

Department who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Fire Chief;

(3) the Mayor of the District of Columbia; and

(4) the Chairman of the Council of the District of Columbia.

(b) The Chief Financial Officer of the District of Columbia shall submit by March 1, 2005, an inventory, as of September 30, 2004, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and residential location.

SEC. 318. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government for fiscal year 2005 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia, in coordination with the Chief Financial Officer of the District of Columbia, pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Official Code, sec. 2-302.8); and

(2) the audit includes as a basic financial statement a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year using the format, terminology, and classifications contained in the law making the appropriations for the year and its legislative history.

SEC. 319. (a) None of the Federal funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 320. (a) None of the Federal funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(b) Any individual or entity who receives any funds contained in this Act and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this Act.

SEC. 321. None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including any independent agency of the District of Columbia) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and the officer's agency as a result of this Act (and the amendments made by this Act), including any duty to prepare a report requested either in the Act or in any of the reports accompanying the Act and the deadline by which each report must be submitted. The Chief Financial Officer of the District of Columbia shall provide to the Committees on Appropriations of the House of Representatives and Senate by the 10th day after the end of each quarter a summary list showing each report, the due date, and the date submitted to the Committees.

SEC. 322. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession,

use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 323. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a "conscience clause" which provides exceptions for religious beliefs and moral convictions.

SEC. 324. The Mayor of the District of Columbia shall submit to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate quarterly reports addressing—

(1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets;

(2) access to substance and alcohol abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs;

(3) management of parolees and pre-trial violent offenders, including the number of halfway houses escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in consultation with the Court Services and Offender Supervision Agency for the District of Columbia;

(4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools and the District of Columbia public charter schools;

(5) improvement in basic District services, including rat control and abatement;

(6) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but for which the District failed to spend the amounts received; and

(7) indicators of child well-being.

SEC. 325. (a) No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1-204.42), for all agencies of the District of Columbia government for fiscal year 2004 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

(b) **APPLICABILITY.**—This provision shall apply only to an agency where the Chief Financial Officer of the District of Columbia certifies that a reallocation is required to address unanticipated changes in program requirements.

SEC. 326. None of the funds contained in this Act may be used to issue, administer, or enforce any order by the District of Columbia Commission on Human Rights relating to docket numbers 93-030-(PA) and 93-031-(PA).

SEC. 327. Notwithstanding any other law, the District of Columbia Courts shall transfer to the general treasury of the District of Columbia all fines levied and collected by the Courts under section 10(b)(1) and (2) of the District of Columbia Traffic Act (D.C. Official Code, sec. 50-

2201.05(b)(1) and (2)). The transferred funds shall remain available until expended and shall be used by the Office of the Corporation Counsel for enforcement and prosecution of District traffic alcohol laws in accordance with section 10(b)(3) of the District of Columbia Traffic Act (D.C. Official Code, sec. 50–2201.05(b)(3)).

SEC. 328. None of the funds contained in this Act may be made available to pay—

(1) the fees of an attorney who represents a party in an action or an attorney who defends an action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) in excess of \$4,000 for that action; or

(2) the fees of an attorney or firm whom the Chief Financial Officer of the District of Columbia determines to have a pecuniary interest, either through an attorney, officer or employee of the firm, in any special education diagnostic services, schools, or other special education service providers.

SEC. 329. The Chief Financial Officer of the District of Columbia shall require attorneys in special education cases brought under the Individuals with Disabilities Act (IDEA) in the District of Columbia to certify in writing that the attorney or representative rendered any and all services for which they receive awards, including those received under a settlement agreement or as part of an administrative proceeding, under the IDEA from the District of Columbia: Provided, That as part of the certification, the Chief Financial Officer of the District of Columbia shall require all attorneys in IDEA cases to disclose any financial, corporate, legal, memberships on boards of directors, or other relationships with any special education diagnostic services, schools, or other special education service providers to which the attorneys have referred any clients as part of this certification: Provided further, That the Chief Financial Officer shall prepare and submit quarterly reports to the Committees on Appropriations of the House of Representatives and Senate on the certification of and the amount paid by the government of the District of Columbia, including the District of Columbia Public Schools, to attorneys in cases brought under IDEA: Provided further, That the Inspector General of the District of Columbia may conduct investigations to determine the accuracy of the certifications.

SEC. 330. Section 401(a) and (b) of Chapter 4 of Public Law 106–554 is hereby amended by striking paragraph (5).

SEC. 331. Sections 11–1701(b)(5), 11–1704(b), 11–1723(b), 11–2102(a)(2), and the second and third sentences of Section 11–1724, of the District of Columbia Official Code, are hereby repealed.

SEC. 332. Section 11–1728 of the District of Columbia Official Code, is amended to read as follows:

**“SEC. 11–1728. RECRUITMENT AND TRAINING OF PERSONNEL AND TRAVEL.**

“(a) The Executive Officer shall be responsible for recruiting such qualified personnel as may be necessary for the District of Columbia Courts and for providing in-service training for court personnel.

“(b) Travel under Federal supply schedules is authorized for the travel of court personnel on official business. The joint committee shall prescribe such requirements, conditions and restrictions for such travel as it considers appropriate, and shall include policies and procedures for preventing abuses of that travel authority.”.

SEC. 333. Section 450A of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code, sec. 1–204.50a), is amended as follows:

(1) Subsection (a) is amended as follows:

(A) Paragraph (1) is amended to read as follows:

“(1) IN GENERAL.—There is established an emergency cash reserve fund (‘emergency reserve fund’) as an interest-bearing account (separate from other accounts in the General Fund)

into which the Mayor shall make a deposit in cash not later than October 1 of each fiscal year of such an amount as may be required to maintain a balance in the fund of at least 2 percent of the operating expenditures as defined in paragraph (2) of this subsection or such amount as may be required for deposit in a fiscal year in which the District is replenishing the emergency reserve fund pursuant to subsection (a)(7).”.

(B) Paragraph (2) is amended to read as follows:

“(2) IN GENERAL.—For the purpose of this subsection, operating expenditures is defined as the amount reported in the District of Columbia’s Comprehensive Annual Financial Report for the fiscal year immediately preceding the current fiscal year as the actual operating expenditure from local funds, less such amounts that are attributed to debt service payments for which a separate reserve fund is already established under this Act.”.

(C) Paragraph (7) is amended to read as follows:

“(7) REPLENISHMENT.—The District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the emergency reserve fund during the preceding fiscal years so that not less than 50 percent of any amount allocated in the preceding fiscal year or the amount necessary to restore the emergency reserve fund to the 2 percent required balance, whichever is less, is replenished by the end of the first fiscal year following each such allocation and 100 percent of the amount allocated or the amount necessary to restore the emergency reserve fund to the 2 percent required balance, whichever is less, is replenished by the end of the second fiscal year following each such allocation.”.

(2) Subsection (b) is amended as follows:

(A) Paragraph (1) is amended to read as follows:

“(1) IN GENERAL.—There is established a contingency cash reserve fund (‘contingency reserve fund’) as an interest-bearing account, separate from other accounts in the General Fund, into which the Mayor shall make a deposit in cash not later than October 1 of each fiscal year of such amount as may be required to maintain a balance in the fund of at least 4 percent of the operating expenditures as defined in paragraph (2) of this subsection or such amount as may be required for deposit in a fiscal year in which the District is replenishing the emergency reserve fund pursuant to subsection (b)(6).”.

(B) Paragraph (2) is amended to read as follows:

“(2) IN GENERAL.—For the purpose of this subsection, operating expenditures is defined as the amount reported in the District of Columbia’s Comprehensive Annual Financial Report for the fiscal year immediately preceding the current fiscal year as the actual operating expenditure from local funds, less such amounts that are attributed to debt service payments for which a separate reserve fund is already established under this Act.”.

(C) Paragraph (6) is amended to read as follows:

“(6) REPLENISHMENT.—The District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the contingency reserve fund during the preceding fiscal years so that not less than 50 percent of any amount allocated in the preceding fiscal year or the amount necessary to restore the contingency reserve fund to the 4 percent required balance, whichever is less, is replenished by the end of the first fiscal year following each such allocation and 100 percent of the amount allocated or the amount necessary to restore the contingency reserve fund to the 4 percent required balance, whichever is less, is replenished by the end of the second fiscal year following each such allocation.”.

SEC. 334. For fiscal year 2005, the Chief Financial Officer shall re-calculate the emergency

and contingency cash reserve funds amount established by Section 450A of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code, sec. 1–204.50a), as amended by this Act and is authorized to transfer funds between the emergency and contingency cash reserve funds to reach the required percentages: Provided, That for fiscal year 2005, the Chief Financial Officer may transfer funds from the emergency and contingency cash reserve funds to the general fund of the District of Columbia to the extent that such funds are not necessary to meet the requirements established for each fund: Provided further, That the Chief Financial Officer may not transfer funds from the emergency or the contingency reserve funds to the extent that such a transfer would lower the fiscal year 2005 total percentage below 7 percent of operating expenditures, as amended by this Act.

SEC. 335. Section 6 of the Policemen and Firemen’s Retirement and Disability Act, approved August 21, 1957 (Public Law 85–157; 71 Stat. 399; D.C. Official Code §5–732) is amended by striking the phrase “of this chapter, to the extent that such benefit payments exceed the deductions from the salaries of federal employees for credit to the revenues of the District of Columbia.” and inserting the phrase “of this chapter and to reimburse the District of Columbia for the administrative costs associated with making such benefit payments for credit to the revenues of the District of Columbia: Provided, That benefit payment reimbursement shall only be to the extent that such benefit payments exceed the deductions from the salaries of federal employees.” in its place.

SEC. 336. Notwithstanding any other provision of this Act, there is hereby appropriated for the Office of the Inspector General such amounts in local funds, as are consistent with the annual estimates for the expenditures and appropriations necessary for the operation of the Office of the Inspector General as prepared by the Inspector General and submitted to the Mayor and forwarded to the Council pursuant to D.C. Official Code 2–302.08(a)(2)(A) for fiscal year 2005: Provided, That the Office of the Chief Financial Officer shall take such steps as are necessary to implement the provisions of this subsection.

SEC. 337. The authority which the Chief Financial Officer of the District of Columbia exercised with respect to personnel, procurement, and the preparation of fiscal impact statements during a control period (as defined in Public Law 104–8) shall remain in effect through September 30, 2005.

SEC. 338. The paragraph under the heading “Federal Payment for Incentives for Adoption of Children” in Public Law 106–113, approved November 29, 1999 (113 Stat. 1501), is amended to add the following proviso: “: Provided further, That the funds provided under this heading for the establishment of a scholarship fund for District of Columbia children of adoptive families, and District of Columbia children without parents due to the September 11, 2001 terrorist attack to be used for post high school education and training, once obligated by the District to establish the scholarship fund, shall remain obligated and be retained by the District for 25 years from the date of obligation to allow for any individual who is within the class of persons to be assisted by this provision to reach post high school and to present expenditures to be extinguished by the fund”.

SEC. 339. AUTHORITY OF OPSCFS. (a) Section 161(3)(E)(i) of Public Law 106–522 shall be amended to include a new section known as (E)(i)(IV) to establish regulations for administering lease guarantees through the credit enhancement fund to public charter schools in the District of Columbia.

(b) The first sentence of section 143 of the District of Columbia Appropriations Act of 2003 (Public Law 108–7, 117 STAT. 130) approved April 20, 2003 is amended by striking the phrase, “under the authority of the Department of

Banking and Financial Institutions" and inserting "under the authority of the Mayor" in its place.

SEC. 340. PROCESS FOR FILING CHARTER PETITIONS. D.C. Code §38-1802.01 is amended by adding a new section (e) as follows—

"(e) A petition to establish a public charter school in the District of Columbia, or to convert a District of Columbia public school or an existing private or independent school, is a public document."

SEC. 341. AMENDMENTS TO CHARTER SCHOOL LAW. (a) PROCESS FOR FILING CHARTER PETITIONS.—Section 2201 of the District of Columbia School Reform Act of 1995 (D.C. Code 38-1802.01) is amended—

(1) in subsection (a)(3)(B), by striking "two-thirds" and inserting "51 percent"; and

(2) in subsection (b)(3)(B), by striking "two-thirds" and inserting "51 percent".

(b) EMPLOYEES.—Section 2207 of the District of Columbia School Reform Act of 1995 (D.C. Code 38-1802.07) is amended by adding at the end the following:

"(d) TEACHERS REMAINING AT CONVERTED PUBLIC CHARTER SCHOOLS.—A teacher employed at a District of Columbia public school that converts to a public charter school under section 2201 shall have the option of remaining at the charter school during the school's first year of operation after receiving an extended leave of absence under subsection (a)(1). After this 1-year period, the teacher may continue to be employed at the public charter school, at the sole discretion of the public charter school, or shall maintain current status within the District of Columbia public school system."

(c) PUBLIC SCHOOL SERVICES TO PUBLIC CHARTER SCHOOLS.—Section 2209(b) of the District of Columbia School Reform Act of 1995 (D.C. Code 38-1802.09(b)) is amended—

(1) in paragraph (1)—

(A) by amending subparagraph (A) to read as follows:

"(A) IN GENERAL.—Notwithstanding any other provision of law, regulation, or order relating to the disposition of a facility or property described in subparagraph (B), or to the disposition of any property of the District of Columbia, the Mayor and the District of Columbia government shall give a right of first offer, which right shall be annually reinstated with respect to any facility or property not previously disposed of, or under contract to be disposed of, to an eligible applicant whose petition to establish a public charter school has been conditionally approved under section 2203(d)(2), or a Board of Trustees, with respect to the purchase, lease, transfer, or use of a facility or property described in subparagraph (B).";

(B) by amending subparagraph (B)(iii) to read as follows:

"(iii) With respect to which—

"(I) the Board of Education has transferred jurisdiction to the Mayor and over which the Mayor has jurisdiction on the effective date of this subclause; or

"(II) over which the Mayor or any successor agency gains jurisdiction after the effective date of this subclause."; and

(C) by adding at the end the following:

"(C) TERMS OF PURCHASE OR LEASE.—The terms of purchase or lease of a facility or property described in subparagraph (B) shall—

"(i) be negotiated by the Mayor;

"(ii) include rent or an acquisition price, as applicable, that is at least 25 percent less than the appraised value of the property (based on use of the property for school purposes); and

"(iii) include a lease period, if the property is to be leased, of not less than 25 years, and renewable for additional 25-year periods as long as the eligible applicant or Board of Trustees maintains its charter."; and

(2) in paragraph (2)(A), by striking "preference" and inserting "a right to first offer"; and

(3) by adding at the end the following:

"(3) CONVERSION PUBLIC CHARTER SCHOOLS.—Any District of Columbia public school that was approved to become a conversion public charter school under section 2201 before the effective date of this subsection or is approved to become a conversion public charter school after the effective date of this subsection, shall have the right to exclusively occupy the facilities the school occupied as a District of Columbia public school under a lease for a period of not less than 25 years, renewable for additional 25-year periods as long as the school maintains its charter at the non-profit rate, or if there is no non-profit rate, at 25 percent less than the fair market rate for school use."

SEC. 342. ANNUAL REPORT TO CONGRESS. Section 2211 of the School Reform Act of 1995 (D.C. Code 38-1802.11) shall be amended by:

(1) adding the following new subparagraph at the end of section 2211(a)(1):

"(D) Shall ensure that each public charter school complies with the annual reporting requirement of subsection 38-1802.04(b)(11) of this Act, including submission of the audited financial statement required by sub-subsection (B)(ix) of that section."; and

(2) adding the following before the period at the end of subparagraph (d): "(10) details of major Board actions; (11) major findings from school reviews of academic, financial, and compliance with health and safety standards and resulting Board action or recommendations; (12) details of the fifth year review process and outcomes; (13) summary of annual financial audits of all charter schools, including (a) the number of schools that failed to timely submit the audited financial statement required by that section; (b) the number of schools whose audits revealed a failure to follow required accounting practices or other material deficiencies; and (c) the steps taken by the authority to ensure that deficiencies found by the audits are rectified; (14) number of schools which have required intervention by authorizing board to address any academic or operational issue; (15) what recommendations an authorizing board has made to correct identified deficiencies".

SEC. 343. LEASE TO DISTRICT OF COLUMBIA. (a) LEASE.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, subject to subsection (b), the Secretary of the Interior (referred to in this section as the "Secretary") shall lease to the government of the District of Columbia, without consideration, the property described in paragraph (2).

(2) PROPERTY.—The property referred to in paragraph (1) is—

(A) the National Park Service land in Anacostia Park, the boundaries of which are the Anacostia River to the west, Watts Branch to the south, Kenilworth Aquatic Gardens to the north, and Anacostia Avenue to the east (US Reservations 325 and 343, Section G); and

(B) the community center under the jurisdiction of the District of Columbia known as the "Kenilworth Parkside Community Center".

(b) CONDITIONS OF LEASE.—

(1) TERM.—The lease under subsection (a)(1) shall be for a period of 50 years.

(2) TRANSFER OF TITLE.—The lease under subsection (a)(1) shall be subject to such terms and conditions, to be included in the lease, as are necessary to ensure that the property leased under that subsection—

(A) may be subleased by the District of Columbia to any public entity or private not-for-profit corporation under a public process; and

(B) is used only for the provision of public recreational facilities, open space, or public outdoor recreational opportunities.

(C) Nothing in the Act precludes the District of Columbia from entering into a sublease for all or part of the property with a public not-for-profit entity for the management or maintenance of the property.

(3) TERMINATION.—

(A) IN GENERAL.—The lease under subsection (a)(1) shall terminate if—

(i) any term or condition of the lease described in paragraph (2) is violated, as determined by the Secretary; and

(ii) the violation is not corrected by the date that is 90 days after the date on which the Mayor of the District of Columbia receives from the Secretary a written notice of the violation.

(B) DETERMINATION OF CORRECTION.—A violation of a term or condition of the lease under subsection (a)(1) shall be determined to have been corrected under subparagraph (A)(ii) if, after notification of the violation, the District of Columbia and the Secretary enter into an agreement that the Secretary considers to be adequate to ensure that the property leased will be used in a manner consistent with paragraph (2).

(4) PROHIBITION OF CIVIL ACTIONS.—No person may bring a civil action relating to a violation any term or condition of the lease described in paragraph (2) before the date that is 90 days after the person notifies the Mayor of the District of Columbia of the alleged violation (including the intent of the person to bring a civil action for termination of the lease under paragraph (3)).

(5) REMOVAL OF STRUCTURES; REHABILITATION.—The lease under subsection (a)(1) shall be subject to the condition that, in the event of a termination of the lease under paragraph (3), the District of Columbia shall bear the cost of removing structures on, or rehabilitating, the property leased.

(6) ADMINISTRATION OF PROPERTY.—If the lease under subsection (a)(1) is terminated under paragraph (3), the property covered by the lease shall be administered by the Secretary as a unit of the National Park System in the District of Columbia in accordance with—

(A) the Act of August 25, 1916 (commonly known as the "National Park Service Organic Act") (16 U.S.C. 1 et seq.); and

(B) other laws (including regulations) generally applicable to units of the National Park System.

SEC. 344. BIENNIAL EVALUATION OF CHARTER SCHOOL AUTHORIZING BOARDS. (a) Biennial management evaluation of the District of Columbia Chartering Authorities for the District of Columbia Public Charter Schools shall be conducted by the Comptroller General of the United States.

(b) Evaluation shall include the following:

(1) Establish standards to assess each authorizer's procedures and oversight quality;

(2) Identify gaps in oversight and recommendations;

(3) Review processes of charter school applications;

(4) Extent of ongoing monitoring, technical assistance, and sanctions provided to schools;

(5) Compliance with annual reporting requirements;

(6) Actual budget expenditures for the preceding two fiscal years;

(7) Comparison of budget expenditures with mandated responsibilities;

(8) Alignment with best practices; and

(9) Quality and timeliness of meeting Section 2211(d) of the School Reform Act of 1995 (D.C. Code 38-1802.11(d)), as amended.

(c) INITIAL INTERIM REPORT TO CONGRESS.—The Government Accountability Office shall submit to the Committees on Appropriations of the House of Representatives and Senate, no later than May 1, 2005, a baseline report on the performance of each authorizer in meeting the requirements of the School Reform Act of 1995.

(d) Hereafter Section 2214(f) of Public Law 104-143 (D.C. Code 38-1802.14(f)), shall apply to the District of Columbia Board of Education Charter Schools Office.

SEC. 345. CLARIFYING OPERATIONS OF PUBLIC CHARTER SCHOOL BOARD. Section 2214 of the School Reform Act of 1995 (Public Law 104-134; D.C. Code 38-1802.14), is amended—

(1) by striking subsection (f) and inserting the following:

“(f) *AUDIT.*—The Board shall maintain its accounts according to Generally Accepted Accounting Principles for Not-for-Profit Organizations. The Board shall provide for an audit of the financial statements of the Board by an independent certified public accountant in accordance with Government auditing standards for financial audits issued by the Comptroller General of the United States. The findings and recommendations of any such audit shall be forwarded to the Mayor, the District of Columbia Council, the appropriate congressional committees, and the Office of the Chief Financial Officer.”; and

(2) adding at the end the following:

“(h) *CONTRACTING AND PROCUREMENT.*—The Board shall have the authority to solicit, award, and execute contracts independently of the Office of Contracting and Procurement and the Chief Procurement Officer. Nothing in chapter 3 of title 2 of the District of Columbia Code shall affect the authority of the Board under this subsection.”.

This Act may be cited as the “District of Columbia Appropriations Act, 2005”.

S. 2781

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Comprehensive Peace in Sudan Act of 2004”.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) *APPROPRIATE CONGRESSIONAL COMMITTEES.*—The term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) *JEM.*—The term “JEM” means the Justice and Equality Movement.

(3) *SLA.*—The term “SLA” means the Sudanese Liberation Army.

(4) *SPLM.*—The term “SPLM” means the Sudan People’s Liberation Movement.

#### SEC. 3. FINDINGS.

Congress makes the following findings:

(1) 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 in jeopardy.

(2) Since 1989, the Government of Sudan has repeatedly engaged in and sponsored orchestrated campaigns of attacking and dislocating targeted civilian populations, disrupting their ability to sustain themselves, and subsequently restricting assistance to those displaced in a coordinated policy of ethnic cleansing that is most recently evident in the Darfur region of Sudan.

(3) In response to 2 decades of civil conflict in Sudan, the United States has helped to establish an internationally supported peace process to promote a negotiated settlement to the war that has resulted in a framework peace agreement, the Nairobi Declaration on the Final Phase of Peace in the Sudan signed June 5, 2004.

(4) At the same time that the Government of Sudan was negotiating for a final countrywide peace, enumerated in the Nairobi Declaration on the Final Phase of Peace in the Sudan, it refused to engage in any meaningful discussion with regard to its ongoing campaign of ethnic cleansing in the region of Darfur.

(5) It was not until the international community expressed its outrage, through high level visits by Secretary of State Colin Powell and others, and through United Nations Security Council Resolution 1556 of July 30, 2004, that the Government of Sudan agreed to attend talks to bring peace to the Darfur region.

(6) The Government of the United States, in both the executive branch and Congress, have concluded that genocide has been committed and may still be occurring in Darfur, and that the Government of Sudan and the

Janjaweed bear responsibility for the genocide.

(7) The United Nations High Commissioner for Human Rights has identified massive human rights violations in Darfur perpetrated by the Government of Sudan and the Janjaweed, which the Commissioner stated may constitute war crimes or crimes against humanity.

(8) 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, from both air and ground, that has destroyed African Sudanese villages, killing and driving away its people, while Arab Sudanese villages have been left unscathed.

(9) As a result of this coordinated campaign, which Congress and the executive branch have declared to be genocide, reports indicate tens of thousands of African Sudanese civilians killed, the systematic rape of thousands of women and girls, the destruction of hundreds of Fur, Masalit, and Zaghawa villages and other ethnically African populations, including the poisoning of their wells and the plunder of crops and cattle upon which they sustain themselves.

(10) According to the United Nations High Commissioner for Refugees, 1,400,000 people have been displaced in the Darfur region of Sudan, of whom over 200,000 have been forced to flee to Chad as refugees.

(11) 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.

(12) In addition to the thousands of violent deaths directly caused by ongoing Sudanese military and government sponsored Janjaweed attacks in the Darfur region, the Government of Sudan has restricted humanitarian and human rights workers’ access to the Darfur area, primarily through bureaucratic and administrative obstruction, in an attempt to inflict the most devastating harm on those displaced from their villages and homes without any means of sustenance or shelter.

(13) The Government of Sudan’s continued support for the Janjaweed 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 conditions persist, is projected to escalate to thousands of deaths each day by December 2004.

(14) The Government of Chad served an important role in facilitating the Darfur humanitarian cease-fire (the N’Djamena Agreement dated April 8, 2004) for the Darfur region between the Government of Sudan and the 2 opposition rebel groups in Darfur (the JEM and the SLA) although both sides have violated it repeatedly.

(15) The people of Chad have responded courageously to the plight of over 200,000 Darfur refugees by providing assistance to them even though such assistance has adversely affected their own means of livelihood.

(16) The cooperation and inclusion of all Sudanese is essential to the establishment of peace and security throughout all of Sudan.

(17) The African Union has demonstrated renewed vigor in regional affairs through its willingness to respond to the crisis in Darfur, by convening talks between the parties and deploying several hundred monitors and security forces to the region, as well as by recognizing the need for a far larger force with a broader mandate.

(18) Despite the threat of international action expressed through United Nations Security Council Resolution 1556 of July 30, 2004,

the Government of Sudan continues to obstruct and prevent efforts to reverse the catastrophic consequences that loom over Darfur.

#### SEC. 4. SENSE OF CONGRESS REGARDING 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 THE CONFLICT.*—It is the sense of Congress that—

(1) a legitimate countrywide peace in Sudan will only be possible if the Agreed Principles of Part A of the Machakos Protocol of 2002, confirmed by the Nairobi Declaration on the Final Phase of Peace in the Sudan signed June 5, 2004, negotiated with the SPLM, apply to all of Sudan and to all of the people of Sudan, including the Darfur region;

(2) the parties to the N’Djamena Agreement (the Government of Sudan, the SLA, and the JEM) must meet their obligations under that Agreement to allow safe and immediate access of all humanitarian assistance throughout the Darfur region and must expedite the conclusion of a political agreement to end the genocide and conflict in Darfur;

(3) 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, develop a plan similar to that described in section 10 of the Sudan Peace Act to provide assistance to the areas of Sudan to which United States access has been obstructed or denied;

(4) the international community, including African, Arab, and Muslim nations, should immediately provide resources necessary to save the lives of hundreds of thousands of individuals at risk as a result of the Darfur crisis;

(5) the United States Ambassador-at-Large for War Crimes should travel to Chad and the Darfur region immediately to investigate war crimes and crimes against humanity to develop a more accurate understanding of the situation on the ground and to better inform the report required in section 11(b) of the Sudan Peace Act;

(6) the United States and the international community should—

(A) provide all necessary assistance to deploy and sustain an African Union Force of at least 4,200 personnel to the Darfur region; and

(B) work to increase the authorized level and expand the mandate of such forces commensurate with the gravity and scope of the problem in a region the size of France;

(7) the President, acting through the Secretary of State and the Permanent Representative of the United States to the United Nations, should ensure that Sudan fulfills its obligations under United Nations Security Council Resolutions 1556 (July 30, 2004) and 1564 (September 18, 2004);

(8) sanctions should be imposed on the assets and activities of those Sudanese Government officials and other individuals that are involved in carrying out the atrocities in the Darfur region;

(9) the Government of the United States 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, peace agreements for all areas of Sudan, including Darfur; and

(10) Presidential Proclamation 6958 issued November 22, 1996, which suspends entry into the United States of members of the Government of Sudan, officials of that Government, and members of the Sudanese Armed Forces,



should continue to remain in effect and be strictly enforced.

#### 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) AUTHORIZATION OF APPROPRIATIONS.—

“(1) HUMANITARIAN ASSISTANCE.—There is authorized to be appropriated to the President for assistance to address the humanitarian and human rights crisis in the Darfur region and its impact on eastern Chad, pursuant to the authority in section 491 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292), \$200,000,000 for fiscal year 2005, in addition to any other funds otherwise available for such purpose.

“(2) ADDITIONAL ASSISTANCE.—Subject to the requirements of this section, there is authorized to be appropriated to the President, for development and humanitarian assistance for Sudan upon the conclusion of a permanent, just, and equitable peace agreement between the Government of Sudan and the SPLM, \$100,000,000 for fiscal year 2005, in addition to any other funds otherwise available for such purpose.

“(3) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) or (2) are authorized to remain available until expended, notwithstanding any other provision of law other than the provisions of this section.

“(b) REQUIREMENT FOR CERTIFICATION.—The assistance authorized under subsection (a)(2) may be provided—

“(1) to the regions administered by the Government of Sudan, in accordance with the peace agreement described in subsection (a)(2), only if the President submits the certification described in subsection (c); and

“(2) to the regions administered by the SPLM, in accordance with the peace agreement described in subsection (a)(2), only if the President submits the certification described in subsection (d).

“(c) CERTIFICATION WITH REGARD TO ACTIONS OF THE GOVERNMENT OF SUDAN.—The certification referred to in subsection (b)(1) is a certification submitted by the President to the appropriate congressional committees that—

“(1) the Government of Sudan is taking demonstrable steps to—

“(A) ensure that the armed forces of Sudan and any associated militias are not attacking civilians 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 access for the provision of humanitarian assistance to all regions of Sudan, including Darfur; and

“(D) cooperate fully with the African Union, the United Nations, and all other observer, monitoring, and protection missions mandated to operate in Sudan; and

“(2) the Government of Sudan is complying with the provisions of the peace agreement described in subsection (a)(2).

“(d) CERTIFICATION WITH REGARD TO SPLM'S COMPLIANCE WITH A PEACE AGREEMENT.—The certification referred to in subsection (b)(2) is a certification submitted by the President to the appropriate congressional committees that the SPLM is complying with the provisions of the peace agreement described in subsection (a)(2).

“(e) SUSPENSION OF ASSISTANCE.—If, on a date after the President submits a certifi-

cation described in subsection (c) or (d), the President determines that either the Government of Sudan or the SPLM has ceased taking the actions described in the applicable subsection, the President shall immediately suspend the provision of any assistance made available as a result of such certification until the date on which the President certifies that such entity has resumed taking such actions.”.

(2) CONFORMING AMENDMENT.—Section 3 of the Sudan Peace Act (50 U.S.C. 1701 note) is amended by adding at the end the following new paragraph:

“(4) SPLM.—The term ‘SPLM’ means the Sudan People's Liberation Movement.”.

(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. OTHER RESTRICTIONS.

(a) BLOCKING OF ASSETS.—On the date that is 120 days after the date of enactment of this Act, if the President has not submitted the certification described in subsection (c)(1) of section 12 of the Sudan Peace Act, as added by section 5, the President shall, consistent with the authorities granted in the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block the assets of appropriate senior officials of the Government of Sudan.

(b) 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 Appropriations 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 also makes the certification described in subsection (c) of section 12 of the Sudan Peace Act, as added by section 5.

#### SEC. 7. REQUIREMENT FOR REPORT.

(a) REQUIREMENT.—Not later than 60 days after the date of enactment of this Act, the President shall submit 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 the United States response to a modified peace process between the Government of Sudan and the SPLM that would account for the implementation of a peace in all regions of Sudan, in particular Darfur; and

(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.

(c) FORM OF REPORT.—The report required by subsection (a) may be submitted in classified form.

#### SEC. 8. TECHNICAL CORRECTION.

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”.

S. CON. RES. 119

Whereas suicide is one of the most disruptive and tragic events a family and a community can experience, and it occurs at a national rate of 30,000 suicides annually;

Whereas suicide is the fastest growing cause of death among youths and the second leading cause of death among college students;

Whereas suicide kills youths 6 to 9 times more often than homicide;

Whereas research shows that 95 percent of all suicides are preventable;

Whereas research shows that the prevention of suicide must be recognized as a national priority;

Whereas community awareness and education will encourage the development of strategies to prevent suicide;

Whereas during the 105th Congress, both the Senate and the House of Representatives unanimously agreed to resolutions recognizing suicide as a national problem and declaring suicide prevention programs to be a national priority (Senate Resolution 84, 105th Congress, agreed to May 6, 1997, and House of Representatives Resolution 212, 105th Congress, agreed to October 9, 1998);

Whereas the yellow ribbon is rapidly becoming recognized internationally as the symbol for the awareness and prevention of suicide, and it is recognized and used by suicide prevention groups, crisis centers, schools, churches, youth centers, hospitals, counselors, teachers, parents, and especially youth themselves; and

Whereas the week beginning September 19, 2004, should be recognized as Yellow Ribbon Suicide Awareness and Prevention Week: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) recognizes that the need to increase awareness about and prevent suicide is a compelling national priority;

(2) reaffirms the commitment of Congress to the priorities expressed by the 105th Congress, in Senate Resolution 84 and House Resolution 212, to continue to recognize suicide prevention as a national priority; and

(3) encourages Americans, communities, and the Nation to work to increase awareness about and prevent suicide.

#### MEASURES PLACED ON THE CALENDAR—S. 2844 and S. 2845

Mr. McCONNELL. Mr. President, I understand there are two bills at the desk which are due for a second reading.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. McCONNELL. I ask unanimous consent that the bills be given a second reading en bloc.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will read the bills by title, en bloc.

The assistant legislative clerk read as follows:

A bill (S. 2844) to designate Poland as a program country under the visa waiver program established under section 217 of the Immigration and Nationality Act.

A bill (S. 2845) to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

Mr. McCONNELL. I object to further proceedings on the measures, en bloc, at this time.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bills will be placed on the calendar.

#### ORDERS FOR MONDAY, SEPTEMBER 27, 2004

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 1 p.m. on Monday, September 27. I further ask that following

the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period of morning business until 2 p.m., with the time equally divided between the two leaders or their designees; provided that at 2 p.m. the Senate proceed to consideration of S. 2845, the Intelligence Reform bill, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

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PROGRAM

Mr. McCONNELL. Mr. President, for the information of all Senators, on Monday, following morning business, the Senate will begin consideration of

the Intelligence Reform bill. As I announced earlier, there will be no roll-call votes on Monday. However, I will alert all Senators that amendments will be offered and debated during Monday's session. The chairman and ranking member of the Governmental Affairs Committee will be here to begin working through amendments to the bill. Any votes ordered with respect to amendments will be set to occur on Tuesday morning. So I encourage Senators who wish to have their amendments considered on Monday to contact the bill managers.

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ORDER FOR RECORD TO REMAIN  
OPEN

Mr. McCONNELL. Mr. President, I ask unanimous consent that the

RECORD remain open for statements until 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

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ADJOURNMENT UNTIL 1 P.M.,  
MONDAY, SEPTEMBER 27, 2004

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment.

There being no objection, the Senate, at 12:41 p.m., adjourned until Monday, September 27, 2004 at 1 p.m.