

INTRODUCTION OF A BILL TO AMEND THE HIGHER EDUCATION ACT OF 1965 TO AUTHORIZE GRANTS FROM INSTITUTIONS OF HIGHER EDUCATION SERVING ASIAN AMERICANS AND PACIFIC ISLANDERS

**HON. DAVID WU**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 8, 2003*

Mr. WU. Mr. Speaker, as Chairman of the Congressional Asian Pacific American Caucus, I am proud to introduce legislation to improve educational opportunities for Asian American and Pacific Islander American (AAPI) communities across the nation. This legislation would authorize the Department of Education to designate schools with an undergraduate enrollment of at least 10 percent AAPI students as Asian American and Pacific Islander Serving Institutions to improve their capacity to provide higher education. By so doing, we increase educational opportunity for all Americans because this bill adds to our commitment to education for all and takes resources from none.

Title III and Title V of the Higher Education Act were established to aid colleges and universities in expanding educational opportunities for historically underrepresented and financially needy students. They have enabled the Department of Education to designate minority serving higher education institutions for Historically Black Colleges and Universities, American Indian Tribally Controlled Colleges and Universities, Hispanic Serving Institutions, Native Hawaiian Serving Institutions, and Alaska Native Serving Institutions. However, there is no such program for Asian American and Pacific Islander Americans. As Asian Americans and Pacific Islander Americans are one of the fastest growing populations in the nation, legislation is needed to help low-income AAPI students left behind so that they can have an equal opportunity toward quality education.

I look forward to working with my colleagues on this issue.

PROPERTY TAX ENDOWMENT ACT OF 2003

**HON. GEORGE RADANOVICH**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 8, 2003*

Mr. RADANOVICH. Mr. Speaker, to provide full funding for the payment in lieu of taxes program for the next five fiscal years, to protect local jurisdictions against the loss of property tax revenues when private lands are acquired by a Federal land management agency, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. RADANOVICH introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide full funding for the payment in lieu of taxes program for the next five fiscal

years, to protect local jurisdictions against the loss of property tax revenues when private lands are acquired by a Federal land management agency, and for other purposes.

*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 "Property Tax Endowment Act of 2003".

**SEC. 2. FULL FUNDING FOR PAYMENTS IN LIEU OF TAXES.**

Section 6906 of title 31, United States Code, is amended—

(1) by striking "Necessary" and inserting "(a) IN GENERAL.—Necessary";

(2) by striking "Amounts" and inserting "Except as provided in subsection (b) amounts"; and

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

"(b) FULL FUNDING.—For fiscal years 2004 through 2008, amounts necessary to carry out this chapter shall be made available to the Secretary of the Interior, out of any funds in the Treasury not otherwise appropriated and without further appropriation, for obligation and expenditure in accordance with this chapter."

**SEC. 3. PROTECTION OF LOCAL TAX BASE AS PART OF FEDERAL LAND ACQUISITION.**

(a) ELECTION OF PAYMENT TO OFFSET REVENUE LOSS.—

(1) NOTIFICATION OF LOCAL GOVERNMENTS.—Whenever a Federal land management agency acquires privately owned land by purchase, exchange, or donation, the head of the agency shall notify the unit of general local government within whose jurisdiction the land lies.

(2) ELECTION.—If a unit of general local government is notified by a Federal agency under paragraph (1) regarding an acquisition of land by the Federal agency, the elected officials with authority under State law to govern the unit may, within 90 days after that notification, elect to receive from the Federal land management agency a one-time payment in an amount sufficient to offset the long term revenue loss to the local government that will result from the acquisition of the land by the Federal agency.

(b) TREATMENT OF LAND AFTER ONE-TIME PAYMENT.—

(1) IN GENERAL.—If a unit of general local government receives, pursuant to an election under subsection (a), a one-time payment with respect to land acquired by a Federal land management agency, the land shall not be treated as entitlement land for purposes of chapter 69 of title 31, United States Code, notwithstanding any changes that may thereafter occur in the value of the land, interest rates, taxation rates, or any other economic factor.

(2) CONFORMING AMENDMENT.—Section 6901(1) of title 31, United States Code, is amended by adding at the end the following:

"Such term does not include any land with respect to which a unit of local government receives a one-time payment under the Property Tax Endowment Act of 2003."

(c) APPLICATION.—

(1) IN GENERAL.—This section shall apply to any land acquisition by a Federal land management agency completed after September 30, 1998.

(2) APPLICATION TO PRIOR ACQUISITIONS.—For purposes of the application of this section to an acquisition of land by a Federal agency before the date of the enactment of this Act, the head of the agency is deemed to have notified the unit of general local government concerned in accordance with paragraph (1) on the date of the enactment of this Act.

(3) NO EFFECT ON TITLE.—This subsection shall not affect any right, title, or interest of the United States in or to land.

**SEC. 4. ONE-TIME PAYMENT.**

(a) IN GENERAL.—If a unit of general local government elects under section 3(a)(2) to receive a one-time payment with respect to land acquired by a Federal land management agency—

(1) the head of the Federal agency shall determine and make such payment in accordance with this section; and

(2) such acquisition may not occur before the date the payment is made.

(b) AMOUNT OF PAYMENT.—

(1) IN GENERAL.—The amount of such payment—

(A) shall be sufficient to yield a revenue stream in perpetuity equal to the property taxes currently required to be paid with respect to the land, determined as an annuity amount based on an interest rate equal to the current average yield on outstanding obligations of the United States with remaining periods of maturity of 10 years on the date of acquisition of the land by the Federal agency;

(B) shall be determined based on the rate of tax and land valuation in effect for the land under the property tax laws of the unit of general local government that apply in the local tax year in which the land is acquired by the Federal land management agency; and

(C) shall include amounts to offset property taxes that were attributable to—

(i) improvements on the acquired lands; or

(ii) the use of the lands for business enterprise.

(2) FEDERAL ACQUISITIONS FROM TAX-EXEMPT ENTITIES.—If a Federal land management agency acquires lands by purchase, donation, exchange, or other means from a nongovernmental organization or other entity that is exempt from local taxation, paragraph (1) shall apply as if the lands were acquired from the last person that owned the lands that was not exempt from such taxation.

(3) DEDUCTION OF PILT PAYMENTS.—In the case of a payment under this section to a unit of general local government with respect to land that was acquired by a Federal land management agency before the date of the enactment of this Act, the head of the agency shall deduct, from the amount otherwise required to be paid, the amount of any payment made to the unit with respect to the land after September 30, 1998, under Chapter 69 of title 31, United States Code.

(c) TIME FOR PAYMENT.—The payment required under subsection (a) in connection with a land acquisition shall be made before the Federal land management agency takes possession of the land.

(d) USE OF PAYMENT.—

(1) IN GENERAL.—Amounts paid to a unit of general local government under this section shall be deposited into a trust fund established and administered by the unit of general local government.

(2) RESTRICTION ON USE OF PRINCIPAL.—The principal of the trust fund may not be expended.

(3) USE OF INTEREST.—Interest generated by the trust fund shall be available to the unit of general local government for any governmental purpose.

**SEC. 5. RELATIONSHIP OF ONE-TIME PAYMENTS TO PAYMENTS IN LIEU OF TAXES**

A one-time payment received by a unit of general local government under this Act shall not be deducted or in any way used to offset payments required to be made to the unit under chapter 69 of title 31, United States Code.

**SEC. 6. DEFINITIONS.**

In this section:

(1) DONATION.—The term “donation” includes any conveyance of land to the Federal Government that is required as a condition of receipt of any benefit under Federal law.

(2) FEDERAL LAND MANAGEMENT AGENCY.—The term “Federal land management agency” means each of the following:

- (A) The Forest Service.
- (B) The Bureau of Land Management.
- (C) The National Park Service.
- (D) The United States Fish and Wildlife Service.

(3) UNIT OF GENERAL LOCAL GOVERNMENT.—The term “unit of general local government” has the meaning given the term in section 6901(2) of title 31, United States Code.

TRIBUTE TO MAJOR GENERAL  
ROBERT A. MCINTOSH, UNITED  
STATES AIR FORCE

**HON. DAVID L. HOBSON**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 8, 2003*

Mr. HOBSON. Mr. Speaker, I take this opportunity to recognize and say farewell to an outstanding Air Force officer, Major General Robert A. McIntosh, upon his retirement from the Air Force after more than 36 years of commissioned service. Throughout his career, General McIntosh has served with distinction, and it is my privilege to recognize his many accomplishments and to commend him for the superb service he has provided the Air Force and our Nation.

General McIntosh is a native of my home State. He was born in Bellefontaine, Ohio, which until recently was in my Congressional District. He entered the United States Air Force through the ROTC program at Ohio University in 1966. After successfully completing undergraduate pilot training at Webb Air Force Base in Texas, F-4D fighter training at Homestead Air Force Base in Florida, and A-37 training at England Air Force Base in Louisiana, he joined the 604th Special Operations Squadron at Bien Hoa Air Base in South Vietnam. He served his nation as an aviator in Southeast Asia flying over 300 combat missions over North Vietnam.

Lieutenant McIntosh pinned on Captain at his next assignment, as an A-37 Combat Crew Training Instructor Pilot back at England Air Force Base from April 1969 to August 1971. He separated from active duty and began another distinguished military chapter as an Air Reserve Technician and active participant in the Air Force Reserve.

Captain McIntosh's first Air Force Reserve assignment was as an A-37 instructor pilot at the 910th Tactical Fighter Group at Youngstown Municipal Airport in Ohio. Next he held two critical positions at Grissom Air Force Base in Indiana, first as Chief of the 434th Tactical Fighter Wing standardization and evaluation office and then as Operations Officer of the 46th Tactical Fighter Squadron.

Major McIntosh then took on his most challenging assignment to date as the Director of Operations for the 926th Tactical Fighter Group at the Naval Air Station in New Orleans, Louisiana.

Lt. Col. McIntosh's dream of being a Commander was realized first at Richards-Gebaur Air Force Base in Missouri, in January 1982 when he took command of the 442nd Tactical Fighter Group. His assignments increased in

scope and responsibility, culminating in his selection as Commander of Air Force Reserve Command and Chief of the Air Force Reserve in 1994.

General McIntosh most recently served as Assistant to the Chairman of the Joint Chiefs of Staff for Reserve Affairs, where he continued his personal tradition of excellence, service, and integrity as he watched over the men and women of the Reserve Components during an historic period of the highest operations and personnel tempo ever seen. Deployment after deployment, he helped to break ground in Total Force operations as he advised our nation's top Commanding Generals as they prosecute the War on Terrorism.

General McIntosh's accomplishments are many. Units under his command received the Outstanding Unit Award two of seven years he was in command. He is a command pilot with more than 4000 hours flying the A-10, A-37, C-130, and F-4.

During his incredible career, General McIntosh has served the United States Air Force and our great Nation with excellence and distinction. He provided exemplary leadership to the best-trained, best-equipped, and best-prepared citizen-airmen force in the history of our Nation. General McIntosh is a model of leadership and a living example of our military's dedication to our safety and security entrusted to them by each of us.

General McIntosh will retire from the United States Air Force on 3 February 2003 after 36 years and seven months of dedicated commissioned service. On behalf of my colleagues on both sides of the aisle, I wish General McIntosh blue skies and safe landings. Congratulations on completion of an outstanding and successful career.

INTRODUCING THE SMALL  
BUSINESS DROUGHT RELIEF ACT

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 8, 2003*

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to reintroduce the Small Business Drought Relief Act. The bill provides small businesses that depend upon water supply as a means of income with the opportunity to qualify and apply for disaster assistance from the Small Business Administration when drought affects their ability to earn income. This is the second Congress that I have introduced this much needed legislation, and the need for its immediate passage is greater today than ever.

As the clear majority of Members can attest to, the past two years have been two of the driest years in the history of the United States. The National Oceanic and Atmospheric Agency recently noted that 2002 was the second warmest year on record for the globe. In the western parts of United States, record low waterfalls were a plenty. On multiple occasions, more than half of the country was in moderate to extreme drought. Then, when Congress adjourned late last year, thousands of farmers and small businesses fell victim to partisan politics and were left without emergency assistance from the 2002 drought.

Under current law, small businesses whose income depreciates as a result of diminishing

water supply are unable to even apply for SBA loans. Often these businesses are family-owned and family-run recreational or commercial fishing firms. The majority of them are dependent upon water resources, whether lakes, streams, or rivers, for the ability to operate their businesses. When water levels drop to unbearable points, aside from the obvious water supply issues, boats are unable to make it into lakes and rivers, commercial fishing ceases to exist, and businesses often lay off workers and close their doors for good.

I became more acutely interested in drought relief the summer of 2001 when Florida found itself in the most prolonged drought it had seen in nearly 20 years. The water level in Lake Okeechobee, our country's 2nd largest fresh water lake, and located in my District, had decreased by nearly 25 percent. Not only did the water shortage in the lake cause problems for agriculture and water management, but it also destroyed the economic well being of small businesses around the Lake who depend on it for income. Realize this too, the clear majority of these businesses are owned by minorities or families who struggle every day just to get by.

As I began to try and help the towns and businesses surrounding the Lake in locating temporary assistance, even if it was only low interest loans, I found that unless a firm was involved in agriculture, assistance is virtually impossible. When it is possible, the bureaucratic red tape applicants must cut through is so discouraging that they don't even try.

The issue at hand, Mr. Speaker, is that droughts are major natural disasters. The Stafford Act says it is, as well as the U.S. Departments of Agriculture, Commerce, and Defense also say it is. Congress said it as recently as 1998. But for some reason, the Small Business Act does not include drought in its definition of disaster. Frankly, this oversight is a disaster of its own.

Today, Mr. Speaker, I am reintroducing a bill which will reconcile the oversight made by our body's predecessors and ensure that businesses who suffer from drought will live to see another day. I urge my colleagues to support this bill, and I urge the leadership to bring it swiftly to the floor for a vote.

IN CELEBRATION OF THE PHOEBUS  
HIGH SCHOOL PHANTOMS  
WINNING THE 2002 VIRGINIA  
STATE GROUP AAA DIVISION 5  
FOOTBALL CHAMPIONSHIP

**HON. ROBERT C. SCOTT**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 8, 2003*

Mr. SCOTT of Virginia. Mr. Speaker, along with my colleagues, Representative JOANN DAVIS and Representative ED SCHROCK, I rise with great pride to call attention to a group of young students from Hampton, Virginia who have distinguished themselves, their school, their community, and the Commonwealth of Virginia.

The Phoebus High School Phantoms football team had a remarkable season and we believe the Phantoms deserve formal recognition for their accomplishments. On December 14, 2002, the Phoebus High School Phantoms won their second straight state Group AAA Division 5 Football Championship, defeating