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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1604

Mr. AKIN and Mr. FORD changed their vote from "yea" to "nay."

Mr. HONDA, and Ms. LINDA T. SÁNCHEZ of California changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ROTHMAN. Mr. Speaker, due to a family religious obligation, I will be absent from the House of Representatives on Friday, November 19, and any possible session on Saturday, November 20, 2004. Should H.R. 4818, the Foreign Operations Appropriations Conference Report, serving as the Omnibus vehicle, be considered, I would like the RECORD to reflect that I would have voted "yes" on this conference report.

PERSONAL EXPLANATION

Mr. McDERMOTT. Mr. Speaker, I am unable to be in Washington, DC today. Two weeks ago, I injured my leg and my physician prefers that I not put it through the stress of an airplane flight from my home in Seattle, WA to Washington, DC. Were I able to attend today's session in the House of Representatives, I would have voted to defeat H.R. 4818, H. Res. 866, H.R. 5382, and H. Res. 846.

PERSONAL EXPLANATION

Mr. COLLINS. Mr. Speaker, had I been present for rollcall votes 538, 539, 540, 541, and 542, I would have voted the following:

Rollcall No. 538: "Yea." (Waiving the requirement of clause 6(a) or Rule XIII with respect to the same day consideration of certain resolution).

Rollcall No. 539: "Yea." (Recognizing the Boy Scouts of America).

Rollcall No. 540: "Yea." (Waiving points of order against the conference report to accompany the Omnibus Spending Bill).

Rollcall No. 541: "Yea." (Commercial Space Launch Amendments Act).

Rollcall No. 542: "Yea." (On Agreeing to the Conference Report—Foreign Operations, Export Financing, and Related Programs Appropriations Act of 2005—Omnibus Appropriations Bill).

PROVIDING FOR AN ADJOURNMENT OF THE TWO HOUSES

Mr. EHLERS. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 529) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 529

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Saturday, November 20, 2004, it stand adjourned until 2 p.m. on Monday, December 6, 2004, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Saturday, November 20, 2004, it stand recessed or adjourned until noon on Monday, December 6, 2004, or Tuesday, December 7, 2004, or until such other time on either of those days as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CONDITIONAL ADJOURNMENT TO WEDNESDAY, NOVEMBER 24, 2004

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Wednesday, November 24, 2004, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 529, in which case the House shall stand adjourned pursuant to that concurrent resolution.

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

There was no objection.

HARMFUL ALGAL BLOOM AND HYPOXIA AMENDMENTS ACT OF 2004

Mr. EHLERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 3014) to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. RANGEL. Mr. Speaker, reserving the right to object, I will not object.

Mr. Speaker, as we close this session, it just seems to me that there are a lot of things that we could have done that we have not done. One is the Virgin Islands bill which clearly came from the Senate. We had no hearings at all on the subject matter. It will adversely affect the economy of the Virgin Islands. We never had an opportunity to discuss it at all in the House. I think it is just

wrong for Members not to be able to recognize that we should have a responsibility to at least discuss this issue.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3014

TITLE I—HARMFUL ALGAL BLOOM AND HYPOXIA AMENDMENTS ACT OF 2004

SEC. 101. SHORT TITLE.

This title may be cited as the "Harmful Algal Bloom and Hypoxia Amendments Act of 2004".

SEC. 102. RETENTION OF TASK FORCE.

Section 603 of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (16 U.S.C. 1451 nt) is amended by striking subsection (e). In developing the assessments, reports, and plans under the amendments made by this title, the Task Force shall consult with the coastal States, Indian tribes, local governments, appropriate industries (including fisheries, agriculture, and fertilizer), academic institutions, and non-governmental organizations with expertise in coastal zone science and management.

SEC. 103. PREDICTION AND RESPONSE REPORT.

Section 603 of such Act, as amended by section 102, is further amended by adding at the end the following:

"(d) REPORT TO CONGRESS ON HARMFUL ALGAL BLOOM IMPACTS.—

"(1) DEVELOPMENT.—Not later than 12 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Amendments Act of 2004, the President, in consultation with the chief executive officers of the States, shall develop and submit to the Congress a report that describes and evaluates the effectiveness of measures described in paragraph (2) that may be utilized to protect environmental and public health from impacts of harmful algal blooms. In developing the report, the President shall consult with the Task Force, the coastal States, Indian tribes, local governments, appropriate industries (including fisheries, agriculture, and fertilizer), academic institutions, and non-governmental organizations with expertise in coastal zone science and management, and also consider the scientific assessments developed under this Act.

"(2) REQUIREMENTS.—The report shall—

"(A) review techniques for prediction of the onset, course, and impacts of harmful algal blooms including evaluation of their accuracy and utility in protecting environmental and public health and provisions for their development;

"(B) identify innovative research and development methods for the prevention, control, and mitigation of harmful algal blooms and provisions for their development; and

"(C) include incentive-based partnership approaches regarding subparagraphs (A) and (B) where practicable.

"(3) PUBLICATION AND OPPORTUNITY FOR COMMENT.—At least 90 days before submitting the report to the Congress, the President shall cause a summary of the proposed plan to be published in the Federal Register for a public comment period of not less than 60 days.

"(4) FEDERAL ASSISTANCE.—The Secretary of Commerce, in coordination with the Task Force and to the extent of funds available, shall provide for Federal cooperation with and assistance to the coastal States, Indian tribes, and local governments regarding the

measures described in paragraph (2), as requested."

SEC. 104. LOCAL AND REGIONAL SCIENTIFIC ASSESSMENTS.

Section 603 of such Act, as amended by section 103, is further amended by adding at the end the following:

"(e) LOCAL AND REGIONAL SCIENTIFIC ASSESSMENTS.—

"(1) IN GENERAL.—The Secretary of Commerce, in coordination with the Task Force and appropriate State, Indian tribe, and local governments, to the extent of funds available, shall provide for local and regional scientific assessments of hypoxia and harmful algal blooms, as requested by States, Indian tribes, and local governments, or for affected areas as identified by the Secretary. If the Secretary receives multiple requests, the Secretary shall ensure, to the extent practicable, that assessments under this subsection cover geographically and ecologically diverse locations with significant ecological and economic impacts from hypoxia or harmful algal blooms. The Secretary shall establish a procedure for reviewing requests for local and regional assessments. The Secretary shall ensure, through consultation with Sea Grant Programs, that the findings of the assessments are communicated to the appropriate State, Indian tribe, and local governments, and to the general public.

"(2) PURPOSE.—Local and regional assessments shall examine—

"(A) the causes and ecological consequences, and the economic cost, of hypoxia or harmful algal blooms in that area;

"(B) potential methods to prevent, control, and mitigate hypoxia or harmful algal blooms in that area and the potential ecological and economic costs and benefits of such methods; and

"(C) other topics the Task Force considers appropriate.

"(f) SCIENTIFIC ASSESSMENT OF FRESHWATER HARMFUL ALGAL BLOOMS.—(1) Not later than 24 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Amendments Act of 2004 the Task Force shall complete and submit to Congress a scientific assessment of current knowledge about harmful algal blooms in freshwater, such as the Great Lakes and upper reaches of estuaries, including a research plan for coordinating Federal efforts to better understand freshwater harmful algal blooms.

"(2) The freshwater harmful algal bloom scientific assessment shall—

"(A) examine the causes and ecological consequences, and the economic costs, of harmful algal blooms with significant effects on freshwater, including estimations of the frequency and occurrence of significant events;

"(B) establish priorities and guidelines for a competitive, peer-reviewed, merit-based interagency research program, as part of the Ecology and Oceanography of Harmful Algal Blooms (ECOHAB) project, to better understand the causes, characteristics, and impacts of harmful algal blooms in freshwater locations; and

"(C) identify ways to improve coordination and to prevent unnecessary duplication of effort among Federal agencies and departments with respect to research on harmful algal blooms in freshwater locations.

"(g) SCIENTIFIC ASSESSMENTS OF HYPOXIA.—(1) Not less than once every 5 years the Task Force shall complete and submit to the Congress a scientific assessment of hypoxia in United States coastal waters including the Great Lakes. The first such assessment shall be completed not less than 24 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Amendments Act of 2004.

"(2) The assessments under this subsection shall—

"(A) examine the causes and ecological consequences, and the economic costs, of hypoxia;

"(B) describe the potential ecological and economic costs and benefits of possible policy and management actions for preventing, controlling, and mitigating hypoxia;

"(C) evaluate progress made by, and the needs of, Federal research programs on the causes, characteristics, and impacts of hypoxia, including recommendations of how to eliminate significant gaps in hypoxia modeling and monitoring data; and

"(D) identify ways to improve coordination and to prevent unnecessary duplication of effort among Federal agencies and departments with respect to research on hypoxia.

"(h) SCIENTIFIC ASSESSMENTS OF HARMFUL ALGAL BLOOMS.—(1) Not less than once every 5 years the Task Force shall complete and submit to Congress a scientific assessment of harmful algal blooms in United States coastal waters. The first such assessment shall be completed not later than 24 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Amendments Act of 2004 and shall consider only marine harmful algal blooms. All subsequent assessments shall examine both marine and freshwater harmful algal blooms, including those in the Great Lakes and upper reaches of estuaries.

"(2) The assessments under this subsection shall—

"(A) examine the causes and ecological consequences, and economic costs, of harmful algal blooms;

"(B) describe the potential ecological and economic costs and benefits of possible actions for preventing, controlling, and mitigating harmful algal blooms;

"(C) evaluate progress made by, and the needs of, Federal research programs on the causes, characteristics, and impacts of harmful algal blooms; and

"(D) identify ways to improve coordination and to prevent unnecessary duplication of effort among Federal agencies and departments with respect to research on harmful algal blooms.

"(i) NATIONAL SCIENTIFIC RESEARCH, DEVELOPMENT, DEMONSTRATION, AND TECHNOLOGY TRANSFER PLAN ON REDUCING IMPACTS FROM HARMFUL ALGAL BLOOMS.—(1) Not later than 12 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Amendments Act of 2004, the Task Force shall develop and submit to Congress a plan providing for a comprehensive and coordinated national research program to develop and demonstrate prevention, control, and mitigation methods to reduce the impacts of harmful algal blooms on coastal ecosystems (including the Great Lakes), public health, and the economy.

"(2) The plan shall—

"(A) establish priorities and guidelines for a competitive, peer reviewed, merit based interagency research, development, demonstration, and technology transfer program on methods for the prevention, control, and mitigation of harmful algal blooms;

"(B) identify ways to improve coordination and to prevent unnecessary duplication of effort among Federal agencies and departments with respect to the actions described in paragraph (1); and

"(C) include to the maximum extent practicable diverse institutions, including Historically Black Colleges and Universities and those serving large proportions of Hispanics, Native Americans, Asian Pacific Americans, and other underrepresented populations.

"(3) The Secretary of Commerce, in conjunction with other appropriate Federal agencies, shall establish a research, development, demonstration, and technology transfer program that meets the priorities and

guidelines established under paragraph (2)(A). The Secretary shall ensure, through consultation with Sea Grant Programs, that the results and findings of the program are communicated to State, Indian tribe, and local governments, and to the general public."

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

Section 605 of such Act is amended—

(1) by striking "and" after "2000," in the first sentence and in the paragraphs (1), (2), (3), and (5);

(2) by inserting "\$23,500,000 for fiscal year 2005, \$24,500,000 for fiscal year 2006, \$25,000,000 for fiscal year 2007, and \$25,500,000 for fiscal year 2008," after "2001," in the first sentence;

(3) by inserting ", and \$2,500,000 for each of fiscal years 2005 through 2008" after "2001" in paragraph (1);

(4) by inserting ", and \$6,500,000, of which \$1,000,000 shall be used for the research program described in section 603(f)(2)(B), for each of fiscal years 2005 through 2008" after "2001" in paragraph (2);

(5) by striking "2001" in paragraph (3) and inserting "2001, and \$3,000,000 for each of fiscal years 2005 through 2008";

(6) by striking "blooms;" in paragraph (3) and inserting "blooms and to carry out section 603(d);";

(7) by striking "and 2001" in paragraph (4) and inserting "2001, and \$6,000,000 for each of fiscal years 2005 through 2008";

(8) by striking "and" after the semicolon in paragraph (4);

(9) by striking "2001" in paragraph (5) and inserting "2001, \$4,000,000 for fiscal year 2005, \$5,000,000 for fiscal year 2006, \$5,500,000 for fiscal year 2007, and \$6,000,000 for fiscal year 2008";

(10) by striking "Administration." in paragraph (5) and inserting "Administration; and"; and

(11) by adding at the end the following:

"(6) \$1,500,000 for each of fiscal years 2005 through 2008 to carry out section 603(e)."

TITLE II—MISCELLANEOUS

SEC. 201. AVAILABILITY OF NOAA REAL PROPERTY ON VIRGINIA KEY, FLORIDA.

(a) IN GENERAL.—The Secretary of Commerce may make available to the University of Miami real property under the administrative jurisdiction of the National Oceanic and Atmospheric Administration on Virginia Key, Florida, for development by the University of a Marine Life Science Center.

(b) MANNER OF AVAILABILITY.—The Secretary may make property available under this section by easement, lease, license, or long-term agreement with the University.

(c) AUTHORIZED USES BY UNIVERSITY.—

(1) IN GENERAL.—Property made available under this section may be used by the University (subject to paragraph (2)) to develop and operate facilities for multidisciplinary environmental and fisheries research, assessment, management, and educational activities.

(2) AGREEMENT.—Property made available under this section may not be used by the University (including any affiliate of the University) except in accordance with an agreement with the Secretary that—

(A) specifies—

(i) the conditions for non-Federal use of the property; and

(ii) the retained Federal interests in the property, including interests in access to and egress from the property by Federal personnel and preservation of existing rights-of-way;

(B) establishes conditions for joint occupancy of buildings and other facilities on the property by the University and Federal agencies; and

(C) includes provisions that ensure—

(i) that there is no diminishment of existing National Oceanic and Atmospheric Ad-

ministration programs and services at Virginia Key; and

(ii) the availability of the property for planning, development, and construction of future Federal buildings and facilities.

(3) TERMINATION OF AVAILABILITY.—The availability of property under this section shall terminate immediately upon use of the property by the University—

(A) for any purpose other than as described in paragraph (1); or

(B) in violation of the agreement under paragraph (2).

(d) USE OF FACILITIES BY SECRETARY.—The Secretary may—

(1) subject to the availability of funding, enter into an agreement to occupy facilities constructed by the University on property made available under this section; and

(2) participate with the University in collaborative research at, or administered through, such facilities.

(e) NO CONVEYANCE OF TITLE.—This section shall not be construed to convey or authorize conveyance of any interest of the United States in title to property made available under this section.

SEC. 202. CONVEYANCE OF NOAA VESSEL WHITING.

(a) IN GENERAL.—The Secretary of Commerce shall convey to the Government of Mexico, without consideration, all right, title, and interest of the United States in and to the National Oceanic and Atmospheric Administration vessel WHITING—

(1) for use as a hydrographic survey platform in support of activities of the United States-Mexico Charting Advisors Committee; and

(2) to enhance coordination and cooperation between the United States and Mexico regarding hydrographic surveying and nautical charting activities in the border waters of both countries in the Gulf of Mexico and in the Pacific Ocean.

(b) OPERATION AND MAINTENANCE.—The Government of the United States shall not be responsible or liable for any remediation, maintenance, or operation of a vessel conveyed under this section after the date of the delivery of the vessel to the Government of Mexico.

(c) DEADLINE.—The Secretary shall seek to complete the conveyance by as soon as practicable after the date of the enactment of this Act.

(d) DELIVERY OF VESSEL.—The Secretary shall deliver the vessel WHITING pursuant to this section at the vessel's homeport location of Norfolk, Virginia, at no additional cost to the United States.

Mr. EHLERS. Mr. Speaker, I rise in strong support of the final version of the Harmful Algal Bloom and Hypoxia Amendments Act. This bill represents the final negotiated compromise between the House and Senate earlier versions of this bill.

Harmful algal blooms, also known as HABs, and hypoxia, are serious problems in coastal communications nationwide. This bill supports basic and applied research that will lead to new methods to predict, control and respond to HABs and hypoxia. I am especially pleased that we added the Great Lakes to the research categories in the bill.

I thank my colleague from Maryland, WAYNE GILCHREST of the Resources Committee, for his help in guiding this bill through the process. I also want to thank my Senate Colleagues, Senator MCCAIN, Senator SNOWE, Senator BREAUX and Senator VOINOVICH for their leadership on this issue. And finally, I thank my colleagues on the Science Committee, including Chairman BOEHLERT, and my

friend from Washington, Mr. BAIRD who have provided useful input. I appreciate all of their help in reaching an agreement on this important bill.

The language before us today reflects a bipartisan, bicameral agreement and I urge all of my colleagues to support the Harmful Algal Bloom and Hypoxia Amendments Act. I reserve the balance of my time.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 3014.

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

There was no objection.

MICROENTERPRISE RESULTS AND ACCOUNTABILITY ACT OF 2004

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3818) to amend the Foreign Assistance Act of 1961 to improve the results and accountability of microenterprise development assistance programs, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

Mr. RANGEL. Mr. Speaker, reserving the right to object, I will not object, but I just want to point out that the people in Haiti are suffering. We have this small trade bill that we wanted so badly to send some hope to these people. The House would not consider it because the Senate did not agree that they would accept it. The Senate said they could not accept what they have not seen, and here we leave today telling the people in Haiti that this small bill that certainly could not have hurt anybody in the textile industries here, could not offend the labors even though there was objection, but we were too busy to do this in the House.

Mr. Speaker, I will be fighting next year for the people in Haiti.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 3818

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 "Microenterprise Results and Accountability Act of 2004".

SEC. 2. FINDINGS AND POLICY.

Congress finds and declares the following: