

“(7) the purchase of library books, periodicals, and other educational materials, including telecommunications program material;

“(8) the joint use of facilities, such as laboratories and libraries; or

“(9) the development of partnerships with local businesses to increase community college capacity.

“SEC. 372. APPLICABILITY.

“The provisions of part G shall not apply to this part.”

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 399(a) of the Higher Education Act of 1965 (20 U.S.C. 1068h(a)) is amended by adding at the end the following:

“(6) PART F.—There are authorized to be appropriated to carry out part F, \$100,000,000 for fiscal year 2005, and such sums as may be necessary for each of the 4 succeeding fiscal years.”

By Mr. BOND:

S. 2886. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain hazard mitigation assistance; to the Committee on Finance.

Mr. BOND. Mr. President, I rise today to introduce legislation concerning a critical issue this year—disaster assistance. This has been one of the worst hurricane seasons that Florida has seen in recent years. The Sunshine State has been battered by four hurricanes in the past six weeks. I extend my deepest sympathies to the residents of Florida where some have had to evacuate more than three times during this hurricane season only to return home and find their homes leveled, their crops uprooted, their neighborhoods flooded, and their dreams shattered.

In my home State of Missouri, we are no strangers to natural disasters. Located smack in the middle of Tornado Alley, Missouri has been hit by some of the largest storms in U.S. in history. In May of 2003, a string of tornadoes ripped through the western part of the State causing major damage and devastation.

With two rivers—the Mississippi and the Missouri—we have also seen our fair share of flooding through the years. I will never forget when the Mississippi River breached its banks in 1993—one of the most devastating floods in U.S. history. Of the nine Midwestern States affected, the State of Missouri was the hardest hit and State officials estimate that damages totaled \$3 billion.

While both the Mississippi and Missouri Rivers have made the State of Missouri susceptible to riverine flooding, the State is also susceptible to flash flooding. A case in point is the city of Union, located about 45 minutes from St. Louis, which suffered tremendous damage from a severe flash flood in May of 2000.

I mention the city of Union as a specific example of the benefits that a disaster mitigation program can hold in flash-flood situations. After the flood, the City of Union applied to the State of Missouri Emergency Management Agency to seek help in a demolition

and acquisition project. With the mitigation grant money, 17 properties were acquired in residential areas with substantial damage. These properties are now dead restricted for “open space,” which will prevent future development and the potential for flash flood related deaths in that area because many of the homes and people will no longer be in harm’s way. This is an excellent example of the value of disaster and mitigation money invested by the federal, state and local governments.

Over the years, the State of Missouri has worked with the Federal Emergency Management Agency (FEMA) to build structures that prevent flooding and other damage from occurring when natural disasters strike. Time and time again, FEMA has come to the rescue by establishing funding for disaster relief and mitigation activities within the State of Missouri and in other States across the country.

Having served as the Chairman of the Senate Appropriations Subcommittee on VA, HUD, and Independent Agencies, which until recently oversaw FEMA, I know first hand the value of the agency’s disaster mitigation grant programs—the Hazards Mitigation Grant Program (HGMP), the Pre-Disaster Mitigation program (PDM), and the Flood Mitigation Assistance (FMA) program. Designed to manage future emergencies, these programs have been essential to countless communities, and without them, thousands of lives would be in jeopardy.

Recently, some very disturbing news was brought to my attention. According to a June 2004 legal memorandum issued by the Internal Revenue Service (IRS), FEMA mitigation grants may be subject to income taxation. While some may argue that this is merely the IRS’s interpretation of the statute, it is clearly the position the IRS intends to take against American taxpayers whose only recourse will be to fight the agency in court.

I must say that I am absolutely stunned by this determination by the IRS!! How in the world could the IRS possibly think that Congress intended to tax these types of grants to prevent natural disasters, especially when we went out of our way to ensure that disaster-relief payments to individuals recovering from a hurricane, flood, tornado or other natural disaster are not subject to income taxes?

Today, I am offering a bill that will stop the IRS in its tracks and prevent the taxation of disaster mitigation grants. This language will ensure that any Federal grants, as well as state grants indirectly associated with this program, will not be deemed to be income by the IRS’s tortured reasoning. This bill will be effective as of the beginning of this year to ensure that any grants currently out there, especially in light of the current hurricanes that have happened, are not subject to tax. In addition, there should be no inference by this legislation that Congress intended such grants to be taxable

prior to the effective date of this legislation.

Why is this important? Why am I out here today? Because the Missouri and Mississippi Rivers rise, because tornadoes will ravage through the state once again, and because flash flooding can decimate an entire community. The last thing Americans who are working to prevent such potential destruction need is for government-grant funding to be subject to tax. My bill ensures that such taxes do not see the light of day.

I urge my colleagues to support this important legislation, and 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. 2886

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

SECTION 1. EXCLUSION FROM GROSS INCOME FOR CERTAIN DISASTER MITIGATION PAYMENTS.

(a) IN GENERAL.—Section 139 of the Internal Revenue Code of 1986 (relating to disaster relief payments) is amended by adding at the end the following new subsection:

“(g) CERTAIN DISASTER MITIGATION PAYMENTS.—Gross income shall not include the value of any amount received directly or indirectly as payment or benefit by the owner of any property for hazard mitigation with respect to the property pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act or the National Flood Insurance Act.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending on or after December 31, 2004.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 446—HONORING FORMER PRESIDENT JAMES EARL (JIMMY) CARTER ON THE OCCASION OF HIS 80TH BIRTHDAY

Mr. REID (for himself, Mr. LEAHY, and Mr. LAUTENBERG) submitted the following resolution; which was considered and agreed to:

S. RES. 446

Whereas Jimmy Carter was born in Plains, Georgia, on October 1, 1924;

Whereas Jimmy Carter attended Georgia Southwestern College and the Georgia Institute of Technology, and received a B.S. degree from the United States Naval Academy in 1946;

Whereas Jimmy Carter served honorably as a submariner in the United States Navy in both the Atlantic and Pacific fleets, working under Admiral Hyman Rickover in the development of the nuclear submarine program;

Whereas Jimmy Carter continued his commitment to public service, serving as Georgia State Senator and Governor of Georgia;

Whereas Jimmy Carter was elected the 39th President of the United States on November 2, 1976;

Whereas Jimmy Carter created both the Departments of Education and Energy and implemented major education policies and a comprehensive national energy program;

Whereas Jimmy Carter oversaw deregulation of the airline, energy, and banking industries;

Whereas Jimmy Carter promoted human rights as a tenet of American foreign policy and pressed nations to uphold basic human rights;

Whereas Jimmy Carter furthered diplomatic relations with the People's Republic of China;

Whereas Jimmy Carter was instrumental in the negotiation and signing of the Camp David Accord between Israel and Egypt, signaling a new era of peace between those 2 countries;

Whereas Jimmy Carter has continued his service to his country since leaving the Presidency by championing safe and affordable housing, human rights, and disease prevention;

Whereas Jimmy Carter remains actively committed to promoting peace and democracy abroad, supervising elections in fledgling democracies, and helping to defuse international crises in North Korea, Somalia, and Haiti; "his decades of untiring effort to find peaceful solutions to international conflicts, to advance democracy and human rights, and to promote economic and social development"; and

Now, therefore, be it

Resolved, That the Senate honors former President Jimmy Carter on the occasion of his 80th birthday and extends best wishes to him and his family.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3950. Ms. COLLINS (for herself and Mr. LIEBERMAN) proposed an amendment to amendment SA 3705 proposed by Ms. COLLINS (for herself, Mr. CARPER, and Mr. LIEBERMAN) to the bill S. 2845, to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

SA 3951. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 3724 proposed by Mr. KYL (for himself, Mr. CORNYN, Mr. CHAMBLISS, and Mr. NICKLES) to the bill S. 2845, supra; which was ordered to lie on the table.

SA 3952. Mr. LIEBERMAN (for Mr. KENNEDY) submitted an amendment intended to be proposed by Mr. LIEBERMAN to the bill S. 2845, supra.

SA 3953. Mr. GRAHAM, of Florida submitted an amendment intended to be proposed to amendment SA 3941 submitted by Mr. GRAHAM of Florida and intended to be proposed to the bill S. 2845, supra; which was ordered to lie on the table.

SA 3954. Ms. COLLINS (for Mr. LOTT) submitted an amendment intended to be proposed by Ms. COLLINS to the bill H.R. 5122, to amend the Congressional Accountability Act of 1995 to permit members of the Board of Directors of the Office of Compliance to serve for 2 terms.

SA 3955. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2845, to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes; which was ordered to lie on the table.

SA 3956. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2845, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3950. Ms. COLLINS (for herself and Mr. LIEBERMAN) proposed an amendment to amendment SA 3705 proposed by Ms. COLLINS (for herself, Mr. CARPER, and Mr. LIEBERMAN) to the bill

S. 2845, to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes; as follows:

On page 5, after line 2, insert the following:

(7) Grant programs under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121-5206.).

On page 10, line 17, strike the semicolon and all that follows through page 11, line 7, and insert a period.

On page 12, line 5, strike "(5)" and insert "(6)".

On page 12, lines 17 through 20, strike "technical assistance provided by any Federal agency to States and local governments to conduct threat analyses and vulnerability assessments" and insert "technical assistance provided by any Federal agency to States and local governments regarding homeland security matters".

On page 18, line 9, insert "secure" after "for".

On page 23, line 18, insert "on the basis of terrorist threat" after "grant".

On page 25, line 24, insert "on the basis of terrorist threat" after "distribute".

SA 3951. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 3724 proposed by Mr. KYL (for himself, Mr. CORNYN, Mr. CHAMBLISS, and Mr. NICKLES) to the bill S. 2845, to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

DIVISION —ADVANCING JUSTICE THROUGH DNA TECHNOLOGY

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Division may be cited as the "Advancing Justice Through DNA Technology Act of 2004".

(b) TABLE OF CONTENTS.—The table of contents of this Division is as follows:

Sec. 1. Short title; table of contents.

TITLE I—DEBBIE SMITH ACT OF 2004

Sec. 101. Short title.

Sec. 102. Debbie Smith DNA Backlog Grant Program.

Sec. 103. Expansion of Combined DNA Index System.

Sec. 104. Tolling of statute of limitations.

Sec. 105. Legal assistance for victims of violence.

Sec. 106. Ensuring private laboratory assistance in eliminating DNA backlog.

TITLE II—DNA SEXUAL ASSAULT JUSTICE ACT OF 2004

Sec. 201. Short title.

Sec. 202. Ensuring public crime laboratory compliance with Federal standards.

Sec. 203. DNA training and education for law enforcement, correctional personnel, and court officers.

Sec. 204. Sexual assault forensic exam program grants.

Sec. 205. DNA research and development.

Sec. 206. National Forensic Science Commission.

Sec. 207. FBI DNA programs.

Sec. 208. DNA identification of missing persons.

Sec. 209. Enhanced criminal penalties for unauthorized disclosure or use of DNA information.

Sec. 210. Tribal coalition grants.

Sec. 211. Expansion of Paul Coverdell Forensic Science Improvement Grant Program.

Sec. 212. Report to Congress.

TITLE III—INNOCENCE PROTECTION ACT OF 2004

Sec. 301. Short title.

Subtitle A—Exonerating the Innocent Through DNA Testing

Sec. 311. Federal post-conviction DNA testing.

Sec. 312. Kirk Bloodsworth Post-Conviction DNA Testing Grant Program.

Sec. 313. Incentive grants to States to ensure consideration of claims of actual innocence.

Subtitle B—Improving the Quality of Representation in State Capital Cases

Sec. 321. Capital representation improvement grants.

Sec. 322. Capital prosecution improvement grants.

Sec. 323. Applications.

Sec. 324. State reports.

Sec. 325. Evaluations by Inspector General and administrative remedies.

Sec. 326. Authorization of appropriations.

Subtitle C—Compensation for the Wrongfully Convicted

Sec. 331. Increased compensation in Federal cases for the wrongfully convicted.

Sec. 332. Sense of Congress regarding compensation in State death penalty cases.

TITLE I—DEBBIE SMITH ACT OF 2004

SEC. 101. SHORT TITLE.

This title may be cited as the "Debbie Smith Act of 2004".

SEC. 102. DEBBIE SMITH DNA BACKLOG GRANT PROGRAM.

(a) DESIGNATION OF PROGRAM; ELIGIBILITY OF LOCAL GOVERNMENTS AS GRANTEES.—Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended—

(1) by amending the heading to read as follows:

"SEC. 2. THE DEBBIE SMITH DNA BACKLOG GRANT PROGRAM.;"

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by inserting "or units of local government" after "eligible States"; and

(ii) by inserting "or unit of local government" after "State";

(B) in paragraph (2), by inserting before the period at the end the following: " , including samples from rape kits, samples from other sexual assault evidence, and samples taken in cases without an identified suspect"; and

(C) in paragraph (3), by striking "within the State";

(3) in subsection (b)—

(A) in the matter preceding paragraph (1)—

(i) by inserting "or unit of local government" after "State" both places that term appears; and

(ii) by inserting " , as required by the Attorney General" after "application shall";

(B) in paragraph (1), by inserting "or unit of local government" after "State";

(C) in paragraph (3), by inserting "or unit of local government" after "State" the first place that term appears;

(D) in paragraph (4)—

(i) by inserting "or unit of local government" after "State"; and

(ii) by striking "and" at the end;

(E) in paragraph (5)—

(i) by inserting "or unit of local government" after "State"; and

(ii) by striking the period at the end and inserting a semicolon; and