

Mrs. Bolstorff, Ms. Dahl, Kelly Kane, Jo Ellen Tate, Paula Verstegan; Lake Harriet Community School—Upper Campus—Gino Marchetti, Calvin Boone, Zoe Meyer, Jeff Tousignant, Kristin Siefert; Lake Harriet Community School—Lower Campus—Patricia Hauser, Barb Johnson, Jane Lyga Jones, Marilyn O'Donnell; Lake Junior High—Eric VanScoy; Lake Marion Elementary—Traci Radtke, Michelle Stewart, Ann Hoffman; Lake Myrtle Elementary, Harriet Robbins; Lake Ripley Elementary—Mimi Wendlandt; Lakeaires Elementary—Cristin Atkinson, Jean Anderson; Lakes International Language Academy—Aaron Arrendondo, Bobbi Jo Rademacher; Lakeside Elementary (Chicago)—Shanda Waller; Lakeside Elementary (Lindstrom)—Kay Oien; Lakeview Elementary, (Lakeville)—Timothy King, Mr. Arlt, Susan Clark, Kate Drexler-Booth, Nathan Earp, Julie Hassinger-Slezak, Paul Lund, Edith Mako; Lakeview Elementary (Robinsdale)—Mrs. Gilbertson, Barry Thorvilson

#### CHILDCARE MEANS PARENTS IN SCHOOLS

Mr. DURBIN. Mr. President, I rise to speak on behalf of the Childcare Means Parents in Schools Act. I am pleased to join Senator DODD and Senator SNOWE as a cosponsor of the measure. This bill would amend the CCAMPIS Program authorized under Higher Education Act to better facilitate the higher education of those students with children.

For college students who are parents, a safe, nurturing environment for one's children is integral to degree attainment. Nearly 40 percent of students at higher education institutions are over 25 years old and almost 30 percent of undergraduates have children. Most American families utilize childcare: 75 percent of children under 5 are in some type of childcare. And for most families, childcare is the second largest expense in their budget after rent or mortgage.

The Dodd-Snowe bill will modify the definition of "low income student" to extend childcare services to graduate students, international students and other students who would not qualify under the present language but may need childcare assistance. This bill also increases the program authorization to a level that could fund about one-quarter of the 4,000 colleges and universities eligible to apply. The amount of the minimum grant would be raised in order to make the grant process more cost-effective for applying institutions.

Good childcare is often recognized as a first step to school success. It also can be an essential part of the process of being a good student. The peace of mind afforded by the security of knowing one's child is well cared for frees higher education students to pursue their own studies with a more focused determination. Without that foundation, a college education may not be attained.

I urge my colleagues to support the bill and further extend the opportunity of higher education to parents across America.

#### SATELLITE HOME VIEWER ACT

Mr. LEAHY. Mr. President, I am very pleased that the other body just passed their version of the Satellite Home Viewer Act under suspension of the rules. H.R. 4518, the W.J. (Billy) Tauzin Satellite Television Act of 2004, is a strong bill.

During this process, I have heard from many Vermonters who are concerned about not being able to receive Vermont stations over satellite. Others have been concerned about possibly having their ability to receive certain stations terminated. One reason for these strong concerns is that Vermont has the highest percentage in the Nation of TV owners who receive programming using satellite dishes. One reason for this is our beautiful mountains and valleys which make it more difficult to receive TV signals using regular antennas.

The Hatch-Leahy Satellite Home Viewer Extension Act of 2004 was approved by the Senate Judiciary Committee in June. All the members of the Judiciary Committee supported that bill.

In the other body, members of both the Judiciary Committee and the Energy and Commerce Committee worked together in a bipartisan fashion to craft a comprehensive bill which will be good for consumers and for the affected industries. That bill, if enacted, will be a boon to public television, the satellite industry, the movie, music and television industries, and to satellite dish owners throughout America.

I am especially pleased that it contains a provision which I worked on with my colleagues from New Hampshire, Senator SUNUNU and Senator GREGG. We, along with Senator JEFFORDS, introduced legislation to ensure that satellite dish owners in every county in each of our States would be able to receive signals, via satellite, from our respective in-State television stations. While our two States represent a small television market as compared to some of the major population markets, nonetheless this provision is very important to residents in six of our collective counties—two in Vermont and four counties in New Hampshire. The Senate bill, S. 2013, as reported in June by the Judiciary Committee also contained this provision just included in H.R. 4518.

In Vermont this will mean that satellite dish owners in Bennington and Windham Counties will be able to receive all Vermont network stations in addition to the out-of-State network stations they now receive.

It is very important that in the waning days of this Congress that the Senate enact this satellite legislation. In 1998 and 1999 over 2 million families were faced with the prospect of losing the ability to receive one or more of their satellite television network stations. Back then, Congress acted and not only protected access to those sta-

tions but also expanded consumer opportunities to receive more programming options.

Families who own satellite dishes may end up being the big losers if provisions of that act are not extended. Many Midwestern and Rocky Mountain States have vast areas where satellite dish owners receive imported network stations such as ABC, NBC, CBS or Fox. Thousands of these families do not have any other choices. They do not have access to TV stations over-the-air because of mountain terrain or distance from the broadcast towers. They do not have access to cable because of the rough terrain or the lack of population density which makes it economically impossible for cable companies to invest. Without access to network stations via satellite, over-the-air, or cable, those families will no longer be able to receive national news programming or other network TV programming.

If Congress does not reauthorize provisions of current law by December 31, 2004, hundreds of thousands of households will lose satellite access to network TV stations. Since information about subscribers is proprietary it is difficult for me to tell you exactly how many families will be affected by this, but I assure you it is not a small number.

The Senate Judiciary Committee got its job done in June. We reported a great bill out of committee without a single amendment and without a single nay vote. That bill was introduced on January 21, 2004, by Chairman HATCH and was cosponsored by myself and Senators DEWINE and KOHL. When the bill was reported out of committee on June 17, 2004, I noted that the bill does far more than just protect satellite dish owners from losing signals. I pointed out that the new satellite bill "protects subscribers in every state, expands viewing choices for most dish owners, promotes access to local programming, and increases direct, head-to-head, competition between cable and satellite providers."

I continued by saying that "easily, this bill will benefit 21 million satellite television dish owners throughout the nation, and I am happy to note that over 85,000 of those subscribers are in Vermont."

The Senate Judiciary Committee-reported bill, and the recently passed bill H.R. 4518, go far beyond protecting what current subscribers receive. The bills allow additional programming via satellite through adoption of the so-called "significantly viewed" test now used for cable, but not satellite subscribers. That test means that, in general, if a person in a cable service area that historically received over-the-air TV reception from "nearby" stations outside that area, those cable operators could offer those station signals in

that person's cable service area. In other words, if you were in an area in which most families in the past had received TV signals using a regular rooftop antenna then you could be offered that same signal TV via cable. By having similar rules, satellite carriers will be able to directly compete with cable providers who already operate under the significantly viewed test. This gives home dish owners more choices of programming.

In the past, Congress got the job done. Congress worked well together in 1998 and 1999 when we developed a major satellite law that transformed the industry by allowing local television stations to be carried by satellite and beamed back down to the local communities served by those stations. This marked the first time that thousands of TV owners were able to get the full complement of local network stations. In 1997 we found a way to avoid cutoffs of satellite TV service to millions of homes and to protect the local affiliate broadcast system. The following year we forged an alliance behind a strong satellite bill to permit local stations to be offered by satellite, thus increasing competition between cable and satellite providers.

We also worked with the Public Broadcasting System so they could offer a national feed as they transitioned to having their local programming beamed up to satellites and then beamed back down to much larger audiences.

Because of those efforts, in Vermont and most other States, dish owners are able to watch their local stations instead of getting signals from distant stations. Such a service allows television watchers to be more easily connected to their communities as well as providing access to necessary emergency signals, news and broadcasts.

I hope we are able to work together to finish this important satellite television bill in the few remaining days of this Congress.

#### OMNIBUS APPROPRIATIONS

Mr. CAMPBELL. Mr. President, I rise to express my support for the conference report accompanying those appropriations bills which, because of our pending adjournment, have been included as an omnibus package.

I intend to vote for this omnibus bill knowing full well that, like all bills, it is not perfect in every Senator's eyes.

I want to thank Chairman STEVENS and Ranking Member Senator BYRD as well as the chairman and ranking members of the Subcommittees for including my requests which are vital to Colorado. As America's third fastest growing State, our burgeoning population has placed great stress on our schools, hospitals, universities and transportation. Federal monies, which I have sought to earmark as an appropriation for Colorado, are extremely important.

In this omnibus conference report over \$175 million will be flowing into Colorado.

Having said this, there is one section in the bill that concerns me. Partially because it affects my State, but more so because it was never considered in the committee of jurisdiction. Neither was it discussed in the conference committee on Wednesday, November 19 as we worked out the final House and Senate disagreements.

I did not know of the language as the bill came to the floor just before we adjourned for the year. In fact, in a multi-hundred page bill I was not aware of it until after it passed. But, as I understand it, this language is in keeping with a long standing practice of satisfying Native American land claims.

Let me give some historical perspective to this issue as I understand it. In 1971, the U.S. Congress passed a bill which was signed into law called the "Native American Claims Settlement Act". This was an effort to bring a degree of fairness to native tribes of America's newest State—Alaska—who had lost much of the use of their aboriginal land through the encroachment and settlement of non-natives.

As part of the settlement, the native peoples were given use of 44 million acres and a percentage of the royalties from oil and gas production thereon. They shared these royalties with State government and for the purposes of administering their tribal governments and revenues. Alaska natives and tribes became shareholders of Native Alaskan corporations. They also retained the same rights that tribes in the lower 48 States and as they pertained to the "trust responsibility" of the Federal Government.

As I understand the 1971 act, however, these tribal corporations around the city of Anchorage were not considered land based tribes and were treated differently in terms of rights and benefits they would have accrued had they been in control of aboriginal land. These native groups (corporations) were allowed to use their portion of the accumulated revenue, in the form of "bidding credits", to purchase either Federal or private land in Alaska or other States. I only know of four States where land was actually purchased. Alaska, California, Hawaii and Colorado are the four I am aware of, although there may have been others. I have never been able to find a comprehensive list of land purchased, if it even exists.

The Native Alaskan corporations were authorized in the 1971 act to "partner" with tribes in the lower 48 on business ventures. So, in effect, the lower 48 tribes became recipients of badly needed investment capital provided by the Native Alaskan corporations while their "partner" could petition the Federal Government to put the land into trust status.

One such purchase was in downtown Denver. It had been a piece of Federal

land, adjacent to the Federal courthouse and was being used as a parking lot for court employees. That lot was not put into trust, but was owned by the Native Alaskan Corporation.

There were, at the time, some preliminary discussions between one of the Colorado land based Ute Indian tribes and one Native Alaskan corporation on how best to use this "native" land for economic development purposes.

These purposes were limited by a variety of other laws such as the 1988 Indian Gaming Regulatory Act, which did not allow tribes to have casino gaming unless they reached a negotiated agreement called a "gaming compact" with the State in which they were located. In turn, court decisions further complicated the picture. An example of this was in the Seminole vs. the State of Florida case. In 1996, the Supreme Court ruled that States cannot be "forced" to negotiate a compact with tribes as required by the 1988 Indian Gaming Regulatory Act.

At the time, I voided the discussions concerning the downtown piece of property about which I have spoken by implementing a suggestion from the Federal courts to submit a line item request to appropriate funds to purchase that parking lot back from the Native Alaskan corporation. I did so and through subsequent appropriations secured the money to build a new Byron White Federal Court complex on that site.

Since I was not in the U.S. Senate in 1971, I can only give you my view of how that act affected this language in question. I don't know if it violates any existing statute, if my constituency would support or oppose it or if it is in keeping with the Native American Claims Settlement Act. This probably could have been flushed out through the hearing process had we seen it in bill form.

So, in closing Mr. President, because I was not aware of the language of this final conference report until about 2 hours ago and do not know the effect it would have on Colorado, I do not support that section. Since it is, however, included in a non-amendable conference report and, recognizing the importance of the money in this report to the State of Colorado, I will vote for the final report.

#### ADDITIONAL STATEMENTS

150TH ANNIVERSARY OF THE YMCA OF GREATER INDIANAPOLIS  
 • Mr. LUGAR. Mr. President, I rise today to call to the attention of my colleagues a signal anniversary that has occurred in my home State of Indiana, the 150th anniversary of the YMCA of Greater Indianapolis.

Since 1854, the YMCA of Greater Indianapolis has been committed not only to providing Hoosiers with an outlet