

S. RES. 450

Whereas, by Senate Resolution 317, 107th Congress, the Senate authorized the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs to produce records from its investigation into the collapse to Enron Corporation to law enforcement and regulatory officials and agencies;

Whereas, by Senate Resolution 394, 108th Congress, the Senate authorized testimony and legal representation of a former employee of, and a detailee to, the Permanent Subcommittee on Investigation in the case of *United States v. Daniel Bayly, et al.*, Cr. No. H-03-363, pending in the United States District Court for the Southern District of Texas;

Whereas, in the case of *United States v. Daniel Bayly, et al.*, subpoenas for testimony have been issued to Claire Barnard, a former employee of, and Edna Falk Curtin, a former detailee to, Permanent Subcommittee on Investigation;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Claire Barnard and Edna Falk Curtin are authorized to testify in the case of *United States v. Daniel Bayly, et al.*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Claire Barnard and Edna Falk Curtin in connection with the testimony authorized in section one of this resolution.

FAMILY FARMER BANKRUPTCY RELIEF ACT OF 2004

Mr. McCONNELL. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 2864, and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2864) to extend for eighteen months the period for which chapter 12 of title 11, United States Code, is reenacted.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate is passing legislation to renew and extend family farmer bankruptcy protection through June 30, 2005.

Senator GRASSLEY and I introduced the Family Farmer Bankruptcy Relief Act, S. 2864, to retroactively renew and temporarily extend these protections that our farmers have come to rely

upon because Chapter 12 of the Bankruptcy Code expired on January 1, 2004. Representative TAMMY BALDWIN and Representative NICK SMITH have introduced companion legislation in the House of Representatives.

But our bipartisan legislation is just a short-term fix. We need to stop playing politics and permanently reauthorize the Chapter 12 family farmer protections.

Too many family farmers have been left in legal limbo in bankruptcy courts across the country because Chapter 12 of the Bankruptcy Code is still a temporary measure. This is the eleventh time that Congress must act to restore or extend basic bankruptcy safeguards for family farmers because Chapter 12 is still a temporary provision despite its first passage into law in 1986. Our family farmers do not deserve these lapses in bankruptcy law that could mean the difference between foreclosure and farming.

Mr. President, I ask unanimous consent that a letter from many representatives of family farmers that underscores the need for renewing the Chapter 12 bankruptcy protections be printed in the RECORD at the end of my remarks.

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

(See exhibit 1.)

Mr. LEAHY. It is time to end this absurdity and make these bankruptcy protections permanent. Everyone agrees that Chapter 12 has worked. It is time for Congress to make Chapter 12 a permanent part of the Bankruptcy Code to provide a stable safety net for our Nation's family farmers.

I will continue to work with Senator GRASSLEY, Senator FEINGOLD, Representative BALDWIN, Representative NICK SMITH and others on both sides of the aisle to pass legislation that once and for all assures our farmers of permanent bankruptcy protections to help them keep their farms. In the meantime, the House of Representatives should quickly pass the Family Farmer Bankruptcy Relief Act and end the current lapse in basic bankruptcy protections for our family farmers.

OCTOBER 6, 2004.

Hon. PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: The undersigned organizations urge immediate passage of S. 2864 that reinstates Chapter 12 bankruptcy provisions of our nation's family farmers. Since January 1, 2004 farmers facing serious financial problems resulting from low commodity prices, increasing production costs, and natural disasters have not been able to consider filing a Chapter 12 bankruptcy.

The need for a separate bankruptcy code that enables farmers to stay on the land while reorganizing their debt is as urgent now as it was in 1986 when initially enacted by Congress. This lapse in coverage results in farmers having to face foreclosure and liquidation. Instead, Chapter 12 would offer farmers the opportunity to negotiate with their creditors. This benefits the farm family, their creditors and rural businesses.

Please act quickly. Every day that Congress delays on Chapter 12 has a direct cost

to our nation's family farmers and rural communities.

Sincerely,

American Corn Growers Association.
Association of Chapter 12 Trustees.
Community Food Security Coalition.
Family Farm Defenders.
Farm Aid.
Farm Wives United (New York).
Federation of Southern Cooperatives.
Livestock Marketing Association.
National Bankruptcy Conference.
National Catholic Rural Life Conference.
National Family Farm Coalition.
National Farmers Union.
New York Sustainable Agriculture Working Group (NYSAWG).
Northeast States Association for Agricultural Stewardship (NSAAS).
Rural Advancement Foundation International (RAFI-USA).
Rural Coalition/Coalicion Rural.
Southern Sustainable Agriculture Working Group (SSAWG).
Soybean Producers of America.
Women, Food, and Agriculture.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 2864) was read the third time and passed as follows:

S. 2864

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 "Family Farmer Bankruptcy Relief Act of 2004".

SEC. 2. EIGHTEEN-MONTH EXTENSION OF PERIOD FOR WHICH CHAPTER 12 OF TITLE 11, UNITED STATES CODE, IS REENACTED.

(a) AMENDMENTS.—Section 149 of title I of division C of Public Law 105-277 (11 U.S.C. 1201 note) is amended—

(1) by striking "January 1, 2004" each place that term appears and inserting "July 1, 2005"; and

(2) in subsection (a)—

(A) by striking "June 30, 2003" and inserting "December 31, 2003"; and

(B) by striking "July 1, 2003" and inserting "January 1, 2004".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) are deemed to have taken effect on January 1, 2004.

NATIONAL EARTHQUAKE HAZARDS REDUCTION PROGRAM REAUTHORIZATION ACT OF 2003

Mr. McCONNELL. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 771, H.R. 2608.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2608) to reauthorize the National Earthquake Hazards Reduction Program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCain. Mr. President, I wish to speak in relation to the H.R. 2608, the National Earthquake Hazards Reduction Program Reauthorization Act,

which passed with a substitute amendment by unanimous consent.

Earthquakes are some of the world's most dangerous natural hazards. They can seem to strike with sudden unpredictability, and can affect a large area causing damage miles away from the epicenter. The National Earthquake Hazards Reduction Program, NEHRP, was created in 1977 to conduct basic research about earthquakes and develop strategies, such as stricter building codes, to mitigate the effects of them. The NEHRP program is composed of the Federal Emergency Management Agency, FEMA, in the Department of Homeland Security's Emergency Preparedness and Response, EP&R, Directorate; the National Institute of Standards and Technology, NIST; the U.S. Geological Survey, USGS; and the National Science Foundation, NSF.

The 6.0 magnitude earthquake that struck Parkfield, California last week demonstrated both the dangers of earthquakes and the success of the NEHRP program. Because of the strong building codes and preparations developed by NEHRP and taken by the people of Parkfield, there were no fatalities.

This bill would authorize the NEHRP program from Fiscal Year, FY, 2005 through FY 2009. In addition, it would make a number of reforms to the program, including designating NIST as the program's lead agency and establishing an Interagency Coordinating Committee and an Advisory Committee on Earthquake Hazards Reduction to improve the program's coordination and implementation.

This bill also would require the Director of the Office of Science and Technology Policy to establish a National Windstorm Impact Reduction Program consisting of representatives from NIST, NSF, FEMA, and the National Oceanic and Atmospheric Administration, NOAA. The purpose of this program would be to improve our understanding of windstorms and how they affect our communities. We recently witnessed the devastation to Florida by Hurricanes Charley, Frances, Ivan, and Jeanne. Congress should recognize the importance of windstorm research to develop ways to reduce future damage from hurricanes, tornadoes, and other such phenomena.

Finally, the bill would authorize funding for the Federal Aviation Administration's Office of Commercial Space Transportation from FY 2005 through FY 2009. SpaceShipOne demonstrated yesterday that we are at the beginning of a new age in space travel, in which private citizens will be able to finance, operate, and travel in their own vehicles. It is vital that this office be adequately funded to ensure that the government plays an appropriate oversight role in this promising field.

Mr. President, I thank my colleagues for their support of this legislation, and ask unanimous consent that my statement be printed in the RECORD.

Mr. HOLLINGS. Mr. President, I rise today in support of the substitute

amendment to H.R. 2608, the National Earthquake Hazards Reduction Program Reauthorization Act. I fully support this amendment. The first two titles in this substitute amendment were distinct bills, each extremely important to fighting the respective hazard. I want to thank Senator BILL NELSON and Senator HUTCHISON for their work in bring the wind title to the committee's attention.

Earthquakes are deadly natural hazards that arrive without warning and can claim thousands of lives. For example, a 6.6 magnitude earthquake in Iran last year killed 30,000 people, while a similar magnitude quake in California killed two people. Thousands of lives have been saved as a result of the fine research conducted through the National Earthquake Hazards Reduction Program. I support the earthquake title of the substitute amendment, but I want to reiterate that the National Institute of Standards and Technology needs greater funding if it is to fulfill its new role as the lead agency in this program. I hope that my colleagues will see to it that this excellent agency has the resources it needs to continue to develop standards that protect the public.

Building codes work. The hurricanes we've seen in the past month prove that. According to the St. Petersburg Times, houses built before the building codes were revised in 1992, as a result of Hurricane Andrew, were blown off their foundations. Houses built after new building codes were in place are still standing. These disasters cost the country several billion dollars in damage each year. By establishing a national program to improve design and engineering to protect against windstorms, we can save not only money, but more importantly lives.

Mr. NELSON of Florida. Mr. President, I rise today in support of the windstorm impact reduction bill, a bill included in the earthquake bill before the Senate for consideration today. The windstorm bill, supported in the Senate by me and Senator HUTCHISON and by Representatives MOORE and NEUGEBAUER in the House, sets up a national program to reduce the loss of life and property due to windstorms.

It is an understatement to say that the four hurricanes that hit Florida—Hurricanes Charley, Frances, Ivan and Jeanne—in the last 6 weeks demonstrate the great need for this legislation. More than 70 lives were lost, and homes, businesses, roads and bridges were devastated by the hurricanes. It is estimated that the losses from these hurricanes will surpass the \$20 billion in losses from Hurricane Andrew in 1992, the costliest hurricane ever.

It is imperative that the amount of destruction suffered by the State of Florida never be repeated again. This bill will give us the tools to protect our communities from future material losses and to reduce human suffering. An interagency working group consisting of representatives of the Na-

tional Science Foundation, the National Oceanic and Atmospheric Administration, the National Institute of Standards and Technology and the Federal Emergency Management Agency will be responsible for planning and managing this program.

The program will have three goals: No. 1, improved understanding of windstorms; No. 2, windstorm impact assessment; and No. 3, windstorm impact reduction. We will achieve these goals through data collection and analysis, outreach, technology transfer, and research and development.

As a result of this program, we will translate existing and future information and research findings into cost-effective and affordable practices for design and construction professionals, and State and local officials. And this Interagency group will provide biennial updates of their progress to Congress so we know what progress has been made and what more needs to be done.

We'll also get a broad cross-section of interests involved through an advisory committee—so that real life issues are addressed and on-site expertise is utilized. Any my hope is that the devastation of Hurricanes Charley, Frances, Ivan and Jeanne will never be experienced again in my State of Florida or in any other State.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the McCain substitute amendment which is at the desk be agreed to; the bill, as amended, be read a third time and passed; the motion to reconsider be laid upon the table with no intervening action or debate; and that any statements related to the bill be printed in the RECORD.

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

The amendment (No. 3983) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill (H.R. 2608), as amended, was read the third time and passed.

BELARUS DEMOCRACY ACT OF 2003

Mr. MCCONNELL. Mr. President, also I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 854 which is at the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A bill (H.R. 854) to provide for the promotion of democracy, human rights and rule of law in the Republic of Belarus, and for the consolidation and strengthening of Belarus sovereignty and independence.

There being no objection, the Senate proceeded to consider the bill.

Mr. BIDEN. Mr. President, I am today in support of H.R. 854, the Belarus Democracy Act. Alexander Lukashenka, President of Belarus, is the last remaining dictator in Europe. After orchestrating an illegal and unconstitutional referendum in November 1996, enabling him to impose a new