

(2) built in 1943, it was never large enough to accommodate its student population;

(3) the gross inadequacies of these classrooms sparked a student strike in 1951;

(4) the NAACP soon joined their struggles and challenged the inferior quality of their school facilities in court; and

(5) although the United States District Court ordered that the plaintiffs be provided with equal school facilities, they were denied access to the schools for white students in their area;

Whereas with respect to the South Carolina case of *Briggs v. R.W. Elliott*—

(1) in Clarendon County, South Carolina, the State NAACP first attempted, unsuccessfully and with a single plaintiff, to take legal action in 1947 against the inferior conditions that African-American students experienced under South Carolina's racially segregated school system;

(2) by 1951, community activists convinced African-American parents to join the NAACP efforts to file a class action suit in United States District Court;

(3) the court found that the schools designated for African-Americans were grossly inadequate in terms of buildings, transportation, and teacher salaries when compared to the schools provided for white students; and

(4) an order to equalize the facilities was virtually ignored by school officials, and the schools were never made equal;

Whereas with respect to the Delaware cases of *Belton v. Gebhart* and *Bulah v. Gebhart*—

(1) first petitioned in 1951, these cases challenged the inferior conditions of 2 African-American schools;

(2) in the suburb of Claymont, Delaware, African-American children were prohibited from attending the area's local high school, and in the rural community of Hockessin, Delaware, African-American students were forced to attend a dilapidated 1-room schoolhouse, and were not provided transportation to the school, while white children in the area were provided transportation and a better school facility;

(3) both plaintiffs were represented by local NAACP attorneys; and

(4) though the State Supreme Court ruled in favor of the plaintiffs, the decision did not apply to all schools in Delaware;

Whereas with respect to the District of Columbia case of *Bolling, et al. v. C. Melvin Sharpe, et al.*—

(1) 11 African-American junior high school students were taken on a field trip to Washington, D.C.'s new John Philip Sousa School for white students only;

(2) the African-American students were denied admittance to the school and ordered to return to their inadequate school; and

(3) in 1951, a suit was filed on behalf of the students, and after review with the Brown case in 1954, the United States Supreme Court ruled that segregation in the Nation's capital was unconstitutional;

Whereas on May 17, 1954, at 12:52 p.m., the United States Supreme Court ruled that the discriminatory nature of racial segregation "violates the 14th Amendment to the Constitution, which guarantees all citizens equal protection of the laws";

Whereas the decision in *Brown v. Board of Education* set the stage for dismantling racial segregation throughout the country;

Whereas the quiet courage of Oliver L. Brown and his fellow plaintiffs asserted the right of African-American people to have equal access to social, political, and communal structures;

Whereas our country is indebted to the work of the NAACP Legal Defense and Educational Fund, Inc., Howard University Law School, the NAACP, and the individual

plaintiffs in the cases considered by the Supreme Court;

Whereas Reverend Oliver L. Brown died in 1961, and because the landmark United States Supreme Court decision bears his name, he is remembered as an icon for justice, freedom, and equal rights; and

Whereas the national importance of the *Brown v. Board of Education* decision had a profound impact on American culture, affecting families, communities, and governments by outlawing racial segregation in public education, resulting in the abolition of legal discrimination on any basis: Now therefore be it

*Resolved by the Senate (the House of Representatives concurring), That—*

(1) the Congress recognizes and honors the 50th anniversary of the Supreme Court decision in *Brown v. Board of Education of Topeka*;

(2) the Congress encourages all people of the United States to recognize the importance of the Supreme Court decision in *Brown v. Board of Education of Topeka*; and

(3) by celebrating the 50th anniversary of the *Brown v. Board of Education of Topeka*, the Nation will be able to refresh and renew the importance of equality in society.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3107. Mr. HARKIN (for himself, Mr. KENNEDY, Mr. AKAKA, Mr. BINGAMAN, Mrs. BOXER, Mr. BYRD, Ms. CANTWELL, Mrs. CLINTON, Mr. CORZINE, Mr. DASCHLE, Mr. DAYTON, Mr. DURBIN, Mr. EDWARDS, Mr. FEINGOLD, Mr. GRAHAM, of Florida, Mr. KERRY, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, and Ms. STABENOW) proposed an amendment to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

SA 3108. Ms. COLLINS proposed an amendment to the bill S. 1637, *supra*.

SA 3109. Mr. WYDEN (for himself, Mr. COLEMAN, Mr. ROCKEFELLER, Mr. BAUCUS, Mr. DAYTON, Mr. BROWNBACK, Mr. DODD, and Ms. SNOWE) proposed an amendment to the bill S. 1637, *supra*.

#### TEXT OF AMENDMENTS

SA 3107. Mr. HARKIN (for himself, Mr. KENNEDY, Mr. AKAKA, Mr. BINGAMAN, Mrs. BOXER, Mr. BYRD, Ms. CANTWELL, Mrs. CLINTON, Mr. CORZINE, Mr. DASCHLE, Mr. DAYTON, Mr. DURBIN, Mr. EDWARDS, Mr. FEINGOLD, Mr. GRAHAM of Florida, Mr. KERRY, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, and Ms. STABENOW) proposed an amendment to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; as follows:

At the appropriate place, insert the following:

#### SEC. . . PROTECTION OF OVERTIME PAY.

Section 13 of the Fair Labor Standards Act of 1938 (29 U.S.C. 213) is amended by adding at the end the following:

"(k) Notwithstanding the provisions of subchapter II of chapter 5 and chapter 7 of title 5, United States Code (commonly referred to as the Administrative Procedures Act) or any other provision of law, any portion of the final rule promulgated on April 23, 2004, revising part 541 of title 29, Code of Federal Regulations, that exempts from the overtime pay provisions of section 7 any employee who would not otherwise be exempt if the regulations in effect on March 31, 2003 remained in effect, shall have no force or effect and that portion of such regulations (as in effect on March 31, 2003) that would prevent such employee from being exempt shall remain in effect. Notwithstanding the preceding sentence, the increased salary requirements provided for in such final rule at section 541.600 of such title 29, shall remain in effect."

SA 3108. Ms. COLLINS proposed an amendment to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; as follows:

On page 139, between lines 13 and 14, insert the following:

#### SEC. . . MANUFACTURER'S JOBS CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits), as amended by this Act, is amended by adding at the end the following:

#### "SEC. 45S. MANUFACTURER'S JOBS CREDIT.

"(a) GENERAL RULE.—For purposes of section 38, in the case of an eligible taxpayer, the manufacturer's jobs credit determined under this section is an amount equal to the lesser of the following:

"(1) The excess of the W-2 wages paid by the taxpayer during the taxable year over the W-2 wages paid by the taxpayer during the preceding taxable year.

"(2) The W-2 wages paid by the taxpayer during the taxable year to any employee who is an eligible TAA recipient (as defined in section 35(c)(2)) for any month during such taxable year.

"(3) 22.4 percent of the W-2 wages paid by the taxpayer during the taxable year.

"(b) LIMITATION.—The amount of credit determined under subsection (a) shall be reduced by an amount which bears the same ratio to the amount of the credit (determined without regard to this subsection) as—

"(1) the excess of the W-2 wages paid by the taxpayer to employees outside the United States during the taxable year over such wages paid during the most recent taxable year ending before the date of the enactment of this section, bears to

"(2) the excess of the W-2 wages paid by the taxpayer to employees within the United States during the taxable year over such wages paid during such most recent taxable year.

"(c) ELIGIBLE TAXPAYER.—For purposes of this section, the term 'eligible taxpayer' means any taxpayer—

"(1) which has domestic production gross receipts for the taxable year and the preceding taxable year, and

"(2) which is not treated at any time during the taxable year as an inverted domestic corporation under section 7874.

“(d) DEFINITIONS.—For purposes of this section, W-2 wages and domestic production gross receipts shall be determined in the same manner as under section 199.

“(e) CERTAIN RULES MADE APPLICABLE.—For purposes of this section, rules similar to the rules of section 52 shall apply.

“(f) TERMINATION.—This section shall not apply to any taxable year beginning after December 31, 2005.”

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) (relating to current year business credit), as amended by this Act, is amended by striking “plus” at the end of paragraph (29), by striking the period at the end of paragraph (30) and inserting “, plus”, and by adding at the end the following:

“(31) the manufacturer’s jobs credit determined under section 45S.”

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by adding at the end the following:

“Sec. 45S. Manufacturer’s jobs credit.”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

On page 335, line 8, strike “December 31, 2004,” and insert “the date of the enactment of this Act”.

**SA 3109.** Mr. WYDEN (for himself, Mr. COLEMAN, Mr. ROCKEFELLER, Mr. BAUCUS, Mr. DAYTON, Mr. BROWNBACK, Mr. DODD, and Ms. SNOWE) proposed an amendment to the bill S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; as follows:

At the end of the bill, add the following:

# **TITLE IX—TRADE ADJUSTMENT ASSISTANCE**

## **Subtitle A—Service Workers**

### **SEC. 911. SHORT TITLE.**

This subtitle may be cited as the “Trade Adjustment Assistance Equity For Service Workers Act of 2004”.

### **SEC. 912. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE TO SERVICES SECTOR.**

(a) ADJUSTMENT ASSISTANCE FOR WORKERS.—Section 221(a)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2271(a)(1)(A)) is amended by striking “firm”) and inserting “firm, and workers in a service sector firm or subdivision of a service sector firm or public agency”.

(b) GROUP ELIGIBILITY REQUIREMENTS.—Section 222 of the Trade Act of 1974 (19 U.S.C. 2272) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “agricultural firm”) and inserting “agricultural firm, and workers in a service sector firm or subdivision of a service sector firm or public agency”;

(B) in paragraph (1), by inserting “or public agency” after “of the firm”; and

(C) in paragraph (2)—

(i) in subparagraph (A)(ii), by striking “like or directly competitive with articles produced” and inserting “or services like or directly competitive with articles produced or services provided”; and

(ii) by striking subparagraph (B) and inserting the following:

“(B)(i) there has been a shift, by such workers’ firm, subdivision, or public agency

to a foreign country, of production of articles, or in provision of services, like or directly competitive with articles which are produced, or services which are provided, by such firm, subdivision, or public agency; or

“(ii) such workers’ firm, subdivision, or public agency has obtained or is likely to obtain such services from a foreign country.”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “agricultural firm”) and inserting “agricultural firm, and workers in a service sector firm or subdivision of a service sector firm or public agency”;

(B) in paragraph (2), by inserting “or service” after “related to the article”; and

(C) in paragraph (3)(A), by inserting “or services” after “component parts”;

(3) in subsection (c)—

(A) in paragraph (2), by adding at the end the following:

“(C) Taconite pellets produced in the United States shall be considered to be an article that is like or directly competitive with imports of semifinished steel slab.”

(B) in paragraph (3)—

(i) by inserting “or services” after “value-added production processes”;

(ii) by striking “or finishing” and inserting “, finishing, or testing”;

(iii) by inserting “or services” after “for articles”; and

(iv) by inserting “(or subdivision)” after “such other firm”; and

(C) in paragraph (4)—

(i) by striking “for articles” and inserting “, or services, used in the production of articles or in the provision of services”; and

(ii) by inserting “(or subdivision)” after “such other firm”; and

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

“(d) BASIS FOR SECRETARY’S DETERMINATIONS.—

“(1) INCREASED IMPORTS.—For purposes of subsection (a)(2)(A)(ii), the Secretary may determine that increased imports of like or directly competitive articles or services exist if the workers’ firm or subdivision or customers of the workers’ firm or subdivision accounting for not less than 20 percent of the sales of the workers’ firm or subdivision certify to the Secretary that they are obtaining such articles or services from a foreign country.

“(2) OBTAINING SERVICES ABROAD.—For purposes of subsection (a)(2)(B)(ii), the Secretary may determine that the workers’ firm, subdivision, or public agency has obtained or is likely to obtain like or directly competitive services from a firm in a foreign country based on a certification thereof from the workers’ firm, subdivision, or public agency.

“(3) AUTHORITY OF THE SECRETARY.—The Secretary may obtain the certifications under paragraphs (1) and (2) through questionnaires or in such other manner as the Secretary determines is appropriate.”

(c) TRAINING.—Section 236(a)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2296(a)(2)(A)) is amended by striking “\$220,000,000” and inserting “\$440,000,000”.

(d) DEFINITIONS.—Section 247 of the Trade Act of 1974 (19 U.S.C. 2319) is amended—

(1) in paragraph (1)—

(A) by inserting “or public agency” after “of a firm”; and

(B) by inserting “or public agency” after “or subdivision”;

(2) in paragraph (2)(B), by inserting “or public agency” after “the firm”;

(3) by redesignating paragraphs (8) through (17) as paragraphs (9) through (18), respectively; and

(4) by inserting after paragraph (6) the following:

“(7) The term ‘public agency’ means a department or agency of a State or local government or of the Federal Government.

“(8) The term ‘service sector firm’ means an entity engaged in the business of providing services.”

(e) TECHNICAL AMENDMENT.—Section 245(a) of the Trade Act of 1974 (19 U.S.C. 2317(a)) is amended by striking “, other than subchapter D”.

### **SEC. 913. TRADE ADJUSTMENT ASSISTANCE FOR FIRMS AND INDUSTRIES.**

(a) FIRMS.—

(1) ASSISTANCE.—Section 251 of the Trade Act of 1974 (19 U.S.C. 2341) is amended—

(A) in subsection (a), by inserting “or service sector firm” after “(including any agricultural firm”;

(B) in subsection (c)(1)—

(i) in the matter preceding subparagraph (A), by inserting “or service sector firm” after “any agricultural firm”;

(ii) in subparagraph (B)(ii), by inserting “or service” after “of an article”; and

(iii) in subparagraph (C), by striking “articles like or directly competitive with articles which are produced” and inserting “articles or services like or directly competitive with articles or services which are produced or provided”; and

(C) by adding at the end the following:

“(e) BASIS FOR SECRETARY DETERMINATION.—

“(1) INCREASED IMPORTS.—For purposes of subsection (c)(1)(C), the Secretary may determine that increases of imports of like or directly competitive articles or services exist if customers accounting for not less than 20 percent of the sales of the workers’ firm certify to the Secretary that they are obtaining such articles or services from a foreign country.

“(2) AUTHORITY OF THE SECRETARY.—The Secretary may obtain the certifications under paragraph (1) through questionnaires or in such other manner as the Secretary determines is appropriate. The Secretary may exercise the authority under section 249 in carrying out this subsection.”

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 256(b) of the Trade Act of 1974 (19 U.S.C. 2346(b)) is amended by striking “\$16,000,000” and inserting “\$32,000,000”.

(3) DEFINITION.—Section 261 of the Trade Act of 1974 (19 U.S.C. 2351) is amended—

(A) by striking “For purposes of” and inserting “(a) FIRM.—For purposes of”; and

(B) by adding at the end the following:

“(b) SERVICE SECTOR FIRM.—For purposes of this chapter, the term ‘service sector firm’ means a firm engaged in the business of providing services.”

(b) INDUSTRIES.—Section 265(a) of the Trade Act of 1974 (19 U.S.C. 2355(a)) is amended by inserting “or service” after “new product”.

### **SEC. 914. MONITORING AND REPORTING.**

Section 282 of the Trade Act of 1974 (19 U.S.C. 2393) is amended—

(1) in the first sentence—

(A) by striking “The Secretary” and inserting “(a) MONITORING PROGRAMS.—The Secretary”;

(B) by inserting “and services” after “imports of articles”;

(C) by inserting “and domestic provision of services” after “domestic production”;

(D) by inserting “or providing services” after “producing articles”; and

(E) by inserting “, or provision of services,” after “changes in production”; and

(2) by adding at the end the following:

“(b) COLLECTION OF DATA AND REPORTS ON SERVICES SECTOR.—

“(1) SECRETARY OF LABOR.—Not later than 3 months after the date of the enactment of the Trade Adjustment Assistance Equity For

Service Workers Act of 2004, the Secretary of Labor shall implement a system to collect data on adversely affected service workers that includes the number of workers by State, industry, and cause of dislocation of each worker.

“(2) SECRETARY OF COMMERCE.—Not later than 6 months after such date of enactment, the Secretary of Commerce shall, in consultation with the Secretary of Labor, conduct a study and report to the Congress on ways to improve the timeliness and coverage of data on trade in services, including methods to identify increased imports due to the relocation of United States firms to foreign countries, and increased imports due to United States firms obtaining services from firms in foreign countries.”

#### SEC. 915. ALTERNATIVE TRADE ADJUSTMENT ASSISTANCE.

IN GENERAL.—Section 246(a)(3) of the Trade Act of 1974 (19 U.S.C. 2318(a)(3)) is amended to read as follows:

“(3) ELIGIBILITY.—A worker in the group that the Secretary has certified as eligible for the alternative trade adjustment assistance program may elect to receive benefits under the alternative trade adjustment assistance program if the worker—

“(A) is covered by a certification under subchapter A of this chapter;

“(B) obtains reemployment not more than 26 weeks after the date of separation from the adversely affected employment;

“(C) is at least 40 years of age;

“(D) earns not more than \$50,000 a year in wages from reemployment;

“(E) is employed on a full-time basis as defined by State law in the State in which the worker is employed; and

“(F) does not return to the employment from which the worker was separated.”

(b) CONFORMING AMENDMENTS.—(1) Subparagraphs (A) and (B) of section 246(a)(2) of the Trade Act of 1974 (19 U.S.C. 2318(a)(2) (A) and (B)) are amended by striking “paragraph (3)(B)” and inserting “paragraph (3)” each place it appears.

(2) Section 246(b)(2) of such Act is amended by striking “subsection (a)(3)(B)” and inserting “subsection (a)(3)”.

#### SEC. 916. CLARIFICATION OF MARKETING YEAR AND OTHER PROVISIONS.

(a) IN GENERAL.—Section 291(5) of the Trade Act of 1974 (19 U.S.C. 2401(5)) is amended by inserting before the end period the following: “, or in the case of an agricultural commodity that has no officially designated marketing year, in a 12-month period for which the petitioner provides written request”.

(b) FISHERMEN.—Notwithstanding any other provision of law, for purposes of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) fishermen who harvest wild stock shall be eligible for adjustment assistance to the same extent and in the same manner as a group of workers under such chapter 2.

#### SEC. 917. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), the amendments made by this subtitle shall take effect on October 1, 2004.

(b) SPECIAL RULE FOR CERTAIN SERVICE WORKERS.—A group of workers in a service sector firm, or subdivision of a service sector firm, or public agency (as defined in section 247 (7) and (8) of the Trade Act of 1974, as added by section 912(d) of this Act) who—

(1) would have been certified eligible to apply for adjustment assistance under chapter 2 of title II of the Trade Act of 1974 if the amendments made by this Act had been in effect on November 4, 2002, and

(2) file a petition pursuant to section 221 of such Act within 6 months after the date of enactment of this Act,

shall be eligible for certification under section 223 of the Trade Act of 1974 if the workers' last total or partial separation from the firm or subdivision of the firm or public agency occurred on or after November 4, 2002 and before October 1, 2004.

(c) SPECIAL RULE FOR TACONITE.—A group of workers in a firm, or subdivision of a firm, engaged in the production of taconite pellets who—

(1) would have been certified eligible to apply for adjustment assistance under chapter 2 of title II of the Trade Act of 1974 if the amendments made by this Act had been in effect on November 4, 2002, and

(2) file a petition pursuant to section 221 of such Act within 6 months after the date of enactment of this Act, shall be eligible for certification under section 223 of the Trade Act of 1974 if the workers' last total or partial separation from the firm or subdivision of the firm occurred on or after November 4, 2002 and before October 1, 2004.

#### Subtitle B—Data Collection

##### SEC. 921. SHORT TITLE.

This subtitle may be cited as the “Trade Adjustment Assistance Accountability Act”.

##### SEC. 922. DATA COLLECTION; STUDY; INFORMATION TO WORKERS.

(a) DATA COLLECTION; EVALUATIONS.—Subchapter C of chapter 2 of title II of the Trade Act of 1974 is amended by inserting after section 249, the following new section:

##### “SEC. 250. DATA COLLECTION; EVALUATIONS; REPORTS.

“(a) DATA COLLECTION.—The Secretary shall, pursuant to regulations prescribed by the Secretary, collect any data necessary to meet the requirements of this chapter.

“(b) PERFORMANCE EVALUATIONS.—The Secretary shall establish an effective performance measuring system to evaluate the following:

“(1) PROGRAM PERFORMANCE.—A comparison of the trade adjustment assistance program before and after the effective date of the Trade Adjustment Assistance Reform Act of 2002 with respect to—

“(A) the number of workers certified and the number of workers actually participating in the trade adjustment assistance program;

“(B) the time for processing petitions;

“(C) the number of training waivers granted;

“(D) the coordination of programs under this chapter with programs under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

“(E) the effectiveness of individual training providers in providing appropriate information and training;

“(F) the extent to which States have designed and implemented health care coverage options under title II of the Trade Act of 2002, including any difficulties States have encountered in carrying out the provisions of title II;

“(G) how Federal, State, and local officials are implementing the trade adjustment assistance program to ensure that all eligible individuals receive benefits, including providing outreach, rapid response, and other activities; and

“(H) any other data necessary to evaluate how individual States are implementing the requirements of this chapter.

“(2) PROGRAM PARTICIPATION.—The effectiveness of the program relating to—

“(A) the number of workers receiving benefits and the type of benefits being received both before and after the effective date of the Trade Adjustment Assistance Reform Act of 2002;

“(B) the number of workers enrolled in, and the duration of, training by major types

of training both before and after the effective date of the Trade Adjustment Assistance Reform Act of 2002;

“(C) earnings history of workers that reflects wages before separation and wages in any job obtained after receiving benefits under this Act;

“(D) reemployment rates and sectors in which dislocated workers have been employed;

“(E) the cause of dislocation identified in each petition that resulted in a certification under this chapter; and

“(F) the number of petitions filed and workers certified in each congressional district of the United States.

“(c) STATE PARTICIPATION.—The Secretary shall ensure, to the extent practicable, through oversight and effective internal control measures the following:

“(1) STATE PARTICIPATION.—Participation by each State in the performance measurement system established under subsection (b).

“(2) MONITORING.—Monitoring by each State of internal control measures with respect to performance measurement data collected by each State.

“(3) RESPONSE.—The quality and speed of the rapid response provided by each State under section 134(a)(2)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(a)(2)(A)).

“(d) REPORTS.—

“(1) REPORTS BY THE SECRETARY.—

“(A) INITIAL REPORT.—Not later than 6 months after the date of enactment of the Trade Adjustment Assistance Accountability Act, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that—

“(i) describes the performance measurement system established under subsection (b);

“(ii) includes analysis of data collected through the system established under subsection (b); and

“(iii) provides recommendations for program improvements.

“(B) ANNUAL REPORT.—Not later than 1 year after the date the report is submitted under subparagraph (A), and annually thereafter, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that includes the information collected under clause (ii) of subparagraph (A).

“(2) STATE REPORTS.—Pursuant to regulations prescribed by the Secretary, each State shall submit to the Secretary a report that details its participation in the programs established under this chapter, and that contains the data necessary to allow the Secretary to submit the report required under paragraph (1).

“(3) PUBLICATION.—The Secretary shall make available to each State, and other public and private organizations as determined by the Secretary, the data gathered and evaluated through the performance measurement system established under subsection (b).”

(b) CONFORMING AMENDMENTS.—

(1) COORDINATION.—Section 281 of the Trade Act of 1974 (19 U.S.C. 2392) is amended by striking “Departments of Labor and Commerce” and inserting “Departments of Labor, Commerce, and Agriculture”.

(2) TRADE MONITORING SYSTEM.—Section 282 of the Trade Act of 1974 (19 U.S.C. 2393) is amended by striking “The Secretary of Commerce and the Secretary of Labor” and inserting “The Secretaries of Commerce, Labor, and Agriculture”.

(3) TABLE OF CONTENTS.—The table of contents for title II of the Trade Act of 1974 is

amended by inserting after the item relating to section 249, the following new item:

“Sec. 250. Data collection; evaluations; reports.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2004.

#### **Subtitle C—Trade Adjustment Assistance for Communities**

##### **SEC. 931. SHORT TITLE.**

This subtitle may be cited as the “Trade Adjustment Assistance for Communities Act of 2004”.

##### **SEC. 932. PURPOSE.**

The purpose of this subtitle is to assist communities negatively impacted by trade with economic adjustment through the integration of political and economic organizations, the coordination of Federal, State, and local resources, the creation of community-based development strategies, and the provision of economic transition assistance.

##### **SEC. 933. TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES.**

Chapter 4 of title II of the Trade Act of 1974 (19 U.S.C. 2371 et seq.) is amended to read as follows:

#### **“CHAPTER 4—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES**

##### **“SEC. 271. DEFINITIONS.**

“In this chapter:

“(1) AFFECTED DOMESTIC PRODUCER.—The term ‘affected domestic producer’ means any manufacturer, producer, service provider, farmer, rancher, fisherman or worker representative (including associations of such persons) that was affected by a finding under the Antidumping Act of 1921, or by an antidumping or countervailing duty order issued under title VII of the Tariff Act of 1930.

“(2) AGRICULTURAL COMMODITY PRODUCER.—The term ‘agricultural commodity producer’ has the same meaning as the term ‘person’ as prescribed by regulations promulgated under section 1001(5) of the Food Security Act of 1985 (7 U.S.C. 1308(5)).

“(3) COMMUNITY.—The term ‘community’ means a city, county, or other political subdivision of a State or a consortium of political subdivisions of a State that the Secretary certifies as being negatively impacted by trade.

“(4) COMMUNITY NEGATIVELY IMPACTED BY TRADE.—A community negatively impacted by trade means a community with respect to which a determination has been made under section 273.

“(5) ELIGIBLE COMMUNITY.—The term ‘eligible community’ means a community certified under section 273 for assistance under this chapter.

“(6) FISHERMAN.—

“(A) IN GENERAL.—The term ‘fisherman’ means any person who—

“(i) is engaged in commercial fishing; or

“(ii) is a United States fish processor.

“(B) COMMERCIAL FISHING, FISH, FISHERY, FISHING, FISHING VESSEL, PERSON, AND UNITED STATES FISH PROCESSOR.—The terms ‘commercial fishing’, ‘fish’, ‘fishery’, ‘fishing’, ‘fishing vessel’, ‘person’, and ‘United States fish processor’ have the same meanings as such terms have in the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802).

“(7) JOB LOSS.—The term ‘job loss’ means the total or partial separation of an individual, as those terms are defined in section 247.

“(8) SECRETARY.—The term ‘Secretary’ means the Secretary of Commerce.

##### **“SEC. 272. COMMUNITY TRADE ADJUSTMENT ASSISTANCE PROGRAM.**

“(a) ESTABLISHMENT.—Within 6 months after the date of enactment of the Trade Ad-

justment Assistance for Communities Act of 2004, the Secretary shall establish a Trade Adjustment Assistance for Communities Program at the Department of Commerce.

“(b) PERSONNEL.—The Secretary shall designate such staff as may be necessary to carry out the responsibilities described in this chapter.

“(c) COORDINATION OF FEDERAL RESPONSE.—The Secretary shall—

“(1) provide leadership, support, and coordination for a comprehensive management program to address economic dislocation in eligible communities;

“(2) coordinate the Federal response to an eligible community—

“(A) by identifying all Federal, State, and local resources that are available to assist the eligible community in recovering from economic distress;

“(B) by ensuring that all Federal agencies offering assistance to an eligible community do so in a targeted, integrated manner that ensures that an eligible community has access to all available Federal assistance;

“(C) by assuring timely consultation and cooperation between Federal, State, and regional officials concerning economic adjustment for an eligible community; and

“(D) by identifying and strengthening existing agency mechanisms designed to assist eligible communities in their efforts to achieve economic adjustment and workforce reemployment;

“(3) provide comprehensive technical assistance to any eligible community in the efforts of that community to—

“(A) identify serious economic problems in the community that are the result of negative impacts from trade;

“(B) integrate the major groups and organizations significantly affected by the economic adjustment;

“(C) access Federal, State, and local resources designed to assist in economic development and trade adjustment assistance;

“(D) diversify and strengthen the community economy; and

“(E) develop a community-based strategic plan to address economic development and workforce dislocation, including unemployment among agricultural commodity producers, and fishermen;

“(4) establish specific criteria for submission and evaluation of a strategic plan submitted under section 274(d);

“(5) establish specific criteria for submitting and evaluating applications for grants under section 275;

“(6) administer the grant programs established under sections 274 and 275; and

“(7) establish an interagency Trade Adjustment Assistance for Communities Working Group, consisting of the representatives of any Federal department or agency with responsibility for economic adjustment assistance, including the Department of Agriculture, the Department of Education, the Department of Labor, the Department of Housing and Urban Development, the Department of Health and Human Services, the Small Business Administration, the Department of the Treasury, the Department of Commerce, and any other Federal, State, or regional department or agency the Secretary determines necessary or appropriate.

##### **“SEC. 273. CERTIFICATION AND NOTIFICATION.**

“(a) CERTIFICATION.—Not later than 45 days after an event described in subsection (c)(1), the Secretary of Commerce shall determine if a community described in subsection (b)(1) is negatively impacted by trade, and if a positive determination is made, shall certify the community for assistance under this chapter.

“(b) DETERMINATION THAT COMMUNITY IS ELIGIBLE.—

“(1) COMMUNITY DESCRIBED.—A community described in this paragraph means a community with respect to which on or after October 1, 2004—

“(A) the Secretary of Labor certifies a group of workers (or their authorized representative) in the community as eligible for assistance pursuant to section 223;

“(B) the Secretary of Commerce certifies a firm located in the community as eligible for adjustment assistance under section 251;

“(C) the Secretary of Agriculture certifies a group of agricultural commodity producers (or their authorized representative) in the community as eligible for adjustment assistance under section 293;

“(D) an affected domestic producer is located in the community; or

“(E) the Secretary determines that a significant number of fishermen in the community is negatively impacted by trade.

“(2) NEGATIVELY IMPACTED BY TRADE.—The Secretary shall determine that a community is negatively impacted by trade, after taking into consideration—

“(A) the number of jobs affected compared to the size of workforce in the community;

“(B) the severity of the rates of unemployment in the community and the duration of the unemployment in the community;

“(C) the income levels and the extent of underemployment in the community;

“(D) the outmigration of population from the community and the extent to which the outmigration is causing economic injury in the community; and

“(E) the unique problems and needs of the community.

“(c) DEFINITION AND SPECIAL RULES.—

“(1) EVENT DESCRIBED.—An event described in this paragraph means one of the following:

“(A) A notification described in paragraph (2).

“(B) A certification of a firm under section 251.

“(C) A finding under the Antidumping Act of 1921, or an antidumping or countervailing duty order issued under title VII of the Tariff Act of 1930.

“(D) A determination by the Secretary that a significant number of fishermen in a community have been negatively impacted by trade.

“(2) NOTIFICATION.—The Secretary of Labor, immediately upon making a determination that a group of workers is eligible for trade adjustment assistance under section 223, (or the Secretary of Agriculture, immediately upon making a determination that a group of agricultural commodity producers is eligible for adjustment assistance under section 293, as the case may be) shall notify the Secretary of Commerce of the determination.

“(d) NOTIFICATION TO ELIGIBLE COMMUNITIES.—Immediately upon certification by the Secretary of Commerce that a community is eligible for assistance under subsection (b), the Secretary shall notify the community—

“(1) of the determination under subsection (b);

“(2) of the provisions of this chapter;

“(3) how to access the clearinghouse established by the Department of Commerce regarding available economic assistance;

“(4) how to obtain technical assistance provided under section 272(c)(3); and

“(5) how to obtain grants, tax credits, low income loans, and other appropriate economic assistance.

##### **“SEC. 274. STRATEGIC PLANS.**

“(a) IN GENERAL.—An eligible community may develop a strategic plan for community economic adjustment and diversification.

“(b) REQUIREMENTS FOR STRATEGIC PLAN.—A strategic plan shall contain, at a minimum, the following:

“(1) A description and justification of the capacity for economic adjustment, including the method of financing to be used.

“(2) A description of the commitment of the community to the strategic plan over the long term and the participation and input of groups affected by economic dislocation.

“(3) A description of the projects to be undertaken by the eligible community.

“(4) A description of how the plan and the projects to be undertaken by the eligible community will lead to job creation and job retention in the community.

“(5) A description of how the plan will achieve economic adjustment and diversification.

“(6) A description of how the plan and the projects will contribute to establishing or maintaining a level of public services necessary to attract and retain economic investment.

“(7) A description and justification for the cost and timing of proposed basic and advanced infrastructure improvements in the eligible community.

“(8) A description of how the plan will address the occupational and workforce conditions in the eligible community.

“(9) A description of the educational programs available for workforce training and future employment needs.

“(10) A description of how the plan will adapt to changing markets and business cycles.

“(11) A description and justification for the cost and timing of the total funds required by the community for economic assistance.

“(12) A graduation strategy through which the eligible community demonstrates that the community will terminate the need for Federal assistance.

“(C) GRANTS TO DEVELOP STRATEGIC PLANS.—The Secretary, upon receipt of an application from an eligible community, may award a grant to that community to be used to develop the strategic plan.

“(d) SUBMISSION OF PLAN.—A strategic plan developed under subsection (a) shall be submitted to the Secretary for evaluation and approval.

#### **“SEC. 275. GRANTS FOR ECONOMIC DEVELOPMENT.**

“(a) IN GENERAL.—The Secretary, upon approval of a strategic plan from an eligible community, may award a grant to that community to carry out any project or program that is certified by the Secretary to be included in the strategic plan approved under section 274(d), or consistent with that plan.

“(b) ADDITIONAL GRANTS.—

“(1) IN GENERAL.—Subject to paragraph (2), in order to assist eligible communities to obtain funds under Federal grant programs, other than the grants provided for in section 274(c) or subsection (a), the Secretary may, on the application of an eligible community, make a supplemental grant to the community if—

“(A) the purpose of the grant program from which the grant is made is to provide technical or other assistance for planning, constructing, or equipping public works facilities or to provide assistance for public service projects; and

“(B) the grant is 1 for which the community is eligible except for the community's inability to meet the non-Federal share requirements of the grant program.

“(2) USE AS NON-FEDERAL SHARE.—A supplemental grant made under this subsection may be used to provide the non-Federal share of a project, unless the total Federal contribution to the project for which the grant is being made exceeds 80 percent and that excess is not permitted by law.

“(c) RURAL COMMUNITY PREFERENCE.—The Secretary shall develop guidelines to ensure

that rural communities receive preference in the allocation of resources.

#### **“SEC. 276. GENERAL PROVISIONS.**

“(a) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out the provisions of this chapter. Before implementing any regulation or guideline proposed by the Secretary with respect to this chapter, the Secretary shall submit the regulation or guideline to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives for approval.

“(b) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this chapter shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide economic development assistance for communities.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary \$100,000,000 for each of fiscal years 2005 through 2008, to carry out this chapter. Amounts appropriated pursuant to this subsection shall remain available until expended.”

#### **SEC. 934. CONFORMING AMENDMENTS.**

(a) TERMINATION.—Section 285(b) of the Trade Act of 1974 (19 U.S.C. 2271 note) is amended by adding at the end the following new paragraph:

“(3) ASSISTANCE FOR COMMUNITIES.—Technical assistance and other payments may not be provided under chapter 4 after September 30, 2008.”

(b) TABLE OF CONTENTS.—The table of contents for title II of the Trade Act of 1974 is amended by striking the items relating to chapter 4 of title II and inserting after the items relating to chapter 3 the following new items:

#### **“CHAPTER 4—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES**

“Sec. 271. Definitions.

“Sec. 272. Community Trade Adjustment Assistance Program.

“Sec. 273. Certification and notification.

“Sec. 274. Strategic plans.

“Sec. 275. Grants for economic development.

“Sec. 276. General provisions.”

(c) JUDICIAL REVIEW.—Section 284(a) of the Trade Act of 1974 (19 U.S.C. 2395(a)) is amended by striking “section 271” and inserting “section 273”.

#### **SEC. 935. EFFECTIVE DATE.**

The amendments made by this subtitle shall take effect on October 1, 2004.

#### **Subtitle D—Office of Trade Adjustment Assistance**

#### **SEC. 941. SHORT TITLE.**

This subtitle may be cited as the “Trade Adjustment Assistance for Firms Reorganization Act”.

#### **SEC. 942. OFFICE OF TRADE ADJUSTMENT ASSISTANCE.**

(a) IN GENERAL.—Chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2341 et seq.) is amended by inserting after section 255 the following new section:

#### **“SEC. 255A. OFFICE OF TRADE ADJUSTMENT ASSISTANCE.**

“(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the Trade Adjustment Assistance for Firms Reorganization Act, there shall be established in the International Trade Administration of the Department of Commerce an Office of Trade Adjustment Assistance.

“(b) PERSONNEL.—The Office shall be headed by a Director, and shall have such staff as may be necessary to carry out the responsibilities of the Secretary of Commerce described in this chapter.

“(c) FUNCTIONS.—The Office shall assist the Secretary of Commerce in carrying out the

Secretary's responsibilities under this chapter.”

(b) CONFORMING AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by inserting after the item relating to section 255, the following new item:

“Sec. 255A. Office of Trade Adjustment Assistance.”

#### **SEC. 943. EFFECTIVE DATE.**

The amendments made by this subtitle shall take effect on the earlier of—

(1) the date of the enactment of this Act;

or

(2) October 1, 2004.

### **TITLE X—IMPROVEMENT OF CREDIT FOR HEALTH INSURANCE COSTS OF ELIGIBLE INDIVIDUALS**

#### **SEC. 1001. EXPEDITED REFUND OF CREDIT FOR PRORATED FIRST MONTHLY PREMIUM AND SUBSEQUENT MONTHLY PREMIUMS PAID PRIOR TO CERTIFICATION OF ELIGIBILITY FOR THE CREDIT.**

Section 7527 of the Internal Revenue Code of 1986 (relating to advance payment of credit for health insurance costs of eligible individuals) is amended by adding at the end the following:

“(e) EXPEDITED PAYMENT OF PREMIUMS PAID PRIOR TO ISSUANCE OF CERTIFICATE.—The program established under subsection (a) shall provide for payment to a certified individual (or to any person or entity designated by the certified individual, under guidelines developed by the Secretary to achieve the purposes of this section) of an amount equal to the percentage specified in section 35(a) of the premiums paid by such individual for coverage of the taxpayer and qualifying family members under qualified health insurance for eligible coverage months (as defined in section 35(b)) occurring prior to the issuance of a qualified health insurance costs credit eligibility certificate not later than 30 days after receipt by the Secretary of evidence of such payment by the certified individual.”

#### **SEC. 1002. TAA PRE-CERTIFICATION PERIOD RULE FOR PURPOSES OF DETERMINING WHETHER THERE IS A 63-DAY LAPSE IN CREDITABLE COVERAGE.**

(a) ERISA AMENDMENT.—Section 701(c)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(c)(2)) is amended by adding at the end the following:

“(C) TAA-ELIGIBLE INDIVIDUALS.—

“(i) TAA PRE-CERTIFICATION PERIOD RULE.—In the case of a TAA-eligible individual, the period beginning on the date the individual has a TAA-related loss of coverage and ending on the date that is 5 days after the postmark date of the notice by the Secretary (or by any person or entity designated by the Secretary) that the individual potentially is eligible for a qualified health insurance costs credit eligibility certificate for purposes of section 7527 of the Internal Revenue Code of 1986 shall not be taken into account in determining the continuous period under subparagraph (A).

“(ii) DEFINITIONS.—The terms ‘TAA-eligible individual’, and ‘TAA-related loss of coverage’ have the meanings given such terms in section 605(b)(4)(C).”

(b) PHSA AMENDMENT.—Section 2701(c)(2) of the Public Health Service Act (42 U.S.C. 300gg(c)(2)) is amended by adding at the end the following:

“(C) TAA-ELIGIBLE INDIVIDUALS.—

“(i) TAA PRE-CERTIFICATION PERIOD RULE.—In the case of a TAA-eligible individual, the period beginning on the date the individual has a TAA-related loss of coverage and ending on the date that is 5 days after the postmark date of the notice by the Secretary (or by any person or entity designated by the

Secretary) that the individual potentially is eligible for a qualified health insurance costs credit eligibility certificate for purposes of section 7527 of the Internal Revenue Code of 1986 shall not be taken into account in determining the continuous period under subparagraph (A).

“(ii) DEFINITIONS.—The terms ‘TAA-eligible individual’, and ‘TAA-related loss of coverage’ have the meanings given such terms in section 2205(b)(4)(C).”

(c) IRC AMENDMENT.—Section 9801(c)(2) of the Internal Revenue Code of 1986 (relating to not counting periods before significant breaks in creditable coverage) is amended by adding at the end the following:

“(D) TAA-ELIGIBLE INDIVIDUALS.—

“(i) TAA PRE-CERTIFICATION PERIOD RULE.—In the case of a TAA-eligible individual, the period beginning on the date the individual has a TAA-related loss of coverage and ending on the date which is 5 days after the postmark date of the notice by the Secretary (or by any person or entity designated by the Secretary) that the individual potentially is eligible for a qualified health insurance costs credit eligibility certificate for purposes of section 7527 shall not be taken into account in determining the continuous period under subparagraph (A).

“(ii) DEFINITIONS.—The terms ‘TAA-eligible individual’, and ‘TAA-related loss of coverage’ have the meanings given such terms in section 4980B(f)(5)(C)(iv).”

#### SEC. 1003. CLARIFICATION OF ELIGIBILITY OF SPOUSE OF CERTAIN INDIVIDUALS ENTITLED TO MEDICARE.

(a) IN GENERAL.—Subsection (b) of section 35 of the Internal Revenue Code of 1986 (defining eligible coverage month) is amended by adding at the end the following:

“(3) SPECIAL RULE FOR SPOUSE OF INDIVIDUAL ENTITLED TO MEDICARE.—Any month which would be an eligible coverage month with respect to a taxpayer (determined without regard to subsection (f)(2)(A)) shall be an eligible coverage month for any spouse of such taxpayer.”

(b) CONFORMING AMENDMENT.—Section 173(f)(5)(A)(i) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)(5)(A)(i)) is amended by inserting “(including with respect to any month for which the eligible individual would have been treated as such but for the application of paragraph (7)(B)(i))” before the comma.

#### SEC. 1004. IMPROVEMENT OF THE AFFORDABILITY OF THE CREDIT.

(a) IN GENERAL.—Section 35(a) of the Internal Revenue Code of 1986 (relating to credit for health insurance costs of eligible individuals) is amended by striking “65” and inserting “75”.

(b) CONFORMING AMENDMENT.—Section 7527(b) of such Code (relating to advance payment of credit for health insurance costs of eligible individuals) is amended by striking “65” and inserting “75”.

(c) EFFECTIVE DATE.—The amendments made by this section apply to taxable years beginning after December 31, 2004.

#### SEC. 1005. EXTENSION OF NATIONAL EMERGENCY GRANTS TO FACILITATE ESTABLISHMENT OF GROUP COVERAGE OPTION AND TO PROVIDE INTERIM HEALTH COVERAGE FOR ELIGIBLE INDIVIDUALS IN ORDER TO QUALIFY FOR GUARANTEED ISSUE AND OTHER CONSUMER PROTECTIONS; CLARIFICATION OF REQUIREMENT FOR GROUP COVERAGE OPTION.

(a) IN GENERAL.—Section 173(f) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) USE OF FUNDS.—

“(A) HEALTH INSURANCE COVERAGE FOR ELIGIBLE INDIVIDUALS IN ORDER TO OBTAIN QUALI-

FIED HEALTH INSURANCE THAT HAS GUARANTEED ISSUE AND OTHER CONSUMER PROTECTIONS.—Funds made available to a State or entity under paragraph (4)(A) of subsection (a) may be used to provide an eligible individual described in paragraph (4)(C) and such individual's qualifying family members with health insurance coverage for the 3-month period that immediately precedes the first eligible coverage month (as defined in section 35(b) of the Internal Revenue Code of 1986) in which such eligible individual and such individual's qualifying family members are covered by qualified health insurance that meets the requirements described in clauses (i) through (iv) of section 35(e)(2)(A) of the Internal Revenue Code of 1986 (or such longer minimum period as is necessary in order for such eligible individual and such individual's qualifying family members to be covered by qualified health insurance that meets such requirements).

“(B) ADDITIONAL USES.—Funds made available to a State or entity under paragraph (4)(A) of subsection (a) may be used by the State or entity for the following:

“(i) HEALTH INSURANCE COVERAGE.—To assist an eligible individual and such individual's qualifying family members in enrolling in health insurance coverage and qualified health insurance.

“(ii) ADMINISTRATIVE EXPENSES AND START-UP EXPENSES TO ESTABLISH GROUP COVERAGE OPTIONS FOR QUALIFIED HEALTH INSURANCE.—To pay the administrative expenses related to the enrollment of eligible individuals and such individuals' qualifying family members in health insurance coverage and qualified health insurance, including—

“(I) eligibility verification activities;

“(II) the notification of eligible individuals of available health insurance and qualified health insurance options;

“(III) processing qualified health insurance costs credit eligibility certificates provided for under section 7527 of the Internal Revenue Code of 1986;

“(IV) providing assistance to eligible individuals in enrolling in health insurance coverage and qualified health insurance;

“(V) the development or installation of necessary data management systems; and

“(VI) any other expenses determined appropriate by the Secretary, including start-up costs and on going administrative expenses, in order for the State to treat the coverage described in subparagraph (C), (D), (E), or (F)(i) of section 35(e)(1) of the Internal Revenue Code of 1986, or, only if the coverage is under a group health plan, the coverage described in subparagraph (F)(ii), (F)(iii), (F)(iv), (G), or (H) of such section, as qualified health insurance under that section.

“(iii) OUTREACH.—To pay for outreach to eligible individuals to inform such individuals of available health insurance and qualified health insurance options, including low cost options, outreach consisting of notice to eligible individuals of qualified health insurance options made available after the date of enactment of this clause, and direct assistance to help potentially eligible individuals and such individual's qualifying family members qualify and remain eligible for the credit established under section 35 of the Internal Revenue Code of 1986 and advance payment of such credit under section 7527 of such Code.

“(iv) BRIDGE FUNDING.—To assist potentially eligible individuals purchase qualified health insurance coverage prior to issuance of a qualified health insurance costs credit eligibility certificate under section 7527 of the Internal Revenue Code of 1986 and commencement of advance payment, and receipt of expedited payment, under subsections (a) and (e), respectively, of that section.

“(C) RULE OF CONSTRUCTION.—The inclusion of a permitted use under this paragraph shall not be construed as prohibiting a similar use of funds permitted under subsection (g).”; and

(2) by striking paragraph (2) and inserting the following:

“(2) QUALIFIED HEALTH INSURANCE.—For purposes of this subsection and subsection (g), the term ‘qualified health insurance’ has the meaning given that term in section 35(e) of the Internal Revenue Code of 1986.”

(b) FUNDING.—Section 174(c)(1) of the Workforce Investment Act of 1998 (29 U.S.C. 2919(c)(1)) is amended—

(1) in the paragraph heading, by striking “AUTHORIZATION AND APPROPRIATION FOR FISCAL YEAR 2002” and inserting “APPROPRIATIONS”; and

(2) by striking subparagraph (A) and inserting the following:

“(A) to carry out subsection (a)(4)(A) of section 173—

“(i) \$10,000,000 for fiscal year 2002; and

“(ii) \$300,000,000 for the period of fiscal years 2004 through 2006; and”.

(c) REPORT REGARDING FAILURE TO COMPLY WITH REQUIREMENTS FOR EXPEDITED APPROVAL PROCEDURES.—Section 173(f) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)) is amended by adding at the end the following:

“(8) REPORT FOR FAILURE TO COMPLY WITH REQUIREMENTS FOR EXPEDITED APPROVAL PROCEDURES.—If the Secretary fails to make the notification required under clause (i) of paragraph (3)(A) within the 15-day period required under that clause, or fails to provide the technical assistance required under clause (ii) of such paragraph within a timely manner so that a State or entity may submit an approved application within 2 months of the date on which the State or entity's previous application was disapproved, the Secretary shall submit a report to Congress explaining such failure.”

(d) CLARIFICATION OF REQUIREMENT TO ESTABLISH GROUP COVERAGE OPTION.—Subsection (g) of section 35 of the Internal Revenue Code of 1986 (relating to special rules) is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by inserting after paragraph (8) the following:

“(9) REQUIREMENT TO ESTABLISH GROUP COVERAGE OPTION.—

“(A) IN GENERAL.—If any State has not elected to have treated as qualified health insurance under this section at least—

“(i) the coverage described in subparagraph (C), (D), (E), or (F)(i) of subsection (e)(1), or

“(ii) only if the coverage is under a group health plan and the plan satisfies the applicable requirements of section 9802, the coverage described in subparagraph (F)(ii), (F)(iii), (F)(iv), (G), or (H) of subsection (e)(1).

the State, not later than 2 years after the date of the enactment of this paragraph, shall develop in consultation with representatives of eligible individuals and their qualifying family members, coverage options that are to be treated as qualified health insurance under this section and that include at least one of the coverage options described in clause (i) or (ii).

“(B) OPM.—In the case of any State that fails to satisfy the requirement of subparagraph (A), the Director of the Office of Personnel Management is authorized to establish group health plan options, including low cost options, for eligible individuals and qualifying family members of such individuals in the State that shall be treated as qualified health insurance under this section.”



(e) TECHNICAL AMENDMENT.—Effective as if included in the enactment of the Trade Act of 2002 (Public Law 107-210; 116 Stat. 933), subsection (f) of section 203 of that Act is repealed.

**SEC. 1006. ALIGNMENT OF COBRA COVERAGE WITH TAA PERIOD FOR TAA-ELIGIBLE INDIVIDUALS.**

(a) ERISA.—Section 605(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1165(b)) is amended—

(1) in the subsection heading, by inserting “AND COVERAGE” after “ELECTION”; and

(2) in paragraph (2)—

(A) in the paragraph heading, by inserting “AND PERIOD” after “COMMENCEMENT”; and

(B) by striking “and shall” and inserting “, shall”; and

(C) by inserting “, and in no event shall the maximum period required under section 602(2)(A) be less than the period during which the individual is a TAA-eligible individual” before the period at the end.

(b) INTERNAL REVENUE CODE OF 1986.—Section 4980B(f)(5)(C) of the Internal Revenue Code of 1986 is amended—

(1) in the subparagraph heading, by inserting “AND COVERAGE” after “ELECTION”; and

(2) in clause (ii)—

(A) in the clause heading, by inserting “AND PERIOD” after “COMMENCEMENT”; and

(B) by striking “and shall” and inserting “, shall”; and

(C) by inserting “, and in no event shall the maximum period required under paragraph (2)(B)(i) be less than the period during which the individual is a TAA-eligible individual” before the period at the end.

(c) PUBLIC HEALTH SERVICE ACT.—Section 2205(b) of the Public Health Service Act (42 U.S.C. 300bb-5(b)) is amended—

(1) in the subsection heading, by inserting “AND COVERAGE” after “ELECTION”; and

(2) in paragraph (2)—

(A) in the paragraph heading, by inserting “AND PERIOD” after “COMMENCEMENT”; and

(B) by striking “and shall” and inserting “, shall”; and

(C) by inserting “, and in no event shall the maximum period required under section 2202(2)(A) be less than the period during which the individual is a TAA-eligible individual” before the period at the end.

**SEC. 1007. EXTENSION OF FUNDING FOR OPERATION OF STATE HIGH RISK HEALTH INSURANCE POOLS.**

(a) EXTENSION OF SEED GRANTS.—Section 2745 of the Public Health Service Act (42 U.S.C. 300gg-45) is amended—

(1) in subsection (a), in the subsection heading by inserting “EXTENSION OF” before “SEED”; and

(2) in subsection (c)(1), by striking “\$20,000,000” and all that follows through “2003” and inserting “\$15,000,000 for the period of fiscal years 2004 and 2005”.

(b) FUNDS FOR OPERATIONS.—Section 2745 of the Public Health Service Act (42 U.S.C. 300gg-45) is amended—

(1) in subsection (b)—

(A) in the subsection heading by striking “MATCHING”; and

(B) by striking paragraph (2) and inserting the following:

“(2) ALLOTMENT.—The amounts appropriated under subsection (c)(2) for a fiscal year shall be made available to the States (or the entities that operate the high risk pool under applicable State law) as follows:

“(A) An amount equal to 50 percent of the appropriated amount for the fiscal year shall be allocated in equal amounts among each eligible State that applies for assistance under this subsection.

“(B) An amount equal to 25 percent of the appropriated amount for the fiscal year shall be allocated among the States so that the amount provided to a State bears the same

ratio to such available amount as the number of uninsured individuals in the State bears to the total number of uninsured individuals in all States (as determined by the Secretary).

“(C) An amount equal to 25 percent of the appropriated amount for the fiscal year shall be allocated among the States so that the amount provided to a State bears the same ratio to such available amount as the number of individuals enrolled in health care coverage through the qualified high risk pool of the State bears to the total number of individuals so enrolled through qualified high risk pools in all States (as determined by the Secretary).”; and

(2) in subsection (c)(2), by striking “\$40,000,000” and all that follows through the period and inserting “\$75,000,000 for each of fiscal years 2005 through 2009 to make allotments under subsection (b)(2).”.

(c) DEFINITIONS.—Section 2745 of the Public Health Service Act (42 U.S.C. 300gg-45) is amended—

(1) in subsection (d), by inserting after “2744(c)(2)” the following: “, except that with respect to subparagraph (A) of such section a State may elect to provide for the enrollment of eligible individuals through an acceptable alternative mechanism.”; and

(2) by adding at the end the following:

“(e) STANDARD RISK RATE.—In subsection (b)(1)(A), the term ‘standard risk rate’ means a rate—

“(1) determined under the State high risk pool by considering the premium rates charged by other health insurers offering health insurance coverage to individuals in the insurance market served;

“(2) that is established using reasonable actuarial techniques; and

“(3) that reflects anticipated claims experience and expenses for the coverage involved.”.

**SEC. 1008. NOTICE REQUIREMENTS.**

Section 7527 of the Internal Revenue Code of 1986 (relating to advance payment of credit for health insurance costs of eligible individuals), as amended by section 1001, is amended by adding at the end the following:

“(f) INCLUSION OF CERTAIN INFORMATION.—The notice by the Secretary (or by any person or entity designated by the Secretary) that an individual potentially is eligible for a qualified health insurance costs credit eligibility certificate shall include—

“(1) the name, address, and telephone number of the State office or offices responsible for determining that the individual is eligible for such certificate and for providing the individual with assistance with enrollment in qualified health insurance (as defined in section 35(e));

“(2) a list of the coverage options, including the low cost options, that are treated as qualified health insurance (as so defined) by the State in which the individual resides; and

“(3) in the case of a TAA-eligible individual (as defined in section 4980B(f)(5)(C)(iv)(II)), a statement informing the individual that the individual has 63 days from the date that is 5 days after the postmark date of such notice to enroll in such insurance without a lapse in creditable coverage (as defined in section 9801(c)).”.

**SEC. 1009. ANNUAL REPORT ON ENHANCED TAA BENEFITS.**

Not later than October 1 of each year (beginning in 2004) the Secretary of the Treasury, after consultation with the Secretary of Labor, shall report to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Ways and Means and the Committee on Education and the Workforce of the House of Representatives the fol-

lowing information with respect to the most recent taxable year ending before such date:

(1) The total number of participants utilizing the health insurance tax credit under section 35 of the Internal Revenue Code of 1986, including a measurement of such participants identified—

(A) by State, and

(B) by coverage under COBRA continuation provisions (as defined in section 9832(d)(1) of such Code) and by non-COBRA coverage (further identified by group and individual market).

(2) The range of monthly health insurance premiums offered and the average and median monthly health insurance premiums offered to TAA-eligible individuals (as defined in section 4980B(f)(5)(C)(iv)(II) of such Code) under COBRA continuation provisions (as defined in section 9832(d)(1) of such Code), State-based continuation coverage provided under a State law that requires such coverage, and each category of coverage described in section 35(e)(1) of such Code, identified by State and by the actuarial value of such coverage and the specific benefits provided and cost-sharing imposed under such coverage.

(3) The number of States applying for and receiving national emergency grants under section 173(f) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)) and the time necessary for application approval of such grants.

(4) The cost of administering the health credit program under section 35 of such Code, by function, including the cost of subcontractors.

**TITLE XI—MORTGAGE PAYMENT ASSISTANCE**

**SEC. 1101. SHORT TITLE.**

This title may be cited as the “Homestead Preservation Act”.

**SEC. 1102. MORTGAGE PAYMENT ASSISTANCE.**

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Labor (referred to in this section as the “Secretary”) shall establish a program under which the Secretary shall award low-interest loans to eligible individuals to enable such individuals to continue to make mortgage payments with respect to the primary residences of such individuals.

(b) ELIGIBILITY.—To be eligible to receive a loan under the program established under subsection (a), an individual shall—

(1) be—

(A) an adversely affected worker with respect to whom a certification of eligibility has been issued by the Secretary of Labor under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.); or

(B) an individual who would be an individual described in subparagraph (A) but who resides in a State that has not entered into an agreement under section 239 of such Act (19 U.S.C. 2311);

(2) be a borrower under a loan which requires the individual to make monthly mortgage payments with respect to the primary place of residence of the individual; and

(3) be enrolled in a job training or job assistance program.

(c) LOAN REQUIREMENTS.—

(1) IN GENERAL.—A loan provided to an eligible individual under this section shall—

(A) be for a period of not to exceed 12 months;

(B) be for an amount that does not exceed the sum of—

(i) the amount of the monthly mortgage payment owed by the individual; and

(ii) the number of months for which the loan is provided;

(C) have an applicable rate of interest that equals 4 percent;

(D) require repayment as provided for in subsection (d); and

(E) be subject to such other terms and conditions as the Secretary determines appropriate.

(2) ACCOUNT.—A loan awarded to an individual under this section shall be deposited into an account from which a monthly mortgage payment will be made in accordance with the terms and conditions of such loan.

(d) REPAYMENT.—

(1) IN GENERAL.—An individual to which a loan has been awarded under this section shall be required to begin making repayments on the loan on the earlier of—

(A) the date on which the individual has been employed on a full-time basis for 6 consecutive months; or

(B) the date that is 1 year after the date on which the loan has been approved under this section.

(2) REPAYMENT PERIOD AND AMOUNT.—

(A) REPAYMENT PERIOD.—A loan awarded under this section shall be repaid on a monthly basis over the 5-year period beginning on the date determined under paragraph (1).

(B) AMOUNT.—The amount of the monthly payment described in subparagraph (A) shall be determined by dividing the total amount provided under the loan (plus interest) by 60.

(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to prohibit an individual from—

(i) paying off a loan awarded under this section in less than 5 years; or

(ii) from paying a monthly amount under such loan in excess of the monthly amount determined under subparagraph (B) with respect to the loan.

(e) REGULATIONS.—Not later than 6 weeks after the date of enactment of this Act, the Secretary shall promulgate regulations necessary to carry out this section, including regulations that permit an individual to certify that the individual is an eligible individual under subsection (b).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$10,000,000 for each of fiscal years 2005 through 2008.

## TITLE XII—MISCELLANEOUS

### SEC. 1201. DEFINITION OF VALID TAXPAYER IDENTIFICATION NUMBER FOR EARNED INCOME CREDIT.

(a) IN GENERAL.—Section 32(m) of the Internal Revenue Code of 1986 is amended to read as follows:

“(m) IDENTIFICATION NUMBERS.—Solely for purposes of subsections (c)(1)(F) and (c)(3)(D), a taxpayer identification number means a social security number assigned by the Social Security Administration—

“(1) to a citizen of the United States, or

“(2) to an individual pursuant to subclause (I) (or that portion of subclause (III) that relates to subclause (I)) of section 205(c)(2)(B)(i) of the Social Security Act.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

## PRIVILEGES OF THE FLOOR

Mr. COLEMAN. Mr. President, I ask unanimous consent that David Hickey, who is an intern in my office, be granted floor privileges during my discussion of this amendment.

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

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following fellows and interns be granted the privilege of the floor during consideration of the JOBS bill: Steve Beasley,

Diana Birkett, Leopold Brandenburg, Simon Chabel, Jodi George, Scott Landes, Pascal Niedermann, David Schwartz, Matt Stokes, and Trace Taxton.

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

## APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 108-199, Title VI, Section 637, appoints the following individual to serve as a member of the Helping to Enhance the Livelihood of People (HELP) Around the Globe Commission: Dr. Marty LaVor of Virginia.

## NATIONAL ELECTRICAL SAFETY MONTH

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 486, S. Res. 334.

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

The legislative clerk read as follows:

A resolution (S. Res. 334) designating May 2004 as National Electrical Safety Month.

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

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 334) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

### S. RES. 334

Whereas hundreds of individuals die and thousands are injured each year in electrical accidents;

Whereas there are on average 870 civilian deaths annually related to home fires caused by electrical distribution, appliances and equipment, and heating and air conditioning systems;

Whereas more than 2 people are electrocuted in the home, and 4 more in the workplace, each week;

Whereas property damage due to home fires caused by electrical distribution, appliances and equipment, and heating and air conditioning systems amounts to nearly \$1,600,000,000 annually;

Whereas following basic electrical safety precautions can help prevent injury or death to thousands of individuals each year;

Whereas citizens are encouraged to check their home and workplace for possible electrical hazards to help protect lives and property;

Whereas citizens are encouraged to test their smoke detectors and ground fault circuit interrupters monthly and after every major electrical storm; and

Whereas the efforts of the Electrical Safety Foundation International (ESFI) and the United States Consumer Product Safety

Commission (CPSC) promote and educate the public about the importance of respecting electricity and practicing electrical safety in the home, school, and workplace: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 2004 as “National Electrical Safety Month”; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the month with appropriate programs and activities.

## WELCOMING THE PRIME MINISTER OF SINGAPORE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 491, S. Res. 344.

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

The legislative clerk read as follows:

A resolution (S. Res. 344) welcoming the Prime Minister of Singapore on the occasion of his visit to the United States, expressing gratitude to the Government of Singapore for its support in the reconstruction of Iraq and its strong cooperation with the United States in the campaign against terrorism, and reaffirming the commitment of the Senate to the continued expansion of friendship and cooperation between the United States and Singapore.

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

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motions to reconsider be laid upon the table en bloc, and any statements relating thereto be printed in the RECORD, with no intervening action.

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

The resolution (S. Res. 344) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

### S. RES. 344

Whereas the United States and Singapore have a strong and enduring friendship;

Whereas the United States and Singapore share a common vision in ensuring the continued peace, stability, and prosperity of the Asia-Pacific region;

Whereas Singapore is a member of the coalition for the reconstruction of Iraq and is a strong supporter of the efforts of the coalition to stabilize and rebuild Iraq;

Whereas Singapore is a steadfast partner with the United States in the global campaign against terrorism and has worked closely with the United States to fight terrorism around the world;

Whereas Singapore is a core member of the Proliferation Security Initiative and is committed to preventing the proliferation of weapons of mass destruction;

Whereas Singapore has provided valuable support to the United States Armed Forces, including permitting such Forces to use the state-of-the-art Changi Naval Base;

Whereas Singapore is the 11th largest trading partner of the United States;

Whereas Singapore was the first country in Asia to enter into a free trade agreement with the United States;

Whereas Singapore, which has one of the busiest ports in the world, was the first country in Asia to join the Container Security Initiative (CSI), a key initiative of the