reform and simplify the international taxation rules of the United States, and for other purposes.

AMENDMENT NO. 3109

At the request of Mr. WYDEN, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Illinois (Mr. DURBIN), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of amendment No. 3109 proposed to S. 1637, a bill 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.

At the request of Ms. CANTWELL, her name was added as a cosponsor of amendment No. 3109 proposed to S. 1637, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BUNNING (for himself and Mr. MILLER):

S. 2376. A bill to amend the Internal Revenue Code of 1986 to repeal the scheduled restrictions in the child tax credit, marriage penalty relief, and 10 percent rate bracket, and for other purposes; to the Committee on Finance.

Mr. BUNNING. Mr. President, I rise today to introduce The Working Family Tax Relief Act of 2004. I would like to thank my colleague, Senator MILLER, for his support of this important legislation. His leadership has laid the foundation of bipartisan support that this critical tax bill and working American families deserve.

Tax relief has contributed to economic growth throughout our economy. We have successfully encouraged companies to create more jobs and Americans to save and spend more. The President's tax cuts and our votes here in the Senate helped to revive an economy that was sagging in 2000 and shocked by the tragedies of September 11, 2001.

We put a plan in place in 2001 to help the American family to keep more of the money they work so hard to earn. In 2003, Congress saw fit to accelerate the effective date of some of this family tax relief in order to give these families this help as quickly as possible. As a result, every American family who paid any income taxes during 2003 saw a reduction in their taxes and they will enjoy those lower taxes for this year as well. However, if we do not act this year, America's working families will face a tax increase next year. We cannot allow this to happen.

The lowest-income Americans have benefited dramatically from the new 10 percent tax bracket. Today, thanks to this new bracket, working Americans are keeping more of their hard-earned paychecks. But if we do nothing, taxpayers with as little as $7,000 in taxable income could face a tax increase next year. My legislation proposes to keep the current 10 percent tax rate bracket in place rather than allowing it to shrink and increase taxes on the working families of America. This extension could bring relief to as many as 1.2 million people in Kentucky and millions of others throughout the country.

And, if we do nothing, the child tax credit will be cut by 30 percent in 2005. We need to keep the $1,000 tax credit and not let it revert to the old $700 credit. There are over 350,000 taxpayers in Kentucky who need this tax relief and will benefit from this legislation. We can't ask millions of Americans to pay an extra $300 per child next year. Will you ask the families of this country, who have worked so hard to raise our entire economy up, to pay more in taxes simply because they have children? I know I won't, and I hope my colleagues won't either.

The accelerated marriage penalty relief will also lapse after this year unless the Senate acts. I propose keeping the current tax deduction in place, which we increased to twice that of an individual taxpayer in 2003. Without this extension, married couples will see a cut in their standardized deduction—actually penalizing couples for being married. Over 465,000 Kentuckians benefits from this legislation. We need to keep this important tax relief intact.

And finally we need to address an unintended consequence of the Alternative Minimum Tax. When the Senate passed the AMT, it was designed to ensure wealthier Americans paid at least some percentage of their income in taxes. Now that same AMT is hurting working families and middle-income America. In 2003, the Senate passed limited AMT relief that is now set to expire. This legislation will keep the current exemption levels of $40,250 for single and $58,000 for married taxpayers in place for 2005. If we fail to act, an additional $7,000 to $13,000 of middle-income taxpayers' income will be subject to this tax. We all know that the AMT is a serious issue and one that we must address—the limited relief contained in this bill is not a final solution to this large problem, but it will keep the problem from getting even worse.

There are other important tax cuts that should be extended and there are other problems with the tax code that I would like to correct. But the four provisions addressed in this bill have to be addressed today not just to provide tax relief, but to prevent an immediate tax increase. We owe it to the working families and low-income Americans who rely on these tax cuts to act quickly and extend these four provisions—the 10 percent tax bracket, child tax credit, marriage penalty relief and AMT relief. Working American families and lower to middle-income America were hit hard with the economic downturn—that is why we passed these tax cuts in the first place. And now, just as these industrious Americans have started to find new jobs and spend a little more money to grow the economy, we cannot hold them back with a tax increase.

And I can't stress this point enough. Many Americans—especially low and middle income families—will have their tax rates increased and face cuts in their deductions and credits unless we act. My bill is about extending the important tax breaks that we all agreed to in 2001 and accelerated in 2003. We made a commitment to the American family in the midst of an economic downturn—offering them tax relief to help stimulate the economy. And now that these tax cuts are starting to work, we can't afford to take them back. We must stay the course and support our Nation's families as we move the American economy forward toward renewed prosperity.

I know how tight government finances are likely to be this year. And as my colleagues know, I have always taken a hard look at spending proposals. But we built about $80 billion into the Senate-passed FY 2005 Budget proposal for these tax provisions. And there are similar provisions in the House-approved budget. I am confident that we can secure the amount we will need for this proposal over the next few years.

We find ourselves in a unique position—we must be proactive to protect the American family from an unjust tax increase. We need to take a stand for low and middle income America. This Bunning-Miller tax relief legislation will protect working Americans from what would be a devastating tax increase in 2005. I urge my colleagues to get behind this bipartisan legislation and support the Working Family Tax Relief Act of 2004.

By Mr. JEFFORDS (for himself and Mr. SARBANES):

S. 2377. A bill to amend the Safe Drinking Water Act to ensure that the District of Columbia and States are provided with a safe, lead-free supply of drinking water; to the Committee on Environment and Public Works.

Mr. JEFFORDS. Mr. President, I rise today to introduce the Lead-Free Drinking Water Act of 2004 with my colleague Senator SARBANES. We are joined by our colleagues, Congresswoman NORTON, Congressman WAXMAN, and others, who will be introducing the House companion bill today.

I was horrified, as I imagine we all were, when it was first reported that lead levels in DC public water system was significantly higher than Federal guidelines, and had been so for at least two years. I asked myself the same thing thousands of DC residents were asking themselves—why weren't we told about this sooner. How much water did I drink? How much water did my children drink? What are the effects of lead in our blood stream? What are the long-term effects? What are we going to do about it?

This is a pretty sad situation no matter where you live, but it is especially upsetting when you live in the Capital

of the free world. Clearly, mistakes were made and changes are needed—because if it can happen in Washington, DC or Boston, it can happen anywhere.

The Senate Environment and Public Works Committee, of which I am the ranking member, held a hearing on this issue last month, and we heard some pretty compelling testimony from DC residents, health experts, risk management professionals and government officials.

But we are going to do more than just hold hearings; today we are introducing the Lead-Free Drinking Waste Act of 2004.

Our bill will overhaul the Safe Drinking Water Act to strengthen the Federal rules governing lead testing and regulations in our public water systems to ensure that our most vulnerable citizens—infants, children, pregnant women, and new moms—are not harmed by lead in the drinking water.

Specifically, the bill requires the EPA to re-evaluate the current regulatory structure to figure out if it really provides the level of public health protection required.

The bill calls on the EPA to establish a maximum contaminant level for lead at the tap, and if that is not practical given the presence of lead inside home plumbing systems, the bill requires EPA to re-evaluate the current action level for lead to ensure that vulnerable populations such as infants, children, pregnant women, and nursing mothers receive adequate protection.

I look forward to working with EPA on this evaluation to determine which approach is most feasible and which provides the greatest level of public health protection.

EPA has three choices—keep current standard, an ''action level'' at 15 parts per billion; lower the current action level below 15 parts per billion; or establish a ''maximum contaminant load.''

For example, it is clear that a maximum contaminant level, which is measured at the water treatment plant, would do little to protect people from lead-contaminated drinking water at their faucets. Our bill requires that standards be measured at the top.

It is also clear that a low lead action level measured at the tap could provide more protection than a high MCL measured anywhere in the system if there were extremely strong and effective public notification procedures in place.

Public notice is the key to success of any lead regulation–parents say to me, ''If only I had known, I could have protected my family.'' It is our job to be sure the public notice system we have in place gets people the information they need when they need it.

The bill will require that information such as the number of homes tested, the lead levels found, the areas of the community in which they were located, and the disproportionate adverse health effects of lead on infants, be made public immediately upon detection of lead.

In addition, the bill requires that, as part of routine testing conducted, any residents whose homes test high for lead receive notification within 14 days, and appropriate medical referrals.

Finally, we don't want the day of an exceedance to be the first time people have heard about lead in drinking water. The bill establishes a basic public education program to ensure that people have a basic understanding that lead may be present in drinking water and what the corrective actions might be even before their water system detects a problem.

Right now, EPA can't say if we have a national problem or not. We need one-time nationwide testing for lead in drinking water at all water systems to determine if DC is an isolated case or if there are other ''sleeping giants'' out there.

The bill requires increased water testing and lead remediation in schools and day-care centers nationwide. This provision exists in law today, but it was affected by previous litigation. This bill corrects the problem by requiring the Administrator to execute this program if States choose not to. It is wholly unacceptable to do anything less than provide a learning environment for our next generation that does not degrade their intellectual capacity. Our bill provides $150 million over five years for this program. And we strengthen existing requirements to ensure that ALL lead service lines will be replaced by a public water system at a rate of 10 percent per year until they are gone. It provides more Federal funding to upgrade water distribution systems to replace lead service lines.

This is common sense—let's get rid of the lead in our distribution systems and get rid of the lead in our water.

Our bill makes the water systems responsible for replacing lead service lines, including the privately-owned sections, once a system exceeds lead standards. Homeowners have the final say in whether their line is replaced. We provide $1 billion over five years for lead service line replacement.

The EPA estimates that our Nation needs 265 billion dollars to maintain and improve its drinking water infrastructure over the next twenty years. If we don't address this, we will be facing more and more health and environmental issues as our Nation's water infrastructure degrades.

Lead service lines are only one part of the picture. Leaded solder was banned in 1987. However, ''lead-free'' plumbing fixtures are currently allowed to have eight percent lead. Our bill bans leaded plumbing fixtures and components.

It is time to get the lead out of our pipes, out of our water, out of our families and out of our lives. Safe drinking water is not a privilege; it is a right—whether you live in Washington, DC, or Washington State or Washington County, VT.

We hope to move this bill this year. My Committee is scheduled to consider water infrastructure legislation later this month, and I think the ''Lead-Free Drinking Water Act of 2004'' would be an important addition to that bill.

I just want to say it has been an honor to work with Senator SARBANES, Congresswoman NORTON, and Congressman WAXMAN on this vitally important issue.

By Mr. REID (for himself and Mr. ENSIGN):

S. 2378. A bill to provide for the conveyance of certain public land in Clark County, Nevada, for use as a heliport; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President. I arise today to introduce legislation to establish a public heliport facility in Clark County, NV.

The purpose of my bill is simple: It would convey about a third of a square mile of public land managed by the Bureau of Land Management to Clark County for dedicated use as a heliport. The land is located just south of the Henderson city limits and east of Interstate 15.

The establishment of this heliport will help eliminate the ongoing conflict between air tour operators whose overflights of the Grand Canyon represent a classic component of the Las Vegas visitor experience and residents in the west-central and southwestern parts of the Las Vegas Valley whose every day lives are adversely affected by helicopter noise.

For many months now, local officials have sought to establish a heliport on County or private land within the Las Vegas Valley. Their chosen site is currently a go-kart track near Interstate 15 near Henderson. If this site is developed as a heliport facility, helicopter tour operators will soon be flying over the Sloan Canyon National Conservation Area. In fact, if Congress does not enact my bill, air tours will soon be flying over Sloan Canyon itself—one of the richest petroglyph sites in the Mohave Desert. That outcome would be entirely legal, entirely predictable and entirely regrettable.

In 2002, I worked closely with Senator ENSIGN, Congresswoman BERKLEY, Congressman GIBBONS and local advocates to ensure protection of the Sloan Canyon area and its unique cultural resources. Through our combined efforts we created the Sloan Canyon National Conservation Area and the McCullough Mountains Wilderness. I am proud of these efforts and today I offer this legislation as a further effort to protect the precious resources that we worked to safeguard in 2002.

The bill I am introducing in the Senate today would not prohibit helicopter overflights of the Sloan Canyon National Conservation Area but it would ensure that such flights steer clear of the most sensitive and special cultural resources and minimize the impact on the majestic bighorn sheep and other wildlife that live in the McCullough Mountains.

My legislation stipulates that any helicopter flight originating from and/or landing at this heliport would be required by law to fly no further than 5 miles north of the southernmost boundary of the Sloan Canyon National Conservation Area and at least 500 to 1000 feet above ground level while in the NCA. Further, it requires that every such light contribute 3 dollars per passenger to a special fund dedicated to the protection of the cultural, wilderness, and wildlife resources in Nevada.

These provisions justify conveying the land to Clark County at no cost because they provide a stable, long-term source of funding in excess of the market value of the land and because the conveyance and use are in the public interest.

I look forward to working with the Chairman and Ranking member of the Senate Energy and Natural Resources Committee and my other Senate colleagues to ensure swift passage of this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2378

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

SECTION 1. CONVEYANCE OF PROPERTY TO CLARK COUNTY, NEVADA.

(a) FINDINGS.—Congress finds that—

(1) the Las Vegas Valley in the State of Nevada is the fastest growing community in the United States;

(2) helicopter tour operations are conflicting with the needs of long-established residential communities in the Valley; and

(3) the designation of a public heliport in the Valley that would reduce conflicts between helicopter tour operators and residential communities is in the public interest.

(b) PURPOSE.—The purpose of this Act is to provide a suitable location for the establishment of a commercial service heliport facility to serve the Las Vegas Valley in the State of Nevada while minimizing and mitigating the impact of air tours on the Sloan Canyon National Conservation Area and North McCullough Mountains Wilderness.

(c) DEFINITIONS.—In this Act:

(1) CONSERVATION AREA.—The term ''Conservation Area'' means the Sloan Canyon National Conservation Area established by section 604(a) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2010).

(2) COUNTY.—The term ''County'' means Clark County, Nevada.

(3) HELICOPTER TOUR.—

(A) IN GENERAL.—The term ''helicopter tour'' means a commercial helicopter tour operated for profit.

(B) EXCLUSION.—The term ''helicopter tour'' does not include a helicopter tour that is carried out to assist a Federal, State, or local agency.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) WILDERNESS.—The term ''Wilderness'' means the North McCullough Mountains Wilderness established by section 202(a)(13) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2000).

(d) CONVEYANCE.—As soon as practicable after the date of enactment of this Act, the Secretary shall convey to the County, subject to valid existing rights, for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (e).

(e) DESCRIPTION OF LAND.—The parcel of land to be conveyed under subsection (d) is the parcel of approximately 229 acres of land depicted as tract A on the map entitled ''Clark County Public Heliport Facility'' and dated May 3, 2004.

(f) USE OF LAND.—

(1) IN GENERAL.—The parcel of land conveyed under subsection (d)—

(A) shall be used by the County for the operation of a heliport facility under the conditions stated in paragraphs (2) and (3); and

(B) shall not be disposed of by the County.

(2) IMPOSITION OF FEES.—

(A) IN GENERAL.—Any operator of a helicopter tour originating from or concluding at the parcel of land described in subsection (e) shall pay to the Clark County Department of Aviation a $3 conservation fee for each passenger on the helicopter tour if any portion of the helicopter tour occurs over the Conservation Area.

(B) DISPOSITION OF FUNDS.—Any amounts collected under subparagraph (A) shall be deposited in a special account in the Treasury of the United States, which shall be available to the Secretary, without further appropriation, for the management of cultural, wildlife, and wilderness resources on public land in the State of Nevada.

(3) FLIGHT PATH.—Except for safety reasons, any helicopter tour originating or concluding at the parcel of land described in subsection (e) that flies over the Conservation Area shall not fly—

(A) over any area in the Conservation Area except the area that is between 3 and 5 miles north of the latitude of the southernmost boundary of the Conservation Area;

(B) lower than 1,000 feet over the eastern segments of the boundary of the Conservation Area; or

(C) lower than 500 feet over the western segments of the boundary of the Conservation Area.

(4) REVERSION.—If the County ceases to use any of the land described in subsection (d) for the purpose described in paragraph (1)(A) and under the conditions stated in paragraphs (2) and (3)—

(A) title to the parcel shall revert to the United States, at the option of the United States; and

(B) the County shall be responsible for any reclamation necessary to revert the parcel to the United States.

(g) ADMINISTRATIVE COSTS.—The Secretary shall require, as a condition of the conveyance under subsection (d), that the County pay the administrative costs of the conveyance, including survey costs and any other costs associated with the transfer of title.

By Mr. SUNUNU (for himself, Mr. STEVENS, Mr. WARNER, and Mr. GREGG):

S. 2380. A bill to authorize the President to issue posthumously to the late William ''Billy'' Mitchell a commission as major general, United States Army; to the Committee on Armed Services.

Mr. SUNUNU. Mr. President, today I am introducing a bill to honor one of the Nation's great military visionaries, the late William ''Billy'' Mitchell. My legislation would correct an injustice that has existed for almost eight decades by calling on the President to posthumously award Billy Mitchell a commission as major general in the United States Army.

I would like to first recognize the support this measure has received from the Senator from Alaska, Mr. STEVENS, the Chairman of the Appropriations Committee and the Subcommittee on Defense Appropriations, the Senator from Virginia, Mr. WARNER, the Chairman of the Armed Services Committee, and the Senator from New Hampshire, Mr. GREGG, who is a member of the Defense Appropriations Subcommittee. And I would also like to commend my colleague in the House, Mr. BASS, who, with the support of House Armed Services Chairman DUNCAN HUNTER, steered identical legislation to unanimous passage in that chamber in the fall of last year. I am pleased to join my colleagues as we recognize the accomplishments of this important figure in our country's military history.

Billy Mitchell joined the Army at age 18 in 1898. As he quickly rose in rank, he began to realize the incredible potential for air power in establishing military superiority. After World War I, Billy Mitchell became a brigadier general and deputy commander of the Air Service, and in this position he began pressing senior military officials and the White House for increased funding for the development of a formidable air force. In fact, he conducted a test for senior Army and Navy officials in the Chesapeake Bay in 1921 that bolstered his contention that air power represented the future of combat, while embarrassing many naysayers.

Although Billy Mitchell was long on vision and foresight, he was short on tact. After the 1921 test, his relationship with his superiors deteriorated as his very public battle for Air Service funding had taken an increasingly bitter tone, and after an accident that took the lives of Navy sailors, Mitchell accused senior military leaders of ''almost treasonable administration of the national defense.'' He was court-martialed for insubordination, found guilty, sentenced to 5 years loss of pay, and demoted to the rank of colonel. Yet to the surprise of no one, Billy Mitchell continued to be a strong and effective voice in support of air power after resigning his commission in 1926 until his untimely death 10 years later.

Billy Mitchell sacrificed his career to help change the way our country defends itself and projects military force across the globe to protect and preserve freedom. We have seen over time—most recently during the war on terror in Afghanistan and Iraq—how important air power is in achieving our military objectives. Mitchell's prognostications many years ago about the future of air power has been proven correct many times over, and it is now time for our nation to recognize the enormous contribution Billy Mitchell has made to the citizens and soldiers of the United States of America. I urge my colleagues to support this bill to finally give the late Billy Mitchell the rank of major general, United States Army.

By Mr. KENNEDY (for himself, Mr. FEINGOLD, and Mrs. CLINTON):

S. 2381. A bill to provide for earned adjustment to reward work, reunify families, establish a temporary worker program that protects United States and foreign workers and strengthen national security under the immigration laws of the United States; to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, it is a privilege to introduce the Safe Orderly Legal Visas and Enforcement (SOLVE) Act of 2004.

Much of the Nation's economy today depends on the hard work and the many contributions of immigrants. Many industries depend heavily on immigrant labor. These workers enrich our Nation and improve the quality of our lives. Yet millions of today's immigrant workers are undocumented. These workers and their families live in constant fear of deportation, and are easy targets of abuse and exploitation by unscrupulous employers and by criminals. Many risk great danger, and even death, to cross our borders.

For important reasons—to strengthen national security, to guarantee sound economic and labor practices, and to ensure fundamental fairness—it is essential to reform our immigration system. We need immigration policies that provide a safe, orderly system where legality is the prevailing norm. We need immigration policies that reflect current economic realities, that respect the core values of family unity and fundamental fairness and that uphold our proud tradition as a Nation of immigrants.

These are complex issues, deserving careful consideration and debate. But they are also issues that demand immediate attention. Our bill creates a genuine earned legalization program for undocumented workers and a revised temporary worker program with protections for both U.S. and foreign workers. It also creates a realistic path to citizenship for all deserving immigrants, and takes clear steps to reunite immigrant families.

The legislation will benefit both workers and businesses. It improves wages and working conditions, and provides an effective way for foreign-born workers to become permanent residents if they wish to do so. It benefits immigrant families by reducing the unacceptable backlogs and obstacles that have separated families for too many years.

Family unity has always been a fundamental cornerstone of America's immigration policy. Despite this fact, over three million individuals are awaiting immigrant visas in order to reunite with their families. This bill will allow immigrant families to be reunited more quickly and humanely. It also removes other obstacles in our current immigration laws that are separating families, such as the stringent affidavit-of-support requirements and the bars to admissibility.

No immigration proposal is complete without an earned adjustment program. Hard-working immigrants living in the United States contribute to the economic growth and prosperity of our Nation. Immigrant workers are, and will continue to be, essential to the success of many American businesses. Our legislation will allow these long-term, tax-paying immigrants to apply for earned adjustment of status, providing employers with a more stable workforce and improving the wages and working conditions of all workers.

A revised temporary worker program is a necessary component of any immigration reform, but it cannot stand alone. It must be enacted in conjunction with earned legalization and family unity priorities, and it must avoid the troubling legacy of exploitation that has marred past guest worker programs.

This legislation strikes a fair balance. It will ensure that individuals participating in the program receive the same labor protections as those given to U.S. workers, including the right to organize, the right to change jobs between employers and economic sectors, and the protection of wages, hours, and working conditions. Anything else would subject migrants to abuse, and undermine the jobs, wages and working conditions of U.S. workers. The bill also provides participants with an opportunity to become permanent residents, and eventually citizens, if they wish to do so. Without such an opportunity, we will be creating second class status for temporary workers.

Since the terrorist attacks of September 11th, we can no longer tolerate policies that fail to protect and control our borders. For the last decade, Congress has invested millions of dollars to vastly increase the number of immigration border patrol agents, improve surveillance technology, and install other controls to strengthen border enforcement, especially at our southwest border. Yet, almost everyone will agree that these policies have failed to stop illegal immigration. The proof is in the numbers—several hundred thousand people continue to enter the U.S. illegally each year.

Our border enforcement strategy has, in effect, diverted migration flows to the most inhospitable desert and mountain terrains, causing dramatic increases in deaths due to exposure to the elements. According to statistics from the U.S. Border Patrol, since 1998 nearly 2,000 people have died making the treacherous journey across our southern border. Desperate migrants are being drawn into criminal smuggling syndicates, increasing the danger of violence to border patrol agents, border communities, and the migrant themselves. As Stephen Flynn, an expert on terrorism, noted at a recent Congressional hearing, these ''draconian measures'' have produced chaos at our borders, which ''makes it ideal for exploitation by criminals and terrorists.''

Our borders must be safe and secure. Although no terrorists have been apprehended crossing the southern border, the conditions there are ripe for abuse. Our present enforcement policies are not effective. Our bill will replace the chaotic, deadly illegal crossings along our southwest border with orderly and safe legal avenues for immigrant workers and immigrant families. Substantially legalizing the flow of people at our borders will strengthen our security and substantially reduce criminal activities, enabling immigration enforcement agents to focus their resources on terrorists and criminals attempting to enter the country. The bill will strengthen national security by encouraging undocumented persons to come forward to become legal.

We have a unique opportunity to reform the current immigration system, and apply sensible policies that reaffirm our commitment to family unity, fundamental fairness, economic opportunity, and humane treatment.

The bill we are introducing today will achieve the full reforms we need. A good first step would be to enact two bills that are already pending—the AgJOBS bill to reform the immigration laws for migrant workers, and the DREAM Act, to enable undocumented high school students to qualify for legal status so they can attend college. The Administration's wholehearted endorsements of these two bills would guarantee their immediate passage. Let's at least get these bills done now. We cannot afford any more delays.

I look forward to working with my colleagues to reform our immigration laws. It's time to make these long-overdue reforms happen.

By Mr. INOUYE:

S. 2382. A bill to establish grant programs for the development of telecommunications capacities in Indian country; to the Committee on Indian Affairs.

Mr. INOUYE. Mr. President, I rise to introduce a bill that is long overdue and much needed in Indian country.

On May 22nd of last year, the Committee on Indian Affairs held a hearing on the status of telecommunications across Native America. Testimony received at that hearing and reports of Federal agencies that were made part of the hearing record indicate that there is most definitely a vast difference in access to the most basic telecommunications services.

For instance, telephone service to Indian homes is from 30 to 60 percent less than the national average, and only 10 percent of Indian homes have Internet service.

The bill that I introduce today is modeled after the community development block grant program and provides authorization for the establishment of two block grant programs in the Department of Commerce. The first block grant would enable tribal governments to develop the necessary infrastructure

to support expanded telecommunications capabilities, to develop comprehensive plans for enhancing telecommunications services in Indian communities, and to provide support for telemedicine.

The second block grant program would support the provision of training and technical assistance in the very complex field of telecommunications.

The objectives of this bill can be rather simply stated. For too long, when it comes to access to even the most basic telecommunications services—telephone and Internet access—we have relegated Indian country to third world status. We must bridge this gap—it is that fundamental.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2382

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 ''Native American Connectivity Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1)(A) disparities exist in the areas of education, health care, workforce training, commerce, and economic activity of Indians due to the rural nature of most Indian reservations; and

(B) access to basic and advanced telecommunications infrastructure is critical in eliminating those disparities;

(2) currently, only 67.9 percent of Indian homes have telephone service, compared with the national average of 95.1 percent;

(3) the telephone service penetration rate on some reservations is as low as 39 percent;

(4) even on reservations and trust land, non-Indian homes are more likely to have telephone service than Indian homes;

(5) only 10 percent of Indian households on tribal land have Internet access;

(6) only 17 percent of Indian tribes have developed comprehensive technology plans;

(7) training and technical assistance have been identified as the most significant needs for the development and effective use of telecommunications and information technology in Indian country;

(8) funding for telecommunications and information technology projects in Indian country remains inadequate to address the needs of Indian communities;

(9) many Indian tribes are located on or adjacent to Indian land in which unemployment rates exceed 50 percent;

(10) the lack of telecommunications infrastructure and low telephone and Internet penetration rates adversely affects the ability of Indian tribes to pursue economic development opportunities; and

(11) health care, disease prevention education, and cultural preservation are greatly enhanced with access to and use of telecommunications technology and electronic information.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to promote affordable and universal access among Indian tribal governments, tribal entities, and Indian households to telecommunications and information technology in Indian country;

(2) to encourage and promote tribal economic development, self-sufficiency, and strong tribal governments;

(3) to enhance the health of Indian tribal members through the availability and use of telemedicine and telehealth; and

(4) to assist in the retention and preservation of native languages and cultural traditions.

SEC. 4. DEFINITIONS.

In this Act:

(1) BLOCK GRANT.—The term ''block grant'' means a grant provided under section 5.

(2) ELIGIBLE ACTIVITY.—The term ''eligible activity'' means an activity carried out—

(A) to acquire or lease real property (including licensed spectrum, water rights, dark fiber, exchanges, and other related interests) to provide telecommunications services, facilities, and improvements;

(B) to acquire, construct, reconstruct, or install telecommunications facilities, sites, or improvements (including design features), or utilities;

(C) to retain any real property acquired under this Act for tribal communications purposes;

(D) to pay the non-Federal share required by a Federal grant program undertaken as part of activities funded under this Act;

(E) to carry out activities necessary—

(i) to develop a comprehensive telecommunications development plan; and

(ii) to develop a policy, planning, and management capacity so that an eligible entity may more rationally and effectively—

(I) determine the needs of the entity;

(II) set long term and short term goals;

(III) devise programs and activities to meet the goals of the entity, including, if appropriate, telehealth;

(IV) evaluate the progress of the programs and activities in meeting the goals; and

(V) carry out management, coordination, and monitoring of activities necessary for effective planning implementation;

(F) to pay reasonable administrative costs and carrying charges relating to the planning and execution of telecommunications development activities, including the provision of information and resources about the planning and execution of the activities to residents of areas in which telecommunications development activities are to be concentrated;

(G) to increase the capacity of an eligible entity to carry out telecommunications activities;

(H) to provide assistance to institutions of higher education that have a demonstrated capacity to carry out eligible activities;

(I) to enable an eligible entity to facilitate telecommunications development by—

(i) providing technical assistance, advice, and business support services (including services for developing business plans, securing funding, and conducting marketing); and

(ii) providing general support (including peer support programs and mentoring programs) to Indian tribes in developing telecommunications projects;

(J) to evaluate eligible activities to ascertain and promote effective telecommunications and information technology deployment practices and usages among Indian tribes; or

(K) to provide research, analysis, data collection, data organization, and dissemination of information relevant to telecommunications and information technology in Indian country for the purpose of promoting effective telecommunications and information technology deployment practices and usages among tribes.

(3) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) an Indian tribe;

(B) an Indian organization;

(C) a tribal college or university;

(D) an intertribal organization; or

(E) a private or public institution of higher education acting jointly with an Indian tribe.

(4) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(6) TECHNICAL ASSISTANCE.—The term ''technical assistance'' means the facilitation of skills and knowledge in planning, developing, assessing, and administering eligible activities.

(7) TRAINING AND TECHNICAL ASSISTANCE GRANT.—The term ''training and technical assistance grant'' means a grant provided under section 6.

(8) TRIBAL COLLEGE OR UNIVERSITY.—The term ''tribal college or university'' has the meaning given the term ''tribally controlled college or university'' in section 2 of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801), except that the term also includes an institution listed in the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note).

(9) TELEHEALTH.—The term ''telehealth'' means the use of electronic information and telecommunications technologies to support long-distance clinical health care, patient and professional health-related education, public health, and health administration.

SEC. 5. BLOCK GRANT PROGRAM.

(a) ESTABLISHMENT.—There is established within the National Telecommunications and Information Administration a Native American telecommunications block grant program to provide grants on a competitive basis to eligible entities to carry out eligible activities under subsection (c).

(b) BLOCK GRANTS.—The Secretary may provide a block grant to an eligible entity that submits a block grant application to the Secretary for approval.

(c) ELIGIBLE ACTIVITIES.—A grant under this section may only be used for an eligible activity.

(d) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate regulations establishing specific criteria for the competition conducted to select eligible entities to receive grants under this section for each fiscal year.

SEC. 6. TRAINING AND TECHNICAL ASSISTANCE GRANTS.

(a) NOTIFICATION AND CRITERIA.—The Secretary—

(1) shall provide notice of the availability of training and technical assistance grants; and

(2) publish criteria for selecting recipients.

(b) GRANTS.—The Secretary may provide training and technical assistance grants to eligible entities with a demonstrated capacity to carry out eligible activities.

(c) USE OF FUNDS.—A training and technical assistance grant shall be used—

(1) to develop a training program for telecommunications employees; or

(2) to provide assistance to students who—

(A) participate in telecommunications or information technology work study programs; and

(B) are enrolled in a full-time graduate or undergraduate program in telecommunications-related education, development, planning, or management.

(d) SETASIDE.—

(1) IN GENERAL.—For each fiscal year, the Secretary shall set aside $2,000,000 of the amount made available under section 12 for training and technical assistance grants, to remain available until expended.

(2) TREATMENT.—A training and technical assistance grant to an entity shall be in addition to any block grant provided to the entity.

(e) PROVISION OF TECHNICAL ASSISTANCE BY THE SECRETARY.—The Secretary may provide technical assistance, directly or through contracts, to—

(1) tribal governments; and

(2) persons or entities that assist tribal governments.

SEC. 7. COMPLIANCE.

(a) AUDIT BY THE COMPTROLLER GENERAL.—

(1) IN GENERAL.—The Comptroller General of the United States may audit any financial transaction involving grant funds that is carried out by a block grant recipient or training and technical assistance grant recipient.

(2) SCOPE OF AUTHORITY.—In conducting an audit under paragraph (1), the Comptroller General shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by the grant recipient that relate to the financial transaction and are necessary to facilitate the audit.

(3) REGULATIONS.—The Comptroller General shall promulgate regulations to carry out this subsection.

(b) ENVIRONMENTAL PROTECTION.—

(1) IN GENERAL.—After consultation with Indian tribes, the Secretary may promulgate regulations to carry out this subsection that—

(A) ensure that the policies of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and other laws that further the purposes of that Act (as specified by the regulations), are most effectively implemented in connection with the expenditure of funds under this Act; and

(B) assure the public of undiminished protection of the environment.

(2) SUBSTITUTE MEASURES.—Subject to paragraph (3), the Secretary may provide for the release of funds under this Act for eligible activities to grant recipients that assume all of the responsibilities for environmental review, decisionmaking, and related action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and other laws that further the purposes of that Act (as specified by the regulations promulgated under paragraph (1)), that would apply to the Secretary if the Secretary carried out the eligible activities as Federal projects.

(3) RELEASE.—

(A) IN GENERAL.—The Secretary shall approve the release of funds under paragraph (2) only if, at least 15 days prior to approval, the grant recipient submits to the Secretary a request for release accompanied by a certification that meets the requirements of paragraph (4).

(B) APPROVAL.—The approval by the Secretary of a certification shall be deemed to satisfy the responsibilities of the Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the laws specified by the regulations promulgated under paragraph (1), to the extent that those responsibilities relate to the release of funds for projects described in the certification.

(4) CERTIFICATION.—A certification shall—

(A) be in a form acceptable to the Secretary;

(B) be executed by the tribal government;

(C) specify that the grant recipient has fully assumed the responsibilities described in paragraph (2); and

(D) specify that the tribal officer—

(i) assumes the status of a responsible Federal official under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and each law specified by the regulations promulgated under paragraph (1), to the extent that the provisions of that Act or law apply; and

(ii) is authorized to consent, and consents, on behalf of the grant recipient and on behalf of the tribal officer to accept the jurisdiction of the Federal courts for enforcement of the responsibilities of the tribal officer as a responsible Federal official.

SEC. 8. REMEDIES FOR NONCOMPLIANCE.

(a) FAILURE TO COMPLY.—If the Secretary finds, on the record after opportunity for an agency hearing, that a block grant recipient or training and technical assistance grant recipient has failed to comply substantially with any provision of this Act, the Secretary, until satisfied that there is no longer a failure to comply, shall—

(1) terminate payments to the grant recipient;

(2) reduce payments to the grant recipient by an amount equal to the amount of payments that were not expended in accordance with this Act;

(3) limit the availability of payments under this Act to programs, projects, or activities not affected by the failure to comply; or

(4) refer the matter to the Attorney General with a recommendation that the Attorney General bring an appropriate civil action.

(b) ACTION BY THE ATTORNEY GENERAL.—After a referral by the Secretary under subsection (a)(4), the Attorney General may bring a civil action in United States district court for appropriate relief (including mandatory relief, injunctive relief, and recovery of the amount of the assistance provided under this Act that was not expended in accordance with this Act).

SEC. 9. REPORTING REQUIREMENTS.

(a) ANNUAL REPORT TO CONGRESS.—Not later than 180 days after the end of each fiscal year in which assistance under this Act is provided, the Secretary shall submit to Congress a report that includes—

(1) a description of the progress made in accomplishing the objectives of this Act;

(2) a summary of the use of funds under this Act during the preceding fiscal year; and

(3) an evaluation of the status of telephone, Internet, and personal computer penetration rates, by type of technology, among Indian households throughout Indian country on a tribe-by-tribe basis.

(b) REPORTS TO SECRETARY.—The Secretary may require grant recipients under this Act to submit reports and other information necessary for the Secretary to prepare the report under subsection (a).

SEC. 10. CONSULTATION.

In carrying out this Act, the Secretary shall consult with other Federal agencies administering Federal grant programs.

SEC. 11. HISTORIC PRESERVATION REQUIREMENTS.

A telecommunications project funded under this Act shall comply with the National Historic Preservation Act (16 U.S.C. 470 et seq.).

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act—

(1) $20,000,000 for fiscal year 2005; and

(2) such sums as are necessary for each subsequent fiscal year.

(b) AVAILABILITY.—Funds made available under subsection (a) shall remain available until expended.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 349—RECOGNIZING AND HONORING MAY 17, 2004, AS THE 50TH ANNIVERSARY OF THE SUPREME COURT DECISION IN BROWN V. BOARD OF EDUCATION OF TOPEKA

Mr. KENNEDY (for himself, Mr. LEAHY, Mr. DURBIN, Mr. FEINGOLD, Mr. CARPER, and Mr. BIDEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 349

Whereas May 17, 2004, marks the 50th anniversary of the Supreme Court decision in the case of Brown v. Board of Education of Topeka, 347 U.S. 483 (1954);

Whereas in the 1896 case of Plessy v. Ferguson, 163 U.S. 537 (1896), the Supreme Court upheld the doctrine of ''separate but equal'', which allowed the continued segregation of common carriers, and, by extension, of public schools, in the United States based on race;

Whereas racial segregation and the doctrine of ''separate but equal'' resulted in separate schools, housing, and public accommodations that were inferior and unequal for African-Americans and many other minorities, severely limited the educational opportunities of generations of racial minorities, negatively impacted the lives of the people of the United States, and inflicted severe harm on American society;

Whereas in 1945, Mexican-American students in California successfully challenged the constitutionality of their segregation on the basis of national origin in Westminster School District of Orange County v. Mendez (161 F.2d 774 (9th Cir. 1947));

Whereas in 1951, Oliver Brown, on behalf of his daughter Linda Brown, an African-American third grader, filed suit against the Board of Education of Topeka after Linda was denied admission to an all-white public school in Topeka, Kansas;

Whereas in 1952, the Supreme Court combined Oliver Brown's case (Brown v. Board of Education of Topeka, 98 F. Supp. 797 (D. Kan. 1951)) with similar cases from Delaware (Gebhart v. Belton, 91 A.2d 137 (Del. 1952)), South Carolina (Briggs v. Elliott, 98 F. Supp. 529 (E.D.S.C. 1951)), and Virginia (Davis v. County School Board of Prince Edward County, 103 F. Supp. 337 (E.D. Va. 1952)) challenging racial segregation in education and determined that the constitutionality of segregation in public schools in the District of Columbia would be considered separately in Bolling v. Sharpe, 347 U.S. 497 (1954);

Whereas the students in these cases argued that the inequality caused by the segregation of public schools was a violation of their right to equal protection under the law;

Whereas on May 17, 1954, in Brown v. Board of Education of Topeka, the Supreme Court overturned the decision of Plessy v. Ferguson, concluding that ''in the field of public education, the doctrine of 'separate but equal' has no place'' and, on that same date, in Bolling v. Sharpe, held that the doctrine of ''separate but equal'' also violated the fifth amendment to the Constitution; and

Whereas the decision in Brown v. Board of Education of Topeka is of national importance and profoundly affected all people of the United States by outlawing racial segregation in education and providing a foundation on which to build greater equality: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors May 17, 2004, as the 50th anniversary of the Supreme Court