

S. Res. 438. A resolution supporting the goals and ideals of National Domestic Violence Awareness Month and expressing the sense of the Senate that Congress should raise awareness of domestic violence in the United States and its devastating effects on families; considered and agreed to.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. Res. 439. A resolution recognizing the contributions of Wisconsin Native Americans to the opening of the National Museum of the American Indian; considered and agreed to.

By Mr. HATCH:

S. Res. 440. A resolution designating Thursday, November 18, 2004, as "Feed America Thursday"; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 847

At the request of Mr. SMITH, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 847, a bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low income individuals infected with HIV.

S. 1379

At the request of Mr. JOHNSON, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Kansas (Mr. ROBERTS), the Senator from Kansas (Mr. BROWNBACK), the Senator from Vermont (Mr. JEFFORDS), the Senator from Idaho (Mr. CRAPO) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1556

At the request of Mr. SMITH, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1556, a bill to amend the Internal Revenue Code of 1986 to restore, increase, and make permanent the exclusion from gross income for amounts received under qualified group legal services plans.

S. 2163

At the request of Mr. DURBIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2163, a bill to establish a national health program administered by the Office of Personnel Management to offer health benefits plans to individuals who are not Federal employees, and for other purposes.

S. 2489

At the request of Mr. INOUE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2489, a bill to establish a program within the National Oceanic and Atmospheric Administration to integrate Federal coastal and ocean mapping activities.

S. 2565

At the request of Mr. CRAPO, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2565, a bill to amend the

Agriculture Adjustment Act to convert the dairy forward pricing program into a permanent program of the Department of Agriculture.

S. 2568

At the request of Mr. BIDEN, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from New Jersey (Mr. CORZINE), the Senator from Maryland (Ms. MIKULSKI), the Senator from Vermont (Mr. JEFFORDS), the Senator from California (Mrs. FEINSTEIN) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 2568, a bill to require the Secretary of the Treasury to mint coins in commemoration of the tercentenary of the birth of Benjamin Franklin, and for other purposes.

S. 2618

At the request of Mr. BAUCUS, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2618, a bill to amend title XIX of the Social Security Act to extend medicare cost-sharing for the medicare part B premium for qualifying individuals through September 2005.

S. 2672

At the request of Mr. WYDEN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2672, a bill to establish an Independent National Security Classification Board in the executive branch, and for other purposes.

S. 2707

At the request of Mr. LOTT, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2707, a bill to amend title XVIII of the Social Security Act to recognize the services of respiratory therapists under the plan of care for home health services.

S. 2713

At the request of Mr. DOMENICI, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2713, a bill to amend the Public Health Service Act to revise the amount of minimum allotments under the Projects for Assistance in Transition from Homelessness program.

S. 2759

At the request of Mr. ROCKEFELLER, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2759, a bill to amend title XXI of the Social Security Act to modify the rules relating to the availability and method of redistribution of unexpended SCHIP allotments, and for other purposes.

S. 2807

At the request of Mr. CRAPO, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 2807, a bill to amend the Internal Revenue Code of 1986 to exempt containers used primarily in potato farming from the excise tax on heavy trucks and trailers.

S. 2845

At the request of Ms. COLLINS, the names of the Senator from Ohio (Mr.

VOINOVICH) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2845, a bill to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

S. CON. RES. 8

At the request of Ms. COLLINS, the names of the Senator from North Carolina (Mrs. DOLE) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. Con. Res. 8, a concurrent resolution designating the second week in May each year as "National Visiting Nurse Association Week".

AMENDMENT NO. 3704

At the request of Mr. WYDEN, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of amendment No. 3704 proposed to S. 2845, a bill to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

AMENDMENT NO. 3705

At the request of Ms. COLLINS, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from Ohio (Mr. VOINOVICH), the Senator from Hawaii (Mr. AKAKA), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Nebraska (Mr. NELSON) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of amendment No. 3705 proposed to S. 2845, a bill to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

At the request of Mr. LEAHY, his name was added as a cosponsor of amendment No. 3705 proposed to S. 2845, supra.

AMENDMENT NO. 3706

At the request of Mr. SPECTER, the names of the Senator from Indiana (Mr. BAYH) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 3706 proposed to S. 2845, a bill to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for himself and Mr. JOHNSON):

S. 2851. A bill to amend the Farm Credit Act of 1971 to establish certain conditions under which a Farm Credit System institution can terminate its status as a System institution; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DASCHLE. Mr. President, 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. 2851

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

**SECTION 1. TERMINATION OF FARM CREDIT SYSTEM STATUS.**

Section 7.10 of the Farm Credit Act of 1971 (12 U.S.C. 2279d) is amended by adding at the end the following:

“(c) CONDITIONS FOR CERTAIN TERMINATION.—Notwithstanding subsections (a) and (b), if the Farm Credit Administration Board receives an official notification that a Farm Credit System institution seeks to terminate its status as a System institution, the Farm Credit Administration—

“(1) shall hold not less than 1 public meeting or hearing in each of the States served, as of the date of receipt of the notification, by the institution; and

“(2) shall not approve or disapprove the termination of the institution as a System institution under subsection (a)(2) until on or after the date that is 180 days after the date of receipt of the notification.”.

Mr. JOHNSON. Mr. President, I rise today in support of a bill I am cosponsoring with Senator DASCHLE. This important piece of legislation would affect the way the Farm Credit Administration, FCA, handles any possible sale of one of its member institutions. This bill would require the FCA to hold hearings in all the States affected by the sale, which is what my good colleague from South Dakota and I have been advocating since the time this proposed termination was announced. Additionally, the bill would prohibit the FCA from approving the termination plan no earlier than 6 months after the initial proposal is submitted. I am pleased to cosponsor this legislation with Senator DASCHLE as it will give the Farm Credit System, FCS, and affected parties adequate time to discern long-term implications and consequences of the possible sale of an FCS institution.

This bill is very timely, in that Rabobank, a Dutch bank, has made a bid to purchase Farm Credit Services of America, a Farm Credit System member bank. This transaction is moving ahead at a rapid pace without any hearings in the affected region of the country which happens to include my home State of South Dakota. One of my greatest concerns about the operation of the FCS is for farmers and ranchers to have the ability to ask questions about the transaction and decide if it is in their best interest to allow the transaction to occur. We must ensure that producers will always be able to have access to affordable credit, and that they are well-informed before they are obligated to vote on the potential termination of the Farm Credit Services of America, FCSA.

The Farm Credit System has been in operation in the United States for 88 years and has been serving farmers well. The system was formed to allow farmers and ranchers easy access to credit for purchases that are fundamental to their day-to-day operations. Given the myriad of challenges producers face in our agricultural communities across America, I am greatly

concerned that this acquisition would place yet another burden on our ranchers and farmers. I am fully committed to ensuring our producers have adequate access to reliable credit, and support this legislation as a means to achieve that goal. I am hopeful that my Senate colleagues will support this commonsense and imperative legislation.

By Mr. SANTORUM (for himself, Mr. REID, Mr. ALLEN, Mr. BINGAMAN, Mr. BUNNING, Mr. BURNS, Mr. CAMPBELL, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. DEWINE, Mr. DODD, Mr. DURBIN, Mr. ENZI, Mr. GRASSLEY, Mr. HAGEL, Mrs. HUTCHISON, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LUGAR, Mr. MILLER, Ms. MURKOWSKI, Mr. REED, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Ms. STABENOW, Mr. TALENT, Mr. WARNER, Mr. STEVENS, and Mr. BENNETT):

S. 2852. A bill to provide assistance to Special Olympics to support expansion of Special Olympics and development of education programs and a Healthy Athletes Program, and for other purposes; read the first time.

Mr. SANTORUM. Mr. President, I rise today to introduce the Special Olympics Sports Empowerment Act. I am very pleased that Senator REID has joined me in introducing this legislation to authorize \$15 million for Special Olympics programs. We are also joined by 31 other cosponsors, both Republican and Democrat, conservative, moderate, and liberal, demonstrating the wide range of support for this legislation.

According to the World Health Organization, there are 170 million individuals with mental retardation worldwide. Up to 7 million of these individuals live in the United States. Unfortunately, these individuals tend to have much shorter lives—by 10–20 years—in most countries. In developed countries, there is still significant preventable morbidity, pain and suffering. This population is also generally underemployed, stigmatized and many experience violence or abuse at some point in their lives.

Thirty-six years ago, Mrs. Eunice Kennedy Shriver, who had already been working for years with individuals with intellectual disabilities, founded Special Olympics. In July 1968, Special Olympics held its first games in Chicago, hosting 1,000 athletes. Over the years, Special Olympics has continued to serve many individuals with intellectual disabilities around the world by providing year-round sports training and competitive opportunities. Special Olympics now serves over 1.5 million individuals with intellectual disabilities, their families and communities.

Special Olympics recognizes the value and dignity of every life. As well as providing children and adults with

intellectual disabilities with the opportunity of athletic training and competition, these programs provide participants with health screenings using the donated time of voluntary health care providers. In addition, they help to improve awareness throughout the world of the abilities and unique contributions that individuals with intellectual disabilities can make, thus helping to dispel negative stereotypes.

The Special Olympics Sports Empowerment Act will aid an organization that is already hard at work in assisting and providing affirmation to these individuals and their families. It does this by, for the first time, authorizing funding for Special Olympics over 5 years. It authorizes \$15 million in fiscal year 2005, and such sums as necessary each year through fiscal year 2009. This bill recognizes the success Special Olympics has had, will ensure that their funding is more stable, and will help Special Olympics to continue to increase the number of athletes and families they serve each year.

I am pleased to be sponsoring this legislation and to have the support of so many of my colleagues. I am hopeful that the Senate and House will act to pass this legislation during the 108th Congress.

By Mr. INHOFE:

S. 2855. A bill to amend chapter 25 of title 18, United States Code, to create a general provision similar to provisions found in chapter 47 of such title, to provide for criminal penalties for the act of forging Federal documents; to the Committee on the Judiciary.

Mr. INHOFE. Mr. President, the recent CBS incident involving the record of President Bush's service in the Texas Air National Guard sheds light on the need for a Federal statute generally criminalizing the forgery of Federal Government documents. I believe that when it comes to crimes involving the fabrication of Federal documents or writings, the Federal Government has an obligation to step in and show the offenders there are serious consequences.

Many experts initially doubted the authenticity of the memos in question, which negatively and falsely characterized President Bush's time in the Texas Air National Guard. We now believe these memos were created on a modern word processing computer rather than the 1970-era typewriter, as alleged in the original CBS story.

LTC Jerry Killian was George Bush's commanding officer during his service in Vietnam. Unfortunately, Lieutenant Colonel Killian died in 1984 and therefore he could not defend his records that he so accurately discussed at that time about the quality of service of our President.

I would say this, though: That Colonel Killian's secretary Marion Knox typed all of his correspondence between the years 1956 and 1979. Referring to the memos in question, she said, “I know I didn't type ‘em’.”

She was very clear. She didn't qualify it. She said, "I know I didn't type 'em'."

It is clear that the documents CBS shared with American voters were more than suspect. After the fact—since CBS cannot verify its reporting—I am pleased to see that CBS has belatedly retracted its story.

We also now know that the Kerry campaign was aware CBS was planning to air the story 4 or 5 days before it was aired, while the White House did not know about the airing of this story until the eve of the story breaking. That shows an obvious bias. I don't think anyone can deny it.

President Bush stands by his honorable service in the Air National Guard. He should not have to worry about the threat of nefarious and petty efforts to defame his character.

I appreciated Dan Rather's words: "I want to say personally and directly I am sorry," but saying I am sorry just doesn't cut it.

Under much pressure, CBS has appointed an independent panel to investigate its reporting of the President's service in the Texas Air National Guard. I understand this panel is to be headed by former Attorney General Dick Thornburg and former Associated Press chief executive and former Pennsylvania Governor Lou Boccia.

I agree with many of my colleagues from the House of Representatives who were dismayed that CBS, a network that should be responsible for reporting objective news, involved itself in a campaign that misled the public and slandered the President. Therefore, I am proposing legislation to criminalize this type of action in general. Most people believe there is already a statute on the books that would have this criminalized.

After learning of the CBS scandal, I was curious about the penalty. I figured there had to be one for the forgery of Federal documents. In seeking the answer to this question, I called the Department of Justice. Their congressional relations office promptly responded: "It depends."

I ask unanimous consent that a copy of that communication be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.  
(See exhibit 1.)

Mr. INHOFE. Mr. President, the Justice Department stated that similar cases were often charged under the general sections of the fraud and false statements chapter of the United States Criminal Code. Those sections have proven quite useful to the prosecutors at the Department of Justice.

I learned of a loophole in the existing law regarding forgery and false statements. I learned there are no general sections of the United States Criminal Code for forgery in counterfeiting as there are in the other cases. Officials from the Department of Justice noted the absence of a general stand-alone

statute that criminalizes the actions of those who would forge documents of the Federal Government, regardless of the end they seek to achieve or what these documents are. Currently, the prosecution of such actions depends completely on the context and how forged documents were the means to an end.

Chapter 25 of title 18 of the United States Code addresses various offenses in counterfeiting and forgery. The current 45 sections of the counterfeiting and forgery chapter essentially fall into four broad categories.

This is very important, because if forgery takes place and they do not fall into one of these four categories, then there is no penalty involved: No. 1, financial obligations. Obviously, this is not such a case; No. 2, military and naval discharge certificates; No. 3, transportation matters and motor vehicle documents; and No. 4, the seals of agencies, including courts, departments, and other agencies.

What we are saying is, if it doesn't fall into forgery, it doesn't fall into one of these four categories; there is no general statute that would offer a penalty.

The legislative history of the 45 sections of the counterfeiting and forgery chapter indicate that the sections were enacted piecemeal without a unifying, overarching section. If forgery takes place but does not fall into one of these sections, there is no penalty.

Chapter 47 of title 18 of the United States Code regarding the fraud and false statements chapter also contains disparate sections enacted piecemeal.

In contrast, however, the fraud and false statements chapter does have an overarching section, section 1001, that unifies its disparate, piecemeal parts as contrasted to the forgery statute.

In light of the recent situation involving President Bush's record, these broad, disparate sections need to include, in general, the fabrication of Federal writings or memos.

In speaking with officials from the Department of Justice, I have also become aware of concerns over whether the existing statute regarding fraud, 18 USCS 1001, can be used in this CBS incident. Chapter 47 on fraud and false statements specifically condemns false statements but only those with the intent to defraud the Federal Government. Again, this is talking about fraud and false statements, not the forgery statute.

There are questions as to whether the "intent to defraud the United States or any agency thereof" is applicable or whether it could successfully be argued that instead it was the voters of the United States who were initially defrauded, distinguishing in certain fashion the "United States" from voters or the like.

These concerns validate the need to criminalize the specific act of forging Federal documents. Technically, in the CBS incident, it could be argued that the forged Federal document did not

monetarily or otherwise tangibly take away from the Federal Government. I would argue that it did harm the Federal Government by infringing on the Federal Government's copyright on its work. It certainly did affect millions of Americans by giving them a false and misleading impression about a Presidential candidate. But it needs to be clarified.

As placed under chapter 25 of title 18, my bill would criminalize general forgery of Federal Government documents, including those that characterize or purport to characterize official Federal activity, service, contract, obligation, duty, or property.

If someone attempts to forge in the name of an official of the Federal Government a document or memo that addresses an official Government duty or act, that person should be held accountable. There needs to be a Federal law prohibiting such forgery generally so prosecution of the same does not fall through the cracks.

Currently, there is no catchall section to address all forged Federal writings, such as a vote from one official to another about a Federal service.

I serve on the Senate Armed Services Committee and I honor those who serve in the National Guard. Not only has the CBS incident resulted in slander to the honorable National Guard service of President Bush, it also highlights the risk of the records of other military service members and, moreover, all Federal servants governmentwide alike.

A civil servant at the General Services Administration, which the Environment and Public Works Committee which I chair has to oversee, is equally deserving of being protected from a forgery of his or her work records. Right now there is no section in the forgery chapter of the United States Code that specifically addresses protection for General Services Administration personnel. This omission is a problem we must correct.

My legislation also includes language to condemn those who, knowingly or negligently failing to know, transmit or present any such forged Federal writing or record which characterizes official Federal activities or service. This general criminalization of publishing forged documents follows existing provisions of the forgery code. If a major news network broadcasts a story based on alleged Federal documents, they must take the responsibility to verify those records.

While CBS may not have taken part in the creation of the memo in question, and indeed I think I join all of us Americans in yearning to know who did forge these memos, the network still touted them as verified and broadcast the forged memos as truthful to millions of American voters. I look forward to a full criminal investigation of who did forge the documents.

I draw an analogy in distinguishing between murder and negligent homicide. Those are crimes. Murder is intentional and negligent homicide is

not, but in both crimes someone has been killed. While CBS may not have had the intention to deceive its audience, the false information was communicated when it was negligently not verified and the damage was done nevertheless.

If it were not for the work of many astute people working through the Internet and otherwise, this travesty would not have been on its way to being exposed and fully prosecuted criminally. CBS and its surrogates pointedly disparaged the people who told the truth as mere second-class journalists of the Internet and table television and talk radio persuasions. Rather, it is CBS which has proven itself to be even less than second-class journalism.

I note that numerous pundits have been discussing recently the very vitality of the networks is faltering with the explosion of other media. Pundits have cited CBS's additional poor judgment in failing to cover the political conventions as well as other media outlets did. CBS owes a separate apology to those truth tellers whom it slandered and who have shown better judgment than CBS.

It can be difficult to communicate information without also conveying one's personal conviction on a matter. However, in a free society such as ours, the news media has a responsibility to work to be fair and balanced and to tell both sides of the story without letting a journalistic spin cloud their judgment.

Television, print, and the Internet are a powerful media. They shape our lives. They provide some part of the education of our children, whether we like it or not. The time has come for the media to take responsibility for its actions rather than manipulate public opinion to lobby the causes and politicians the media support. Facts, not conclusions or erroneous records, should be reported. Elections are a powerful example of why journalists must hold themselves to the highest of standards. People can then synthesize information for themselves.

In conclusion, I argue that the media has a grave responsibility to ensure that what it reports is a true and accurate representation of the facts. It could be argued that if CBS either forged the documents or knowingly represented forged documents as being true, there is no penalty under the law. We need to criminalize and establish the consequences for forging Federal documents. I urge my colleagues to stand with me. I cannot imagine anyone not supporting such a piece of legislation.

#### EXHIBIT I

There's no stand-alone federal offense for forging government documents.

The criminal penalties for the forgery would depend upon the circumstances, the context, basically the underlying facts of the matter—what type of document, for what purpose, what was done with it, what was intended—a lot of various factors that would influence the decision about how it would be

charged and hence what the penalties would be.

There is no stand-alone forgery of government documents offense. It depends on the context of the matter.

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. 2855

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

#### SECTION 1. FORGERY OF FEDERAL DOCUMENTS.

(a) IN GENERAL.—Chapter 25 of title 18, United States Code, is amended by adding at the end the following:

##### “§ 515. Federal records, documents, and writings, generally

“Any person who—

“(1) falsely makes, alters, forges, or counterfeits any Federal record, Federal document, Federal writing, or record, document, or writing characterizing, or purporting to characterize, official Federal activity, service, contract, obligation, duty, property, or chose;

“(2) utters or publishes as true, or possesses with intent to utter or publish as true, any record, document, or writing described in paragraph (1), knowing, or negligently failing to know, that such record, document, or writing has not been verified, has been inconclusively verified, is unable to be verified, or is false, altered, forged, or counterfeited;

“(3) transmits to, or presents at any office, or to any officer, of the United States, any record, document, or writing described in paragraph (1), knowing, or negligently failing to know, that such record, document, or writing has not been verified, has been inconclusively verified, is unable to be verified, or is false, altered, forged, or counterfeited;

“(4) attempts, or conspires to commit, any of the acts described in paragraphs (1) through (3); or

“(5) while outside of the United States, engages in any of the acts described in paragraphs (1) through (3), shall be fined under this title, imprisoned not more than 10 years, or both.”.

(b) CLERICAL AMENDMENT.—The table of contents for chapter 25 of title 18, United States Code, is amended by inserting after the item relating to section 514 the following:

“515. Federal records, documents, and writings, generally.”.

By Mr. COCHRAN (for himself and Mr. HARKIN):

S. 2856. A bill to limit the transfer of certain Commodity Credit Corporation funds between conservation programs for technical assistance for the programs; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. COCHRAN. Mr. President, 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. 2856

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

#### SECTION 1. TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amend-

ed by striking subsection (b) and inserting the following:

“(b) TECHNICAL ASSISTANCE.—Effective for fiscal year 2005 and each subsequent fiscal year, Commodity Credit Corporation funds made available for each of the programs specified in paragraphs (1) through (7) of subsection (a)—

“(1) shall be available for the provision of technical assistance for the programs for which funds are made available; and

“(2) shall not be available for the provision of technical assistance for conservation programs specified in subsection (a) other than the program for which the funds were made available.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 2004.

Mr. HARKIN. Mr. President, I am very pleased to join my colleague and Chairman of the Committee on Agriculture, Nutrition and Forestry, Mr. COCHRAN in introducing this piece of legislation to correct a continuing problem at the U.S. Department of Agriculture with funding for technical assistance for agricultural producers and landowners participating in agricultural conservation programs.

The 2002 farm bill contains a historic increase in funding for conservation programs, including for the Environmental Quality Incentives Program (EQIP), the Farm and Ranch Lands Protection Program (FRPP), the Wildlife Habitat Incentives Program (WHIP), the Wetlands Reserve Program (WRP), the Conservation Reserve Program (CRP), the Grassland Reserve Program (GRP) and the Conservation Security Program (CSP). These programs provide our nation's producers and landowners the financial and technical means to protect and enhance natural resources, including water, air, soil and wildlife habitat.

To realize the environmental benefits made possible by this large new investment in conservation, it is essential that farmers, ranchers and landowners receive professional technical assistance to help them plan, design and carry out effective and workable conservation practices in their specific operations. This technical assistance is provided by employees of USDA's Natural Resources Conservation Service and, under the 2002 farm bill, private sector providers.

Because technical assistance is so crucial to the effectiveness of conservation programs, the 2002 farm bill included sufficient money for technical assistance as an integral part of the mandatory funding provided for each of the conservation programs. The legislation requires USDA to use mandatory funds to carry out the conservation programs, “including the provision of technical assistance.”

By providing funding in this manner, Congress acted to remedy the substantial and continuing shortfalls in technical assistance for mandatory conservation programs under the 1996 farm bill—which on several occasions necessitated limited stop-gap funding in appropriations measures. These shortfalls resulted from application of a limitation on transfers from the Commodity

Credit Corporation (CCC), often referred to as "the section 11 cap". The only conservation program not affected by this limitation was EQIP. That is because the statutory language creating and funding EQIP specifically identified technical assistance as an integral function of the program, thereby creating a funding stream through the program funds directly and outside the limitation on Section 11 transfers from CCC.

In drafting the 2002 farm bill, Congress was thus fully aware of the recurrent shortages of technical assistance funds which plagued the 1996 farm bill's mandatory conservation programs and the manner in which EQIP technical assistance had been exempted from the limitation on CCC transfers. The wording and structure of the 2002 bill closely track the 1996 bill's EQIP language to specify clearly that technical assistance is an integral part of the bill's mandatory funding for each of the conservation programs, and hence not subject to the limitation on CCC transfers. Further, the 2002 farm bill's statement of managers unmistakably indicates that technical assistance is an integral part of mandatory funding, following the model used for EQIP in the 1996 bill.

We believed that the language in the 2002 farm bill solved the problem by fully funding technical assistance through the mandatory program funds without the limitation on transfers from the CCC. Nevertheless, the administration, through the Office of Management and Budget and the Department of Justice, construed the bill so that all conservation technical assistance fell under the Section 11 cap—even for EQIP. The U.S. General Accounting Office disagreed with the Administration's position and concluded that under the farm bill technical assistance is a part of the mandatory funds for each conservation program and not within the limitation on CCC transfers.

The limitation on technical assistance under the administration's interpretation meant that much of the investment we made in the farm bill conservation programs would go unused for lack of technical assistance to plan for and carry out the conservation practices on the ground. To move beyond the impasse created by the misinterpretation of the farm bill by the administration, Congress added language to the 2003 Consolidated Appropriations Act specifying that certain transfers of funding from the CCC for technical assistance are not subject to the Section 11 cap if the funds come directly from the funds provided for several of the conservation programs.

This was only a partial solution. To limit the budget cost, technical assistance funds for all conservation programs (except CSP) are transferred from the funds provided for a subset of programs, namely EQIP, WHIP, GRP and FRPP, that have annual funding limits in the farm bill. As a result,

technical assistance funds for WRP and CRP have been taken from the annual mandatory funds provided for the four dollar-limited programs. This has resulted in a diversion of over \$200 million to pay for technical assistance for CRP and WRP that would otherwise have gone directly to agricultural producers and landowners through EQIP, WHIP, CRP and FRPP.

The legislation we are introducing today will take the next step and permanently fix the technical assistance funding problem. It will cure the shortage of technical assistance funding so funds will no longer be taken from EQIP, WHIP, GRP or FRPP to pay for technical assistance for CRP and WRP. And, it will finally restore the original intent of the 2002 farm bill to have technical assistance funding come out of the CCC funding provided for each conservation program.

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 436—DESIGNATING THE SECOND SUNDAY IN THE MONTH OF DECEMBER 2004 AS "NATIONAL CHILDREN'S MEMORIAL DAY"

Mr. REID submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 436

Whereas approximately 80,000 infants, children, teenagers, and young adults of families living throughout the United States die each year from myriad causes;

Whereas the death of an infant, child, teenager, or young adult of a family is considered to be one of the greatest tragedies that a parent or family will ever endure during a lifetime;

Whereas a supportive environment, empathy, and understanding are considered critical factors in the healing process of a family that is coping with and recovering from the loss of a loved one; and

Whereas April is National Child Abuse Prevention month: Now, therefore, be it

*Resolved,*

##### SECTION 1. DESIGNATION OF NATIONAL CHILDREN'S MEMORIAL DAY.

The Senate—

(1) designates the second Sunday in the month of December 2004 as "National Children's Memorial Day"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe "National Children's Memorial Day" with appropriate ceremonies and activities in remembrance of the many infants, children, teenagers, and young adults of families in the United States who have died.

Mr. REID. Mr. President, I rise today to submit a resolution that would designate the second Sunday in December as "National Children's Memorial Day."

The resolution would set aside this day to remember all the children who die in the United States each year. While I realize the families of these children deal with the grief of their loss every day, I would like to commemorate the lives of these children with a special day as well.

The death of a child is a shattering experience for any family. I have had constituents share their heart-wrenching stories with me about the death of their son or daughter. I have heard heroic stories of kids battling cancer or diabetes, and tragic stories of car accidents and drownings.

Each of these families has had their own experience, but they must all continue with their lives and live with the incredible pain of losing a child. Establishing a day to remember children who passed away will lend encouragement and support to bereaved families as they work through their grief. It is important for these families to know that they are not alone.

##### SENATE RESOLUTION 437—CELEBRATING THE LIFE OF JOSEPH IRWIN MILLER OF COLUMBUS, INDIANA

Mr. LUGAR (for himself and Mr. BAYH) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 437

Whereas Joseph Irwin Miller devoted his entire life to the welfare of his family, the employees of Cummins, Inc., and his community;

Whereas Joseph Irwin Miller demonstrated his lifelong love of country by serving honorably and courageously in the United States Navy Air Corps during World War II;

Whereas Joseph Irwin Miller's prowess and integrity as a businessman fashioned Cummins, Inc., into a respected industry leader whose unyielding commitment to its employees and community established a superior legacy of excellence and civic stewardship that will endure for years to come;

Whereas Joseph Irwin Miller was instrumental in transforming the place of his birth, Columbus, Indiana, into a thriving center for architecture and the arts;

Whereas Joseph Irwin Miller gave unselfishly his time and treasure to numerous causes and foundations dear to his ideals through his role as trusted advisor and generous philanthropist;

Whereas Joseph Irwin Miller was a respected counselor to leaders at home and abroad, and made immeasurable contributions to the advancement of human rights everywhere; and

Whereas Joseph Irwin Miller will be remembered as a loving husband to his wife Xenia, a devoted father to his 5 children, and a caring grandfather to his 10 grandchildren: Now, therefore, be it

*Resolved,* That the Senate—

(1) has learned with profound sorrow of the death of Joseph Irwin Miller on August 16, 2004, and extends its condolences to the Miller family, especially his wife Xenia, and his children Margaret, Catherine, Elizabeth, Hugh, and William;

(2) expresses its profound gratitude to Joseph Irwin Miller for the services that he rendered to the United States in the Navy;

(3) recognizes Joseph Irwin Miller's distinguished achievements in industry, his contributions to the world of architecture, his promotion of the arts and humanities, and his advancement of human rights; and

(4) recognizes with respect Joseph Irwin Miller's integrity and guidance as a leader, his treatment of his fellow citizens with grace and humility, and his loyalty, contributions, and service to the City of Columbus, the State of Indiana, and the United States.