

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.

SENATE RESOLUTION 438—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

Mr. BIDEN (for himself, Mr. HATCH, Mr. KOHL, Mrs. BOXER, Mrs. CLINTON, Ms. STABENOW, Mr. DAYTON, Mr. CORZINE, Mr. JOHNSON, Mr. LAUTENBERG, Mr. CARPER, Mrs. MURRAY, Mr. REID, Mr. WYDEN, Mr. LEAHY, Mr. KYL, Mr. CORNYN, Mr. DASCHLE, Ms. MURKOWSKI, Mr. FEINGOLD, Mr. DURBIN, Ms. CANTWELL, and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 438

Whereas 2004 marks the tenth anniversary of the enactment of the Violence Against Women Act of 1994 (Public Law 103-322, 108 Stat. 1902);

Whereas since the passage of the Violence Against Women Act of 1994, communities have made significant progress in reducing domestic violence such that between 1993 and 2001, the incidents of nonfatal domestic violence fell 49 percent;

Whereas since created by the Violence Against Women Act of 1994, the National Domestic Violence Hotline has answered over 1,000,000 calls;

Whereas States have passed over 660 State laws pertaining to domestic violence, stalking, and sexual assault;

Whereas the Violence Against Women Act of 1994 has helped make strides toward breaking the cycle of violence, but there remains much work to be done;

Whereas domestic violence affects women, men, and children of all racial, social, religious, ethnic, and economic groups in the United States;

Whereas on average, more than 3 women are murdered by their husbands or boyfriends in the United States every day;

Whereas women who have been abused are much more likely to suffer from chronic pain, diabetes, depression, unintended pregnancies, substance abuse, and sexually transmitted infections, including HIV/AIDS;

Whereas only about 10 percent of primary care physicians routinely screen for domestic violence during new patient visits, and 9 percent routinely screen during periodic checkups;

Whereas each year, about 324,000 pregnant women in the United States are battered by the men in their lives, leading to pregnancy complications, including low weight gain, anemia, infections, and first and second trimester bleeding;

Whereas every 2 minutes, someone in the United States is sexually assaulted;

Whereas almost 25 percent of women surveyed had been raped or physically assaulted by a spouse or boyfriend at some point in their lives;

Whereas in 2002 alone, 250,000 women and girls older than the age of 12 were raped or sexually assaulted;

Whereas 1 out of every 12 women has been stalked in her lifetime;

Whereas some cultural norms, economics, language barriers, and limited access to legal services and information may make some immigrant women particularly vulnerable to abuse;

Whereas 1 in 5 adolescent girls in the United States becomes a victim of physical or sexual abuse, or both, in a dating relationship;

Whereas 40 percent of girls ages 14 to 17 report knowing someone their age who has been hit or beaten by a boyfriend;

Whereas annually, approximately 8,800,000 children in the United States witness domestic violence;

Whereas witnessing violence is a risk factor for having long-term physical and mental health problems (including substance abuse), being a victim of abuse, and becoming a perpetrator of abuse;

Whereas a boy who witnesses his father's domestic violence is 10 times more likely to engage in domestic violence than a boy from a nonviolent home;

Whereas the cost of domestic violence, including rape, physical assault, and stalking, exceeds \$5,800,000,000 each year, of which \$4,100,000,000 is spent on direct medical and mental health care services;

Whereas 44 percent of the Nation's mayors identified domestic violence as a primary cause of homelessness;

Whereas 25 to 50 percent of abused women reported they lost a job due, in part, to domestic violence;

Whereas there is a need to increase the public awareness about, and understanding of, domestic violence and the needs of battered women and their children;

Whereas the month of October 2004 has been recognized as National Domestic Violence Awareness Month, a month for activities furthering awareness of domestic violence; and

Whereas the dedication and successes of those working tirelessly to end domestic violence and the strength of the survivors of domestic violence should be recognized: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of National Domestic Violence Awareness Month; and

(2) expresses the sense of the Senate that Congress should continue to raise awareness of domestic violence in the United States and its devastating impact on families.

SENATE RESOLUTION 439—RECOGNIZING THE CONTRIBUTIONS OF WISCONSIN NATIVE AMERICANS TO THE OPENING OF THE NATIONAL MUSEUM OF THE AMERICAN INDIAN

Mr. FEINGOLD (for himself and Mr. KOHL) submitted the following resolution; which was considered and agreed to:

S. RES. 439

Whereas the National Museum of the American Indian Act (20 U.S.C. 80q et seq.) established within the Smithsonian Institution the National Museum of the American Indian and authorized the construction of a facility to house the National Museum of the American Indian on the National Mall in the District of Columbia;

Whereas the National Museum of the American Indian officially opened on September 21, 2004;

Whereas the National Museum of the American Indian will be the only national museum devoted exclusively to the history and art of cultures indigenous to the Americas, and will give all Americans the opportunity to learn about the cultural legacy, historic grandeur, and contemporary culture of Native Americans, including the tribes that presently and historically occupy the State of Wisconsin;

Whereas the land that comprises the State of Wisconsin has been home to numerous Native American tribes for many years, including 11 federally recognized tribal governments: the Bad River Band of Lake Superior Chippewa Indians, the Forest County Potawatomi Indian Community, the Ho-Chunk Nation of Wisconsin, the Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin, the Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin, the Menominee Indian Tribe of Wisconsin, the Oneida Tribe of Indians of Wisconsin, the Red Cliff Band of Lake Superior Chippewa Indians, the Sokaogon Chippewa (Mole Lake) Community of Wisconsin, the St. Croix Chippewa Indians of Wisconsin, and the Stockbridge Munsee Community of Wisconsin; and

Whereas members of Native American tribes have greatly contributed to the unique culture and identity of Wisconsin by lending words from their languages to the names of many places in the State and by sharing their customs and beliefs with others who chose to make Wisconsin their home: Now, therefore, be it

*Resolved*, That the Senate—

(1) celebrates the official opening of the National Museum of the American Indian;

(2) recognizes the native people of Wisconsin, and of the entire United States, and their past, present, and future contributions to America's culture, history, and tradition; and

(3) requests that the Senate send an enrolled copy of this resolution to the chairpersons of Wisconsin's federally recognized tribes.

SENATE RESOLUTION 440—DESIGNATING THURSDAY, NOVEMBER 18, 2004, AS "FEED AMERICA THURSDAY"

Mr. HATCH submitted the following resolution; which was considered and agreed to:

S. RES. 440

Whereas Thanksgiving Day celebrates the spirit of selfless giving and an appreciation for family and friends;

Whereas the spirit of Thanksgiving Day is a virtue upon which our Nation was founded;

Whereas 33,000,000 Americans, including 13,000,000 children, continue to live in households that do not have an adequate supply of food;

Whereas almost 3,000,000 of those children experience hunger; and

Whereas selfless sacrifice breeds a genuine spirit of Thanksgiving, both affirming and restoring fundamental principles in our society: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates Thursday, November 18, 2004, as "Feed America Thursday"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to sacrifice 2 meals on Thursday, November 18, 2004, and to donate the money that they would have spent on food to a religious or charitable organization of their choice for the purpose of feeding the hungry.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3709. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2845, to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes; which was ordered to lie on the table.