

read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 2618) was read the third time and passed, as follows:

S. 2618

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

SECTION 1. EXTENSION OF MEDICARE COST-SHARING FOR THE MEDICARE PART B PREMIUM FOR QUALIFYING INDIVIDUALS.

(a) IN GENERAL.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking “2004” and inserting “2005”.

(b) TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g) of the Social Security Act (42 U.S.C. 1396u-3(g)) is amended to read as follows:

“(g) SPECIAL RULES.—

“(1) IN GENERAL.—With respect to each period described in paragraph (2), a State shall select qualifying individuals, subject to paragraph (3), and provide such individuals with assistance, in accordance with the provisions of this section as in effect with respect to calendar year 2003, except that for such purpose—

“(A) references in the preceding subsections of this section to a year, whether fiscal or calendar, shall be deemed to be references to such period; and

“(B) the total allocation amount under subsection (c) for such period shall be the amount described in paragraph (2) for that period.

“(2) PERIODS AND TOTAL ALLOCATION AMOUNTS DESCRIBED.—For purposes of this subsection—

“(A) for the period that begins on January 1, 2004, and ends on September 30, 2004, the total allocation amount is \$300,000,000;

“(B) for the period that begins on October 1, 2004, and ends on December 31, 2004, the total allocation amount is \$100,000,000; and

“(C) for the period that begins on January 1, 2005, and ends on September 30, 2005, the total allocation amount is \$300,000,000.

“(3) RULES FOR PERIODS THAT BEGIN AFTER JANUARY 1.—For any specific period described in subparagraph (B) of paragraph (2), the following applies:

“(A) The specific period shall be treated as a continuation of the immediately preceding period in that calendar year for purposes of applying subsection (b)(2) and qualifying individuals who received assistance in the last month of such immediately preceding period shall be deemed to be selected for the specific period (without the need to complete an application for assistance for such period).

“(B) The limit to be applied under subsection (b)(3) for the specific period shall be the same as the limit applied under such subsection for the immediately preceding period.

“(C) The ratio to be applied under subsection (c)(2) for the specific period shall be the same as the ratio applied under such subsection for the immediately preceding period.”.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 108-27

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty trans-

mitted to the Senate November 16, 2004, by the President of the United States: Mutual Legal Assistance Treaty with Germany, Treaty Document No. 108-27. I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

[Mutual Legal Assistance Treaty with Germany Treaty Doc. 108-27]

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the United States of America and the Federal Republic of Germany on Mutual Legal Assistance in Criminal Matters, signed at Washington on October 14, 2003, and a related exchange of notes. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of crimes. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes: taking the testimony or statements of persons; providing documents, records, and articles of evidence; locating or identifying persons; serving documents; transferring persons in custody for testimony or other purposes; executing requests for searches and seizures; undertaking telecommunications surveillance, undercover investigations, and controlled deliveries; assisting in proceedings related to immobilization and forfeiture of assets, restitution to the victims of crime and collection of fines; and any other form of assistance not prohibited by the laws of the State from whom the assistance is requested.

I recommend that the Senate give early and favorable consideration to the Treaty, and give its advice and consent to ratification.

GEORGE W. BUSH.

THE WHITE HOUSE, September 13, 2004.

**ORDERS FOR WEDNESDAY,
NOVEMBER 17, 2004**

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2:15 p.m. on Wednesday, November 17. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin consideration of S. 2986, the debt limit extension bill provided under the previous order.

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

PROGRAM

Mr. FRIST. Mr. President, tomorrow the Senate will begin consideration of

the debt limit extension bill. Under the order, there will be up to 6 hours of debate on the measure prior to the vote. It is my expectation that we will use a portion of that debate tomorrow and the remainder of the debate on Thursday. A number of our colleagues will be attending the opening of the Clinton Presidential Library and, therefore, I expect that vote to occur when that delegation returns.

As I mentioned this morning, we have a lot of work to do prior to adjournment of this Congress. In addition to the debt limit bill, the Senate must also complete action on the remaining fiscal year 2005 spending bills, the intelligence reform conference report, if available, a number of nominations, and any other conference reports that may become available.

It is our intention to finish our work on these items this week. Therefore, Senators should make themselves available for busy days over the remainder of the week.

Mr. President, I will be happy to turn to the Democratic leader. If not, I will be putting us into a quorum call for a period of time.

Mr. DASCHLE. Mr. President, I ask if the majority leader can give us any understanding as to progress that may have been made today on the appropriations and the omnibus bill. It is my understanding it is unlikely the bill will come up before Friday, but might he share with us what he knows about the progress the negotiators made today?

Mr. FRIST. Mr. President, in response to the Democratic leader, tremendous progress has been made over the course of the weekend, yesterday, and then over the course of today. We have a number of bills that are involved, as everyone knows, and it is a monumental task that both the staff and the Senators have been asked to do. But huge progress is being made.

We will, for the convenience of Senators, not be voting on Thursday during the day. We will have a vote likely Thursday night. It would be an objective to finish the omnibus bill on Friday. I hesitate to say that because a number of Senators have come up and said exactly what is in that omnibus bill. The staff is working with the Senators on the various conferences and the appropriators, and it is very important people be able to see it and have the opportunity to comment on it and debate what is in that bill.

Tremendous progress is being made which led me to say that if we stay focused, we should be able to finish our business this week on Friday or Saturday, although, again, we have the intelligence bills to consider.

Mr. DASCHLE. I thank the majority leader. I only reiterate what I said this morning. Obviously, our ability to expedite consideration of the omnibus bill, which is very critical, will be directly related to the degree to which extraneous matters are incorporated in the bill. I hope very earnestly that people who have an inclination to want to

add extraneous issues can refrain from doing so in order to complete our work and to avoid what might be an extended delay.

I know both sides are working with that in mind. I appreciate the effort made to bring this matter to a close. This is probably one of the most important remaining pieces of unfinished business. I appreciate very much the leader's report tonight.

I yield the floor.

Mr. FRIST. Mr. President, I also want to reemphasize what the Democratic leader just said. A number of people are coming forward with legislation in the hopes there is some way it can be attached to the omnibus bill because people realize it is an important bill, and it is a bill we have worked on in a bipartisan way to bring to closure, which we will. I encourage our colleagues on both sides of the aisle to understand that we are not going to be including extraneous matter on this bill. That is under mutual agreement with the Democratic leadership and the Republican leadership.

CORRECTING THE ENROLLMENT OF H.R. 1417

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 145, which was submitted earlier today.

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

The assistant legislative clerk read as follows:

A concurrent resolution (S. Res. 145) to correct the enrollment of H.R. 1417.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

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

The concurrent resolution (S. Res. 145) was agreed to, as follows:

S. CON. RES. 145

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of H.R. 1417, an Act to amend title 17, United States Code, to replace copyright arbitration royalty panels with Copyright Royalty Judges, and for other purposes (the Copyright Royalty and Distribution Reform Act of 2004), the Clerk of the House of Representatives shall make the following corrections:

(1) In section 801 of title 17, United States Code, as amended by section 3(a) of H.R. 1417—

(A) in subsection (b)(7)(A)—

(i) in clause (i), strike “the other participants” and insert “participants”; and

(ii) in clause (ii), strike “any other participant described in subparagraph (A)” and insert “any participant described in clause (i)”;

(B) in subsection (b)(7)(B), strike “118(b)(2) or (3)” and insert “118(b)(2)”;

(C) in subsection (b)(8), insert a comma after “802(g)” and

(D) in subsection (c), strike “As provided in section 801(f)(1), the” and insert “The”.

(2) In section 802 of title 17, United States Code, as amended by section 3(a) of H.R. 1417—

(A) in subsection (a)(1), in the second sentence—

(i) strike “two Copyright” and insert “2 Copyright”; and

(ii) strike “one shall” and insert “1 shall”;

(B) in subsection (c)—

(i) strike “appointed the Chief Copyright” and insert “appointed as the Chief Copyright”; and

(ii) strike “appointed Copyright” and insert “appointed as Copyright”; and

(C) in subsection (f)—

(i) in paragraph (1)(A)(ii), strike “14 days of receipt by the Register of Copyrights of all” and insert “14 days after the Register of Copyrights receives all”;

(ii) in paragraph (1)(B)(i)—

(I) strike “The Register shall” and insert “The Register of Copyrights shall”;

(II) strike “30 days of receipt by the Register of Copyrights of all” and insert “30 days after the Register of Copyrights receives all”; and

(III) in the last sentence, insert “to the Copyright Royalty Judges” after “is timely delivered”;

(iii) in paragraph (1)(D)—

(I) insert after the second sentence the following: “The Register of Copyrights shall issue such written decision not later than 60 days after the date on which the final determination by the Copyright Royalty Judges is issued.”;

(II) in the following sentence, insert a comma after “such written decision”;

(III) strike “section 802(f)(1)(D)” and insert “this subparagraph”;

(IV) strike “notification and undertakes to consult with” and insert “notification to, and undertakes to consult with,”; and

(V) strike “fails within reasonable period after receipt of such notification” and insert “fails, within a reasonable period after receiving such notification.”.

(3) In section 803 of title 17, United States Code, as amended by section 3(a) of H.R. 1417—

(A) in subsection (a)(1), strike “Librarian of Congress, copyright arbitration royalty panels,” and insert “the Librarian of Congress,”;

(B) in subsection (b)—

(i) in paragraph (1), amend subparagraph (A)(i) to read as follows:

“(A) CALL FOR PETITIONS TO PARTICIPATE.—

(i) The Copyright Royalty Judges shall cause to be published in the Federal Register notice of commencement of proceedings under this chapter, calling for the filing of petitions to participate in a proceeding under this chapter for the purpose of making the relevant determination under section 111, 112, 114, 115, 116, 118, 119, 1004, or 1007, as the case may be—

“(I) promptly upon a determination made under section 804(a);

“(II) by no later than January 5 of a year specified in paragraph (2) of section 804(b) for the commencement of proceedings;

“(III) by no later than January 5 of a year specified in subparagraph (A) or (B) of paragraph (3) of section 804(b) for the commencement of proceedings, or as otherwise provided in subparagraph (A) or (C) of such paragraph for the commencement of proceedings;

“(IV) as provided under section 804(b)(8); or

“(V) by no later than January 5 of a year specified in any other provision of section 804(b) for the filing of petitions for the com-

mencement of proceedings, if a petition has not been filed by that date.”;

(ii) in clause (i) of paragraph (1)(A)—

(I) strike “proceeding, under clause (i)” and insert “proceeding under clause (i)”;

(II) strike “section 803(b)(3)” and insert “paragraph (3)”;

(iii) in paragraph (4)(A), strike “a participant in the proceeding asserts a claim in the amount of” and insert “the contested amount of a claim is”;

(iv) in paragraph (6)(C)—

(I) in clause (iv), insert a comma after “orders”;

(II) in clause (v), strike “according to” and insert “in accordance with”; and

(III) in clause (vi)(I), strike “absent the discovery sought” and insert “, absent the discovery sought.”;

(v) in clause (vii), strike “interrogatories and” and insert “interrogatories, and”; and

(vi) in clause (ix)—

(I) in the first sentence, insert a comma after “give testimony” and insert a comma after “inspection of documents or tangible things”; and

(II) in the last sentence, strike “subparagraph” and insert “clause”;

(C) in subsection (c)—

(i) in paragraph (1), strike “(b)(3)(C)(x)” and insert “(b)(6)(C)(x)”;

(ii) in paragraph (2)—

(I) in subparagraph (A)—

(aa) insert “in a proceeding” after “a participant”; and

(bb) strike “a proceeding is issued” and insert “the proceeding is issued”;

(II) in subparagraph (B), strike “their initial determination concerning rates and terms to the participants in the proceeding” and insert “to the participants in the proceeding their initial determination concerning rates and terms”; and

(III) in subparagraph (C), strike “except as provided under subsection (d)(1)” and insert “except that nonparticipation may give rise to the limitations with respect to judicial review provided for in subsection (d)(1)”;

(iii) in paragraph (6), strike “Following review of the determination by the Register of Copyrights under section 802(f)(1)(D)” and insert “By no later than the end of the 60-day period provided in section 802(f)(1)(D)”;

(D) in the second sentence of subsection (d)(2)(A), strike “transmission service” and insert “licensee”.

(4) In section 5(b)(1)—

(A) in subparagraph (A), strike “and” at the end;

(B) strike subparagraph (B); and

(C) redesignate subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(5) In the amendment made by section 5(b)(1)(A)—

(A) strike “5-year periods” and insert “5-year period”; and

(B) strike “such other periods” and insert “such other period”.

(6) Strike paragraph (3) of section 5(b) and insert the following:

(3) in paragraph (5), by striking “determination by a copyright arbitration royalty panel or decision by the Librarian of Congress” and inserting “decision by the Librarian of Congress or determination by the Copyright Royalty Judges”;

(7) In the amendment made by section 5(c)(1)(A)(i)—

(A) strike “5-year periods” and insert “the 5-year period”; and

(B) strike “different transitional periods are provided in section 804(b), or such periods” and insert “a different transitional period is provided under section 6(b)(3) of the Copyright Royalty and Distribution Reform Act of 2004, or such other period”.