

The provision clarifies Code section 152(e) to permit a divorced or legally separated custodial parent to waive, by written declaration, his or her right to claim a child as a dependent for purposes of the dependency exemption and child credit (but not with respect to other child-related tax benefits). By means of the waiver, the noncustodial parent is granted the right to claim the child as a dependent for these purposes. The provision clarifies that the waiver rules under the uniform definition of qualifying child operate as under prior law.

Amendment Related to the Jobs and Growth Tax Relief Reconciliation Act of 2003

Bonus depreciation (Act sec. 201).—Present-law rules for additional first-year depreciation provide criteria under which certain noncommercial aircraft, and certain property having longer production periods (as described in Code section 168(k)(2)(B)), can qualify for the extended placed-in-service date. The provision clarifies that property acquired and placed in service during 2005 pursuant to a written binding contract which was entered into after May 5, 2003, and before January 1, 2005, is eligible for 50-percent additional first-year depreciation deduction.

The provision corrects the reference to a date in the rules applicable to qualified New York Liberty Zone property so that it refers to the January 1, 2005, date in the corresponding rule for additional first-year depreciation in Code section 168(k).

Amendments Related to the Victims of Terrorism Tax Relief Act of 2001

Rules relating to disclosure of taxpayer return information (Act sec. 201).—The provision corrects cross references within the disclosure rules (Code section 6103) relating to disclosure to the National Archives and Records Administration.

Amendments Related to the Economic Growth and Tax Relief Reconciliation Act of 2001

Option to treat elective deferral as after-tax Roth contributions (Act sec. 617).—A special rule allows employees with at least 15 years of service with certain organizations to make additional elective deferrals to a tax-deferred annuity, subject to an annual and cumulative limit. The cumulative limit is \$15,000, reduced by any additional pretax elective deferrals made for preceding years. For taxable years beginning after 2005, plans may allow employees to designate pretax elective deferrals as Roth contributions. Under the provision, the \$15,000 cumulative limit is reduced also by designated Roth contributions made for preceding years.

Equitable treatment for contributions to defined contribution plans (Act sec. 632).—Under the law as in effect before the Act, a special limit applied to contributions to tax-sheltered annuities for foreign missionaries with adjusted gross income not exceeding \$17,000. The special limit was inadvertently dropped by the Act. The special limit was restored in a technical correction in the Job Creation and Worker Assistance Act of 2002, but did not accurately reflect the pre-Act rule. The provision revises the special limit to reflect the pre-Act rule.

Amendments Related to the Internal Revenue Service Restructuring and Reform Act of 1998

Special procedures for third-party summons (Act sec. 3415).—Code section 7609(c)(2)(F) provides that section 7609 does not apply to a summons described in subsection (f) or (g), which refers to a John Doe summons and certain emergency summonses, respectively. The provision corrects this reference, so as to make only the notice procedures of section 7609(a) inapplicable to a John Doe summons or an emergency sum-

mons, rather than making the entire section 7609 inapplicable.

Amendments Related to the Taxpayer Relief Act of 1997

Tentative carryback and refund adjustments and treatment of carrybacks or adjustments for certain unused deductions (Act sec. 1055).—The provision corrects a reference in rules relating to tentative carryback and refund adjustments to refer to coordination rules in Code section 6611(f)(4)(B). The provision also corrects a reference in rules relating to 92 carrybacks or adjustments of certain unused deductions to refer to the filing date within the meaning of Code section 6611(f)(4)(B).

Adjustments to basis of stock in controlled foreign corporations (Act sec. 1112(b)).—The provision clarifies that the basis adjustments of Code section 961(c) apply not only with respect to the stock of the controlled foreign corporation that earns the subpart F income that gives rise to the basis adjustments, but also with respect to the stock of higher-tier controlled foreign corporations in the same chain of ownership.

Notice of certain transfers to foreign persons (Act sec. 1144).—The provision corrects the omission of a conjunction in the description of transfers that are generally subject to certain information reporting requirements.

Amendment Related to the Omnibus Budget Reconciliation Act of 1990

Depreciation of certain solar- or wind-powered equipment (Act sec. 11813).—The provision clarifies that 5-year property includes certain heating, cooling, and other equipment using solar or wind (rather than solar and wind) energy.

Amendment Related to the Omnibus Budget Reconciliation Act of 1987

Clarification of earnings and profits and stock basis where LIFO recapture tax applies (Act sec. 10227).—Under present law, the LIFO recapture amount is included in the income of a C corporation that becomes an S corporation for its last taxable year that it was a C corporation (sec. 1363(d)). Any increase in tax by reason of this inclusion is payable in four equal annual installments. The provision provides that the rules relating to (1) the prohibition on adjustments of earnings and profits of an S corporation and (2) the requirement to reduce the basis of stock of the S corporation by reason of non-deductible expenses do not apply to any corporate tax imposed by reason of section 1363(d). No inference is intended as to the treatment of other corporate taxes.

Clerical amendments

The provisions include clerical and typographical amendments to the Code, which are effective upon enactment.

B. OTHER CORRECTIONS

Amendments Related to the American Jobs Creation Act of 2004

Expansion of bank S corporation eligible shareholders to include IRAs (Act sec. 233).—The provision expands the provision in the Act allowing certain bank stock to be held by an IRA (or to be sold by an IRA to the beneficiary) to include stock in a depository holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act). A depository holding company includes a bank holding company and a thrift holding company.

Exclusion of investment securities income from passive income test for bank S corporations (Act sec. 237).—The provision expands the rule in the Act which provides that, in the case of a bank, bank holding company, or financial holding company, certain interest and dividend income is not treated as passive

under the S corporation passive investment income rules. Under the provision, this rule applies to a bank and to a depository holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act). A depository holding company includes a bank holding company and a thrift holding company.

Information returns for qualified subchapter S subsidiaries (Act sec. 239).—The provision provides that an S corporation and a qualified subchapter S subsidiary are recognized as separate entities for purposes of making information returns, except as otherwise provided by the Treasury Department.

ADDITIONAL STATEMENTS

NORTHWEST RESEARCH AND EDUCATION INSTITUTE

• Mr. BAUCUS. Mr. President, I rise today to comment on the long overdue establishment of a continuing medical education program in Montana. The Northwest Research and Education Institute is a joint venture of St. Vincent Healthcare and Rocky Mountain Health Network, formed to serve the research and education needs of both the Montana Region of the Sisters of Charity of Leavenworth Health System which stretches from Butte to Miles City and the nearly 500 physicians and 7 hospitals associated with Rocky Mountain Health Network in Montana and Wyoming.

As many know, for too long, Montana was the only state in the US without a continuing medical education accrediting entity. The other 49 States have been able to provide immediate continuing education programs. Montana's medical community had to go hundreds of miles out of State to further their education. The people of my great State deserve the best health care possible, and it is imperative that medical practitioners are able to continue their education. Our physicians, nurses, and pharmacists have been asking for more effective medical education services, and I am pleased to say that now they have it.

I am proud to have secured the initial \$250,000 to assist the Northwest Research and Education Institute to complete the accreditation process. Securing this funding for me was a top priority as Montanans medical practitioners shouldn't have to travel hundreds, if not thousands, of miles to receive their required training.

Continuing medical education programs provide education to physicians, nurses, pharmacists, therapists, and other health care professionals to keep them up to date with the latest in medicine. This, of course, translates to better health care for patients. Rural healthcare providers have special needs for continuing education because they practice so far from each other and from centers of education. Now that education can be obtained by a health care provider in Montana.

I am particularly proud that the Northwest Research and Education Institute recently completed their application and received their accreditation. The accreditation is a stamp of quality approval that puts the Northwest Research and Education Institute in a league with medical schools, professional societies and other organizations which offer the highest standards of continuing medical education.

I am proud of the accomplishments of the Institute already and I am confident that the Institute will continue to accomplish its goals of providing quality continuing medical education programs to Montana's medical community.●

RETIREMENT OF ROBBIE CALLAWAY

● Mr. HATCH. Mr. President, after 33 years of extraordinary service to America's young people, Robbie Callaway, senior vice president of government relations at the Boys & Girls Clubs of America, is moving on. Robbie's dedication to positive change and helping others has been truly inspiring. He has been a magnificent advocate for children and for the Boys & Girls Clubs in Utah and all over the country.

Robbie's untiring commitment to youth and disadvantaged communities goes back much further and encompasses much more than just his time with the Boys & Girls Clubs of America. Beginning as a juvenile justice advocate at the National Youth Work Alliance, Robbie rose to be the executive director of that coalition of community based youth service agencies. In 1982, he cofounded the National Center for Missing and Exploited Children and continues to serve on its board of directors. He also recently assisted the Cal Ripken, Sr. Foundation in bringing baseball, America's pastime, to underprivileged children. In all of these endeavors, Robbie has left an ongoing legacy of hope and inspiration.

Today, there are probably only a handful of people in Congress who do not know Robbie Callaway. He played a pivotal role in the passage of national Amber Alert legislation. He has been instrumental in expanding both the resources and reach of the Boys & Girls Clubs of America, including increasing the number of clubs in public housing facilities and onto Indian reservations. Robbie Callaway's character, built on honesty and integrity, has earned him and the organizations he has served the trust of Congress.

Although Robbie is leaving his position with the Boys & Girls Clubs, his passion for helping others remains. In his new career, he will join with a dedicated group of individuals pursuing a cure for cancer. Having witnessed Robbie's determination, I believe he can succeed.

It was a pleasure to work with Robbie Callaway and to help the Boys & Girls Clubs of America. We will miss Robbie's passion for children and for

the Boys & Girls Clubs movement. I hope to work with him in his new pursuits, and I wish him great success and happiness, now and in the future.●

TRIBUTE TO MR. ALAN NEWMAN, FOREST SUPERVISOR OF THE OUACHITA NATIONAL FOREST

● Mrs. LINCOLN. Mr. President, I rise today in tribute to Mr. Alan Newman, Forest Supervisor of the Ouachita National Forest, who will retire on January 3, 2006, after more than 32 years with the U.S. Forest Service. Prior to his 10 years of service to Ouachita National Forest, Alan worked as the Forest Supervisor and Deputy Forest Supervisor of the National Forests and Grasslands in Texas and has also served with the U.S. Forest Service in Wisconsin, Michigan, Tennessee, and Kentucky. He also served as a C-130 pilot in the Air Force for 5 years including 2 years of active duty in Vietnam.

Alan has been an asset to the Ouachita National Forest throughout his tenure as Forest Supervisor. He successfully led an effort to finalize the largest land exchange in the history of the U.S. Forest Service—the Arkansas/Oklahoma land exchange of 1996. Alan has also been extremely instrumental in the restoration of historic Camp Ouachita, a former Girl Scout Camp built by the Civilian Conservation Corps, CCC, and the Works Progress Administration, WPA, and listed on the National Historic Register. It is only through his strong commitment and leadership that Camp Ouachita is now available for public use. Restoration included restoring the Camp Ouachita lodge and facilities to usable condition, while adhering to national historic standards. Alan leaves a lasting legacy with the restoration of these structures.

In 2001, the Ouachita National Forest suffered tremendous damage due to an unprecedented ice storm. Alan led the forest through a major salvage sale program designed to restore ecological health to the forest. He has fostered strong, positive working relationships with a variety of partners across Arkansas and Oklahoma. Recently, the Ouachita National Forest Plan was successfully completed in record time and with significant public involvement.

Alan's work is testament to his commitment to natural resource management. He leaves the 1.8 million acres of the Ouachita National Forest in extremely good condition. I appreciate Alan's commitment and dedication and wish him and his family well in retirement.●

UNO MAVS WIN NCAA DIVISION II NATIONAL WOMEN'S SOCCER TITLE

● Mr. NELSON of Nebraska. Mr. President, today I want to share with my colleagues that after 4 years of earning

their way to the Final Four and into two national championship matches, the University of Nebraska-Omaha Mavericks women's soccer team won their first ever national title in Wichita Falls, TX.

In their season's first overtime match, Brandi Beale scored the game-winning shot to seal the Mavs' victory. The 2005 UNO women's soccer team is the first ever Nebraska soccer team to win a national title. Meghan Pile, a senior who has played in all four final fours said it best with her statement, "It's the only way to go out."

The team is ecstatic over their victory, and so am I. On behalf of all Nebraskans and myself, I want to congratulate these women and the coaching staff for their enormous success.●

HONORING VINE DELORIA JR.

● Mr. SALAZAR. Mr. President, I rise to honor and celebrate the remarkable life and legacy of Vine Deloria, one of the most influential American Indian people of our time, who through his writings and activism reframed the social debate about the identity of Native American people.

Deloria was born in South Dakota in 1933 to a distinguished Yankton Sioux family. He served in the Marines and graduated from Iowa State University. He earned a master's degree from the Lutheran School of Theology in Chicago, initially planning to become a minister. He then went on to earn a law degree from CU in 1970. He is survived by his wife of 47 years, Barbara; two sons, Philip and Daniel; a daughter, Jeanne Deloria; a brother, Philip; a sister, Barbara Sanchez; and seven grandchildren.

Deloria began his writing and advocacy work as executive director of the National Congress of American Indians, NCAI, in 1964. The 1960s were a crucial era for American Indians, as their community leaders worked together to combat the cumulative legacy of desperate economic conditions, political disenfranchisement, and religious repression on the reservations. While at NCAI, he challenged the century-old Federal assimilation policies of termination and relocation, and helped set the foundation for the American Indian civil rights movement in the late 1960s and early 1970s. His leadership at NCAI marked a turning point in American Indian policy.

Mr. Deloria opened the Nation's eyes both to wrongs it had wrought on American Indian people and to the solutions available to mend the disparities. Among the many areas of American Indian policy issues that he influenced, he helped to craft the American Indian Religious Freedom Act, the Indian Self-Governance Act, and the Native American Graves Protection and Repatriation Act.

His political passion also drove him to write the transformative 1969 book "Custer Died for Your Sins," which helped frame the modern debate about