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Senate

The Senate met at 9:45 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, who gives sunshine to the just and the unjust, thank You for not treating us as we deserve. We hear Your voice, wooing us through the whispers of conscience and the promptings of Your spirit. You beckon to us through lofty ideals and through Your unfolding providence in the events of history. We see Your stately footprints in the courses of our lives.

Today, use our lawmakers as Your hands and feet on Earth. Through their work, transform discord into harmony, conflict into peace, despair into hope, and sadness into joy. Grant that their lives will teach us the lessons You desire our world to learn: Love, forgiveness, and peace. Remind each of us daily that there is always a road back to You.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, the first half of the time under the control of

the Democratic leader or his designee, and the second half of the time under the control of the majority leader or his designee.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we have set aside a period of 60 minutes for morning business, which is equally divided to allow Senators to make statements. Following that time, Senators BENNETT and KOHL will be here to manage consideration of the Agriculture appropriations bill.

Before adjourning last night, the Democratic leader on behalf of Senator NELSON called up an amendment regarding rulemaking on Japanese beef. The managers have had time to review that amendment, and we may be able to set a vote on that issue for this morning. We will be recessing from 12:30 to 2:15 for our weekly policy luncheons, and we expect to vote prior to that recess.

I urge my colleagues, once again, to come to the floor and debate their amendments on this bill. If Senators have not contacted the managers about their amendments and no one comes to the floor to propose them, then the managers will be asking for third reading and passage of the bill.

We have a lot of work to do this fall. We need to use every day wisely, so Members should not delay with their amendments. I do thank everyone for their help and patience as we go through these appropriations bills.

The PRESIDENT pro tempore. The Senator from North Dakota is recognized.

AMERICA'S AGENDA

Mr. DORGAN. Mr. President, this country is reminded virtually every morning that we are at war. This morning we learned that additional Americans—these, I believe, civilian contractors—have been killed in the country of Iraq.

I have been listening in recent days to the discussions in the Senate and discussions from President Bush about where we find ourselves and what our obligations are. We not only are at war, we have just experienced the most significant natural disaster in the history of this country along the gulf coast, with a million people displaced from their homes. Yet the discussion in recent days from the President and others is that nothing has changed. Nothing has changed. Our agenda is the same.

I went back and pulled out a speech of Franklin Delano Roosevelt, a fire-side chat on April 28, 1942. I want to read what the discussion was by someone who provided, I thought, great leadership to this country at a time of war. He said:

As we here at home contemplate our own duties, our own responsibilities . . . our soldiers and sailors are members of well disciplined units. But they are still and forever individuals—free individuals. They are farmers, and workers, businessmen, professional men, artists, clerks. They are the United States of America. That is why they fight. We too are the United States of America. That is why we must work and sacrifice. It is for them. It is for us. It is for victory.

That is from Franklin Delano Roosevelt.

The thing is, leadership is not about accounting or numbers. Leadership is calling this country together to say we are all in this together; yes, in a war, and in a response to a devastating hurricane. Yet we continue to hear around this Chamber and at the White House: No, things haven't changed. The agenda is the same. More tax cuts. Repeal the death tax—which, incidentally, doesn't exist. There is no death tax.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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But it is still a priority. We must repeal the death tax; tax work, exempt investment. Nothing really has changed.

The thing is, perhaps the President's agenda hasn't changed, but everything else has changed. Some years ago, 4½ years ago, we had a robust economy. It was morning in America, as it would have been portrayed in 1984 in the Reagan commercials: "Morning in America." We had budget surpluses, we were told, and things were growing and we had budget surpluses that would last 10 years. So the President, the new President, said let's provide very large tax cuts for a long period, the bulk of which went to the highest income earners in America.

Some of us, and I, on this Senate floor, said maybe we should be a little bit conservative. What if something happens? After all, these budget surpluses don't yet exist. They are projections. What if they do not exist? What if they do not materialize? What if something happens in the interim?

"Oh, be happy, don't worry," the President and others said. So the Congress passed very large tax cuts, and it was not long before some things happened. We found ourselves in a recession. Then, very shortly we found ourselves victims of a devastating attack by terrorists on 9/11/2001. Following that, we found ourselves in a war in Afghanistan, a war in Iraq, and then we saw, instead of budget surpluses, the largest deficits in history begin to grow in this country. Even as that happened, we saw the dependency of this country on foreign oil continue to increase to now over 60 percent and headed toward 69 percent. Following that, of course, a natural disaster unlike any we have seen in this country, with a million people displaced, called Hurricane Katrina.

The response from the President? Nothing has really changed with respect to his fiscal policy or his plans. We have spent over \$200 billion in Iraq and Afghanistan, all of it borrowed, none of it paid for. It is anticipated we will spend somewhere close to \$200 billion with respect to Katrina and the natural disaster, the devastating disaster. The question is, What do we do to pay for that? The President says we can manage that. We can manage that.

We send soldiers abroad and ask for their sacrifice, but we ask nothing of the American people at the same time: Be happy.

There are legitimate questions being asked about the response to Hurricane Katrina. But in my judgment we face a time when the question is not, Are we doing things right? The question is, Are we doing the right things? Are we on the right track? As I said, it is not about accounting; it is about leadership. It is about asking a country to join in common purpose and asking a country to sacrifice. Sometimes leadership asks people to do things that are not popular at the moment.

Franklin Delano Roosevelt lifted a country out of a depression and lifted

the spirits of the country in the middle of the Second World War. He did that by being brutally honest with straight talk. He said to the American people: Here is what you must sacrifice. And he said: Sacrifice is a privilege, when in this country, together, we go to war with a need to be victorious over the oppression of the Nazis.

So he asked the American people for sacrifice. That is what leadership is about. It is about being honest. It is about straight talk, which we have too little of today.

The truth is, this country is off course and we need to put it on course. The truth is, we have made some mistakes, all of us. We started a war in Iraq because we said there were weapons of mass destruction in Iraq. It appears there were not. The intelligence community provided this information to us with great certainty, but now it turns out it was wrong. The person who led the Central Intelligence Agency during that period was given the Medal of Freedom after he retired, for reasons I will never understand.

But we are where we are. We now must ask more of the American people. In my judgment, we should not just ask of our soldiers for their sacrifice. We are where we are and we must ask the American people for their sacrifice as well.

We had the largest tax cuts in the history of this country because we were expected to have 10 years of budget surplus that was unprecedented. It turns out that was not accurate. It turns out things happened that were not anticipated by this President and others, and the result is we now have the highest deficits in history, not the highest surplus in history. But now we are told that the tax cuts were not for the purpose of giving back the surplus. That is what they were designed to do, and that is what we were told they were in 2001, but now we are told the tax cuts are really about stimulating the economy. So nothing ever really changes and now we have a hurricane, a devastating hurricane that hits the gulf coast of this country displacing 1 million people, perhaps costing up to \$200 billion.

We need to create kind of a Marshall Plan to rebuild and to tell those folks we want to help you. Surely, if this country can reconstruct the country of Iraq, it can decide it is important to reconstruct this country. Any country that commits the billions of dollars we have to reconstruct the country of Iraq can reconstruct the gulf region of the United States of America. But we can't do that saying nothing has changed and our priority remains tax cuts for America's wealthy.

Cut spending; we should tighten our belt. I will support spending cuts. I believe all of us ought to tighten our belts. But if belt tightening, as it usually does, means withdrawing health care from poor people and the kind of things that hurt most those who are poorest in this country, that, in my

judgment, is not advancing America's cause.

Warren Buffett, the second richest man in America and perhaps the world, as far as I know, wrote an op-ed piece and said: By the way, when all these tax cuts proposed by the President are phased in—that is exempting income from investments and taxing work—I will pay a tax rate of one-tenth the tax rate that is paid by the receptionist in my office.

So the question is, Are we willing as a country to sacrifice? Have some things changed? Are we willing to change course? Are we willing to take some risks? Is there some leadership, perhaps in the White House, maybe in this Congress? After all, we are in this together. All of us want the same thing for our country.

I take no pleasure in criticizing the President's program, nor the President and his actions. But I understand that our future is dependent on making right choices now. It is dependent on our deciding to look truth in the eye and to insist the President do the same and understand things have changed. That requires us to adjust course. It requires us to ask of the American people that we have a common purpose together and work together and join together—yes, to support our soldiers, to support those in the gulf region who are rebuilding, to support those in this country who have no health insurance, to support those in this country who are jobless so we lift America up and make America better. That is our responsibility.

That will not happen by a message coming from the White House or from this Congress that nothing has changed, that our responsibility is to continue to press to see if we cannot give higher tax cuts, more tax cuts. At a time when we are borrowing money to fund a war and we are going to borrow money for reconstruction for Iraq, to give more tax cuts for the upper income people in America—why? Because those who do believe that America works when you dump something on top and it filters down—that is called trickle down economics.

I had a guy in North Dakota write me some while ago who said: I have been listening to all this trickle down nonsense for a long time and I ain't even damp.

The fact is, trickle down does not work. What works in this country is percolate up economics. You give the American people something to work with: A job and opportunity and hope.

When America goes to work, America does just fine. But, as I said, you have to look truth in the eye. And when this President says nothing has changed, he is wrong. My hope is that Republicans and Democrats will understand two things: Yes, we need to tighten our belts. Yes, we need to cut some spending. Yes, we need to decide when we are going to have to start paying taxes once again, and that we have a common purpose, and our common purpose

ought to be to work together and march together toward a common goal. I yield the floor.

The PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask to be given 10 minutes from the Democratic morning business and that I be notified when I have consumed 9 minutes of the 10.

The PRESIDENT pro tempore. The Senator will be notified.

HURRICANE KATRINA

Mr. DURBIN. Mr. President, last Friday, I joined 13 of my colleagues and went to view the devastation of Hurricane Katrina in New Orleans, LA, and Mississippi. It was a sight which I will never forget. This great bustling city of New Orleans is now a ghost town with hardly any activity other than a few people returning to their homes trying to retrieve lost treasures left behind from the flood—trying to put their lives back together by gathering all of this water-laden debris and tossing it outside in the hopes they might save their structures.

We then went over to Mississippi where it was a stunning scene in village and community and town after town—to see subdivisions that have been wiped away, to look down at what appeared to be 50 concrete slabs and to see no evidence of debris but evidence of destruction, all gone, scoured from the Earth by these horrible hurricane winds and waves which consumed some of these communities.

A man in Pass Christian in Mississippi told us of the panic that set in when the remaining villagers went to the library with hurricane-proof windows, believing they might be safe, and then, as a 28-foot wave hit this library, thinking they all might drown right there in that building at that moment. I can't imagine what that was like. I can't imagine what it was like for so many who went through this devastating experience. Some are trying to come to grips with their future and there lives.

The President came to the American people last week at Jackson Square in New Orleans and made a speech which I think will be important for generations to come. I was asked to react to it, and I said I think the President has given us an agenda that we have to follow—to rebuild the gulf coast, to rebuild the lives and the communities. But I believed then, and I believe now, that the President's call for this unity as a nation and this community of caring also has to be called for fiscal responsibility and accountability. We have to rebuild the gulf coast and help Katrina victims rebuild their lives. It is in our national interest. It is part of our national character. We rally as Americans to help our fellow Americans.

But I have a real concern. Instead of the "Big Easy," people are getting a big uneasy feeling about where Katrina

reconstruction effort is headed and who is in charge. Several published reports say the person heading up the administration's Katrina rebuilding project is none other than Karl Rove, the President's long-time political director. That is an incredible suggestion—that Karl Rove will have responsibility for the Katrina reconstruction effort, the No. 1 politician, the No. 1 political operative in the White House. Have we learned nothing?

Consider what happened when Katrina struck. FEMA was not there. Michael Brown is now gone. But how did he get in a position to be in charge of FEMA? It was because of political connections. He didn't have the experience. He didn't have the resume. He didn't have the skills needed when he faced the greatest natural disaster in our history. What was his claim to this job to head FEMA? His claim was he was a college roommate of Joe Allbaugh, who happened to be the President's Chief of Staff and campaign director in Texas who, when he left the FEMA agency to become a consultant, turned it over to Michael Brown, his college roommate, to take over—this little daisy chain of politicians who played out with disastrous incompetence when Katrina struck.

Now this administration, instead of moving away from the politicians to the professionals when it comes to rebuilding, has decided that Karl Rove is going to be in charge—the same Karl Rove who, just a few weeks ago in a political speech, said the Democrats didn't share the Republicans' zeal for stopping the war on terrorism; the same Karl Rove who won't give us straight answers when it comes to his role in revealing the identity of Valerie Plame, an undercover CIA operative, which disclosure of her identity not only endangered her life but the lives of many other career employees; the same Karl Rove who incidentally will take his mind off of the Katrina reconstruction effort long enough to go to North Dakota on this Saturday night for a big political rally.

Is this the person we want in charge of \$60 billion or \$100 billion in reconstruction funds? I hope not. I hope the President reconsiders.

This is a troubling admission—that this administration doesn't have leadership to turn to in time of crisis, if the best the President can find is his political adviser, Karl Rove, to deal with the disaster of Katrina.

What have we seen so far? The Wall Street Journal said last week:

The Bush administration is importing many of the contract practices blamed for spending abuses in Iraq as it begins the largest and costliest rebuilding effort in United States history.

We know what happened in Iraq—no-bid contracts to Halliburton and the buddies of this administration, contracts that have never been investigated by this Congress. And here they go again with Katrina and with Karl Rove keeping his watchful eye on what is being done.

The Wall Street Journal article went on to say:

The first large-scale contracts awarded to Hurricane Katrina, as in Iraq, were awarded without competitive bidding, using so-called "cost-plus" provisions that guarantee contractors certain profits regardless of how much they spend.

It turns out that not only are there no-bid contracts, but coincidentally they happen to be going to the clients of Joe Allbaugh. Remember that name? I mentioned him earlier. He was the President's political campaign director in Texas who became the head of FEMA and who left to be a consultant, and is now making certain that his clients get \$100 million no-bid contracts.

When is this going to end? When are we going to have true accountability? Once again, we see the same names coming out of Hurricane Katrina—Halliburton, Kellogg, Brown & Root—the names of Joe Allbaugh's clients who are, once again, coming up with these contracts.

If it wasn't bad enough, this morning's Washington Post, on the front page, tells the story of a Bush official arrested in a corruption probe. It says:

The Bush administration's top Federal procurement official resigned Friday and was arrested yesterday, accused of lying and obstructing a criminal investigation into Republican lobbyist Jack Abramoff's dealings with the Federal Government. It was the first criminal complaint filed against a government official in the ongoing corruption probe related to Abramoff's activities in Washington.

The complaint, filed by the FBI, alleges that David H. Safavian, 38, a White House procurement official involved until last week in Hurricane Katrina relief efforts, made repeated false statements to government officials and investigators about a golf trip with Abramoff to Scotland in 2002.

The top official in the White House that was in charge of procurement involved in the Katrina effort not only resigned but was arrested for misleading the Federal Government in terms of his involvement with the Republican lobbyists.

Now the administration comes out and says they found just the person to look into the mistakes of Hurricane Katrina. It is a woman by the name of Frances Townsend. I do not know her. She may be a very competent individual. But how in the world can we get to the truth of the question as to what went wrong with Hurricane Katrina? How can we really hope to discover the incompetence that led to all of this human suffering and devastation if the administration is going to investigate itself?

We know from 9/11 that the only way we got to the heart of the matter, the critical questions about what went wrong on 9/11, was with an independent, nonpartisan commission. Yet this administration resisted the efforts of that 9/11 commission being created and today resists the efforts of an independent, nonpartisan commission to look into what went wrong with Hurricane Katrina.

The PRESIDING OFFICER (Mr. VITTER.) The Senator has 1 minute remaining.

Mr. DURBIN. Thank you, Mr. President.

I will conclude by saying this: We owe it to the victims and their families and to the American people and the American taxpayers to get honest answers about what went wrong with Katrina, and to put people in charge to make certain that we don't waste the billions of dollars that are going to be spent in this reconstruction effort. Putting Karl Rove in charge makes no sense whatsoever. He has no resume and no skills other than running political campaigns. If he is being put in place to protect the President politically, that decision does not serve the best interests of the American people nor the victims of Hurricane Katrina.

It is time to get to the bottom of this. If Congress will not have an honest investigation of what happened with Hurricane Katrina, we need to have this nonpartisan, independent commission like the 9/11 Commission to answer the questions about what went wrong and to make certain that we don't replicate those mistakes in the expenditure of these funds in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. CARPER. Mr. President, before Senator DURBIN leaves the floor, he has mentioned the 9/11 Commission. When he and I were first elected in the Congress in 1982—to the House—we arrived at a time when Social Security was not just rumored to be in dire straits but was in very dire straits. And an earlier commission was created similar to the 9/11 Commission but different as well. The Republican Members were appointed by President Reagan. As I recall, the Democratic Members were appointed by Democratic Speaker, Tip O'Neill, and I think by Senator ROBERT BYRD. The Blue Ribbon Commission was chaired by Alan Greenspan, with Members Daniel Patrick Moynihan, Robert Dole, and Claude Pepper, with whom we served in the House. They worked for a whole year trying to couple a combination of benefit cuts and revenue increases to enable us to put Social Security on a sound footing for another quarter of a century. I think that serves as a good role model as well as the 9/11 Commission, which Senator DURBIN mentioned.

While he was on the floor, I wanted to remind him and us of that. But I think our first response to the catastrophe is to make sure that people who need help get help.

First of all, get help in getting out of dangerous places to safe places, get help in reuniting families, get help in making certain their medical needs are met, having something to eat and drink, making sure the kids from K-12th grade are getting to the schools they need to get into, making sure students who have been displaced in col-

lege have a chance to get back in a college or a university to continue their studies without losing a quarter or a semester or a year, helping to create jobs and getting the economy moving in places that have been destroyed or badly damaged. Those are the kinds of things that need to be done and are being done.

While our startup was slow and disappointing, I believe, as time goes by, we are doing better. I commend all—not just in government, not just the first responders, not just the Guard, not just FEMA, which is doing a better job today, but also a lot of folks who are giving of themselves—volunteers from my State, and all other States, who have gone to the region, giving blood, and raising money in our home States, receiving folks who have been displaced, to give them a home, a place to live, and a job for a while. Those efforts are to be commended. Those are the first responders. Maybe I should say second responders because the first responders were not even responding.

Second, last week, Senator COBURN, Senator OBAMA, and I spoke about the introduction of legislation which is supported by Senator FRIST, by Senator REID, our respective leaders, to create a CFO—chief financial officer—to serve as a watchdog so we don't find ourselves 6 months or 12 months from now looking back to see that we spent X billions so foolishly in response to Katrina, to make sure we get out ahead of this expenditure as best we can rather than looking at it after the money has already been spent, in some cases inappropriately.

The amount of money that is going to be spent in Katrina relief over the next couple of months will dwarf the annual appropriations that go to most of our Federal departments. Every one of our Federal departments has a chief financial officer. We need to make sure, when we are spending this much money this quickly to try to help a lot of people in a hurry, that we spend it wisely.

It is a bipartisan issue. We believe one of the ways to make sure we do that is to have a chief financial officer who is well qualified and can get on the job and do the work quickly.

The third thing I mention is oversight. I serve on the Committee on Homeland Security and Governmental Affairs. We have obvious oversight of a good deal of what is going on, including the Homeland Security Department, FEMA, the Coast Guard, and any number of responder agencies. We have a responsibility to do our oversight. We have begun that oversight with hearings last week and informal hearings the week before that. We will continue this week and next week and on and on.

Our interest is in finding out what we did well, what we did collectively—State, local, Federal, volunteer organizations, military, National Guard, Armed Forces—and what we did not do well. Then, if this happens again—and

we have another hurricane that is trying to round the corner in Key West today—to make sure if this comes north and revisits again, whether New Orleans, God forbid, or Mississippi—that we are better prepared to do more of the right things.

The last thing is the point Senator DURBIN raised, the notion of an independent commission. I was skeptical as to whether or not the 9/11 Commission would enable Congress to do much good with respect to restructuring of our intelligence operations in this country. The intelligence operation in place had not been changed much for 50 years. I don't know if there was any reason to believe five Republicans and five Democrats could somehow find common ground and entice the rest of Congress to do the same thing, to work with the President to change in substantial, far-reaching ways the way our intelligence community works in this country. They did, and the 9/11 Commission provides an excellent template, role model, if you will, for how we should, once the first surge of oversight activity and the successive waves of help and aid are out the door, proceed to make sure a couple months from now we are in a position, whether it is five Republicans and five Democrats—it could be a chairman appointed by the committee, a vice chairman appointed by our leadership, but to put in place a commission that might have the kind of success not for us, and not just for them, but for our country.

Success would be measured by better ensuring that a lot of the good things that happened this time in response to Katrina happen the next time—and we know there will be a next time—and we reduce the likelihood that some of the same mistakes and foolish choices will be made.

The American people would approve of that. It is great the President has asked the Cabinet Secretaries to look at what they did within their departments to make sure what they did was right, it made sense, and was appropriate. It is all well and good to have oversight here, but it would be helpful to have an independent commission that could stand back, not distracted by other issues we are distracted with each day, and impartially—led by people such as Governor Tom Kean and former Congressman Lee Hamilton—with good staff and only with this issue to focus on, and figure out what went well, what went badly, and how we can do better next time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak for up to 12 minutes.

The PRESIDING OFFICER. The Senator has that right.

Without objection, it is so ordered.

Mr. ALEXANDER. Please indicate when 2 minutes are remaining.

The PRESIDING OFFICER. The Chair is happy to do so.

KATRINA'S DISPLACED SCHOOLCHILDREN

Mr. ALEXANDER. Mr. President, I will talk this morning about helping all of Katrina's displaced schoolchildren. Each weekend when I go home to Tennessee, the people who elected me teach me about how we should be doing our jobs in Washington, DC. This is not a lesson they shout from the rooftops. It is a lesson they live by their own example, and we would be wise to follow.

Two weeks ago in Maryville, my hometown, it was Al Gore flying a planeload of evacuees from New Orleans into one of Tennessee's most Republican counties. Nobody asked about anybody's politics. Everybody just pitched in to help.

Last weekend, members of the church where I am an elder, Westminster Presbyterian Church in Nashville, sent \$80,000 and a truckload of clothes and Clorox to southern Mississippi. "The Presbyterians are here," one grateful Mississippi man relayed to his friends on his cell phone to say, "and they have Clorox." When the Clorox was passed out, nobody asked if anybody was a Presbyterian.

And now this Sunday, the headline in the Tennessean, the Nashville newspaper, was:

Private schools Welcome Those Displaced by Katrina.

According to the newspaper:

A growing number of private schools in Middle Tennessee [in the Nashville area] . . . have volunteered to help students displaced by Katrina. Many of them are also waiving or drastically discounting tuition and fees for these students and some also accept evacuees from public schools.

Continuing the quote, "These children are in crisis. They have been displaced, but they have found a home," said the principal of Father Ryan High School who has accepted 20 students and is trying to accommodate every student who shows up.

Father Ryan High School is waiving the \$6,880 tuition, the \$350 activity fee, and the \$500 in books for displaced students it simply calls "transfers." "It's not all about money," said the principal. "There is no amount of money that equals being family," he said.

Public schools, by law, have to accept all children. And Tennessee's public schools have made room for more than 3,000 of Katrina's displaced school children.

Our public schools have been greatly helped by these private schools, who do not have to accept anybody. In Tennessee, private schools have accepted at least 400 students, and probably many more.

"We couldn't sit quietly and do nothing. We felt a need to reach out," said the headmaster of Webb school in Bell Buckle, which is waiving the \$29,500 room and board for up to 30 students. "No one flinched. Everybody just responded with, what can we do to help?" said the headmaster at Webb school in Bell Buckle.

Especially in Memphis and Shelby County, where so many displaced students have gone up the Mississippi River from New Orleans, the willingness of private schools to accept these students is a huge help to overcrowded public schools.

In Baton Rouge, according to a report this morning on National Public Radio, there are 5,000 to 10,000 of these displaced private school students who have no school to attend. To accommodate them, the Catholic Diocese in Baton Rouge is struggling to establish satellite schools, some located great distances away, which these students will have to attend at night.

These private schools that reach out are filling a huge need because the four Louisiana parishes hit the hardest had nearly one-third, or 61,000, of their 187,000 students in private schools, according to the U.S. Department of Education.

That is the story and the lesson from Tennessee.

The story in Washington last weekend, unfortunately, was different. According to Saturday's Washington Post, when the President proposed temporary emergency disaster legislation that would help all of Katrina's 372,000 displaced school children during the rest of this school year, the Senator from Massachusetts and some teachers' unions objected. Senator KENNEDY said:

I am extremely disappointed that [the President] has proposed this relief using such a politically charged approach. This is not [the] time for a partisan political debate on vouchers.

I absolutely agree with that last sentence. This is not the time for a partisan political debate on vouchers.

This is the time for those of us in the Senate to do what Tennesseans and Americans all across our country are doing: opening our arms and asking what we can do to help all displaced children not just some school children.

As the Presiding Officer knows so well, Katrina displaced 20 times more families than any natural disaster in the history of the Federal Emergency Management Agency. Mr. President, 372,000 of those displaced persons are children who were just beginning the K-12 school year, and 73,000 more are college students.

The President has proposed \$2.6 billion in funding for students in elementary and secondary schools and colleges. Under the President's proposal, colleges and universities would receive \$1,000 for each displaced student enrolled; no person in an affected area in Louisiana, Mississippi, or Alabama would have to pay interest on their

student loans for the next 6 months; public school districts would receive up to 90 percent of the State's per-pupil expenditure, up to \$7,500 per student; and \$488 million would go to help displaced students who attend private schools.

The President is not throwing out a lifeline to just some displaced students. He is trying to help them all. The private schools in Tennessee are not turning their backs. They are opening their arms. Katrina did not discriminate among children and neither should we. The only politically charged approaches around here are coming from those who oppose helping every child.

For Heaven's sake, this is not the beginning of some big, new voucher program. It is the beginning, hopefully, of a big, new 1-year effort to help children who are in desperate trouble. The best way to do it, in most cases, is simply to let the money follow the child or the person who needs help.

We have already approved vouchers that follow displaced persons for housing in this exceptional case. Food stamps are vouchers, and they are helping in this exceptional case. No one is suggesting a displaced mother cannot take her Federal daycare voucher to a Catholic daycare center in these exceptional cases. No one is suggesting we cannot pay Boston College or Harvard University \$1,000 for enrolling a displaced student who was set to attend Loyola or Xavier in New Orleans.

Scholars agree there is no constitutional issue here. So are we going to stand here and argue about old ideologies and leave these displaced children standing on the levee because the only doors that are open to them for this 1 year happen to be to a private school?

At the end of World War II, a grateful Nation enacted the GI bill, giving veterans scholarships for college. A lot of veterans had these vouchers for college but no high school degree. So thousands of veterans took their GI vouchers to Catholic high schools to earn their high school diploma. That did not create a big, new voucher program for high schools, this will not either. This is a one year exceptional disaster relief program for kids from the gulf coast who desperately need help.

The public schools are brimming over. They need help from private schools. I hope those who are objecting to helping all displaced school children will think again. We can have our debates about vouchers next year when the floodwaters subside and the schools are open again. Right now we need to be throwing out every lifeline we can for all of Katrina's displaced schoolchildren, not just some.

Mr. President, in Time magazine this week, there is a story on this subject. It quotes Andrew Rotherman, a co-director of a think tank here and a former Clinton education adviser. Mr. Rotherman, who is not a fan of public school vouchers, says:

As a temporary initiative to help families in exceptional circumstances, it's reasonable.

He is talking about the President's proposal. He says:

But if they use this disaster as a beachhead to establish a longstanding voucher program in the Gulf region, it would be wildly inappropriate.

I would agree. This is a temporary initiative to help families in exceptional instances.

Time goes on to say:

For evacuees, the constitutionality of assistance matters far less than the assistance itself. The day before Katrina hit, Albert and Anne Betz moved with Jane Todd, 10, and Owen, 7, out of soon-to-be-drowned Pass Christian, Miss., and into a condo in Sandestin, Fla. Back home, Anne had taught at the children's private Episcopal school, but the couple heard that the best schools near Sandestin were public and were happy with the one to which their kids were assigned. Within days, however, Anne received a letter from the Walton County School District stating that the onslaught of evacuees had caused overcrowding, and her children would have to study elsewhere. Now they are bused daily to one school, only to be placed on a second bus to another. At this point, all Anne is asking for is normality. "It does not matter if it's private or public school," she says. "The most important thing is my children's happiness."

Mr. President, I ask unanimous consent to have printed in the RECORD the entire article from Time, and also the story from Sunday's Nashville Tennessean about the generosity of private schools all across Tennessee. I hope the example they are setting will be a good lesson for all of us in this Chamber.

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

[From Time Magazine, Sept. 19, 2005]

PUBLIC BAILOUT. PRIVATE AGENDA?

(By David Van Biema)

Houston Independent School District superintendent Abelardo Saavedra's week started poorly, got worse and then, thanks to the healing powers of federal dollars, took a turn toward the jubilant. Saavedra's 305 schools are educating more of the Gulf Coast's evacuee students than any other district in Texas, which in turn is housing more evacuees than any other state. On Tuesday, all that generosity seemed to backfire when a group of Katrina kids billeted in the Astro-dome rumbled with local Texans at one of Saavedra's schools, sending five students to jail and three to a hospital. The scene did not recur, but by Thursday, Saavedra had an even greater problem: math. The long-term cost of serving 4,700 evacuee students, times an average estimated annual student cost of \$7,500, equals a total of \$35.2 million—and the pre-hurricane Bush Administration commitment was only 9% of pupil cost.

On Friday, however, Saavedra was ecstatic. At a press conference in one of the Houston district's middle schools, Education Secretary Margaret Spellings announced that the Federal Government would request \$2.6 billion from Congress to pay 90% of the average cost of educating each Katrina student, whether publicly or privately, up to a ceiling of \$7,500 apiece. "From 9% to 90%," Saavedra said afterward, with the dazed elation of a lottery winner.

Spellings' announcement had a lot of school administrators smiling—although a

key component angered some of the legislators who will eventually have to vote on it. A proposed set-aside of \$488 million for private schools (which, if private-leaning evacuees seek out the kind of education they left behind, would be mostly Catholic) represents a historic federal bankrolling of those institutions and their overtly religious subset, and it drew quick fire from Democrats like Massachusetts Senator Edward Kennedy. He pronounced himself "disappointed" that "[Bush] has proposed. . . relief using such a politically charged approach," while California Representative George Miller complained that "to launch a new private-school voucher program in the midst of a disaster response creates a quagmire that could hinder rather than expedite the return to school for tens of thousands of students."

The ramifications of Spellings' bombshell will take months, if not years, to sort out, but most agree that a major federal foray into emergency school funding was desperately needed. The fate of 372,000 displaced children is at least as important to the nation as the rebuilding of the Gulf Coast, and unlike the payment of rebuilding costs, education isn't a choice—it's a government guarantee. Yet for days it appeared the feds might foist much of the obligation on state school systems, 47 of which are hosting Katrina students. Most evaluated the problem and decided to teach first and ask questions later. "If that 6-year-old kid coming off that transport plane was yours, how would you want him taken care of?" Arkansas Governor Mike Huckabee asked TIME. Huckabee hopes for federal reimbursement, "but if not, we will have done the right thing, and I believe we will have no regrets about how we handled matters."

But Huckabee was tutoring only 1,755 Katrina kids. Texas has 41,000, with 19,000 more expected to arrive. Those numbers left some state officials skeptical that the feds would really come through. Comptroller Carole Strayhorn, who will run against incumbent Rick Perry in the state's Republican gubernatorial primary, challenged him to ask the legislature for \$1.2 billion in hurricane-related funds. (He declined.) Texas educators are worried that they will be punished in the form of even less federal cash if Katrina's influx keeps them from meeting the conditions of Bush's No Child Left Behind Act and an earlier law that benefits the children of the homeless.

Spellings' proposal eased those tensions while creating others, most sharply over the possible erosion of the church-and-state barrier. Her department noted that in Louisiana's flood-impacted communities, 25% of the students had been enrolled in private schools—should government simply ignore them? "We are not provoking a voucher debate," Spellings contended, "as much as trying to provide aid for these displaced families, whether they have been in private schools or public schools." Her proposal seems carefully crafted to avoid substantive constitutional objections. Although it calls for the distribution of the public-school funds primarily through districts, the private-school money is directed not to schools but to families, in keeping with the concerns of the 2002 Supreme Court decision allowing private-school vouchers so long as the parents retain a "true private choice" as to where their children learn.

Nonetheless, the proposal represents a major, if legal, shift toward government activism. According to Chester E. Finn Jr., president of the Thomas B. Fordham Foundation, which promotes school reforms, the number of children receiving government money for private school is roughly 30,000, with a "handful" involving federal funds. The Spellings plan assumes roughly 60,000

federally funded private-school placements. Finn, an Assistant Education Secretary under Ronald Reagan, approves of it as "compassionate and constitutional." Andrew Rotherman, a co-director of a think tank called the Education Sector and a former Clinton education adviser, says the proposal's eventual legitimacy may depend on details Spellings has not yet made available. "As a temporary initiative to help families in exceptional circumstances, it's reasonable," he says. "But if they use this disaster as a beachhead to establish a longstanding voucher program in the Gulf [Coast] region, it would be wildly inappropriate."

For evacuees, the constitutionality of assistance matters far less than the assistance itself. The day before Katrina hit, Albert and Anne Betz moved with Jane Todd, 10, and Owen, 7, out of soon-to-be drowned Pass Christian, Miss., and into a condo in Sandestin, Fla. Back home, Anne had taught at the children's private Episcopal school, but the couple heard that the best schools near Sandestin were public and were happy with the one to which their kids were assigned. Within days, however, Anne received a letter from the Walton County School District stating that the onslaught of evacuees had caused overcrowding, and her children would have to study elsewhere. Now they are bused daily to one school, only to be placed on a second bus to another. At this point, all Anne is asking for is normalcy. "It does not matter if it's private or public school," she says. "The most important thing is my children's happiness."

[From the Tennessean, Sept. 18, 2005]

PRIVATE SCHOOLS WELCOME THOSE DISPLACED
BY KATRINA

(By Claudette Riley)

Teresa Castellon is more than 500 miles from her parents, her friends, her flooded New Orleans home and the now-closed private school she was attending just three weeks ago.

The sophomore was eager to go back to class. But, after years of going to private schools—and with so much of the rest of her life up in the air—she just couldn't handle making the switch to public schools right now.

Luckily, she didn't have to.

A growing number of private schools in Middle Tennessee, including the prestigious Webb School that Teresa now attends, have volunteered to accept students displaced by Hurricane Katrina. Many of them also are either waiving or drastically discounting tuition and fees for these students, and some also accept evacuees from public schools.

"It just happened immediately. They're just really welcoming and accepting," said Teresa, 15, one of four evacuees now attending the private boarding school for grades 6-12. "The students and teachers are very nice and always want to help us with whatever we need."

At least 50 private schools in Tennessee—including the 22 Catholic elementary, middle and high schools in the Midstate—have expressed a willingness to help. No one is required to track displaced students who enroll in private schools statewide, but 390 have enrolled in the dozen or so schools that reported their numbers to the state Department of Education.

Some schools have room only for a few. Others, including Father Ryan High School in Nashville, are trying to accommodate all who show up.

"Our school's mission is to be an example of the living gospel, and these children are in crisis. They have been displaced, but they have found a home," said Jim McIntyre, principal of the 995-student Father Ryan

High, which has 20 displaced students. "Even though we don't know these people, we know these people. We are these people."

The high school is waiving the \$6,880 tuition, the \$350 activity fee and the \$400 to \$600 in books for displaced students it simply calls "transfers."

"It's not all about money. There's no amount of money that equals being family," he said, noting that the school has accepted Catholic and non-Catholic students. "I've told these families that they're a blessing to us because they're giving us a chance to live our mission."

Private schools don't fall under the federal law that requires public schools to immediately enroll displaced students and give them busing, free meals and any required services. However, many private schools are opening their doors and going the extra mile anyway.

"We couldn't sit quietly and do nothing. We felt a need to reach out," said Albert Cauz, headmaster of Webb School, which is waiving the \$29,500 room and board for up to 30 students. "No one flinched. Everybody just responded with 'What can we do to help?'"

The boarding school south of Nashville even allowed Teresa Castellon's little sister, Madeline, to stay in her private dorm room even though she's too young to attend the school. The fourth-grader attends nearby Cascade Elementary and has found a surrogate family in the Webb faculty members, who regularly invite her to dinner and take her on outings.

"I like it here," said Madeline, 9, who misses her parents, involved in salvaging and rebuilding their home in New Orleans.

The private schools that do reach out are filling a huge need because the four Louisiana parishes hardest hit by the storm had an above-average number of students enrolled in private school. They had 61,000 of the 187,000 students there, or roughly 32% of students in kindergarten through grade 12, according to the U.S. Department of Education.

Shane Persich, 17, said his New Orleans school, Brother Martin High, is underwater and he appreciated being able to go to Father Ryan. He started his senior year at the all-boys school shortly before his family evacuated and ended up in Nashville, where they're staying with family.

"I like it a lot but sometimes after class you get a little lonely. I do. And you want to go home but then you don't want to be home," he said, adding that his home has severe wind damage. "Your senior year you're supposed to rule the school. Now it's like starting all over again."

Many displaced students who enroll in private and public schools don't have access to their medical or academic records so counselors have to help them reconstruct their transcripts and find classes they need to graduate.

"We want to get their schedule identical to the one they had. We don't know if they're going to be here on week, two weeks or a year," said Connie Hansom, Father Ryan's director of admission, who assigns two students ambassadors to help each displaced student. "We do whatever we can do to make them feel a part. We don't want them to stand out."

Olivia Milton, a sophomore at Father Ryan, will soon return to Covington, La, because her all-girls Catholic high school is reopening and taking in students from surrounding high schools. She said her time at Father Ryan and the way she was welcomed will help her reach out to the displaced students who transfer into her high school back home.

"I'll get to return the favor," said Olivia, 15, who will be back in Louisiana in the com-

ing weeks. "I like it a lot here. I don't want to go back."

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. ALEXANDER. I thank the Chair.

Mr. President, on Thursday, at 3 o'clock, the Education Subcommittee of the Health, Education, Labor, and Pensions Committee will be holding a hearing on helping all of Katrina's displaced schoolchildren, with the hopes that we can come up with a temporary exceptional way to do this, not as a way of establishing a long-term change in Federal policy, but as a way of helping all schoolchildren today who were displaced by Katrina who need help—whether they are going to public schools or private schools.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, we have all been saddened to see the images of Hurricane Katrina's devastation. I know the Presiding Officer has seen more of these images than perhaps anyone in the Senate. We have seen images of children who have lost their parents and families who have lost their homes. These images break the heart of every American.

Hurricane Katrina created an area of destruction that is 90,000 square miles, roughly the size of Great Britain. Homes have been leveled, roads are unusable, bridges have crumbled, and hundreds of thousands of lives will be forever changed.

As the chairman of the Commerce Committee's Disaster Prediction and Prevention Subcommittee, I traveled with the Coast Guard to the gulf coast earlier this month. We viewed the coasts of Mississippi, Alabama, and Louisiana.

What became immediately clear to me was that television cannot accurately convey what happened. The devastation is massive and comprehensive. Seeing a home demolished on television begins to communicate the tragedy, but seeing 60 to 70 miles of that repeated over and over again is heart-breaking and almost impossible to comprehend.

As we can see from these slides, beginning in New Orleans, during the helicopter trip, from a distance, we could see the waters covering everywhere. From a few feet above the water, you could also smell the contamination from oil and sewage. It is unbelievable what the folks there are having to deal with.

To continue, at the time, the water was still up to the rooftops. The Coast Guard captain who was with me told me when they first arrived the day after the hurricane, about 70 percent of these roofs had people on them who needed to be rescued.

We became very aware that we had two disasters: in New Orleans, continued flooding; and along the entire coast of Mississippi, it was as though a hand had wiped everything off a table. Everything was completely destroyed.

Not a house along the beaches was either there or inhabitable. And we continued to see the same thing all along the coast.

Again, television can capture one or two homes, but the concretelike "gravestones" showed where homes used to be, and trees are already dying from the saltwater, which will damage the whole coastal area for many years to come.

These are completely different disasters and different challenges for our first responders.

In Mississippi, the houses themselves have been demolished by the wind and storm, as we can see. In New Orleans, the flooding has severely damaged the homes.

One thing both locations have in common is that the homes will never again be inhabitable. The wind-damaged homes, those that still stand, will likely be declared a complete loss.

In New Orleans, the homes that were flooded are permanently damaged and are beyond repair.

One of the positive stories that is often lost in this tragedy is the amazing work performed by first responders, especially those from the U.S. Coast Guard.

Working hours on end in awful conditions, they rescued thousands of people and are, without question, true heroes. I visited the Coast Guard aviation training center in Mobile, AL, which was transformed from a few hundred personnel before the storm to nearly 1,200 personnel after the storm. The Coast Guard sent people from all around the Nation to run rescue operations 24 hours a day. Coast Guardsmen from all over the Nation, as far away as Alaska, answered the call and came to the rescue of their fellow citizens. To date, first responders have been responsible for saving approximately 49,000 lives, 33,000 by the Coast Guard alone. That is more than six times the number they saved in all of 2004.

The impact to the coast is going to be a long-term issue. The storm has had a significant impact on the trees in the region. You can see significant portions of the area along the coastline where trees are dead. These trees were a natural obstacle to erosion, and now that protection will be missing for a number of years. Boats can be seen among the trees far inland. The gulf coast is our Nation's largest provider of shrimp and oysters. Their way of life has been destroyed. It was clear from the boats I saw stranded inland, sometimes on rooftops, that the gulf's fishing industry will need years to recover. But while Hurricane Katrina was certainly one of the worst disasters to ever hit our Nation, it has also brought out the greatest outpouring of compassion from American citizens.

In my State of South Carolina, families have opened their wallets and homes to affected people. Our State knows all too well the tragic effects hurricanes can bring, and we have often been the recipient of help from

other States. We remember the show of support from the gulf when we were struck by Hurricane Hugo, and South Carolinians have not been hesitant to come to the gulf's rescue. Well over 2,000 South Carolina families have contacted our Red Cross to offer whatever assistance is needed. It is now estimated that up to 5,000 evacuees are being hosted in South Carolina, either by individual families or in shelters such as the Palmetto Expo Center in Greenville.

The South Carolina National Guard has also joined in the relief effort. Nearly 350 of them have been to the gulf to help. Countless churches and civic organizations have taken their own initiatives to organize relief efforts. From fundraising drives to collections and delivery of supplies, to driving to the region to volunteer in any capacity needed, the people of South Carolina have risen to the occasion. This show of support is so encouraging to me about our State and the state of our Nation. Americans are caring and compassionate, and we will work side by side with our fellow citizens to rebuild and bring hope back to the gulf coast.

This afternoon my Subcommittee on Disaster Prevention and Prediction will be hearing from the Director of the National Hurricane Center and witnesses from the gulf coast region on what the Government got right in advance of the storm and how we can replicate that in the future to protect our Nation's coastal communities. Our most powerful defense against hurricanes is accurate prediction and effective evacuation. I look forward to their testimony and am confident it will provide important lessons for America's emergency planners.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2744, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2744) making appropriations for Agriculture, Rural Development, Food

and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Bennett-Kohl amendment No. 1726, to amend the Rural Electrification Act of 1936.

Reid (for Nelson of Nebraska) amendment No. 1732, to prohibit the use of funds for developing a final rule with respect to the importation of beef from Japan.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 1732

Mr. NELSON of Nebraska. Mr. President, I rise to speak about efforts to resume normal beef trading relationships with Japan. I thank my colleagues from my neighboring beef States for their leadership and support and so many others for their efforts in seeking a bipartisan resolution to this matter.

As I travel through Nebraska, attending events and participating in summer parades throughout the largely rural landscape, I am constantly reminded of the importance of our beef industry. Prominently displayed on many vintage cars and pickup trucks are generic black and yellow license plates that boast a clear message—"Nebraska, the Beef State." While it is unlikely any modern day automobile in Nebraska now or in the future will sport that yellow and black plate of old, our billboard slogan, "the Beef State," is still the message people equate with Nebraska.

I am here to address an important amendment that will suspend the rule-making process the United States Department of Agriculture has proposed and published in the August 18, 2005 printing of the Federal Register in a rule entitled "Importation of Whole Cuts of Boneless Beef from Japan." The formal public comment period was closed yesterday so prompt Senate action is imperative. At the time the rule was published, the Nebraska Cattlemen, a grassroots organization whose individual producer members determine issues of importance to the Nebraska beef industry, wrote to me to request a stepped-up effort to convince Japan to resume imports of United States beef. In their letter they stated:

[N]ormalization of beef trade must be progressively pursued because it impacts the state's economy and because responsible trading partners treat each other fairly and justly.

The letter continues:

[T]rade should not be based on politics and protectionism.

I couldn't agree more. Trade must be based on fair play. Free trade must include a vision of fair trade. I am going to step back a moment to state why this is so important to me and the hard-working cattle producers and beef processors in my State. In the beef State, cattle outnumber people four to one and more than one of every five steaks and hamburgers in the Nation comes from my State. According to USDA, Nebraska ranks first in commercial cattle slaughter, processing over 4 million metric tons of beef and

beef products in 2004. Nationally, the numbers are even more compelling. The U.S. beef industry is worth an estimated \$175 billion, with cattle producers conducting business in all 50 States and operating 800,000 individual farms and ranches. The economic impact of the beef industry contributes to nearly every county in the Nation, and they are a significant economic driver in rural communities.

Demand for beef continues to increase, up nearly 20 percent since 1998. With 94.9 million cattle reported to be in the United States as of January 2004, there are 1.4 million jobs directly attributed to the beef industry. It is not a surprise that both the National Cattlemen's Beef Association and R-Calf United Stockgrowers of America have weighed in on the significance of their industry and the importance of having access to valuable markets throughout the world. With beef and beef variety meat exports accounting for approximately \$3.8 billion in 2003 alone, it is important to recognize NCBA's and R-CALF USA's statements on the USDA proposed rule that is the subject of my amendment.

On August 22, R-CALF USA stated that this is an example of "USDA tilting the playing field away from independent U.S. cattle producers by continuing to give market access before we gain market access."

I ask unanimous consent that the R-CALF USA statement be printed in the RECORD.

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

R-CALF UNITED STOCKGROWERS OF AMERICA
APHIS' PLAN TO LIFT JAPAN BEEF BAN
PREMATURE

R-CALF USA expressed disappointment with the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (USDA-APHIS) proposed rule titled "Importation of Whole Cuts of Boneless Beef from Japan," published in Thursday's Federal Register (70 Fed. Reg. 48,494) to amend the agency's regulation for the importation of meat and other edible animal products that would allow Japan to export boneless cuts of beef to the United States.

"This is another example of the USDA tilting the playing field away from independent U.S. cattle producers by continuing to give market access before we gain market access," said R-CALF USA President and Co-Founder Leo McDonnell.

"In addition, USDA has yet to implement the scientifically recommended measures to prevent the potential for BSE amplification if it is introduced through imports," said Missouri veterinarian and R-CALF USA Region VI Director Max Thornsberry. "USDA's own scientists have strongly and consistently advised the agency to strengthen the U.S. feed ban by prohibiting plate waste from cattle feed before the U.S. lifts its ban on imported beef from any country where BSE exists."

Thornsberry, who also chairs the R-CALF USA Animal Health Committee, explained that the plate waste loophole would allow the uneaten portions of imported beef from BSE affected countries served at domestic restaurants to potentially enter the food chain for U.S. cattle. Although Japan currently performs a BSE test on all cattle

slaughtered for human consumption, nothing in this rule indicates importation of beef from Japan would be required to cease if Japan decides to stop testing for BSE.

"Ironically, while the USDA ignores this potential pathway for BSE infectivity, Japan has prohibited the feeding of plate waste to cattle since 2002. Japan has gone much further in developing systems to prevent exposure of cattle to BSE by prohibiting the feeding of blood meal and poultry meal."

Thornsberry explained that while Japan did not have a feed ban in place prior to 2001, it has since adopted the most stringent BSE risk-mitigation measures recommended by science, and will likely eradicate the disease from its cattle herds long before countries like Canada, which has chosen not to adopt stringent risk-mitigation procedures. Canada has chosen to implement only the minimal BSE-protection measures, despite recognition of multiple cases of the disease in Alberta.

"It is a real irony that while USDA supports its proposed rule based on the fact that Japan conducts BSE tests on all cattle slaughtered in Japan, thereby ensuring that BSE-infected cattle are removed from the food chain, the agency continues to prohibit U.S. packers from voluntarily testing for BSE to meet Japan's testing requirements, and as a means of restoring other U.S. export markets," said Thornsberry.

"The U.S. cattle industry deserves consistent and science-based standards from USDA, but this proposed rule is inconsistent with what the agency has stated are necessary standards for reopening U.S. export markets with countries the agency considers to be minimal risk for BSE," said McDonnell.

McDonnell explained that in January 2005, USDA published a major rule that set criteria for determining whether imports from a country would present a minimal risk of introducing BSE into the United States. While R-CALF USA has shown those criteria are insufficient, USDA now proposes to ignore its own rule and allow imports from countries that do not meet the minimal-risk criteria."

Thornsberry also expressed concern about USDA's action.

"It is obvious from this rule that the USDA intends to open the U.S. market to countries that have identified cases of BSE within their domestic herds," he explained. "It was thought that BSE affected countries would have to meet the same requirements placed upon Canada, and thus be classified as minimal risk countries prior to being cleared to export into the U.S. marketplace. That does not appear to be the case.

"If the United States does not take a leadership role in upwardly harmonizing global import and export standards for beef from countries affected by BSE, the U.S. will become the dumping ground for beef from countries that have BSE endemic within their cattle herds," Thornsberry said.

Also disappointing about USDA's proposed rule is that it clearly shows how the agency is subjecting U.S. cattle producers to a double standard. The proposed rule requires Japan to certify that exported beef was born, raised, and slaughtered in Japan.

"This is the very definition of origin that USDA found so objectionable in the Mandatory Country-of-Origin Labeling (M-COOL) law passed by Congress in the 2002 Farm Bill and intended to benefit U.S. cattle producers," said McDonnell. "USDA has repeatedly claimed there is no food-safety basis for COOL and that the 'born, raised and slaughtered' standard is both unnecessary and unworkable. Yet, in its proposed rule, USDA is using the 'born, raised, and slaughtered' standard in COOL to assure the safety of

Japanese beef, for the benefit of the Japanese cattle industry. This is the type of inconsistent treatment of the U.S. cattle industry that continues to erode industry confidence in the USDA."

"USDA cannot—with complete disregard for established science—keep moving the bar to suit its political agenda," Thornsberry emphasized. "It is a disservice to our trading partners, a disservice to U.S. cattle producers, and a disservice to global trade relations."

USDA will consider public comments on its Proposed Rule that are submitted before or on Sept. 19. For more information on making comments, or to view the Proposed Rule, please visit www.r-calfusa.com and click on "BSE-Litigation."

Mr. NELSON of Nebraska. I also have a statement from NCBA in reaction to the rule that states it "will not support finalization of this proposed rule until Japan has completed its process and accepts beef from the United States."

I ask unanimous consent to have the NCBA statement, dated August 19, 2005, printed in the RECORD.

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

NCBA STATEMENT ON USDA PROPOSED RULE
TO ALLOW BONELESS BEEF FROM JAPAN
(By Jim McAdams)

Yesterday, the U.S. Department of Agriculture published a proposed rule in the Federal Register titled: Importation of Whole Cuts of Boneless Beef from Japan.

NCBA will not support finalization of this proposed rule until Japan has completed its process and accepts beef from the United States. Until both countries can agree to World Organization for Animal Health (OIE) guidelines, any beef product coming into the United States should meet the same requirements Japan has set for us.

This proposed rule would allow imports of boneless beef from Japan into the United States if the product meets all U.S. safety standards, including removal of specified risk material. Historically, annual beef imports from Japan have been very small, averaging 19,000 pounds in recent years, an amount equal to approximately one-half of one semi-trailer load. The highest level was 33,510 pounds in 1999, which is less than what one semi-trailer can haul. This Japanese product has averaged \$45 per pound.

The publication of this proposed rule begins the U.S. rule-making process to fulfill our part of the framework agreement announced October 23, 2004 by U.S. and Japanese officials.

There is no scientific basis for continued restrictions on boneless beef when safeguards are in place. BSE infectivity has never been found in muscle tissue. For these reasons, the United States has repeatedly called on Japan to open the border to U.S. beef, and NCBA calls for this action simultaneous to allowing imports of Japanese beef into the United States.

NCBA will continue our aggressive push for the complete re-opening of all export markets for U.S. beef. At NCBA's continued urging, re-establishing beef exports is at the top of the trade agenda at the White House, USDA and Congress. The President, Secretary of State, Secretary of Agriculture, U.S. Trade Representative and several senators and congressmen are actively pursuing this goal. NCBA also has traveled to Japan to meet with government officials to give them the assurances they need that U.S. beef is safe from BSE.

NCBA will not rest on this issue until there is harmonization of beef trade based on

science. The framework agreement states, the "two countries will resume two-way trade in beef and beef products, subject to their respective domestic approval processes, based upon science."

NCBA members believe our beef has every right to compete for its share of the 96 percent of the world's population that lives outside the United States. Not only do U.S. cattle and beef producers produce the best beef in the world, scientists agree beef is safe from BSE.

Mr. NELSON of Nebraska. Over the past few days, much has been done to elevate the discussion on the need to resume a normal trade relationship with the Government of Japan. Last week I joined Congressman TOM OSBORNE of Nebraska in a letter to USDA Secretary Mike Johanns, urging the Secretary to delay the proposed rule until such time as Japan completes its process and accepts beef from the United States. Another letter was sent to Secretary Johanns at approximately the same time by a number of my Senate colleagues—Senators ROBERTS, CORNYN, CRAIG, BURNS, CRAPO, ALLARD, HUTCHISON, THOMAS, THUNE, and fellow Nebraskan Senator HAGEL. Their letter emphasizes that Japan must lift this unnecessary embargo, stating that U.S. ranchers and rural communities cannot continue to bear the economic uncertainty resulting from bad international policy. They added that it would be difficult for Congress to accept any admission of Japanese beef into the United States. I am thankful for their leadership and recognition that USDA's rulemaking effort should cease.

Additional letters that I signed, again with bipartisan support, were forwarded to President Bush and Secretary of State Condoleezza Rice. The letters complimented the administration's work in impressing upon Japanese officials the importance of the resumption of trade and urged their continuing efforts in making restoration of United States beef trade the highest economic priority with Japan.

This amendment is simple and straightforward. If passed, the amendment would restrict funds made available in the Agriculture appropriations bill from being used by the Secretary of Agriculture for the purpose of developing a final rule relating to the proposed rule entitled "Importation of Whole Cuts of Boneless Beef from Japan," to allow the importation of beef from Japan unless the President certifies to Congress that Japan has granted open access to Japanese markets for beef and beef products produced in the United States.

While some have said this amendment is too restrictive, limiting the ability of the Agriculture Secretary to negotiate with Japan, I see it another way. I see it as simply applying the same policy Japan has in place against United States beef.

I think it strengthens the Secretary's hand by sending Japan the clear message that the Senators from beef-producing States and from our neighboring States are not going to drop

this matter. Our beef is the safest and highest quality in the world. There is no science-based reason for the embargo to continue, and if they want to sell beef here, then they need to let us sell beef there.

Finally, I cannot back down from a personal commitment to the folks back home to aggressively pursue a Japanese market that in 2003 accounted for \$1.4 billion of the \$1.7 billion beef export market.

Like Secretary Johanns, when he served as Governor of Nebraska, I have traveled to Japan on numerous occasions touting the exceptional quality and value of Nebraska beef and U.S. beef. Beef producers throughout the Nation produce a superior quality product and have been very supportive of Secretary Johanns' continuing efforts on behalf of the U.S. beef industry as Secretary of Agriculture.

Unfortunately, bipartisan letters of support have not been able to resolve this issue. A congressional response is warranted. That includes a strong statement that prematurely allowing Japan any access to our markets is simply unacceptable.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I am interested in the subject which is raised by the Senator from Nebraska in his amendment. There are some aspects with relationship to it about which I would like to get a little more information. I would like to set the vote for 11:25 a.m. If I may, before we lock that in, there are a few items I would like to settle.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KOHL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. KOHL. Mr. President, I ask unanimous consent that the Democratic leader be recognized to speak at 2:15 p.m. today.

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

Mr. KOHL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Colorado.

AMENDMENT NO. 1738

Mr. ALLARD. Mr. President, I ask that the pending amendment be laid aside, and I ask that the clerk report amendment No. 1738.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD], for himself, Mr. ROBERTS, Mr. CRAIG, Mr. BURNS, Mr. THUNE, and Mr. HAGEL, proposes an amendment numbered 1738.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

The amendment is as follows:

(Purpose: To express the sense of the Senate on the importation into the United States of beef from Japan)

At the appropriate place, insert the following:

SEC. _____. It is the sense of the Senate that the United States Government should not permit the importation into the United States of beef from Japan until the Government of Japan takes appropriate actions to permit the importation into Japan of beef from the United States.

Mr. BENNETT. Mr. President, I ask unanimous consent that the vote in relation to the Allard amendment No. 1738, to be followed by a vote in relation to the Nelson amendment No. 1732, occur at 11:20 a.m. today, with no amendment in order to either amendment prior to that time, and that the two votes occur in that order. I further ask that there be 2 minutes between the two votes for explanation.

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

Mr. ALLARD. Mr. President, if the Senator from Utah will yield, I would like to have an opportunity, with the presentation of my amendment, to speak for 10 minutes, if I might.

Mr. BENNETT. The Senator from Colorado should certainly take the time to explain his amendment. The Senator from Nebraska has expressed a desire to respond to the Senator from Colorado. I suggest that the time between now and the vote be equally divided between the Senator from Colorado and the Senator from Nebraska, or should we say the Senator from Colorado have a little extra time because it is his amendment. However we work this out, I think we should make sure both sides get an opportunity to speak.

Mr. ALLARD. Mr. President, how much time is remaining until the next vote?

Mr. BENNETT. There is approximately 10 minutes remaining until the vote.

The PRESIDING OFFICER. There is approximately 10 minutes remaining.

Mr. ALLARD. Mr. President, I ask unanimous consent that the time until the vote be equally divided, with 5 minutes per speaker.

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

Mr. ALLARD. Mr. President, I thank the Senator from Utah, and I appreciate his leadership.

The Government of Japan has maintained an embargo on U.S. beef for more than 20 months. The beef industry is an integral part of the U.S. economy. It is an integral part of the State which I represent, the State of Colo-

rado, and is an integral part of Nebraska's economy, as we just heard from Senator NELSON about concerns that apply to his State. This issue is particularly important for the southern and western parts of the United States.

Before the embargo, exports to Japan were approximately \$100 million a month. Today, the border closure has cost us over \$2 billion. Since the border closure, 10,000 U.S. meat packers have lost their jobs. To address this we came to an agreement with the Japanese on what it would take to open our borders to each other. The United States has worked diligently to meet our end of the agreement and to assure that we can resume trade with the Japanese. Yet even with all of our efforts, Japan's border remains closed. The Japanese Government has made some progress. Yet the process is becoming muddled underneath unnecessary bureaucracy on the part of the Japanese Government.

The United States has a long commitment to producing the world's safest food, and they still continue to have that strong commitment. The safety of U.S. beef is assured by sound science based on policy. I emphasize that U.S. beef is both safe and delicious. The time has come for us to express our frustration as a collective body.

I, along with a number of my colleagues, met with the Ambassador from Japan to the United States a number of months ago and was assured they were giving serious consideration to the embargo they placed against American beef because of, at that point, one case of mad cow disease in the United States. They were relatively assured that the process was going to move along. We told them at the time that we believed the process was being delayed. They assured us they would move it along.

They did move it along. Last week or so, we did get our decision back from this commission in Japan, and it was unfavorable as far as allowing U.S. beef to be imported into the country of Japan.

Japan has had a number of mad cow disease cases. We have had only two cases. Both of those have not resulted in any other outbreaks. They have had upwards into the teens of cases of mad cow disease, and yet they are using, in my view, the mad cow disease as a reason to impose an embargo against American beef.

We cannot stand aside and lose thousands upon thousands of jobs in the beef industry as a result of this action. It is not based on good science. We have extremely good meat processing procedures that protect human health in the United States, the best in the world as far as I am concerned. I don't think we have anything to be apologetic for. Just because you recognize one or two cases of mad cow disease does not mean you have a problem. It may mean you are doing a good job. I can think of countries that have not

had any cases of mad cow disease and may very well have it. It may be they are not doing a good job, that they are not checking for the disease, and if you don't check for it, you are not going to find it.

We have a very strict system of surveillance in this country. When we process beef, we hold suspected animals if they show any clinical signs at all, whether it is a temperature or that they show any signs of being uncoordinated that might suggest mad cow disease—if this is the case we take them out of the processing lines until we have a confirmation as to whether they are afflicted or not afflicted.

As a result of these frustrations, I offer this sense-of-the-Senate resolution asking that the U.S. borders not be open to Japanese beef imports until the Japanese borders are open to us.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Nebraska.

Mr. NELSON of Nebraska. I thank the Chair.

Mr. President, I respect my colleague from Colorado and I certainly appreciate his support in working to reopen the borders with the country of Japan. I feel like somebody on a trip asking the question: Are we there yet? For 20 months we have been asking this question: Are we there yet?

The sense-of-the-Senate resolution is perhaps a softer way of saying to Japan, finish this project as quickly as you can so this process does not go on another 20 months. The truth is I think it is time to move beyond our soft talk to harder talk. Perhaps this will help the Japanese Government understand that we are very serious about this continuing nontariff trade barrier against United States beef. It is extremely important to the economy of the State of Nebraska. It is important to the economy of our country. What it boils down to is it is unfair. There is no sound science that justifies the action that has been taken. With two cases of mad cow detected in the United States, one coming from Canada, statistically it is nonexistent in terms of the millions of head of cattle that are sent to slaughter every year.

When you look at the situation, you have to ask yourself the question of why has it taken so long, 20 months, for this process.

Now, I am at times frustrated by our own bureaucracy, but I think on its worst day, our bureaucracy can't compete with this process that has continued to delay and delay and delay this whole effort to try to reopen the trade between the United States and Japan for cattle.

I suggest we can do both. We can pass a sense-of-the-Senate resolution which perhaps says in its own way that we need to reopen the trade borders and knock down these trade barriers. But I think we also need to say that we cannot move forward through the USDA until—not suggest but say we cannot

move forward until and unless the Japanese reopen their borders to our exports. I think you can do both. I think one is a soft way, but the other sends a strong message. It is time for that strong message. Everywhere I go across Nebraska, I hear people say: How can this be? How can we continue to allow our trading partner to treat us this way? I think the answer is we cannot, and this is the way in which we stop it and we bring it to a head.

I thank the Chair. I yield the floor.

Mr. BENNETT. Mr. President, I would ask the Senators if they would allow us to do the Allard amendment by a voice vote, given the fact that the Senator from Nebraska has suggested he would be in support of this, and would allow us to do both. Perhaps we could adopt the Allard amendment by a voice vote and then move to the yeas and nays on the Nelson amendment.

I would ask each Senator if they would respond to the Chair how they might feel about that. I am happy to call for the yeas and nays on both amendments if that is what they would like, but I have a sense that the Allard amendment is probably going to pass since the Senator from Nebraska has indicated his position on it, and it may be we can save the Senate some time by having only one recorded vote rather than two.

The PRESIDING OFFICER. Without objection, the Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. Mr. President, I have no objection to that procedure. I think it would perhaps save time for the Senate. I believe the sense-of-the-Senate resolution should be passed nearly unanimously by this body and it gives the opportunity for those who want to take a stronger position to be able to do it and be recorded as a yea or nay.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. The Senator from Nebraska and myself are on the same page. We are both greatly disappointed that the negotiations from Japan have not been progressing well at this particular point. I think we need to recognize that the State Department has been working hard on this issue as well as the Department of Agriculture. In fact, I have been told as recently as yesterday that the Secretary of State has had discussions with the Ambassador from Japan. I do think we need to do something on this floor to send a strong message to Japan about our concerns about their continuing to apply an embargo against United States beef. It is blatantly unfair and scientifically doesn't stand up.

As far as I am concerned, we can go ahead and adopt the Allard amendment by a voice vote or unanimous consent, however the chairman wishes to proceed. Then these things perhaps can get refined better in conference committee when we work through this process in conference committee.

The PRESIDING OFFICER. Under the previous order, the hour of 11:20

having arrived, the vote is scheduled to occur in relation to the Allard amendment.

Without objection, the Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. I thank the Chair.

In fairness to both efforts, if we are going to adopt the Allard amendment by a voice vote, is it possible then to adopt the Nelson amendment by a voice vote as well?

Mr. ALLARD. I have no objection on this side, Mr. President.

Mr. BENNETT. Mr. President, I think there will be some who might want to vote against the Nelson amendment since the administration is opposed to it. Secretary Johanns has made the statement to that effect. So for those who are not here who might want to be on the record, I think we perhaps should have the yeas and nays with respect to the Nelson amendment.

Mr. NELSON of Nebraska. Mr. President, it is hard to believe people might be inclined to vote against this amendment, but if that is the choice, I would withdraw my suggestion.

The PRESIDING OFFICER. The question is on agreeing to the Allard amendment.

The amendment (No. 1738) was agreed to.

Mr. BENNETT. Mr. President, with respect to the Nelson amendment, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Under the previous order, the question now is on agreeing to the Nelson amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER (Mr. BURR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 72, nays 26, as follows:

[Rollcall Vote No. 236 Leg.]

YEAS—72

Akaka	Dodd	Murray
Allen	Domenici	Nelson (FL)
Baucus	Dorgan	Nelson (NE)
Bayh	Durbin	Obama
Biden	Ensign	Pryor
Bingaman	Enzi	Reed
Bond	Feingold	Reid
Boxer	Feinstein	Roberts
Brownback	Graham	Santorum
Burns	Harkin	Sarbanes
Byrd	Hutchison	Schumer
Cantwell	Inhofe	Sessions
Carper	Jeffords	Shelby
Chambliss	Johnson	Smith
Clinton	Kennedy	Snowe
Coburn	Kerry	Specter
Coleman	Kohl	Stabenow
Collins	Landrieu	Talent
Conrad	Lautenberg	Thomas
Cornyn	Leahy	Thune
Craig	Levin	Vitter
Crapo	Lieberman	Voinovich
Dayton	Lincoln	Warner
DeWine	Mikulski	Wyden

NAYS—26

Alexander	Frist	Lugar
Allard	Grassley	Martinez
Bennett	Gregg	McCain
Bunning	Hagel	McConnell
Burr	Hatch	Murkowski
Chafee	Inouye	Salazar
Cochran	Isakson	Stevens
DeMint	Kyl	Sununu
Dole	Lott	

NOT VOTING—2

Corzine	Rockefeller
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The amendment (No. 1732) was agreed to.

Mr. NELSON of Nebraska. I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, on Thursday of last week, when Senator KOHL and I laid down the bill, I made the point that while there are no direct emergency aid funds in the bill, there are funds for many of the programs that would aid the victims of Hurricane Katrina and, frankly, programs they badly need.

To point out some of the increases over the fiscal year 2005 level that have impact on Katrina that are in this bill: \$16.6 million for food defense activities at FDA; \$36.2 million for food safety activities at USDA; nearly \$250 million in loan authorizations for rural housing, including housing repair; \$1.1 billion in rural utility loan authorizations for rural water and electric loans; \$22 million for the Women, Infants and Children feeding program; and \$5.6 billion in food stamps. These are all issues that affect the victims of Hurricane Katrina, and every State and every citizen will benefit from the programs in this bill. So I hope we can move forward with it in an expeditious fashion.

The USDA and FDA, the principal agencies funded in this bill, are working under very difficult conditions to address the needs in the hurricane-affected areas. FDA has had to transfer 50 employees from their regional office in New Orleans to Nashville, and USDA has had to relocate several hundred employees to keep its programs going.

So I hope we can do our best to effectively and quickly get this bill moving. I urge those who have amendments to the bill to come to the floor and help us with this bill.

We have one amendment which I understand has been cleared, and the Senator from Colorado has that amendment.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

AMENDMENT NO. 1737, AS MODIFIED

Mr. ALLARD. Mr. President, I send to the desk amendment No. 1737, as modified.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD] proposes an amendment numbered 1737, as modified.

Mr. ALLARD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 93, line 9, before the period at the end insert the following: "Provided further, That the Secretary, through the Agricultural Research Service, or successor, may lease approximately 40 acres of land at the Central Plains Experiment Station, Nunn, Colorado, to the Board of Governors of the Colorado State University System, for its Shortgrass Steppe Biological Field Station, on such terms and conditions as the Secretary deems in the public interest: *Provided further*, That the Secretary understands that it is the intent of the University to construct research and educational buildings on the subject acreage and to conduct agricultural research and educational activities in these buildings: *Provided further*, That as consideration for a lease, the Secretary may accept the benefits of mutual cooperative research to be conducted by the Colorado State University and the Government at the Shortgrass Steppe Biological Field Station: *Provided further*, That the term of any lease shall be for no more than 20 years, but a lease may be renewed at the option of the Secretary on such terms and conditions as the Secretary deems in the public interest".

Mr. ALLARD. Mr. President, very briefly, what this amendment does is it just allows Colorado State University to lease land from the Agricultural Research Service. It is not a controversial provision.

I ask unanimous consent it be adopted.

The PRESIDING OFFICER. Is there further debate on the amendment?

Is there objection to the unanimous consent request?

Without objection, it is so ordered. The amendment is agreed to.

The amendment (No. 1737), as modified, was agreed to.

Mr. BENNETT. I move to reconsider the vote with respect to the Allard amendment.

Mr. ALLARD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECESS

Mr. BENNETT. Mr. President, I know of no other amendments available to us. Unless someone wishes to speak in morning business between now and the time we routinely break for the policy lunches, I ask unanimous consent that the Senate stand in recess until 2:15 p.m.

There being no objection, the Senate, at 12:10 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. SUNUNU).

The PRESIDING OFFICER. Under the previous order, the Democratic leader is recognized.

NOMINATION OF JOHN ROBERTS
TO BE CHIEF JUSTICE

Mr. REID. Mr. President, one of the Senate's most important constitu-

tional responsibilities is to provide advice and consent with respect to a President's nominations. The task is especially important when the nomination is an individual to be Chief Justice of the United States. No one doubts John Roberts is an excellent lawyer and a very affable person. But at the end of this process, frankly, I have too many unanswered questions about the nominee to justify a vote confirming him to this enormously important lifetime position.

The stakes for the American people could not be higher. The retirement of Justice O'Connor and the death of Chief Justice Rehnquist have left the Supreme Court in a period of transition. On key issues affecting the rights and freedoms of Americans, the Court is closely divided. If confirmed, Judge Roberts, who is only 50 years old, will likely serve as Chief Justice and leader of the third branch of the Federal Government for many decades.

The legal authority we will hand to Judge Roberts by this confirmation vote is awesome. We should only vote to confirm this nominee if we are absolutely positive that he is the right person to hold that authority. For me, this is a very close question, but I must resolve my doubts in favor of the American people whose rights would be in jeopardy if John Roberts turns out to be the wrong person for this job.

Some say the President is entitled to deference from the Senate in nominating individuals to high office. I agree that deference is appropriate in the case of executive branch nominees such as Cabinet officers. With some important exceptions, the President may generally choose his own advisers. In contrast, the President is not entitled to much deference in staffing the third branch of Government, the judiciary. The Constitution envisions that the President and the Senate will work together to appoint and confirm Federal judges. This is a shared constitutional duty. The Senate's role in screening judicial candidates is especially important in the case of Supreme Court nominees because the Supreme Court has assumed such a large role in resolving fundamental disputes in our civic life. Any nominee for the Supreme Court bears the burden of persuading the Senate and the American people that he or she deserves a confirmation to a lifetime seat on that Court.

First, I start by observing that John Roberts has been a thoughtful, mainstream judge on the DC Circuit Court of Appeals, but he has only been a member of that court for 2 years and has not confronted many cutting-edge constitutional issues, if any. As a result, we cannot rely on his current judicial service to determine what kind of a Supreme Court Justice he would be.

I was very impressed with Judge Roberts when I first met him in my office soon after he was nominated, but several factors caused me to reassess my initial view. Most notably, I was disturbed by the memos that surfaced

from Judge Roberts' years of service in the Reagan administration. These memos raise serious questions about the nominee's approach to civil rights. It is now clear that as a young lawyer, John Roberts played a significant role in shaping and advancing the Republican agenda to roll back civil rights protections. He wrote memos opposing legislative and judicial efforts to remedy race and gender discrimination. He urged his superiors to oppose Senator KENNEDY's 1982 bill to strengthen the Voting Rights Act and worked against affirmative action programs. He derided the concept of comparable worth and questioned whether women actually suffered discrimination in the workplace.

No one is suggesting John Roberts was motivated by bigotry or animosity toward minorities or women, but these memos lead one to question whether he truly appreciated the history of the civil rights struggle. He wrote about discrimination as an abstract concept, not as a flesh-and-blood reality for countless of his fellow citizens. The memos raised a real question for me whether their author would breathe life into the equal protection clause and the landmark civil rights statutes that come before the Supreme Court repeatedly. Nonetheless, I was prepared to look past these memos and chalk them up to the folly of youth. I looked forward to the confirmation hearings in the expectation that Judge Roberts would repudiate those views in some fashion. However, the nominee adopted what I considered a disingenuous strategy of suggesting that the views expressed in those memos were not his, even at the time the memos were written. That is what he said. He claimed he was merely a staff lawyer reflecting the positions of his client, the Reagan administration.

Anyone who has read the memos can see that Roberts was expressing his own personal views on these important policy matters. In memo after memo, the text is very clear. It is simply not plausible for the nominee to claim he did not share the views he personally expressed. For example, there is a memo in which he refers to the Equal Employment Opportunity Commission as "un-American." If Judge Roberts had testified that this was a 20-year-old bad joke, I would have given the memo no weight. Instead, he provided a tortured reading of the memo that simply doesn't stand up under any scrutiny.

In another memo, Judge Roberts spoke about a Hispanic group President Reagan would soon address and he suggested that the audience would be pleased to know the administration favored legal status for the "illegal amigos" in the audience—illegal amigos. After 23 years, couldn't he acknowledge that was insensitive, that it was wrong? The use of the Spanish word "amigos" in this memo is patronizing and offensive to a contemporary reader. I don't condemn Judge Roberts for using the word "amigos" 20 years ago

in a nonpublic memo, but I was stunned when at his confirmation hearing he could not bring himself to express regret for using that term or recognize that it might cause offense.

My concerns about these Reagan-era memos were heightened by the fact that the White House rejected a reasonable request by committee Democrats for documents written by Judge Roberts when he served in the first Bush administration. After all, if memos written 23 years ago are to be dismissed as not reflecting the nominee's mature thinking, it would be highly relevant to see memos he had written as an older man in an even more important policymaking job. The White House claim of attorney-client privilege to shield these documents is utterly unpersuasive. Senator LEAHY, ranking member of the Judiciary Committee, asked Attorney General Gonzales for the courtesy of a meeting to discuss the matter and was turned down. This was simply a matter of stonewalling.

The failure of the White House to produce relevant documents is reason enough for any Senator to oppose this nomination. The administration cannot treat the Senate with such disrespect without some consequence. In the absence of these documents, it was especially important for the nominee to fully and forthrightly answer questions from committee members at his hearing. He failed to do so adequately. I acknowledge the right—indeed, the duty—of a judicial nominee to decline to answer questions regarding specific cases that will come before the Court to which the witness had been nominated. But Judge Roberts declined to answer many questions more remote than that, including questions seeking his views of long-settled legal precedent.

Finally, I was very swayed by the testimony of civil rights and women's rights leaders against the confirmation. When a civil rights icon such as John Lewis, one of my American heroes, appears before the committee and says John Roberts was on the wrong side of history, I take note. Senators should take notice.

I personally like Judge Roberts. I respect much of the work he has done in his career. For example, his advocacy for environmentalists in a Lake Tahoe takings case several years ago was good work. In the fullness of time, he may well prove to be a fine Supreme Court Justice. But I have reluctantly concluded that this nominee has not satisfied the high burden of justifying my voting for his confirmation based on the current record.

Based on all these factors, the balance shifts against Judge Roberts. The question is close, and the arguments against him do not warrant extraordinary procedural tactics to block his nomination. Nevertheless, I intend to cast my vote against this nomination when the Senate debates the matter next week.

I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006—Continued

AMENDMENT NO. 1747

Mr. DURBIN. Mr. President, I believe this has been cleared on the other side.

Mr. President, I send an amendment to the desk on behalf of Senator REID and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments will be set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for Mr. REID, proposes an amendment numbered 1747.

Mr. DURBIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for minimum prices for milk handlers)

On page 173, after line 24, insert the following:

SEC. 7 ____.(a) Section 8c(5) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by adding at the end the following:

“(M) MINIMUM MILK PRICES FOR HANDLERS.—

“(i) APPLICATION OF MINIMUM PRICE REQUIREMENTS.—Notwithstanding any other provision of this section, a milk handler described in clause (ii) shall be subject to all of the minimum and uniform price requirements of a Federal milk marketing order issued pursuant to this section applicable to the county in which the plant of the handler is located, at Federal order class prices, if the handler has packaged fluid milk product route dispositions, or sales of packaged fluid milk products to other plants, in a marketing area located in a State that requires handlers to pay minimum prices for raw milk purchases.

“(ii) COVERED MILK HANDLERS.—Except as provided in clause (iv), clause (i) applies to a handler of Class I milk products (including a producer-handler or producer operating as a handler) that—

“(I) operates a plant that is located within the boundaries of a Federal order milk marketing area (as those boundaries are in effect on the date of enactment of this subparagraph);

“(II) has packaged fluid milk product route dispositions, or sales of packaged fluid milk products to other plants, in a milk marketing area located in a State that requires handlers to pay minimum prices for raw milk purchases; and

“(III) is not otherwise obligated by a Federal milk marketing order, or a regulated milk pricing plan operated by a State, to pay minimum class prices for the raw milk that is used for the milk dispositions or sales.

“(iii) OBLIGATION TO PAY MINIMUM CLASS PRICES.—For the purpose of clause (ii)(III), the Secretary may not consider a handler of Class I milk products to be obligated by a Federal milk marketing order to pay minimum class prices for raw milk unless the handler operates the plant as a fully regulated fluid milk distributing plant under a Federal milk marketing order.

“(iv) CERTAIN HANDLERS EXEMPTED.—Clause (i) does not apply to—

“(I) a handler (otherwise described in clause (ii)) that operates a nonpool plant (as defined in section 1000.8(e) of title 7, Code of Federal Regulations (as in effect on the date of enactment of this subparagraph));

“(II) a producer-handler (otherwise described in clause (ii)) for any month during which the producer-handler has route dispositions, and sales to other plants, of packaged fluid milk products equaling less than 3,000,000 pounds of milk; or

“(III) a handler (otherwise described in clause (ii)) for any month during which—

“(aa) less than 25 percent of the total quantity of fluid milk products physically received at the plant of the handler (excluding concentrated milk received from another plant by agreement for other than Class I use) is disposed of as route disposition or is transferred in the form of packaged fluid milk products to other plants; or

“(bb) less than 25 percent in aggregate of the route disposition or transfers are in a marketing area or areas located in 1 or more States that require handlers to pay minimum prices for raw milk purchases.

“(N) EXEMPTION FOR CERTAIN MILK HANDLERS.—Notwithstanding any other provision of this section, no handler with distribution of Class I milk products in the Arizona-Las Vegas marketing area (Order No. 131) shall be exempt during any month from any minimum milk price requirement established by the Secretary under this subsection if the total distribution of Class I products during the preceding month of any such handler's own farm production that exceeds 3,000,000 pounds.”.

(b) Section 8c(11) of the Agricultural Adjustment Act (7 U.S.C. 608c(11)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended—

(1) in subparagraph (C), by striking the last sentence; and

(2) by adding at the end the following:

“(D) EXCLUSION OF NEVADA FROM FEDERAL MILK MARKETING ORDERS.—In the case of milk and its products, no county or other political subdivision located in the State of Nevada shall be within a marketing area covered by any order issued under this section.”.

(c) Notwithstanding any other provision of this section or the amendments made by this section, a milk handler (including a producer-handler or producer operating as a handler) that is subject to regulation under this section or an amendment made by this section shall comply with any requirement under section 1000.27 of title 7, Code of Federal Regulations (or a successor regulation) relating to responsibility of handlers for records or facilities.

(d)(1) This section and the amendments made by this section take effect on the first day of the first month beginning more than 15 days after the date of enactment of this Act.

(2) To accomplish the expedited implementation schedule for the amendment made by subsection (a), effective on the date of enactment of this Act, the Secretary of Agriculture shall ensure that the pool distrib-

uting plant provisions of each Federal milk marketing order issued under section 8c(5)(B) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)(B)), reenacted with amendments by the Agricultural Marketing Agreement of 1937, provides that a handler described in section 8c(5)(M) of the Agricultural Adjustment Act, reenacted with amendments by the Agricultural Marketing Agreement of 1937 (as added by subsection (a))), will be fully regulated by the order in which the distributing plant of the handler is located.

(3) Implementation of this section and the amendments made by this section shall not be subject to a referendum under section 8c(19) of the Agricultural Adjustment Act (7 U.S.C. 608c(19)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

Mr. DURBIN. Mr. President, I urge adoption of the amendment.

Mr. BENNETT. Mr. President, I ask for a voice vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1747.

The amendment (No. 1747) was agreed to.

AMENDMENT NO. 1748

Mr. DURBIN. Mr. President, on behalf of Senator INOUE, Senator FEINSTEIN, and others, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for Mr. INOUE, for himself, Mr. AKAKA, and Mrs. FEINSTEIN, proposes an amendment numbered 1748.

Mr. DURBIN. Mr. President, I ask unanimous consent that the reading of the amendment dispensed with.

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

The amendment is as follows:

(Purpose: To limit the use of funds made available to the Animal and Plant Health Inspection Service)

On page 101, line 10, before the period at the end insert the following: “: *Provided further*, That none of the funds may be used to demolish or dismantle the Hawaii Fruit Fly Production Facility in Waimanalo, Hawaii”.

Mr. INOUE. Mr. President, today, I offer an amendment that would prohibit the Animal and Plant Health Inspection Services, APHIS, from using appropriated funds to demolish or dismantle the Hawaii Fruit Fly Production Facility in Waimanalo, HI.

This amendment, which is cosponsored by my dear friends, Senator AKAKA and Senator FEINSTEIN, is in response to a recent decision made by APHIS to dismantle the Hawaii Fruit Fly Production Facility in Waimanalo, HI and would preclude the agency from carrying out this decision until other alternatives have been articulated and analyzed. In addition, this amendment would provide the agency and the many stakeholders with additional time to examine the issue, to seek a more creative solution, and to have the Secretary recommend a plan that is acceptable to the agricultural represent-

atives of the State of Hawaii, California, and other impacted States.

Releases of sterile insects have played a prominent role in the success of most pest control or eradication programs. It is in this context that I have two main concerns with the agency's decision. First, relying solely on Guatemala as a source of sterile Mediterranean fruit flies places the United States at risk if the supply from Guatemala were curtailed for any reason. In these times of terrorist activities and civil unrest, disruption is much more than an academic debate. I have been assured by other states impacted by the APHIS decision that they share my concern.

Second, from a Hawaii perspective the permanent closure of the facility in Waimanalo does not bode well for the future of diversified agriculture in Hawaii. Unfortunately, Hawaii is infested with four fruit fly pest species—not just the Mediterranean fruit fly. Any hope of area wide control or eradication of these pests requires efficient rearing of all four species for sterile release programs. It is my intent to seek support for a multiple species rearing facility in Waimanalo to address this problem that is unique to Hawaii. While suppression of all four of the fruit fly species in Hawaii is of great benefit to our State, such activities may be among the best mechanisms for avoiding inadvertent fruit fly infestations in other states where these alien pests can survive.

Given these concerns, I urge my colleagues to support my amendment that would prohibit APHIS from implementing its demolition decision and to provide additional time for the agency to work with all stakeholders in exploring and implementing a sound public policy on this issue of great importance to the State of Hawaii.

Mr. DURBIN. Mr. President, I urge adoption of the amendment.

Mr. BENNETT. Mr. President, I ask for a voice vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1748.

The amendment (No. 1748) was agreed to.

Mr. DURBIN. I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1749

Mr. DURBIN. I send an amendment to the desk on behalf of myself, Senator ENZI, and Senator KENNEDY.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], proposes an amendment numbered 1749.

Mr. DURBIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To insert provisions related to conflicts of interest among members of advisory panels of the Food and Drug Administration)

On page 173, after line 24, insert the following:

SEC. 7 ____.(a) Subject to subsection (b), none of the funds made available in this Act may be used to—

(1) grant a waiver of a financial conflict of interest requirement pursuant to section 505(n)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(n)(4)) for any voting member of an advisory committee or panel of the Food and Drug Administration; or

(2) make a certification under section 208(b)(3) of title 18, United States Code, for any such voting member.

(b) Subsection (a) shall not apply to a waiver or certification if—

(1) not later than 15 days prior to a meeting of an advisory committee or panel to which such waiver or certification applies, the Secretary of Health and Human Services discloses on the Internet website of the Food and Drug Administration—

(A) the nature of the conflict of interest at issue; and

(B) the nature and basis of such waiver or certification (other than information exempted from disclosure under section 552 of title 5, United States Code (popularly known as the Freedom of Information Act)); or

(2) in the case of a conflict of interest that becomes known to the Secretary less than 15 days prior to a meeting to which such waiver or certification applies, the Secretary shall make such public disclosure as soon as possible thereafter, but in no event later than the date of such meeting.

(c) None of the funds made available in this Act may be used to make a new appointment to an advisory committee or panel of the Food and Drug Administration unless the Commissioner of Food and Drugs submits a confidential report to the Inspector General of the Department of Health and Human Services of the efforts made to identify qualified persons for such appointment with minimal or no potential conflicts of interest.

Mr. DURBIN. Mr. President, the Scientific Advisory Committee system at the Food and Drug Administration is meant to provide the Agency with unbiased, independent, professional advice on the safety and efficacy of drugs, devices, biologics, food, and veterinary medicine.

To protect the objectivity and the integrity of advisory committees, members have long been subject to a number of conflict of interest laws and regulations. Unfortunately, the Food and Drug Administration has routinely granted waivers to scientists with financial ties to the manufacture of the products under consideration or their competitors. These waivers can compromise the integrity of this important advisory process. Let me give one example.

The February 2005 advisory panel considering whether painkillers, Celebrex, Bextra, and Vioxx, could safely be marketed to the public included 10 scientists who were granted conflict of interest waivers. Ten of the thirty-two members—that is 31 percent—consulted for or received research support from Pfizer, which makes Celebrex and Bextra; and Merck, which makes Vioxx; or Novartis, which

is seeking approval for a similar painkiller.

Had the votes of those 10 scientists been excluded, the panel would have favored withdrawing Bextra from the market and blocking the return of Vioxx.

As the New York Times pointed out in a March editorial:

Unless the FDA makes a more aggressive effort to find unbiased experts or medical researchers start severing their ties with the industry, a whiff of bias may taint the verdicts of many advisory panels.

I, along with two of my colleagues, Senators ENZI and KENNEDY, have offered this amendment to the Agriculture appropriations bill, a bill which funds the Food and Drug Administration. It will increase the transparency of the process. It will ensure the FDA has searched for experts without conflicts of interest.

Specifically, our amendment requires the FDA to disclose any conflict of interest waivers on their Web site 15 days prior to the meeting of the advisory committee. They must detail the nature of the conflict of interest and the rationale for the waiver.

The amendment also requires the FDA to send a report to the Health and Human Services inspector general after each new advisory committee is convened. The report must detail the steps the FDA took to find scientists who were free from conflicts.

Finally, Senators ENZI, KENNEDY, and I will request that the Government Accountability Office conduct an in-depth study of the waiver process and provide recommendations on how it can be improved.

My amendment will increase the transparency of the waiver process and require the FDA to report to a third party about their efforts to identify scientists without conflicts. I think this will create a powerful incentive for the FDA to find more scientists without the potential for bias.

Let me close by saying that, over the years, it has been my good fortune to work with this important agency, the Food and Drug Administration. The American people don't know how much we rely on this tiny agency to decide that what is sold to us in drug stores and other places in our daily lives must be safe and they must be effective as advertised. It is an arduous and important process, and they get it right so often, but occasionally they do not. We have to make certain that we try to take out of this decision process any question that would be raised about the integrity of the Agency or the means they are using to reach their conclusions. I hope this amendment moves us in that direction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I thank the Senator from Illinois for his initiative on this issue and congratulate him for the final product that has been crafted. This could have been a

very controversial and contentious issue, but by compromise, conversation, and consultation among him and the other Senators he mentioned, we now have an amendment that is virtually noncontroversial.

It is important that we do not enforce the conflict-of-interest issue with such difficulty that ultimately the pharmaceutical companies are cut off from any opportunity of ever consulting with the best experts in the field because those experts want to also remain available to the FDA.

I think the compromise that has been reached is a sound one. I endorse the amendment and urge all Senators to vote for it.

I call for a voice vote.

The PRESIDING OFFICER. Without objection, the question is on agreeing to amendment No. 1749.

The amendment (No. 1749) was agreed to.

Mr. DURBIN. I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENTS NOS. 1750, 1751, AND 1752, EN BLOC

Mr. BENNETT. Mr. President, I have three amendments which I send to the desk and ask for their consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report the amendments en bloc.

The bill clerk read as follows:

The Senator from Utah [Mr. BENNETT] proposes amendments numbered 1750, 1751, and 1752.

Mr. BENNETT. I ask unanimous consent that further reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 1750

On page 93, line 9 at the end of the sentence insert the following:

“Provided further, That the Agricultural Research Service may convey all rights and title of the United States, to a parcel of land comprising 19 acres, more or less, located in Section 2, Township 18 North, Range 14 East in Oktibbeha County, Mississippi, originally conveyed by the Board of Trustees of the Institution of Higher Learning of the State of Mississippi, and described in instruments recorded in Deed Book 306 at pages 553-554, Deed Book 319 at page 219, and Deed Book 33 at page 115, of the public land records of Oktibbeha County, Mississippi, including facilities, and fixed equipment, to the Mississippi State University, Starkville, Mississippi, in their “as is” condition, when vacated by the Agricultural Research Service.

AMENDMENT NO. 1751

At the appropriate place in the bill (page 173 after line 24), insert the following new paragraphs:

"SEC. . (a) Hereafter, none of the funds made available by this Act or any other Act may be used to publish, disseminate, or distribute Agriculture Information Bulletin Number 787.

(b) Of the funds provided to the Economic Research Service, the Secretary of Agriculture shall enter into an agreement with the National Academy of Sciences to conduct a comprehensive report on the economic development and current status of the sheep industry in the United States."

AMENDMENT NO. 1752

On page 173, after line 24 insert the following:

"SEC. . The Secretary of Agriculture may establish a demonstration intermediate relending program for the construction and rehabilitation of housing for the Choctaw Nation: *Provided*, That the interest rate for direct loans shall be 1 percent: *Provided further*, That no later than one year after the establishment of this program the Secretary shall provide the Committees on Appropriations with a report providing information on the program structure, management, and general demographic information on the loan recipients."

The PRESIDING OFFICER. The Senator is recognized.

Mr. BENNETT. Mr. President, the first amendment is in regard to a study on the sheep industry in the United States by the National Academy of Sciences. The second authorizes a demonstration tribal housing program. And the third authorizes a land transfer in Mississippi from the Agricultural Research Service to Mississippi State University.

All three of these amendments have been considered carefully on both sides. They have been cleared on both sides. I ask that they be approved en bloc by a voice vote.

The PRESIDING OFFICER. Is there objection? Without objection, the question is on agreeing to the amendments en bloc.

The amendments (Nos. 1750, 1751, and 1752) were agreed to en bloc.

Mr. BENNETT. Mr. President, I ask that the vote be reconsidered and that reconsideration be laid upon the table.

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

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

Mr. ENSIGN. Mr. President, I ask unanimous consent that I may offer an amendment dealing with horse inspection and that no second-degree amendments be in order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. ENSIGN. Mr. President, I withdraw my previous unanimous consent request and I call for the regular order with respect to amendment No. 1726.

The PRESIDING OFFICER. The amendment is now pending.

AMENDMENT NO. 1753 TO AMENDMENT NO. 1726

Mr. ENSIGN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself, Mr. BYRD, Ms. LANDRIEU, Mr. LOTT, Mr. GRAHAM, Ms. STABENOW, Mr. DEMINT, Mrs. FEINSTEIN, and Mr. LAUTENBERG, proposes an amendment numbered 1753 to amendment numbered 1726.

Mr. ENSIGN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit the use of appropriated funds to pay the salaries or expenses of personnel to inspect horses under certain authority or guidelines)

At the appropriate place, add the following:

SEC. _____. None of the funds made available in this Act may be used to pay the salaries or expenses of personnel to inspect horses under section 3 of the Federal Meat Inspection Act (21 U.S.C. 603) or under the guidelines issued under section 903 the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901 note; Public Law 104-127).

Mr. ENSIGN. Mr. President, I rise, along with my colleagues, Senators BYRD, LANDRIEU, GRAHAM, LOTT, STABENOW, DEMINT, FEINSTEIN, and LAUTENBERG, to submit an amendment to the 2006 Senate Agriculture appropriations bill.

The goal of our amendment is simple: to end the slaughter of America's horses for human consumption overseas.

I graduated from Colorado State with a degree in veterinary medicine. I have been concerned with animal welfare since my earlier days as a youth and pursued those interests as a practicing veterinarian.

Our Nation's history and cultural heritage is strongly associated with horses. George Washington is pictured many places with horses. We are reminded of the legend of Paul Revere's ride and the Pony Express in the West. The Depression era race between Seabiscuit and War Admiral raised the morale of our country during desperate times.

The owners who sell their horses at auction are often unaware that those horses may be on their way to one of the three remaining horse slaughterhouses in America. These slaughterhouses—two in Texas and one in Illinois—are owned by French and Belgium companies. They slaughter American horses almost exclusively for one purpose—exporting the meat overseas for human consumption.

Workhorses, racehorses, and even pet horses—many young and healthy—are slaughtered for human consumption in Europe and Asia, where their meat is considered a delicacy. The profits, along with the product, are shipped overseas. These horses are slaughtered in America and shipped to Japan, France, Belgium, Italy, Germany for human consumption.

Last year, nearly 100,000 American horses were slaughtered for human consumption overseas. Sixty-five thousand of these were sent to three slaughterhouses in the United States, and more than 30,000 were shipped across our borders to Canada and Mexico for slaughter.

Our amendment effectively stops this practice. It restricts the use of Federal funds for the inspection of horses being sent to slaughterhouses for human consumption. Without these inspections, required under the Federal Meat Inspection Act, horses cannot be slaughtered, or exported for slaughter, for human consumption overseas.

Strong support for our amendment is reflected in the House of Representatives, where an identical measure was passed by a vote of 269 to 158 this past June.

We have several articles and editorials from around the country that have been written in support of our amendment. Articles have appeared in the Washington Times, the St. Petersburg Times, the Charleston Gazette, and the Louisville Courier-Journal, just to name a few. I ask unanimous consent to have these articles printed in the RECORD.

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

[From the Washington Times, Sept. 15, 2005]

SAVE THE HORSES

Most Americans would sooner starve than eat fillet of horse with cranberry chutney, or however they do it in Europe. It might then come as a surprise that 66,000 horses were slaughtered for consumption in the United States last year, and 20,000 more were exported abroad for the same purposes. Even more so when one considers that nearly none of this horse flesh ends up on American platters—and for that we are thankful.

While cattle and poultry are bred specifically for food, horses are not. Many of those sold to slaughterhouses are privately owned or caught in the wild by the federal Bureau of Land Management, which then tries to find adoptive homes. When it cannot, the horses go to the highest bidder, in this case either to one of the three Belgian- or French-owned plants.

Fortunately, there is growing opposition in Congress to this kind of thing. In June, the House passed by a bipartisan majority an

amendment to the agriculture appropriations bill banning the use of federal funds in the slaughtering of horses. The Senate is scheduled to vote on the amendment, sponsored by veterinarian Sen. John Ensign, next week. We encourage senators to support this ban.

Certain veterinary groups, rather ironically, oppose the amendment. They claim that it is humane to put aging or neglected horses out of their misery. But if anyone actually saw how these noble beasts are slaughtered—strung up by their hind legs and bled—they might think twice before supporting such conduct. The only problem with attaching the amendment to an appropriations bill is that it will expire next year.

So, Mr. Ensign has also introduced independent legislation that would ban the slaughter of horses entirely. Some critics contend an outright ban is an abuse of congressional power. But Cass Sunstein, the distinguished University of Chicago law professor, conclusively addressed those concerns a few years ago: "A ban on commercial slaughter of horses would be plainly within congressional authority, if accompanied by reasonable findings that such slaughter is often or generally a way of yielding products for interstate or international sale, and therefore has a substantial effect on interstate or international commerce." Few would argue that it doesn't.

We admit to a certain sentimentality in our appeal to ban horse slaughter. The horse has always held a hallowed place in our national identity, much like the bald eagle. And just as no American would consider ordering up a bald eagle, if only out of respect, so would none ask for a horse steak.

[From the Louisville Courier-Journal, Sept. 13, 2005]

HORSE SENSE IN SENATE

This week, the U.S. Senate may vote on an amendment to the agriculture appropriations bill that would outlaw the slaughter of horses for food. For most Kentuckians—in fact, for most Americans—it's shocking that such a vote would need to be taken. In this country, horses are raised to be companion animals. Most folks don't know that in three foreign-owned slaughterhouses within our borders, about 45,000 horses are killed each year.

The meat is then shipped to Japan and several European countries, where horse is served for dinner. In the international market, the meat of American horses is especially coveted, since most of them have been well fed and have received superior care.

This should be an easy vote for Sens. Mitch McConnell and Jim Bunning. Horses are central to Kentucky's culture. Our famous Bluegrass farms breed and raise them for higher purposes than ending up on some dinner table overseas.

And no horse is currently safe from that fate. Ferdinand, the 1986 Kentucky Derby winner, was killed in a Japanese slaughterhouse when his stud services were no longer needed. This past spring, 41 wild mustangs were slaughtered for food in a Texas plant after being purchased through a program meant to give them new homes.

That's why, in June, the U.S. House of Representatives overwhelmingly passed legislation identical to what the Senate is considering. Kentucky's own Rep. Ed Whitfield, R-1st District, led the effort.

Now the Senate should do the same, with Kentuckians again playing a leadership role.

[From the St. Petersburg Times, Sept. 13, 2005]

BRING AN END TO HORSE SLAUGHTER

Horse slaughter has no place in the United States. The House of Representatives con-

firmed that earlier this year by passing an amendment to the agriculture spending bill that would, in essence, stop the practice. Now it is the Senate's turn.

Currently, horses that are no longer wanted are sold to buyers who presumably seek them for recreation or as pets too often end up in slaughterhouses or in the hands of exporters who send them outside the country for slaughter. Sometimes the buyers hide their true intentions and make a profit by selling the horses for slaughter. Each year, nearly 100,000 horses are subjected to a cruel end to their lives.

Horse meat for human consumption hasn't been sold in the United States for decades and isn't even used in pet food here. If a horse is near the end of its useful life, there are more humane ways for an owner to get rid of it. Adoption groups offer horses a peaceful retirement, and if the horses need to be euthanized, it can be done painlessly and humanely for a couple hundred dollars.

The Senate vote could come up in the next few days, so those opposed to horse slaughter should contact their senators and tell them to support the amendment, which would deny the Agriculture Department taxpayer dollars for the inspection of horse meat. Without such inspections, legalized horse slaughter in this country will end. And good riddance.

[From the Charleston Gazette, Sept. 13, 2005]

SAVE HORSES—BILL WOULD STOP SLAUGHTER

Around 90,000 American horses are slaughtered each year for human consumption. Foreign-owned slaughterhouses on American soil kill about 50,000 of them; the other 20,000 are sent live to Mexico or Canada. Some are wild horses that still wander ranges of the West; others are unwanted, disposed of by their owners or unscrupulous dealers who promise they will go to good homes.

Many of these creatures undergo extreme suffering en route to their final destination. Transport law allows them to go for 24 hours without food, water or rest, even if they are badly injured or heavily pregnant.

West Virginia Sen. Robert Byrd plans an amendment to the Agriculture appropriations bill banning horse slaughter in the United States. All three of the state's representatives voted for a similar amendment in the House that passed, 269-158.

There are alternatives to the slaughter of unwanted horses. The recent auction of wild mustangs in Roncerverte resulted in new homes for horses trucked in and sold for a nominal amount. Many horse rescue operations work with retired racehorses, many of whom have tragically ended at slaughterhouses—even big-time steeds, including Kentucky Derby winner Ferdinand. The rescue organizations retrain them and find them new homes and careers. Horses that have truly come to the end of their useful or comfortable lives can be humanely euthanized, rather than having to endure the pain, panic and trauma of a trip to the slaughterhouse.

The bond between horses and humans is as close as the connection between dogs or cats and their owners. The horsemeat industry is not a vital part of the American economy. We hope the Senate will pass this humane amendment.

CITY OF KAUFMAN,
Kaufman, TX, September 6, 2005.

Re Support Congressional efforts to end horse slaughter.

DEAR SENATOR: As the Mayor of Kaufman, Texas, I am all too well acquainted with an issue that has been getting plenty of attention on Capitol Hill recently: horse slaughter.

Kaufman is "home" to Dallas-Crown, one of only three slaughterhouses that continue

to operate in this country (the other plants are in Ft. Worth, TX and DeKalb, IL). Together, the plants killed more than 65,000 of our horses last year for human consumption abroad. All three plants, are foreign owned, and all three are out of step with American public opinion. Seventy-eight percent of Texans oppose horse slaughter and polls from other parts of the country reflect this sentiment. Both of the Texas plants operating in violation of state law which prohibits the sale of horsemeat for human consumption. And Dallas-Crown is operating in violation of a multitude of local laws pertaining to waste management, air quality and other environmental concerns.

When the District Attorneys in the two Texas jurisdictions moved to prosecute under the state law, the plants filed suit and the District Attorneys were prevented from proceeding. Horses continued to be slaughtered while the case languished in federal court. Recently, the judge ruled in the plants' favor. The District Attorneys are considering an appeal.

When the city took action against the plant for releasing pollutants into the sewer system far in excess of legally acceptable limits, we ended up in court and are now forced to mediate on an issue that can't be mediated. Meanwhile, our municipal sewer system is overburdened, but we simply cannot afford to refurbish the system so that it can tolerate overload from Dallas-Crown. Nor should we have to.

Residents are also fed up with the situation. Long-established neighbors living adjacent to the plant cannot open their windows or run their air conditioners without enduring the most horrific stench. Children playing in their yards do so with the noise of horses being sent to their deaths in the background. Landowners have difficulty securing loans to develop their property. The residents have petitioned the city council to take corrective action against the plant. On August 15 the Kaufman City Council voted unanimously to implement termination proceedings against the plant.

But the ultimate remedy rests with the federal government, which has the authority—and opportunity—to close this shameful industry down. I urge you to cosponsor the American Horse Slaughter Prevention Act when it is introduced by Senator John Ensign, and to support the Ensign amendment to the Senate Agriculture Appropriations Bill for Fiscal Year '06 that will prohibit the use of federal funds to facilitate horses slaughter.

As a community leader where we are directly impacted by the horse slaughter industry, I can assure you the economic development return to our community is negative. The foreign-owned companies profit at our expense—it is time for them to go. If I can provide you with further information, please don't hesitate to contact me at 972-932-2856.

Sincerely,

PAULA BACON,
Mayor of Kaufman, Texas.

Mr. ENSIGN. Mr. President, the Ensign-Byrd amendment also has strong support from some of the people most familiar with the slaughterhouses. Paula Bacon, the mayor of Kaufman, TX, which is home to the Dallas Crown Slaughterhouse, recognized the importance of ending this slaughter.

She stated:

My city is little more than a doormat for a foreign-owned business that drains our resources, thwarts economic development and stigmatizes our community. There is no justification for spending American tax dollars to support this industry.

That is Paula Bacon, mayor of Kaufman, TX, home to the Dallas Crown horse slaughterhouse facility.

Members of the local community would like to see this slaughterhouse closed, as well.

Concerns have been raised about what will happen if this slaughter is ended. Many of these horses will be sold to a new owner. Some horses will be kept longer by their original owner, others will be euthanized humanely by a licensed veterinarian, and still others will be cared for by the horse rescue community. Efforts are underway to standardize practices for horse rescue organizations. Guidelines for this ever-growing sector have been developed by the animal protection community and embraced by sanctuaries.

Statistics do not support claims that this legislation will result in more abuse and neglect of unwanted horses. In Illinois, the number of abuse cases actually dropped from 2002 to 2004, when the State's only slaughterhouse was closed due to fire. In California, there has been no rise in neglect cases since the State passed a ban on slaughter for human consumption in 1998.

Furthermore, it is illegal to "turn out," neglect, or starve a horse, so this amendment will not lead to more orphaned horses. If a person attempts to turn his or her horses out, animal control agents can enforce humane laws. These animals still can be euthanized and disposed of by a veterinarian for about \$225, a fraction of the cost to keep a horse. That cost is not too big of a burden to bear when no other options are available.

Our amendment is good for horses. That is why it is supported by many animal protection groups. The Humane Society of the United States, the American Society for the Prevention of Cruelty to Animals, the Doris Day Animal League, the American Humane Association, and Society for Animal Protective Legislation—all support our legislation. We have also received support from much of the horse industry and veterinarians nationwide. In fact, congressional measures to end horse slaughter are supported by Veterinarians for Equine Welfare, the National Thoroughbred Racing Association, Churchill Downs, Incorporated, and dozens of owners and trainers of champion racehorses, including Kentucky Derby winners.

The time to end this slaughter is now. Please join my colleagues and me in supporting this important amendment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senator be recognized to speak as in morning business. We are under the Agriculture bill, and no one seems to be coming forward under the Agriculture bill, so I obviously have no objection, but I think, to be clear, it should be as in morning business; therefore, I ask unanimous consent that the Senator be given the opportunity to do that.

The PRESIDING OFFICER. Is there objection?

Hearing none, it is so ordered.

Mr. CONRAD. Mr. President, I thank my colleague from Utah for his graciousness, and my colleague from Wisconsin as well. I appreciate this opportunity to speak.

(The remarks of Mr. CONRAD pertaining to the introduction of S. 1730 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BYRD. Mr. President, Winston Churchill said, "when you are on a great horse, you have the best seat you will ever have." Indeed, throughout the ages, the horse has carried mankind across continents, helped forge civilizations, and has been that beloved beast of burden that has borne the human race on its back.

In America, the horse was the primary source of transportation of our founding fathers, the vehicle of our Revolutionary soldiers, and a symbol of the majestic strength and character that this great country was based upon. Our fledgling urban centers rose with the help of the horse's brawn. Our American frontier expanded farther and farther west, with families traveling by horse-drawn wagons across mountains and valleys, the plains and prairies. The American cowboy, an indelible image of the fierce and undying determination of the American spirit, was never without his trusty four-legged companion.

But each year, 65,000 horses are slaughtered in this country for human consumption in Europe and Asia, where horsemeat is considered a delicacy. Another 30,000 horses are shipped every year to Canada and Mexico to be slaughtered.

These horses often suffer unnecessarily while in transit to slaughterhouses. Horses can be shipped for more than 24 hours without food, water, or rest. They can be transported with broken legs, missing eyes, or while heavily pregnant. The horses are kept in cramped conditions, in trucks with ceilings so low that they prevent the horses from holding their heads in a normal, upright position. The cramped nature of their transport often results in trampling, with some horses arriving at the slaughterhouses seriously injured or dead.

Even more cruel than the suffering these animals endure while in transit is their often injurious end. Improper use of stunning equipment at the slaughterhouse can result in the animal having to endure repeated blows to

head, meaning that horses sometime remain conscious throughout the slaughter process.

The market for horsemeat is not an American market. Horsemeat is shipped abroad. The three slaughterhouses in the U.S. are foreign-owned. Thus, American horses are sold to a foreign company, killed for consumption in a foreign market, and foreign-owned companies profit from the export of horse meat. Many Americans would be shocked to learn that our animals suffer such a fate, all in order to satisfy the tastes of those living in Europe and Asia. Indeed, many individuals who sell horses to slaughterhouses do so unwittingly. Slaughterhouses often send third parties, called "killer buyers," to auction to buy horses.

Senator ENSIGN and I have offered an amendment to stop the slaughter of horses for human consumption by preventing taxpayer dollars from being used to inspect the horses intended for slaughter. Without these inspections, which are paid for by the American taxpayer, it would be impossible for these companies to slaughter horses in the U.S., or to transport horses abroad for slaughter.

I ask my colleagues to support the Ensign-Byrd amendment to end the slaughter of one of the most precious American symbols.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I understand the Senator from Hawaii has some amendments to the Agriculture appropriations bill.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, what is the pending order of business?

The PRESIDING OFFICER. The Bennett amendment is now pending.

Mr. AKAKA. I ask unanimous consent to set the pending amendment aside.

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

AMENDMENT NO. 1729

Mr. AKAKA. Mr. President, I have two amendments to offer. I call up amendment No. 1729 to H.R. 2744, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies appropriations bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Hawaii [Mr. AKAKA] proposes an amendment numbered 1729.

Mr. AKAKA. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows: (Purpose: To prohibit Federal funding of research facilities that purchase animals from Class-B dealers)

On page 173, after line 24, insert the following:

SEC. 7 _____. None of the funds made available by this Act may be used to provide funding to a research facility that purchases animals from a dealer that holds a Class B license under the Animal Welfare Act (7 U.S.C. 2131 et seq.).

AMENDMENT NO. 1730

Mr. AKAKA. Mr. President, I call up amendment No. 1730 to H.R. 2744.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. AKAKA] proposes an amendment numbered 1730.

Mr. AKAKA. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To ensure the humane slaughter of nonambulatory livestock)

On page 173, after line 24, insert the following:

SEC. 7. None of the funds made available by this Act may be used to approve for human consumption under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) any cattle, sheep, swine, or goats, or horses, mules, or other equines that are unable to stand or walk unassisted at a slaughtering, packing, meat-canning, rendering, or similar establishment subject to inspection at the point of examination and inspection under section 3(a) of that Act (21 U.S.C. 603(a)).

Mr. AKAKA. Mr. President, I rise to offer two amendments to H.R. 2744, the Agriculture appropriations bill for FY 2006, that will help protect the health of the American public. Amendment 1730, the downed animal amendment, would prohibit the U.S. Department of Agriculture, USDA, from utilizing funds under this act to approve downed animals for human consumption.

Downed animals are livestock such as cattle, sheep, swine, goats, horses, mules, or other equines that are too sick to stand or walk unassisted. Many of these animals are dying from infectious diseases and present a significant pathway for the spread of disease.

While I commend USDA and livestock organizations for their efforts to address the issue of downed animals, I am still very concerned about diseases such as BSE, more commonly known as mad cow disease, that pose a serious risk to the United States cattle industry and human health. A food inspection study conducted in Germany in 2001 found that BSE is present in a higher percentage of downed livestock than in the general cattle population. USDA stated that downed animals are one of the most significant potential pathways that have not been addressed in previous efforts to reduce risks from BSE. Stronger legislation is needed to ensure that these animals do not enter our food chain. My amendment is very simple. It would prevent downed animals from being approved for consumption at our dinner tables. This will allow USDA and other stakeholders to continue working on reducing and potentially eliminating the risk of BSE or any other prions from entering our food chain.

Currently, before slaughter, USDA's Food Safety Inspection Service, FSIS, diverts downer livestock that exhibit clinical signs associated with BSE or other types of diseases until further

tests may be taken. However, this does not mean that downed livestock cannot be processed for human consumption. If downer cattle presented for slaughter pass both the pre- and post-inspection process, meat and meat by-products from such cattle can be used for human consumption. Routinely, BSE is not correctly distinguished from many other diseases and conditions that show similar symptoms. This was demonstrated by the surveillance of a similar inspection process in Europe, showing that the process is inadequate for detecting BSE. Consequently, BSE-infected cattle can be approved for human and animal consumption.

Today, USDA has increased its efforts to test approximately 10 percent of downed cattle per year for BSE. However, it is my understanding that USDA is looking to revisit this issue. I do not believe that now is the time to lower our defenses. While I am not asking the industry and Federal Government to test every slaughtered cow, I am asking the Federal Government to address and reduce the real risks associated with BSE and similar diseases in the U.S.

Some individuals fear that my amendment would place an excessive financial burden on the livestock industry. I want to remind my colleagues that one single downed cow in Canada diagnosed with BSE this year shut down the world's third largest beef exporter. It is estimated that the Canadian beef industry lost more than \$1 billion as a result of the discovery of BSE and more than 30 countries banned Canadian cattle and beef. As the Canadian cattle industry continues to recover from its economic loss, it is prudent for the United States to be proactive in preventing BSE and other animal diseases from entering our food chain.

We must protect our livestock industry and human health from diseases such as BSE. My amendment reduces the threat of passing diseases from downed livestock to our food supply. It also requires higher standards for food safety and protects human health from diseases and the livestock industry from economic distress.

AMENDMENT NO. 1729

Amendment No. 1729 is based on my bill, the Pet Safety and Protection Act, S. 451. It will protect family pets while allowing research on dogs and cats to continue in an environment free from scientific fraud and animal abuse.

This amendment prohibits Federal funds from being provided to a research facility that purchases animals from Class B dealers. Class B animal dealers collect dogs and cats from "random sources" and routinely violate the Animal Welfare Act. The Animal Welfare Act sets the minimum standards of care for animals and requires accurate record keeping on their acquisition and disposition. Dogs and cats are subjected to abusive handling and exposure to the elements while kept on the premises of Class B dealers. They are

routinely denied sufficient food, water, and veterinary care before they are sold off to laboratories.

Less than a month ago, one of the more notorious Class B dealers, C.C. Baird, pleaded guilty in a case before a U.S. District Judge. He had violated the Animal Welfare Act because he transferred the dogs and cats to research facilities with false acquisition records. During the search, approximately 125 dogs were seized by Federal agents as evidence of various violations of the Animal Welfare Act.

I recently sent a letter to all my colleagues in the Senate requesting support in passing the Pet Safety and Protection Act. On the front were pictures of a hound dog, Buck, who was in terrible shape—skinny, his ribs sticking out, pieces of his ear torn off—after being held by a Class B dealer.

There are only 17 Class B dealers selling random source dogs and cats for research. However, there are hundreds of suppliers to these dealers. Random source animals are dogs and cats that may be obtained by fraudulent means, through "free to good homes" ads, false animal origin records, and stealing of pet dogs and cats from their owners. The Department of Agriculture lacks the necessary resources to track the interstate activities of Class B dealers to ensure that they comply with Federal law. USDA cannot provide an assurance that illegal acquired pets are not being sold by Class B dealers. This is a problem that is certain to grow in the aftermath of hurricane Katrina with the thousands of animals placed in shelters.

From a scientific research point of view, Class B-acquired animals have not had standardized care nor is there any certainty of the history of the animals. These circumstances make them unsuitable as research subjects in any case, since they cannot be used as control cases or experimental animals. Valid scientific research relies on controlled experimental design and replicable results—two things highly questionable when using animals with unknown history and background.

This simple amendment prohibits funding in this FY 2006 appropriations bill from going to research facilities that purchase animals from a dealer that holds a Class B license under the Animal Welfare Act.

I urge my colleagues to support these two amendments.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Utah.

Mr. BENNETT. Mr. President, as near as I can tell, there is support for these amendments on both sides of the aisle. I ask they be considered en bloc by a voice vote.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

The question is on agreeing to amendments Nos. 1729 and 1730, en bloc.

The amendments (Nos. 1729 and 1730) were agreed to, en bloc.

Mr. AKAKA. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BENNETT. Mr. President, unless the Senator has an additional amendment—

Mr. AKAKA. Mr. President, I thank the Senator from Utah and the ranking member, Senator KOHL, for accepting these amendments.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business.

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

STORAGE OF NUCLEAR WASTE

Mr. BENNETT. Mr. President, one of the issues that has occupied this Chamber for some time and had a particular impact on those of us in the Western States is the issue of the storage of nuclear waste. The question of where nuclear waste should be stored has been before various administrations and various Congresses literally for decades.

The original policy decision made by administrations past and Congresses past was that there should be a single repository for nuclear waste. After a study by the National Academy of Sciences and others, the decision was made to put that repository in Nevada, in Yucca Mountain. Ever since that time, construction has gone forward at the Yucca Mountain facility.

All of that happened before I came to Congress. When I got here, the debate was going on, and we had a particular point where we had to vote, once again, on whether to put nuclear waste in Yucca Mountain.

At that time, as I looked at the various alternatives, I decided that the best scientific answer to the question of what to do with nuclear waste was to leave it where it was. I was assured by the scientists that it was safe in the dry cask storage that had been prepared for its transportation, and that it could be safely transported across the country to Yucca Mountain.

My reaction to that was, if it is safe where it is and if it is safe to transport, why transport it at all? Why not leave it where it is?

It was very clear that the Congress was not going to accept that position, that the President was not going to accept that position, and that we were going to go ahead as a matter of public policy and have a single repository for nuclear waste.

So I said: If we are going to have a single repository for nuclear waste, the most logical place for that is Yucca Mountain. And I voted in favor of Yucca Mountain.

Looking back on it, the keyword in that sentence is the word "if." If we are going to have a single repository for nuclear waste, it appeared that the logical place to put it was Yucca Mountain.

It is now clear that we are not going to have a single repository for nuclear waste. Yucca Mountain has been challenged on scientific grounds. Yucca

Mountain has been challenged in the court on legal grounds. And as we look at the present state of our need for energy, Yucca Mountain will be challenged on practical grounds because it is very clear that we are going to need more, not less, nuclear power.

Nuclear power is here to stay. The nuclear plants that we have are going to be recommissioned and relicensed, and Yucca Mountain will be full if we go ahead with the existing plans to send nuclear waste there. We will still need storage in place even if Yucca Mountain opens. It doesn't make sense from a practical point of view to move the material all across the country, store it in Yucca Mountain for the purpose of ending storage in place, and then have storage in place come back.

Those who saw this in advance—Senator REID and Senator ENSIGN—have the right to tell the rest of us, "I told you so," as it now becomes clear that scientifically, legally, and practically, Yucca Mountain is not going to become the single repository for nuclear waste. And we need to start thinking about new strategies and new places to deal with this issue.

I want to make it very clear that I am not opposed to nuclear power. Indeed, I am a strong supporter of nuclear power. I have supported Senator DOMENICI in his efforts in crafting the Energy bill to craft the bill in such a way as to encourage America to build new nuclear powerplants. We are behind the rest of the world on this issue. Go to Europe and you will find the French have something like 80 percent of their power generated by nuclear power. The British have large amounts of nuclear power.

With the price of natural gas going as high as it is, it becomes increasingly economically unwise for us to continue to build gas-powered electric plants. Nuclear power is something in which we should get involved in a big way in the future, and the Energy bill we passed prior to the August recess laid the groundwork for that.

The question is, of course, if we go in that direction, what do we do with the nuclear waste? If Yucca Mountain is not going to be available—and I am now convinced that it will not be—where should it be put? There is a proposal that it should be put in the State of Utah at an interim storage site that has just recently been licensed by the Nuclear Regulatory Commission.

I put stress on the word "interim" because the whole idea behind the proposed facility in Utah, in a place called Skull Valley, was that it would simply be a stopover for the waste on its way to Yucca Mountain, and so it has been designed and it has been licensed as an interim storage facility.

If it does not make sense for us to take this nuclear waste and put it in a permanent repository, which is what Yucca Mountain is, why does it make sense to put it in an interim repository that does not have the safeguards that are built into Yucca Mountain?

Yucca Mountain would put the waste below ground. It would put the waste in vaults that have been prepared for it. The interim facility in Skull Valley would leave the waste above ground. It would leave the waste in the dry cask receptacles that were built for transportation. Why ship it from its present site aboveground to another site aboveground to say, well, this is an interim storage site until we put it in permanent storage?

The reality is, if you do that, you are creating a permanent storage site because there will be no place to put it after it has been transported to the interim storage site.

There are those who say: You just don't want it in Utah. And that is true, I don't want it in Utah. But there is another factor that drives the reason I don't want it in Utah. This particular interim storage site is at the portal to the Utah Test and Training Range. Even most people in Utah have never heard of the Utah Test and Training Range, and they have no idea what it is. It is the largest land range for bombing practice in the United States. It goes all the way back to the Second World War. The crew that flew the mission over Hiroshima in the Enola Gay trained at the Utah Test and Training Range.

Today, it is still in use. F-16s from Hill Air Force Base fly over the Utah Test and Training Range and practice their bombing runs with live ordinance. I have flown over the Utah Test and Training Range in a helicopter and have been told: We have to get out of here because the F-16s are coming, and they are going to start bombing.

It clearly does not make sense to have an interim storage facility for nuclear waste in an area where F-16s with live ordinance are going to be flying.

There are those who say: The F-16s can change their flight pattern; they can go around this area; they don't need to pay attention to it.

One of the things we have learned from spending time with the BRAC process in determining which military facilities will be retained and which will not is that more military facilities have been closed by encroachment than have been closed by BRAC—encroachment being development or other activities that come close to the gate of the military base that make it impossible for the people on the base to do their job, and they ultimately say: When we built this base, it was surrounded by open spaces. Now activity has come in, development has come in, encroachment has happened, and we are going to have to close this base.

I do not want to see encroachment take away the last remaining large, land-based test and training range in the United States. We need to rethink this whole thing.

So, Mr. President, I am now making it clear that my support for Yucca Mountain, however well intended it was at the time, in my opinion does no longer hold in the situation in which we find ourselves.

I also believe the proposal that was made at the time we approved Yucca Mountain the last time, that of leaving the material in place until we can work out the economics and the technology of reprocessing it, is the right approach. That is what the future holds.

Right now people say: Reprocessing it is too expensive. But we know from past experience that technology will find a way around that. It will become cheaper and cheaper the more we do it. We are already involved in reprocessing warheads from the former Soviet Union as we go through the process of reducing nuclear weapons and nuclear stockpiles around the world. As that reprocessing activity goes forward, we will learn how to do it faster, we will learn how to do it cheaper, and reprocessing will be available for the nuclear waste that is currently being developed by our nuclear power facilities.

At that time, it would make sense for the nuclear waste that is stored onsite to be shipped to a reprocessing center, not to an interim storage facility.

There is one other factor that needs to be stressed. At the present time, the contract to take the nuclear waste and ship it to the interim storage facility in Utah—which, by the way, has not been built; there is still \$1 billion worth of investment that will have to go into that—the process by which that will go forward will be under the ownership of the utilities that run the nuclear plants.

The main difference between an interim storage facility and a permanent storage facility in the law has to do with titles. In the interim storage facility, the utility that created the waste and ran the nuclear plant retains title to the waste. While it is being packaged, while it is being shipped, and while it is in interim storage, it is owned by the utility. Under the Yucca Mountain proposal, the Federal Government would take title to the waste the minute Yucca Mountain would open so the Federal Government would be responsible for packaging it, the Federal Government would be responsible for protecting it while transporting it, and the Federal Government would be responsible for the security on the site where it would be located. If we leave it where it is while we work on the issue of reprocessing, title remains with the utility that produced it, but the security that the utility has already built into its plant is already there. It is not exposed to any terrorist attack while it is moving so that utility does not have to bear the expense of extra security in moving waste to which they retain title.

Then when we get to the point where we can move it to a reprocessing plant, once again the Federal Government may take title to it.

The Federal Government can provide the security during transportation. The Federal Government can see that it is kept safe from terrorist attack and bring it to the reprocessing facility.

One last point. One of the reasons we want to be sure the Federal Government is in charge of all of the reprocessing is that the end product after reprocessing is not only additional energy created by the process, but the residue that is left is weapons-grade plutonium. We do not want to run the risk of having weapons-grade plutonium in the hands of private entities. We want to be sure that the Government controls it.

What I think we need to do—“we” being the collective word for the administration and the Congress, generally—is to adopt some fundamental principles and then rethink the whole issue to come up with the appropriate details. The fundamental principles that I would recommend and that I embrace are, No. 1, we are in favor of nuclear power. We want more nuclear power in this country for all of the environmental reasons dealing with greenhouse gases, for all of the demand reasons dealing with the increased necessity for electric power, and for all of the legal reasons having to do with the control of the ownership of these facilities. So the No. 1 principle, I am in favor of nuclear power. No. 2, I am in favor of reprocessing. I think we should work toward that technical solution for the question of waste. And No. 3, while we are in the process of building new nuclear plants and working toward reprocessing of the waste, we should leave the waste where it is. If, indeed, as I say, it is safe to transport and it is safe to store in an interim facility someplace else, by definition, it is equally safe to store it where it is. That is cheaper, that is equally as safe, and that sets us up for the solution of our problem. I believe that if we rethink the whole issue as to how we are going to handle it and what we are going to do, there may very well be a useful purpose for Yucca Mountain. We have spent, as a nation, billions of dollars preparing that facility. We should review the facility and what it offers and see how it might be used at some particular point in the future and see how we might retain some of the investment we have made there.

I am not one who thinks we ought to fill Yucca Mountain up with dirt and walk away and leave it. There can be a win-win situation for all. Nevada can get some value out of the investment that has been made in Yucca Mountain if we think it through carefully. The Nation can get additional power without the greenhouse gas effect that comes from fossil fuels, and we can ultimately solve the problem of nuclear waste with reprocessing.

I have discussed this in general terms with Senator DOMENICI, who is the chairman of the Energy Committee as well as the chairman of the energy and water subcommittee of the Appropriations Committee, and I commend him for his original thinking of moving in directions that will make sense for the future. However, much as the idea of a single repository may have made sense

decades ago, it is now clear, as I say, that it does not make sense, and we need to move in some future direction. To the degree that Senator DOMENICI will allow me to participate in trying to find logical solutions under the three principles I have described, I will be more than happy to cooperate with him. To those who had the vision long ago who, as I say, have earned the right to say to the rest of us, “I told you so,” I say I will be happy to join with you, too, in seeing how we can think this thing through and get the best solution for our Nation and all of those who live in it.

With that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BENNETT. Mr. President, I ask unanimous consent that the Ensign amendment No. 1753 be modified to be drafted as a first-degree amendment, provided further that the vote in relation to the Ensign amendment No. 1753 occur at 4:45 today with no amendment in order to the amendment prior to the vote. I also ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BENNETT. I suggest the absence of a quorum.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. The yeas and nays are ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 1726

Mr. BENNETT. Mr. President, I believe that amendment No. 1726 is now the pending business.

The PRESIDING OFFICER. The Senator is correct.

Mr. BENNETT. This is the managers' amendment that Senator KOHL and I introduced last Thursday. It makes some technical corrections in the bill regarding conservation technical assistance for DuPage County, IL. It also makes some technical corrections in the Rural Electrification Act of 1936. It has the approval of the authorizing committee, as well as the support of USDA, and there is no additional cost to the bill. Senator KOHL and I have taken the position that we will not offer any authorizing legislation on this bill that does not have the approval of the authorizing committee. And this one falls within that scope. So it has been cleared on both sides of the

aisle, and I believe we are now prepared to pass it on a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1726) was agreed to.

Mr. BENNETT. Mr. President, I move to reconsider the vote and ask that that be laid upon the table.

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

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TALENT. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

AMENDMENT NO. 1763

Mr. TALENT. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. TALENT], for himself and Mr. PRYOR, proposes an amendment No. 1763.

Mr. TALENT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit the use of funds to close or relocate certain local offices of the Farm Service Agency)

On page 173, after line 24, insert the following:

SEC. 7 _____. None of the funds made available by this or any other Act may be used to close or relocate a county or local Farm Service Agency office unless or until the Secretary of Agriculture has determined the cost effectiveness and enhancement of program delivery of the closure or relocation, and report to the House and Senate Committees on Agriculture and Appropriations.

Mr. TALENT. Mr. President, this amendment, which I am offering on behalf of myself and Mr. PRYOR, the Senator from Arkansas, is an attempt to address a development within the Department of Agriculture. The Department is proposing closing about a quarter to a third of the Farm Service Agency's local offices around the country, including, as far as we can tell, around 30 out of the 90 offices in Missouri, the object, according to the Department, being to modernize and consolidate functions and to provide better service.

Certainly nobody is opposed to better service. But I want to emphasize something here. The key with regard to how we handle FSA offices has to be service to the agricultural community and to our producers. The idea is accessibility. The idea is responsiveness. The idea is not necessarily somebody's planning in Washington about how they would organize everything in the United States if they could do it exactly the way they wanted.

I am a little concerned about changing our FSA offices when, from what I am told back in Missouri, there has been little or no consultation either with local FSA people or with producer organizations, more particularly farmers or the affected communities. I don't know how we can do this in a way that emphasizes service, acceptability, and accountability without having to talk to the people whom we are trying to serve.

The amendment basically says hold up on this until we have an opportunity for that kind of accessibility and that kind of accountability.

Again, I am not saying—and I don't think Mr. PRYOR is saying either—that no consolidation is possible. I imagine it is possible in Missouri. We certainly want to look at how we can modernize these offices so we can perform better service. But we have to remember that these are the offices our producers have to go to any time they want to deal with any of the Government's various programs that affect them. Some of them in Missouri are already driving 30, 40 minutes, or more than that, and if they drive and they don't have all the forms they need, or they left something at home, they have to go all the way home, get it, and turn around and come back.

When you are proposing eliminating some of those offices when they are already difficult to access, in many cases, I think that is something we need to look at. I certainly believe we need more consolidation, at least in Missouri, than we have had now.

That is all this amendment says. I appreciate very much the bill managers working with us. I understand they are going to be willing to accept the amendment. I appreciate that. I pledge to work with them in conference.

This language isn't necessarily the be-all and end-all with regard to this issue. I think they see what Senator PRYOR and I are driving at, and I think everybody would agree this is something we want to do with consultation and discussions with the affected communities—in particular the affected producer and producer groups. They are not opposed to making the Farm Service Agency work better. We all know the problems that have sometimes occurred. But we have potentially disaster relief coming down the pike, and I certainly hope so for producers who have been affected negatively by the hurricane, or by drought. We have another farm bill that is not that far away. We need to do this right, if we are going to do it. That is what the amendment says.

I appreciate the support of the Senator from Utah, and certainly pledge to work with him and his ranking member in conference on this amendment.

I yield the floor.

Mr. BENNETT. Mr. President, I share the concern and frustration of the Senator from Missouri with the proposal. We have had some of that same con-

cern and frustration in Utah. Charitably, I will say that the efforts to close these offices have been handled a little less wisely than might otherwise have been the case.

I hope that between now and the conference we can learn more about this proposal. I think the Senator's comments about getting information and input from those directly affected is very wise.

I pledge to work with all the Senators concerned on this issue between now and the time we get to conference. So knowing that this will be the vehicle whereby we can get to conference, I am willing to proceed now to a voice vote and urge Senators to support it. I understand it has been cleared on both sides.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1763) was agreed to.

AMENDMENT NO. 1753

Mr. BENNETT. Mr. President, as we are approaching the hour of 4:45, which has been set as the time for the vote on the Ensign amendment, I say to my colleagues that Senator ENSIGN outlined the reasons for his amendment. I have heard others who for one reason or another have already been opposed to it. But so far, none of them have come to the floor to express that opposition.

I make it clear to anyone who is following the proceedings that one of the reasons we have delayed the vote as we have and kept the afternoon as open as we have has been to allow those who may be opposed to the Ensign amendment the opportunity to present their proposals.

We now are at 4:45. I expect the time is far gone and the vote will proceed. I didn't want anyone thinking we had made any effort to prevent anybody from presenting a different point of view than what Senator ENSIGN laid out when he proposed his amendment this afternoon.

The PRESIDING OFFICER. The hour of 4:45 having arrived, the question is on agreeing to the amendment of the Senator from Nevada.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER (Mr. AL-EXANDER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 29, as follows:

[Rollcall Vote No. 237 Leg.]

YEAS—68

Akaka	Bayh	Boxer
Alexander	Bennett	Bunning
Allen	Biden	Burr

Byrd	Hagel	Mikulski
Cantwell	Harkin	Murkowski
Carper	Hatch	Murray
Chafee	Hutchison	Nelson (FL)
Chambliss	Inouye	Nelson (NE)
Clinton	Isakson	Obama
Coleman	Jeffords	Reed
Collins	Kennedy	Reid
Dayton	Kerry	Santorum
DeMint	Kohl	Sarbanes
DeWine	Kyl	Schumer
Dodd	Lautenberg	Smith
Dole	Leahy	Snowe
Durbin	Levin	Specter
Ensign	Lieberman	Stabenow
Feingold	Lott	Sununu
Feinstein	Lugar	Vitter
Frist	Martinez	Warner
Graham	McCain	Wyden
Gregg	McConnell	

NAYS—29

Allard	Craig	Roberts
Baucus	Crapo	Salazar
Bingaman	Domenici	Sessions
Bond	Dorgan	Shelby
Brownback	Enzi	Stevens
Burns	Grassley	Talent
Coburn	Inhofe	Thomas
Cochran	Johnson	Thune
Conrad	Lincoln	Voinovich
Cornyn	Pryor	

NOT VOTING—3

Corzine	Landrieu	Rockefeller
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The amendment (No. 1753), as modified, was agreed to.

Mr. BENNETT. Mr. President, I move to reconsider the vote.

Mr. SUNUNU. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BENNETT. Mr. President, I have been asked throughout the vote whether that is the last vote of the evening. That obviously is not my call. It is the responsibility of the leader to make that decision. At the moment, I don't know of any amendment that would require a vote. I would hope that our colleagues who have amendments would be aggressive in coming to the floor now and offering them. We could offer an amendment now, lay it down for a vote in the morning.

Mr. ROBERTS. Will the Senator yield?

Mr. BENNETT. I yield.

Mr. ROBERTS. I have an amendment. I would like to offer it.

Mr. BENNETT. The Senator from Kansas satisfies our request instantly. I am happy to yield the floor.

AMENDMENT NO. 1742

Mr. ROBERTS. Mr. President, I have an amendment pending at the desk numbered 1742. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. ROBERTS] proposes an amendment numbered 1742.

Mr. ROBERTS. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To modify the conditions under which the Federal Crop Insurance Corporation may offer crop insurance to single producers)

On page 173, after line 24, insert the following:

SEC. 7 _____. Section 508(a)(4)(B) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)(4)(B)) is amended by inserting "or similar commodities" after "the commodity".

Mr. ROBERTS. Mr. President, this amendment is very straightforward. It has been cleared by both the chairman and ranking member of the Agriculture Committee, and I have also received word that the Risk Management Agency is supportive of this change.

Very simply, the amendment amends the section of the Federal Crop Insurance Act regarding the use of written agreements for commodities in counties where the crop has not yet been approved for crop insurance purposes.

The problem is that 3 years of cropping history is needed in order to issue a written agreement for coverage. However, producers cannot get a history of planting because the banker won't lend the money if they can't get insurance coverage. Thus, it is an endless cycle.

We have many counties where coverage exists for sunflowers, and we would like to use that data to expand coverage to canola. The Risk Management Agency has indicated that this would be an acceptable practice. However, the current law says that data must be used from the same commodity for which the policy is being issued. This amendment simply changes that language to allow data from agronomically similar crops to be used in providing written agreements.

The amendment has been given a score of zero by the CBO, and I urge my colleagues to accept it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I have no objection to this amendment and believe we should move forward on a voice vote.

The PRESIDING OFFICER. Is there further debate on the current amendment?

Mr. BENNETT. Mr. President, I ask that we withhold from the vote, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BENNETT. Mr. President, we are now prepared to proceed to a voice vote on the Roberts amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 1742.

The amendment (No. 1742) was agreed to.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 1765

Mr. KOHL. Mr. President, on behalf of Senator HARKIN, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for Mr. HARKIN, proposes an amendment numbered 1765.

Mr. KOHL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require the Secretary of Agriculture to provide notice to Congress before initiating any structural change in a mission area of the Department)

On page 173, after line 24, insert the following:

SEC. 7 _____. 90 days before initiating any structural change in a mission area of the Department, the Secretary of Agriculture shall provide notice of the change to the Committees on Appropriations of the Senate and the House of Representatives.

Mr. KOHL. I ask for adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1765) was agreed to.

Mr. KOHL. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1766

Mr. KOHL. Mr. President, on behalf of Senator PRYOR, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for Mr. PRYOR, proposes an amendment numbered 1766.

Mr. KOHL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide a technical correction for the community eligibility for rural utilities programs in Arkansas)

On page 154, line 10, insert "Clebourn County, Arkansas," after "Montana".

Mr. KOHL. I ask for adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1766) was agreed to.

Mr. KOHL. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KOHL. I yield the floor.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DAYTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DAYTON. I thank the Chair. I ask unanimous consent that I speak in morning business for up to 10 minutes.

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

Mr. DAYTON. I thank the Chair. I also thank the distinguished Senator from Utah, in charge of the proceedings right now, for this opportunity.

RESPONSE FROM THE ADMINISTRATION

Mr. President, it has been 3 weeks now since the levees failed in New Orleans, and the Committee on Homeland Security and Governmental Affairs, on which I am a member, is tomorrow holding its second public hearing since those levees failed. The title of the hearing is, "After the London Attacks, What Lessons Have Been Learned To Secure U.S. Transit Systems?"

That is a worthy topic. I don't question that. But in the context of what is occurring in the United States, it is not, and should not, be the most pressing priority of that committee.

On this coming Friday, we are having the second hearing of that committee related to Hurricane Katrina. The witnesses, very distinguished individuals to be sure, are a county judge from Harris County, Texas; mayor of Baton Rouge, LA; mayor of Brookhaven, MS; and the mayor of Fayetteville, AR—no one from the administration with responsibility for the rescue-recovery efforts in Louisiana, Mississippi, and Alabama. No administration official is appearing, as last week when the hearing was held no one with any direct responsibility for Hurricane Katrina and the response to it by the Federal Government or any other level of Government was present.

Some would say we should not disrupt the relief efforts in that region, and I totally agree. I do not want any of us to be involved in any way that is disruptive. Lord knows, those relief efforts have been disruptive enough and continue to be by all the goings on down there. But last Sunday, Coast Guard Vice Admiral Allen, now in charge of the relief effort, found time to appear on four of the five major TV talk shows. Two weeks before, Homeland Security Secretary Chertoff found time to appear on all five of the major TV Sunday talk shows. If they are actually in Louisiana or its vicinity around the clock leading the recovery efforts, let's hook up a closed television system, communications system, and let them appear before our committee in a public session via that communication, but to appear before the committee which has, under the Senate authorizing resolution, the authority, not subject to some subsequent decision by the majority leadership with concurrence by a sufficient number of Members of the Senate to establish a select committee, but right now, here and now the authority and the responsibility to this body and more importantly to the American people to be conducting oversight and what is going on there, how the now over \$63 billion this body has appro-

priated, and necessarily so, with more requests to come soon, how that money is being expended, or not. These are vital questions that are relevant to decisions that are being made every day in expending those billions of dollars and affecting the lives of those people in that region of the country.

We have the right, the responsibility to be asking questions in public hearings and getting answers from those who are directly responsible in the administration. That is long overdue, and I urge again the leadership of the committee and the leadership of the Senate, majority leadership, to make the insistence and to assure that we get the proper witnesses at the highest levels of the administration who are responsible, and that we get answers in public settings.

Similarly, tomorrow we are informed that the Secretary of Defense, Donald Rumsfeld, and Chairman of the Joint Chiefs of Staff, Richard Myers, will be appearing before Members of the Senate to discuss the situation in Iraq and Afghanistan. Once again, that gathering is going to be in a closed setting, private, nonpublic, no press, and not the American people. This is a pattern that has been continued repeatedly over the last 3 months by the administration in not being willing to have its top people responsible for the war effort in Iraq and Afghanistan appear in a public setting before the Committee on Armed Services, of which I am also a Member.

The last hearing that the Senate Armed Services Committee held regarding oversight in Iraq was almost 3 months ago. It was June 30 of this year. Since then we have had, again, private top secret classified briefings but nothing in a public setting where we can ask questions and where we and the American people can hear the answers.

I call upon this administration and its responsible authorities, Cabinet Secretaries, those to whom the President has delegated responsibility to make these life-and-death decisions affecting our constituents, affecting the brave men and women who are serving in Iraq and Afghanistan, affecting the brave men and women who are involved in the rescue efforts down in Southern United States, who are making decisions affecting the lives of those of our constituents and our citizens, make those leaders available to us in public hearings starting now. We deserve the answers. The American people deserve the answers.

I thank the Chair. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAMBLISS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. THUNE. Mr. President, I ask unanimous consent I be permitted to

speak as in morning business for up to 10 minutes.

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

Mr. THUNE. I send the following bill to the desk.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

(The remarks of Mr. THUNE pertaining to the introduction of S. 1733 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

PET IDENTIFICATION TAGS

Mr. HARKIN. I understand that the House report on this appropriations measure includes language that directs the APHIS to adopt a particular standard with respect to microchip identification tags for pets, but that the present measure does not include this language.

As the ranking member of the authorizing committee that has jurisdiction over this issue, I strongly disagree with this language being inserted in an appropriations report, and with a process that would dictate a standard for these microchips without fully considering alternatives. It is my understanding that pet animals with chips that conform to the standard included in the House report are a small fraction of all the pet animals in the U.S. that presently have a microchip identification tag implanted under their skin. These ID tags play a vital role in reuniting pet animals that have gone astray with their families.

Further, I understand that adopting this standard as directed would interfere with ongoing intellectual property litigation over patented technology incorporated in the most widely adopted microchip standard in the U.S. I think it would be improper for Congress to take this action at this time.

I do not advocate any action in the current legislation, other than to ensure that the language unfortunately included by the House is not included in the conference report. I would ask the subcommittee chair and the ranking member whether, since the Senate report is silent on this issue, this issue is preserved for our consideration as part of the conference, and whether they agree with me that this provision should be dropped from the conference report?

Mr. BENNETT. I would tell the Senator that I share his concern regarding this provision in the House Report. The report on the Senate version of this legislation is silent on this matter, but this matter will certainly be preserved for consideration in conference.

Mr. KOHL. I share the concerns of the Senator from Iowa and the observations of Chairman BENNETT and look forward to working with both of them on this in conference.

OCEANIC INSTITUTE (HAWAII) FINFISH HATCHERY TECHNOLOGY DEVELOPMENT AND TRANSFER

Mr. INOUE. Mr. President, will the distinguished Senators from Utah and Wisconsin yield? I would like to discuss

with them the tremendous potential of open ocean cage culture as a sustainable source of high protein seafood for the United States and the world, and the issues associated with advancing open ocean cage culture.

Mr. BENNETT. I am pleased to yield to the senior Senator from Hawaii.

Mr. KOHL. I, too, would also like to join in on the discussion of this matter.

Mr. INOUE. I thank my distinguished colleagues for yielding. Along with the increased demand for seafood, we have also witnessed the decline in natural fisheries. While we have, as a Nation, made great advances with land-based aquaculture to address the widening gap between seafood demand and supply, we are beginning to see the emerging potential of open ocean cage culture as a way to bolster supply without detrimental impacts on the marine environment. With the development of a viable open ocean cage aquaculture industry, we will have a valuable tool to assist our efforts to manage wild fisheries and ensure that United States consumers will have access to a range of high quality, environmentally responsible seafood products. I am proud to say that producers and the marine aquaculture research community in my State of Hawaii are among the leaders in the development of this new industry. To date, growers in Hawaii have demonstrated the commercial viability of open ocean cage culture for Hawaiian finfish and have small scale ventures that supply Hawaii as well as some mainland markets.

To move open ocean cage culture to the next level requires the refinement and transfer of finfish hatchery technology to the industry. The Oceanic Institute in Hawaii has been the leader in developing this technology but recently has encountered problems in scaling hatchery technology to a commercial level. To overcome these problems, this research organization has recently expressed a need to remove the nutritional and other constraints in the raising of finfish fingerlings destined for open ocean cages. This will involve some redirection of funds provided by this committee for the Oceanic Institute of Hawaii for a comprehensive aquaculture development research program. Specifically, there is a need to shift funds from more general feed issues to the myriad problems associated with raising fingerlings on a commercial scale for open ocean cages. I support such changes in the use of funds appropriated for the Oceanic Institute of Hawaii and seek your concurrence.

Mr. BENNETT. In developing a new industry, I fully understand the need to be flexible and recognize that all issues cannot be anticipated during the initial phases of a project. I fully concur with the request for flexibility in the use of the funds provided by this committee.

Mr. KOHL. I concur with my colleagues from Hawaii and Utah and en-

courage the Agricultural Research Service to work closely with the Oceanic Institute in utilizing funds appropriated for aquaculture development to specifically address finfish hatchery technology refinement and transfer to the industry.

Mr. INOUE. I thank my colleagues.

Mr. SPECTER. Mr. President, I wish to describe my amendment to the fiscal year 2006 Agriculture appropriations legislation. My amendment would extend the Milk Income Loss Contract, MILC, program for 2 years. It is imperative that we extend this crucial program for our dairy farmers that expires at the end of this month.

The MILC program provides a safety-net for farmers when the price of milk falls below a set price per hundredweight, or 100 pounds of milk, roughly 11 gallons. Dairy farmers in Pennsylvania, and across the country, are an integral component of our rural economy. In Pennsylvania alone, agriculture is our No. 1 industry with dairy being the largest sector composing over 40 percent of the industry. We need to ensure that dairy farmers, like most farmers in America, have the protection needed when the price they receive for their milk falls.

During the consideration of the 2002 farm bill, I coauthored this program to provide payments to dairy farmers when the price of Class I fluid milk falls below \$16.94 per hundredweight. This program applies to all dairy farmers in the United States, from my former home State of Kansas to Oregon to Georgia and all the way up to Maine.

When the milk prices are low, as they were in 2002 and part of 2003, the MILC program partially supplements dairy farm income to bridge the gap until prices recover. When the milk prices are strong, the program is dormant. This was the case for most of 2004 and 2005. However, one payment of 3 cents per hundredweight was made in June.

However, dairy economists forecast that the price of milk will fall in 2006 below the set price established in the MILC program. Thus, there is an urgency to extend this program to ensure that our dairy farmers continue to have the safety-net of the MILC program. If prices fall and the MILC program is not in place, our farmers will suffer tremendous losses.

I urge my fellow Senators to support this amendment and America's dairy farmers.

NOTICE OF INTENT

Mrs. BOXER. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill, H.R. 2744, the Agriculture appropriations bill, the following amendment:

AMENDMENT NO. 1756

On page 173, after line 24, insert the following:

SEC. 7 _____. Notwithstanding the proclamation by the President dated September 8,

2005, or any other provision of law, the provisions of subchapter IV of chapter 31 of title 40, United States Code (and the provisions of all other related Acts to the extent they depend upon a determination by the Secretary of Labor under section 3142 of such title, whether or not the President has the authority to suspend the operation of such provisions), shall apply to all contracts to which such provisions would otherwise apply that are entered into on or after the date of enactment of this Act, to be performed in the counties affected by Hurricane Katrina and described in such proclamation.

Mr. BENNETT. Mr. President, in consultation with the Democratic manager of the bill, I now ask unanimous consent that all first-degree amendments to the pending Agriculture appropriations bill be filed at the desk no later than 4 o'clock tomorrow, Wednesday, with the exception of those managers' amendments that have been cleared by both managers.

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

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

LORI CARPENTER AND CLAY COOPER—ANGELS IN ADOPTION

Mr. REID. Mr. President, I rise today to honor Lori Carpenter and Clay Cooper of Reno, NV, who were recently honored as Angels in Adoption by the Congressional Coalition on Adoption.

Lori and her husband, Clay Cooper, have adopted three daughters and one son from foreign countries. All four children have come from countries with high levels of poverty and a great deal of political turmoil.

Lori and Clay have made it a priority to keep the children's heritage and culture an integral part of their lives. They share stories and nursery rhymes from the children's countries of origin, cook native foods, and put the children in touch with people from their country in an effort to keep their native languages alive. And all four children are thriving both academically and socially.

The Angels in Adoption program provides an opportunity for all Members of Congress to honor the good work of their constituents who have enriched the lives of foster children and orphans. And I am pleased to highlight

the extraordinary work of Lori Carpenter and Clay Cooper.

I salute the Carpenter-Cooper family and their richly deserved recognition as Angels in Adoption.

NATIONAL PUBLIC LANDS DAY

Mr. REID. Mr. President, I rise today to celebrate the 12th annual National Public Lands Day that is set to take place on Saturday, September 24, 2005. Across the Nation, nearly 100,000 people will come together on this day to get their hands dirty while protecting and improving our Nation's public lands. And today I would like to offer my heartfelt appreciation to every man, woman, and child that contributes to this vital campaign.

In Nevada, where nearly 87 percent of our lands are managed by Federal agencies, the relationship between the people and our public lands is tangible and real. For ranchers, hunters, farmers, hikers, miners, and every Nevadan that has driven a lonely dirt road in search of solitude, our public lands represent an irreplaceable resource. That is why programs like National Public Lands Day—that remind us that we all reap the rewards of good stewardship, and that we suffer together when our lands are mismanaged or abused—are so important.

Those individuals that will rise early in the morning on the 24th of this month to help with one of the more than 650 National Public Lands Day projects will be giving a gift of service to the local landscapes, to the local communities, and to people of the United States at large. I thank these volunteers, and the staff of the land management agencies who are tasked with the responsibility of protecting, managing, and maintaining these lands each and every day. Our public lands are one of the most important national legacies that we leave behind for future generations. Working together—at places like Lake Mead, Mount Charleston, Red Rock Canyon, Lake Tahoe, the Ruby Mountains, and the Black Rock Desert—we can make sure that this legacy is a strong one.

BUDGET SCOREKEEPING REPORT

Mr. GREGG. Mr. President, I hereby submit to the Senate the budget

scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the 2005 budget through September 14, 2005. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2006 concurrent resolution on the budget, H. Con. Res. 95.

The estimates show that current level spending is under the budget resolution by \$1.922 billion in budget authority and over the budget resolution by \$101 million in outlays in 2005. Current level for revenues is \$447 million above the budget resolution in 2005.

Since my last report dated July 28, 2005, the Congress has cleared and the President has signed the following acts that changed budget authority, outlays, or revenues: the Surface Transportation Extension Act of 2005, Part V (P.L. 109-40); the Interior Appropriations Act, 2006 (P.L. 109-54); the Energy Policy Act of 2005 (P.L. 109-58); the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (P.L. 109-59); the Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising from the Consequences of Hurricane Katrina, 2005 (P.L. 109-61); and the Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising from the Consequences of Hurricane Katrina, 2005 (P.L. 109-62).

I ask unanimous consent to print the following in the RECORD.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 15, 2005.

Hon. JUDD GREGG,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed tables show the effects of Congressional action on the 2005 budget and are current through September 14, 2005. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the

technical and economic assumptions for fiscal year 2005 that underlie H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006. Pursuant to section 402 of that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of the report).

Since my last letter, dated July 28, 2005, the Congress has cleared and the President has signed the following acts that changed budget authority, outlays, or revenues:

Surface Transportation Extension Act of 2005, Part V (Public Law 109-40);

Interior Appropriations Act, 2006 (Public Law 109-54);

Energy Policy Act of 2005 (Public Law 109-58);

Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59);

Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising from the Consequences of Hurricane Katrina, 2005 (Public Law 109-61); and

Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising from the Consequences of Hurricane Katrina, 2005 (Public Law 109-62).

The effects of the actions listed above are detailed in the enclosed reports.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosures.

TABLE 1.—SENATE CURRENT-LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2005, AS OF SEPTEMBER 14, 2005

(In billions of dollars)

	Budget resolution ¹	Current Level ²	Current level over/under (—) resolution
ON-BUDGET			
Budget Authority	1,996.6	1,994.7	— 1.9
Outlays	2,023.9	2,024.0	0.1
Revenues	1,483.7	1,484.1	0.4
OFF-BUDGET			
Social Security Outlays	398.1	398.1	0
Social Security Revenues	573.5	573.5	0

¹ H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed the enactment of emergency supplemental appropriations for fiscal year 2005, in the amount of \$81.811 million in budget authority and \$32.121 million in outlays, which would be exempt from the enforcement of the budget resolution. Since current level excludes the emergency appropriations in P.L. 109-13 (see footnote 2 of Table 2), the budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

² Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made.

Source: Congressional Budget Office.

Note: * = less than \$50 million.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2005, AS OF SEPTEMBER 14, 2005

(In millions of dollars)

	Budget authority	Outlays	Revenues
Enacted in Previous Sessions:¹			
Revenues	n.a.	n.a.	1,484,024
Permanents and other spending legislation	1,109,476	1,070,500	n.a.
Appropriation legislation	1,298,963	1,369,221	n.a.
Offsetting receipts	— 415,912	— 415,912	n.a.
Total, enacted in previous sessions	1,992,527	2,023,809	1,484,024
Enacted This Session:			
Authorizing Legislation:			
Surface Transportation Extension Act of 2005 (P.L. 109-14)	16	0	0
TANF Extension Act of 2005 (P.L. 109-19)	81	45	0
Surface Transportation Extension Act of 2005, Part II (P.L. 109-20)	15	0	0
Surface Transportation Extension Act of 2005, Part III (P.L. 109-35)	13	0	0
Surface Transportation Extension Act of 2005, Part IV (P.L. 109-37)	5	0	0
Surface Transportation Extension Act of 2005, Part V (P.L. 109-40)	2	0	0
Energy Policy Act of 2005 (P.L. 109-58)	0	0	40
Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (P.L. 109-59)	1,562	8	0

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2005, AS OF SEPTEMBER 14, 2005—
Continued
[In millions of dollars]

	Budget authority	Outlays	Revenues
Appropriation Acts:			
Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109–13) ²	–1,058	4	41
Interior Appropriations Act, 2006 (P.L. 106–54)	1,500	120	0
Total, enacted this session	2,126	177	81
Total Current Level ^{2,3}	1,994,653	2,023,986	1,484,105
Total Budget Resolution	2,078,456	2,056,006	1,483,658
Adjustment to budget resolution for emergency requirements ⁴	–81,881	–32,121	n.a.
Adjusted Budget Resolution	1,996,575	2,023,885	1,483,658
Current Level Over Adjusted Budget Resolution	n.a.	101	447
Current Level Under Adjusted Budget Resolution	1,922	n.a.	n.a.

¹ The effects of an act to provide for the proper tax treatment of certain disaster mitigation payments (P.L. 109–7) and the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (P.L. 109–8) are included in this section of the table, consistent with the budget resolution assumptions.

² Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level excludes: \$83,140 million in budget authority and \$33,034 million in outlays from the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109–13); \$10,500 million in budget authority and \$1,150 million in outlays from the Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (P.L. 109–61); and \$51,800 million in budget authority and \$125 million in outlays from the Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (P.L. 109–62).

³ Excludes administrative expenses of the Social Security Administration, which are off-budget.

⁴ H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed the enactment of emergency supplemental appropriations for fiscal year 2005, in the amount of \$81,811 million in budget authority and \$32,121 million in outlays, which would be exempt from the enforcement of the budget resolution. Since current level excludes the emergency appropriations in P.L. 109–13 (see footnote 2), the budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

Notes.—n.a. = not applicable; P.L. = Public Law.
Source: Congressional Budget Office.

NATIONAL ADDICTION
COUNSELOR'S DAY

Mr. BIDEN. Mr. President, over the course of this entire month we are celebrating National Drug and Alcohol Addiction Recovery Month, a time when we focus on the benefits of substance abuse treatment and highlight the hope of recovery for those in the grasp of drug and alcohol addiction. And today, September 20, we are focusing on the men and women who help guide people to recovery as we recognize National Addiction Counselor's Day. These professionals are unsung heroes who deserve our recognition, respect, and gratitude.

It is an unfortunate reality that substance abuse and addiction are pervasive in our country. Last year, over 19 million Americans used illicit drugs, 55 million had engaged in binge drinking, and over 16 million were considered heavy drinkers. These are staggering statistics. We have all known someone a family member, friend, or coworker who has or has had a drug or alcohol problem. Many of us have even spent time trying to convince a loved one to seek treatment, confident that a good treatment center and a qualified health professional would be able to restore hope to our loved one and help them into recovery.

Left untreated, addiction is a devastating disease which has far-reaching consequences. It exacerbates social ills including crime, disease, child abuse and neglect, domestic violence, and a wide range of family problems. It costs society billions each year in health care costs, lost productivity, and property damage. It also costs lives and causes immeasurable amounts of grief and pain. But there is hope: drug and alcohol abuse are treatable problems. Addiction is a chronic relapsing disease and, as with other chronic relapsing diseases such as diabetes, hypertension and asthma, there may not be a cure but there are a number of treatments to control the disease. That means that addicts are not sentenced to living

their lives out of control; they can seek treatment with an addiction counselor or other health professional and take charge of their futures.

The people who treat this destructive disease are a dedicated, knowledgeable group of professionals who have committed themselves to a noble cause. They are a critical part of our Nation's health care system. Today there are countless sober individuals living happy, productive lives only because, in a moment-of-truth, a counselor was there and made the difference. Not only do these counselors assist in recovery but in prevention and intervention as well. Through training and experience, addiction professionals can help turn a life around and often even save it. And for the friends and family of a person struggling with addiction, counselors are an answer to a prayer, guiding their loved one to a life in recovery.

I ask all of my colleagues to join me today in recognizing the priceless contributions of addiction counselors, and giving them our gratitude. Their work to restore hope to shattered lives and broken families is invaluable. I applaud their work and hope that on National Addiction Counselor's Day they know how much they are respected and appreciated.

HONORING OUR ARMED FORCES

CHIEF WARRANT OFFICER TWO STEPHEN E.
SHEPHARD

Mr. INHOFE. Mr. President, today I would like to stand in honor of a great Oklahoman. CWO2 Stephen Shephard gave his life in the battle for freedom in Iraq. Steven is a true American hero who joined the war against terrorism after he witnessed the September 11 attacks on our own country. He was truly an admirable soldier and a great man.

Chief Warrant Officer Shephard was born in Stillwater, OK, in 1974. His family then moved to Purcell, OK, where Stephen attended Purcell schools until he graduated in 1993. Ste-

phen played baseball and the saxophone in high school. His baseball coach remembers him as "hardworking and dedicated." His friends remember him as having a great sense of humor. In high school, Stephen was voted "most witty."

Ever since he was a child, Chief Warrant Officer Two Shephard had a love for aviation. He got his pilot's license before he even graduated from high school. His sister says that "being a pilot was his lifelong dream." After graduating from high school, Stephen earned a bachelor's degree in aviation from Oklahoma State University and then served as a flight instructor at the Air Force Academy in Colorado Springs and at Kansas State University. Stephen was a wonderful teacher with patience and a sense of humor in the classroom. His students loved him and looked up to him.

In 1998, Stephen married Meleah, who is also from Purcell. Like many other Americans, Stephen felt a call to duty following the September 11 attacks, and he joined the Army in 2002 in response to that call. Stephen and Meleah were expecting their first child in September of this year.

Stephen was assigned to B Company, 3rd Battalion, 3rd Aviation Regiment of the 3rd Infantry Division out of Fort Bragg, NC. He was killed on June 27, 2005, in Tija, Iraq, when enemy forces shot down the Apache helicopter he was flying. Stephen died doing what he loved—flying—and fighting for our freedom.

For this soldier from Purcell, OK, there is no deeper honor than the memory he leaves behind. He gave of himself in life as well as in death, and stands out as an example to all of us. Today I honor a true hero, CWO2 Stephen Shephard.

MARINE SERGEANT JAMES R. GRAHAM, III

Mr. President, it is a great but solemn honor to rise today in memory of a courageous young man who recently gave his life in defense of his Nation and his fellow soldiers, Marine Sgt James R. Graham, III.

Sergeant Graham, 25, leaves behind a wife and two small children. He was known for his kindness and willingness to help others, often playing soccer with neighborhood children.

Sergeant Graham was assigned to 4th Tank Battalion, 4th Marine Division, Marine Forces Reserve, an antitank unit based in Broken Arrow, OK. He was deployed to Iraq with the 2nd Marine Division, II Marine Expeditionary Force to provide support in the ongoing reconstruction and security efforts. While serving there he was awarded the Good Conduct Medal, the Armed Forces Reserve Medal and the Selective Marine Corps Reserve medal. On Monday, August 1, he was killed as a result of a suicide bombing while conducting combat operations near Hit, a city about 85 miles northwest of Baghdad.

The soldiers, friends, and family who are left behind remember a true example of professionalism and patriotism. Sergeant Graham died a true hero, worthy of the respect and gratitude of every American. None among us can dispute the tragedy of plans unrealized and ambitions unfulfilled, and our thoughts and prayers are with Sergeant Graham's wife and family. Though we are all grieved by the loss of this soldier, we will never cease to be proud of him. His sacrifice echoes across the world and in our hearts. He was a true Oklahoman, and a true American—Sgt James Graham, III.

OPERATION HOME DELIVERY

Mrs. BOXER. Mr. President, Hurricane Katrina has caused unprecedented destruction and suffering for so many people in this country. The rest of the Nation has been extremely generous to help people who are suffering from the devastation caused by Katrina.

One area where people need help is rebuilding housing. To help Katrina victims, Habitat for Humanity International is launching "Operation Home Delivery," to provide assistance and rebuilding opportunities in New Orleans and elsewhere along the gulf coast. A major component of this operation is the "home in a box project."

The plan is to "pre-build" the frame of a home. The house will be assembled to ensure the construction, and, then, the frame will be taken apart and the components placed, along with other necessary construction materials, in a container and shipped to an area along the gulf coast or New Orleans where families, volunteers, and builders will rebuild the home.

"Operation Home Delivery" homes will mirror traditional Habitat homes by being simple and affordable, providing approximately 1,100 to 1,300 square feet of living space. The estimated cost of a house for the gulf region is only \$85,000. This includes all components to completely build the home and costs associated with transportation, delivery, utilities and site preparation. The first project in "Operation Home Delivery" will be this month in Jackson, MS.

I am asking each Senator to go back to your respective States and seek assistance for Habitat for this outstanding project. Designated dollars for "Operation Home Delivery" will purchase specific pieces of the house. For example, \$35 will buy roof shingles or \$100 will buy a front door. These gifts will allow people not only to have a home but to begin to rebuild their lives.

Habitat for Humanity is working to provide hope for the future to the victims of Katrina with this worthy project.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On September 22, 2004, a 36-year-old man was stabbed several times outside his home by two men in New Orleans, LA. The apparent motivation for the attack was the man's sexual orientation.

I would note that recently in the House, hate crimes legislation was passed in a bipartisan vote. I strongly believe that we must also move similar legislation in the Senate. In the months ahead I look forward to working with Senator KENNEDY as we continue our work in passing a hate crimes bill.

"SHOW-ME" LEADERSHIP THAT SAVED LIVES

Mr. BOND. Mr. President, the tragedy that has befallen the gulf coast region, its impact on families and communities, has been truly staggering. Our thoughts and prayers are with each individual who has been affected by this hurricane. Yet even in our darkest hours and our most difficult days once again we have seen the emergence of an American spirit that takes pride in triumphing in the face of great adversity. The examples of this American spirit are too numerous to document. We have seen examples in every neighborhood, every city, and every state in the nation as Americans all over the country have rallied around those who are most in need. In Missouri, we have opened our doors and welcomed displaced families to our homes, our communities, our churches, our schools, our health centers, and our hospitals.

Today, I would especially like to highlight the efforts to bring some of New Orleans' littlest victims to safety in Kansas City. Confronted with no electricity, shortage of supplies and the growing security concerns in the

face of looters, the New Orleans Children's Hospital was forced to evacuate and seek safer locations for all of their young patients. In the great spirit of the Show-Me State, the dedicated leadership and staff of Kansas City Children's Mercy Hospital didn't sit back and wait to be asked to help. Instead, Children's Mercy President and CEO Rand O'Donnell picked up the phone and called the CEO of the New Orleans Children's and asked how he could help. Children's Mercy threw open their doors to make room for 24 of these children ranging in age from 3 months to 23 years, from New Orleans Children's Hospital. These patients are being treated for a variety of conditions including asthma, cystic fibrosis, leukemia, kidney failure, and broken bones.

With the help of the Missouri National Guard, two C-130 military transport planes transported the patients and family members from New Orleans. The C-130 planes, part of the 139th Airlift Wing in St. Joseph, MO, were already in the region as part of national hurricane relief efforts. Children's Mercy also sent a smaller, fixed-wing aircraft capable of transporting two patients at a time. That plane and the Children's Mercy crew were used to transport a critically ill child to another children's hospital. Children's Mercy and MAST ambulances helped transport the children from the airport to Children's Mercy and Children's Mercy South. About 30 parents and other family members traveled with the patients. I am pleased to report that these children are doing well; in fact some of these children have already been discharged from the hospital.

Missouri, no stranger to disaster, wasted no time in showing folks that in difficult times we pull together, sending doctors, transport teams, supplies, and the National Guard to rescue these children and their families. Children's Mercy even arranged for lodging, food and transportation to be provided for the parents and families during their time in Kansas City. Thanks to the generosity and hospitality shown to these families by both the hospital and the community some of these families are considering a permanent relocation to the Kansas City area.

I rise today to salute the remarkable work of the staff at Kansas City Children's Mercy and the Missouri Air Guard on behalf of some of the hurricane's littlest victims and their families. In times of trouble, people look for leadership. During a week of great uncertainty, you pulled together as a team and led people from chaos to safety. Together you provided leadership and hope to those who desperately needed it. You were an inspirational example to others seeking to provide help. I have never been prouder to represent you and the State of Missouri.

S. 1711

Mr. FEINGOLD. Mr. President, while I do not make it a practice to comment on every bill that has been introduced, I am moved to remark on what I consider to be a particularly misguided recent legislative initiative—a bill allowing the Environmental Protection Agency, EPA, the very agency charged with protecting the public's health, to waive all laws under its jurisdiction—public health and environmental laws—during the cleanup of hurricane Katrina. The bill, S. 1711, would even allow these waivers over local and State opposition.

People returning to areas devastated by the hurricane deserve to know, among other things, that their water is safe to drink and that new construction won't put them or their families in harm's way by polluting their air or by destroying wetlands that can provide valuable ecological services. Although the legislation calls for up to 18 months of waivers, given the long-term nature of the types of activities involved, the effects of these waivers could be long lasting.

The broad approach being pushed is completely unnecessary and puts people and the environmental resources they depend upon at risk. While all of us want to help those affected by hurricane Katrina, there is simply no valid reason to think that we need to erode established environmental and public health protections in order to do so. We should be focused not on efforts that could harm the very people who have already faced the unthinkable but on efforts that will safeguard the health of the public and the health of the environment. Anything short of this should be off the table.

DEFEATING TERRORIST NETWORKS

Mr. FEINGOLD. Mr. President, throughout the 4 years since the September 11, 2001, terrorist attacks on this country, it has been clear to me that our first national security priority must be combating and defeating the terrorist networks that seek to do us harm. Former U.S. Ambassador to the United Nations Richard Holbrooke wrote a thought-provoking piece about the ideological battleground that is a vitally important part of our challenge, and about the importance of public diplomacy efforts in our overall campaign. It was published in the Washington Post on September 9, and I ask that it be printed in the RECORD.

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

[From the Washington Post, Sept. 9, 2005]

OUR ENEMY'S FACE
(By Richard Holbrooke)

Let us take a hard look at some extremely important words: "the global war on terrorism." Since Sept. 11, this phrase—often reduced in Washingtonese to "GWOT"—has entered the English language, popularized by

journalists and administration officials. It is the way our highest national priority is described by almost everyone.

But "GWOT" is not an accurate description of America's enemy or of what we are engaged in. Unless people know whom we are fighting, it will be virtually impossible to win the war of ideas that is such a key part of this struggle. The new undersecretary of state for public diplomacy, Karen Hughes, who is charged with primary responsibility for this part of the war, has a chance to fix the problem, but only if she is willing to change some deeply ingrained rhetoric and the political reasons behind it.

Stopping terrorists, using all necessary means, is vital in protecting the Nation. We cannot win without the use of force and first-rate intelligence. But suicide bombers are merely the expendable, deluded cannon fodder of ruthless ideologues. This has been true with terrorists throughout history. The long-term battle is against the underlying ideas and leaders behind these specific groups of terrorists.

Despite factionalism and fierce doctrinal disputes, our enemies, broadly speaking, constitute a movement, with goals, gurus, ideologues, myths and martyrs. They share a core set of virulently anti-Western beliefs and have common goals: to destroy the moderate (and still majority) wing of Islam, to establish Islamist theocracies that look backward toward a mythic "golden age," to seek the destruction of Israel, and to inflict maximum damage and human suffering through acts of terrorism.

Among its leaders, there is one whose face is as internationally recognized today as Adolf Hitler's was in 1941. He was responsible for Sept. 11. Yet the United States has not made it a primary goal to expose Osama bin Laden as the monster he is, something Roosevelt and Winston Churchill did to Hitler, and American leadership did to communism during the Cold War by demonstrating its moral and intellectual bankruptcy. Bin Laden (unlike Saddam Hussein) has been virtually ignored in public by official Washington.

Terrorism is not an end in itself; it is a tactic, just as it has been for countless other movements throughout history that sought to destroy or paralyze the established order, or attract attention to their cause. Over 2 years ago, Zbigniew Brzezinski, among others, pointed out that a "war on terror" was like a "war on blitzkrieg" or a "war on war." For this important insight, the former national security adviser was both attacked and ignored. During the 2004 campaign, I stumbled into a public dispute with senior administration officials, including Vice President Cheney, when, as a John Kerry surrogate, I told a New York Times Magazine writer that the phrase could be considered a metaphor and compared it to phrases such as the "war on poverty." For this both Kerry and I were assailed as naive, and I was asked, in the sneering tones of certain cable television interviewers, if I really thought we were at war with a "metaphor."

Of course not. But despite the grand rhetoric, does anyone think the United States is actually fighting "terror" or "terrorism" globally? We may detest terrorism in Sri Lanka, but we are not engaged in that civil war. Nor in Nepal, northern Uganda, Aceh or countless places around the world.

By calling both Iraq and Sept. 11 part of the war on terrorism, the administration has been partially successful in linking public support for the less popular war in Iraq to the universally supported fight against al Qaeda, even though no convincing evidence has been produced connecting the two. No other explanation has proved as valuable in keeping Americans, albeit in declining num-

bers, behind our increasingly controversial involvement in Iraq. "GWOT," as Dan Froomkin wrote on The Post's Web site last month, is "the metaphor that has consistently been [President Bush's] most potent weapon in the battle for public opinion."

The struggle against violent extremism will continue, of course, long after bin Laden is eliminated by death or capture. It will be a long conflict, with casualties and high costs, just like the efforts against fascism and communism. But fundamentally this is a war of ideas, and a more aggressive, direct attack on those ideas, and the men behind them, is necessary.

For starters, Osama bin Laden must be discredited, even if he remains at large. He is not, as some argue, irrelevant simply because his war will continue after he is gone (although, of course, it will). He remains a folk hero to millions of Muslims; youths wear T-shirts of him and children are named after him throughout the Muslim world. The United States should stop ignoring him and his henchmen; exposing them must become a top priority. He is a false prophet who incites mass murder, but he is clearly eloquent and charismatic. His ideas, no matter how insane they seem to us, appeal to many people. (Hitler had those qualities, too.)

Which brings us back to Karen Hughes. With her enormous bureaucratic clout, derived from her closeness with President Bush, the new undersecretary of state has a chance to make history. To do so, however, she must change some fundamental parts of our public message, and then devise better delivery systems for it—precisely what she did so effectively for Bush during so many campaigns.

Hughes should begin by revisiting what her own boss said on Aug. 6, 2004, speaking without a text. "We actually misnamed the war on terror," the president said that day. "It ought to be the struggle against ideological extremists who do not believe in free societies, who happen to use terror as a weapon." He was, inexplicably, laughed at for this remark, and rapidly retreated to safer rhetorical terrain. More recently, when Defense Secretary Donald Rumsfeld tried to replace "GWOT" with the "global struggle against violent extremism"—a somewhat more accurate phrase—the president immediately overruled him and again linked GWOT closely to Iraq during a series of public appearances.

But the president got it right last year. Words matter, and we need better ones to explain to the world, and to ourselves, who the enemy is. How about making it simple and specific: something like "the war against Osama bin Laden and his followers"? And then create an all-out, no-holds-barred campaign to expose, ridicule and destroy everything he and his ilk stand for—murder, horror, intolerance, disrespect for human life and a false view of Islam.

ADDITIONAL STATEMENTS

IN RECOGNITION OF REVEREND DR. VAHAN H. TOOTIKIAN

● Mr. LEVIN. Mr. President, I would like to call my colleagues' attention to a distinguished religious leader in Michigan, Reverend Dr. Vahan H. Tootikian. Dr. Tootikian will be honored at a special testimonial banquet on Sunday, September 25, 2005, in Troy, MI. The tribute will mark his retirement from active parish ministry and will recognize his 30 years as pastor of

the Armenian Congregational Church of Greater Detroit and his 46 years of Christian ministry. Since accepting his call to the ministry in 1959, Dr. Tootikian has used his talents and unique skills to encourage and enlighten people around the world. He has earned the respect and admiration of the Armenian and the greater religious community in Michigan, throughout North America, and around the world for his pastoral leadership and his commitment and devotion to service.

Born in Kessab, Syria in 1935, Dr. Tootikian received his primary education at the Armenian Evangelical schools in Syria and his secondary education in Beirut, Lebanon. He simultaneously earned a bachelor of art degree with honors and a bachelor of theology degree with honors from the American University of Beirut and the Near East School of Theology, respectively. He then served as pastor of Armenian Evangelical Churches in Syria and Egypt before coming to the United States in 1965 to pursue religious studies at Hartford Seminary, Harvard Divinity School, and Andover Newton Theological Seminary. While serving as minister of the Armenian Memorial Church in Watertown, MA, Dr. Tootikian earned a master of sacred theological degree in 1970, and a doctor of ministry degree cum laude in 1973.

In 1975, Dr. Tootikian was welcomed into the pastorate of the Armenian Congregational Church of Greater Detroit. Under his spiritual guidance, the Church has flourished and undergone expansion, which has included a new Christian Education Building, the founding of an Armenian library, and the organizing of the Armenian Heritage Committee to preserve and perpetuate the Armenian Christian Heritage.

Over the years, Dr. Tootikian has also provided leadership to numerous organizations, including the Armenian Evangelical Union of America, Armenian Missionary Association of America, and the Armenian Evangelical World Council—AEWC. During his tenure with AEWC, the 1700th Anniversary of Armenian Christendom was celebrated by all Armenian Evangelical Unions in Yerevan, Armenia, and the first Armenian Evangelical Pastors' Conference was held in May 2003 in Evian, France. As a scholar and lecturer, Dr. Tootikian has provided instruction at the University of Michigan and at the Lawrence Technological University. Dr. Tootikian has authored 27 books, with 6 of them currently in use as college textbooks. In addition, he has been a frequent contributor to many magazines and papers, and currently writes bilingual articles for 12 Armenian papers and periodicals. His efforts in support of various educational, philanthropic, religious and cultural organizations have been recognized through many awards and the establishment of endowment funds in his honor.

I know my colleagues join me in congratulating Dr. Tootikian on his serv-

ice to the community, and on his many achievements in the pastoral ministry. I am pleased to offer my best wishes to him on his retirement, and for many more years of good health, happiness, and contribution to the spiritual well being of many people around the world.●

MESSAGE FROM THE HOUSE

At 4:39 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 3649) to ensure funding for sportfishing and boating safety programs funded out of the Highway Trust Fund through the end of fiscal year 2005, and for other purposes.

The message also announced that the House has passed the following bill, without amendment:

S. 1340. An act to amend the Pittman-Robertson Wildlife Restoration Act to extend the date after which surplus funds in the wildlife restoration fund become available for apportionment.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1718. A bill to provide special rules for disaster relief employment under the Workforce Investment Act of 1998 for individuals displaced by Hurricane Katrina.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3798. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (241)" ((RIN2120-AA65)(2005-0023)) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3799. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of the Los Angeles Class B Airspace Area; CA" ((RIN2120-AA66)(2005-0195)) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3800. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Surface Area, South Lake Tahoe, CA" ((RIN2120-AA66)(2005-0193)) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3801. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Legal Description of the Class D Airspace; and Class E Airspace; Topeka, Forbes Field, KS" ((RIN2120-

AA66)(2005-0194)) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3802. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747SP, and 747SR Series Airplanes; Equipped with Pratt and Whitney Model JT9D-3 and -7 Series Engines" ((RIN2120-AA64)(2005-0398)) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3803. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Gulfstream Model G-IV, GIV-X, GV, and GV-SP Series Airplanes" ((RIN2120-AA64)(2005-0396)) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3804. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Gulfstream Aerospace LP Model Galaxy and Gulfstream 200 Airplanes" ((RIN2120-AA64)(2005-0397)) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3805. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Robinson Helicopter Company Model R-22 Series Helicopters" ((RIN2120-AA64)(2005-0401)) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3806. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 757-200, 757-200CB, and 757-200PF Series Airplanes Equipped with Rolls Royce Model RB211 Engines" ((RIN2120-AA64)(2005-0399)) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3807. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls-Royce Deutschland Ltd and Co KG Model BR700-715A1-30, BR700-715B1-30, and BR700-715C1-30 Turbofan Engines" ((RIN2120-AA64)(2005-0400)) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3808. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pilatus Aircraft Ltd. Models PC-6, PC-6-H1, PC-6-H2, PC-6/350, PC-6/350-H1, PC-6/350-H2, PC-6/A, PC-6/A-H1, PC-6/A-H2, PC-6/B-H2, PC-6/B1-H2, PC-6/B2-H2, PC-6/B2-H4, PC-6/C-H2, and PC-6/C1-H2 Airplanes" ((RIN2120-AA64)(2005-0395)) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3809. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Parts and Accessories Necessary for Safe Operation General Amendments" ((RIN2126-AA61)) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3810. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Service of Process on Foreign Manufacturers and Importers" (RIN2127-AJ69) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3811. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Reorganize and Harmonize Controls and Displays" (RIN2127-AI09) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3812. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "FMVSS No. 209, Emergency-Locking Retractors" (RIN2127-AI38) received on August 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3813. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Securities of Nonmember Insured Banks" (RIN3064-AC88) received on August 22, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-3814. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Community Reinvestment Act Regulations (12 CFR Part 345)" (RIN3064-AC89) received on August 22, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-3815. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (20 subjects on 1 disc beginning with "Environmental Restoration for Military Munitions Response Program") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC-3816. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (13 subjects on 1 disc beginning with "COBRA Installation Data for Buckley Annex (ARPC)") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC-3817. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (21 subjects on 1 disc beginning with "Miscellaneous Medical Questions") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC-3818. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (14 subjects on 1 disc beginning with "Comments on Cannon AFB") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC-3819. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (7 subjects on 1 disc beginning with "DUSD(I&E) Letter on Environmental Hearing QFRs from August 11, 2005") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC-3820. A communication from the Under Secretary of Defense for Acquisition, Tech-

nology, and Logistics, transmitting, pursuant to law, a report (11 subjects on 1 disc beginning with "Center for Fixed Wing Air Platform RDAT&E") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC-3821. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (21 subjects on 1 disc beginning with "DFAS Data Back-Up") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC-3822. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (1 subject on 1 disc entitled "Selfridge ARS-ARB MI MILCON") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC-3823. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (2 subjects on 1 disc beginning with "T38Cs From Moody AFB, GA Position Paper IFF (Rev)") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC-3824. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (1 subject on 1 disc entitled "DoD Technical Changes to Commission Recommendations") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC-3825. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (5 subjects on 1 disc beginning with "T38Cs From Moody AFB, GA") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC-3826. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (9 subjects on 1 disc beginning with "Naval Support Activity New Orleans, LA") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC-3827. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (1 subject on 1 disc entitled "Issue Papers Provided to the Commission") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC-3828. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (9 subjects on 1 disc beginning with "Inquiry Response Regarding COBRA Installation Data for Buckley Annex (ARPC)") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. VITTER:

S. 1726. A bill to designate the facility of the United States Postal Service located at

324 Main Street in Grambling, Louisiana, shall be known and designated as the "Coach Eddie Robinson Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER:

S. 1727. A bill to provide grants for prosecutions of cases cleared through use of DNA backlog clearance fund; to the Committee on the Judiciary.

By Mr. INHOFE:

S. 1728. A bill to amend the Internal Revenue Code of 1986 to permanently extend the Indian employment credit and the depreciation rules for property used predominantly within an Indian reservation; to the Committee on Finance.

By Mr. AKAKA:

S. 1729. A bill to extend the time during which persons affected by Hurricane Katrina may appeal certain decisions of the Board of Veterans' Appeals that are rendered during the period beginning June 1, 2005, and ending November 30, 2005; to the Committee on Veterans' Affairs.

By Mr. VOINOVICH (for himself and Mr. CONRAD):

S. 1730. A bill to establish the Trust Fund Administration to invest in non-Federal Government debt instrument index funds all Federal trust fund revenues transferred to the Federal Government upon the issuance of special rate Treasury obligations to such trust funds, and for other purposes; to the Committee on Finance.

By Mr. COBURN (for himself and Mr. INHOFE):

S. 1731. A bill to designate the Department of Veteran Affairs Medical Center in Muskogee, Oklahoma, as the Jack C. Montgomery Department of Veterans Affairs Medical Center; to the Committee on Veterans' Affairs.

By Mr. NELSON of Nebraska:

S. 1732. A bill to require the Federal Trade Commission to conduct an inquiry into the retail prices of natural gas and gasoline; to the Committee on Commerce, Science, and Transportation.

By Mr. THUNE:

S. 1733. A bill to establish pilot projects under the medicare program to provide incentives for home health agencies to utilize home monitoring and communications technologies; to the Committee on Finance.

By Mr. BINGAMAN:

S. 1734. A bill to establish the Valle Vidal National Preserve in the State of New Mexico; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL (for herself, Mr. REID, Mr. DURBIN, Mr. INOUE, Mrs. FEINSTEIN, Mr. KERRY, Mr. FEINGOLD, Mrs. CLINTON, Mr. WYDEN, Mr. KOHL, Mr. SCHUMER, Ms. STABENOW, Mr. DORGAN, Mr. JEFFORDS, Mrs. BOXER, Ms. MIKULSKI, Mr. BIDEN, Mr. LIEBERMAN, Mr. HARKIN, Mr. REED, and Mr. SALAZAR):

S. 1735. A bill to improve the Federal Trade Commission's ability to protect consumers from price-gouging during energy emergencies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. VOINOVICH, Mr. AKAKA, and Mr. VITTER):

S. 1736. A bill to provide for the participation of employees in the judicial branch in the Federal leave transfer program for disasters and emergencies; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SANTORUM:

S. 1737. A bill to prohibit entities that provide nuclear fuel assemblies to Iran from providing such assemblies to the United

States, and for other purposes; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. OBAMA (for himself, Mr. DODD, Mr. REID, Mr. CORZINE, Mrs. CLINTON, Mr. HARKIN, Mr. FEINGOLD, Mr. AKAKA, Mr. DORGAN, Mr. KENNEDY, Mr. KERRY, Ms. MIKULSKI, Mr. LAUTENBERG, Ms. STABENOW, Mr. PRYOR, Mr. DAYTON, Mr. LEAHY, Mr. DURBIN, Mr. WYDEN, and Mr. SALAZAR):

S. Con. Res. 53. A concurrent resolution expressing the sense of Congress that any effort to impose photo identification requirements for voting should be rejected; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 113

At the request of Mrs. FEINSTEIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 113, a bill to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust.

S. 337

At the request of Mr. GRAHAM, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 337, a bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service, to expand certain authorities to provide health care benefits for Reservists and their families, and for other purposes.

S. 419

At the request of Mr. KYL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 419, a bill to amend the Internal Revenue Code of 1986 to modify the treatment of qualified restaurant property as 15-year property for purposes of the depreciation deduction.

S. 633

At the request of Mr. JOHNSON, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 633, 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. 695

At the request of Mr. COCHRAN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 695, a bill to suspend temporarily new shipper bonding privileges.

S. 769

At the request of Ms. SNOWE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 769, a bill to enhance compliance assistance for small businesses.

S. 828

At the request of Mr. HARKIN, the name of the Senator from Maryland

(Mr. SARBANES) was added as a cosponsor of S. 828, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 1112

At the request of Mr. GRASSLEY, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1171

At the request of Mr. SPECTER, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1171, a bill to halt Saudi support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, and to secure full Saudi cooperation in the investigation of terrorist incidents, and for other purposes.

S. 1190

At the request of Mr. SALAZAR, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1190, a bill to provide sufficient blind rehabilitation outpatient specialists at medical centers of the Department of Veterans Affairs.

S. 1260

At the request of Mr. VITTER, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1260, a bill to make technical corrections to the Indian Gaming Regulatory Act, and for other purposes.

S. 1272

At the request of Mr. NELSON of Nebraska, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1272, a bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 1358

At the request of Mr. DURBIN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1358, a bill to protect scientific integrity in Federal research and policymaking.

S. 1360

At the request of Mr. SMITH, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1360, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes.

S. 1373

At the request of Mr. BROWNBACK, the names of the Senator from North Carolina (Mr. BURR), the Senator from Ne-

vada (Mr. ENSIGN), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 1373, a bill to amend title 18, United States Code, to prohibit human chimeras.

S. 1405

At the request of Mr. NELSON of Nebraska, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1405, a bill to extend the 50 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility and to establish the National Advisory Council on Medical Rehabilitation.

S. 1440

At the request of Mr. CRAPO, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1440, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 1563

At the request of Mr. DEWINE, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1563, a bill to amend title XIX of the Social Security Act to protect and strengthen the safety net of children's public health coverage by extending the enhanced Federal matching rate under the State children's health insurance program to children covered by Medicaid at State option and by encouraging innovations in children's enrollment and retention, to advance quality and performance in children's public health insurance programs, to provide payments for children's hospitals to reward quality and performance, and for other purposes.

S. 1581

At the request of Mr. BINGAMAN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1581, a bill to facilitate the development of science parks, and for other purposes.

S. 1633

At the request of Mr. TALENT, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1633, a bill to allow law enforcement officers to represent themselves as minors on the Internet to better protect America's children from sexual predators.

S. 1637

At the request of Mr. REID, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1637, a bill to provide emergency relief to meet the immediate needs of survivors of Hurricane Katrina for health care, housing, education, and financial relief, and for other purposes.

S. 1638

At the request of Mr. OBAMA, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1638, a bill to provide for the establishment of programs and activities

to assist in mobilizing an appropriate healthcare workforce in the event of a health emergency or natural disaster.

S. 1689

At the request of Mr. KYL, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 1689, a bill to state the policy of the United States on international taxation.

S. 1700

At the request of Mr. COBURN, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 1700, a bill to establish an Office of the Hurricane Katrina Recovery Chief Financial Officer, and for other purposes.

S. 1716

At the request of Mr. GRASSLEY, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 1716, a bill to provide emergency health care relief for survivors of Hurricane Katrina, and for other purposes.

AMENDMENT NO. 762

At the request of Mr. NELSON of Florida, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of amendment No. 762 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1548

At the request of Mr. CONRAD, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of amendment No. 1548 intended to be proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1730

At the request of Mr. AKAKA, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 1730 proposed to H.R. 2744, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA:

S. 1729. A bill to extend the time during which persons affected by Hurricane Katrina may appeal certain decisions of the Board of Veterans' Appeals that are rendered during the period beginning June 1, 2005, and ending No-

vember 30, 2005; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I want to discuss one of the many potential problems that will face this Nation in the aftermath of Hurricane Katrina. We have all heard the stories of the displacement of thousands of citizens from Louisiana, Mississippi, and Alabama. Many of these people have lost everything—their homes and belongings destroyed.

Undoubtedly, some of these people are veterans with claims they wish to appeal from the Board of Veterans' Appeals to the Court of Appeals for Veterans Claims. Under current law, a veteran has 120 days to file a notice of appeal to the Court of Appeals for Veterans Claims. If a notice of appeal is not filed within the 120-day window, the veteran essentially loses the right to appeal and might not receive benefits to which the veteran is entitled.

Given the current conditions in the gulf coast region, Congress must conclude that 120 days is not enough time for a veteran to file a notice of appeal. The sheer stress of the situation and the possibility that veterans and their advocates may not have access to the appropriate files makes 120 days for appeals unreasonable.

I have submitted legislation that extends the window for a notice of appeal from 120 days to 240 days for a veteran affected by Hurricane Katrina. This extension will provide appropriate relief to those attempting to rebuild their lives. Veterans should not be additionally burdened during these turbulent times.

I urge my colleagues to support this commonsense legislation and it is my hope that this legislation will pass the Senate in the near future. 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. 1729

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

SECTION 1. EXTENSION OF TIME FOR APPEAL OF CERTAIN DECISIONS RENDERED BY BOARD OF VETERANS' APPEALS.

(a) APPEAL PERIOD.—Notwithstanding section 7266(a) of title 38, United States Code, a Hurricane Katrina-affected person adversely affected by a final decision of the Board of Veterans' Appeals, which is rendered during the period beginning on June 1, 2005, and ending on November 30, 2005, may file a notice of appeal with the Court of Appeals for Veterans Claims at any time before the expiration of 240 days after the date on which notice of such decision is mailed pursuant to section 7104(e) of such title.

(b) DEFINITION.—In this Act, the term "Hurricane Katrina-affected person" means a person—

(1) who, as of August 28, 2005, resided in a county identified as being adversely affected by Hurricane Katrina in Florida, Louisiana, Mississippi, or Alabama by Federal Disaster Declaration notice 1602, 1603, 1604, or 1605, respectively (as amended), issued by the Federal Emergency Management Agency; or

(2) whose claim is under the jurisdiction of the Department of Veterans Affairs regional

office in New Orleans, Louisiana or Jackson, Mississippi.

By Mr. VOINOVICH (for himself and Mr. CONRAD):

S. 1730. A bill to establish the Trust Fund Administration to invest in non-Federal Government debt instrument index funds all Federal trust fund revenues transferred to the Federal Government upon the issuance of special rate Treasury obligations to such trust funds, and for other purposes; to the Committee on Finance.

Mr. CONRAD. Mr. President, I rise today to join Senator VOINOVICH of Ohio in introducing a new Social Security lockbox proposal, the Truth in Budgeting Act of 2005. For years, I have urged my colleagues to stop what I believe is the reckless practice of raiding Social Security trust fund surpluses to pay for other things. By failing to save these surpluses, we are putting future generations in the position of having to borrow trillions of dollars to make good on our Social Security, Medicaid, Medicare, and other commitments.

The legislation Senator VOINOVICH and I are introducing today would not only take Washington's hand out of the Social Security cookie jar, it would literally take the cookie jar away. If our bill is adopted, Social Security surpluses and other trust fund surpluses would no longer be used to fund other functions of Government and to mask the size of the Federal deficit. Instead, Social Security payroll taxes would be used to provide future Social Security benefits, as they were always intended.

Our bill would end the practice of spending trust fund surpluses. Instead, it would require those surpluses to be set aside and invested in a broadbased bond index fund that will be drawn on to finance our future obligations. In many ways, this legislation is a truth-in-budgeting bill because it will force us to recognize the true size of our fiscal deficit. It is our hope this will force Congress and the President to work together to address not only our current budget imbalances but our long-term entitlement challenges.

Let me take a few minutes, if I could, to explain why I think this legislation is so important.

Our budget situation has taken a dramatic turn for the worse. Over the last 5 years, we have gone from record surpluses to record deficits. The 2005 deficit is now projected to be \$331 billion, the third worst in U.S. history. That is before Katrina. The increase in debt this year will be far higher.

This is something that I find confuses the American people, confuses my constituents, confuses the media, and perhaps even confuses our colleagues: The advertised deficit—\$331 billion before Katrina—is not the amount the debt will increase by this year. The amount the debt will increase by is much larger, approaching \$589 billion,

and that is before Katrina. Why the difference? Because in the deficit calculation, borrowing from trust funds is ignored. It is not ignored when you consider how much the debt is increasing. It is ignored in the deficit calculation.

But, for example, the \$173 billion this year that will be borrowed from the Social Security trust fund and used to pay for other things, is not included in the deficit calculation. It is added to our debt. It has to be paid back. It is not included in the deficit calculation.

There are \$85 billion of other transactions, such as that one, that will add up to a total of a \$589 billion increase in the debt. Again, that is before Katrina.

Looking forward, our current budget takes every penny of Social Security surplus over the next 10 years to pay for tax cuts and other spending priorities. Over the next 10 years, under the budget that has been passed here, every penny of Social Security surplus is being taken to pay for other things—\$2.5 trillion.

The reported shortfall in Social Security over the next 75 years is \$4 trillion on a net present value basis. I, frankly, do not believe that. I think that shortfall is significantly overstated. But if it were real, if it were \$4 trillion, look at the comparison here on this chart: We are taking \$2.5 trillion in Social Security money over the next 10 years, using it to pay for other things, when we say Social Security has a \$4 trillion shortfall on a net present value basis. What sense does this make? We are digging the hole deeper before starting to fill it in.

I said something I want to go back to because I indicated I do not believe the projected \$4 trillion shortfall in Social Security is correct. That is the estimate of the actuaries. I think they are wrong. Why do I think they are wrong? Because their whole scenario is based on economic growth for the next 75 years averaging 1.9 percent a year. Over the previous 75 years, the economy has grown at 3.4 percent a year. If the economy were to grow in the future as it has in the past, 80 percent of the Social Security shortfall would disappear.

Does that mean we do not have a problem? No. I wish it did. We have a huge problem. The problem we have, I believe, is a budget problem. The problem we have is, first, we are running very large deficits now before the baby boomers retire. No.2, the shortfall in Medicare is 7 times the shortfall in Social Security, approaching \$30 trillion. There is the real 800-pound gorilla.

In Social Security, the problem is not so much the shortfall, at least from my perspective. I think the problem is that the assets in the Social Security trust fund—and there are assets there. Anybody who tells you there are no assets there is wrong. There are assets there. They are special-interest Government bonds, backed by the full faith and credit of the United States, that are in the trust fund. The problem is,

those bonds have to be redeemed out of current income. That is the problem. Those bonds sitting in the Social Security trust fund have to be redeemed out of current income.

We already have a circumstance in which we are running massive deficits. We have this looming shortfall in Medicare. Oh, yes, we have a problem. We have a big problem, and the sooner we get at it, the better. The first thing to do is stop diverting Social Security money to use for other purposes. As I have indicated, this increase in debt is happening at the worst possible time, right on the brink of the retirement of the baby boom generation. The number of Social Security beneficiaries is projected to climb to 81 million people by 2050. This is not a projection. It is not a projection. The baby boomers have been born. They are alive today. They are going to retire, and they are eligible for Social Security and Medicare. That has enormous implications for the future.

As stunning as it may seem, we are only 3 years away from the beginning of the retirement of the baby boom generation. Social Security trust funds are running surpluses now. But starting in 2017, payroll tax revenue will no longer be sufficient to pay for benefits. Those bonds we are issuing to the Social Security trust fund will have to be redeemed out of current revenues at the time. At this point, as shown on the chart, the Social Security surpluses will turn into Social Security deficits—out here in 2017. When that happens, a serious budget crunch will ensue, unless we find a way now to save those surpluses.

Another way of looking at this is by looking at the total balances in the Social Security trust funds, which are expected to peak at over \$6 trillion in 2026. As shown on this chart, this is the pattern of the Social Security trust fund assets. You can see, right now we are at about 2005, about right here, and we are still in the buildup phase. There are massive surpluses being run in the Social Security accounts. But instead of the money being used to prepay the liability or to pay down debt, the money is being used to pay for other things.

So here we have it. We have this massive buildup. In 2026, roughly, the trust fund assets peak at \$6 trillion, and then they begin being drawn down precipitously. We have a problem. It is a serious problem. It is a problem that is inexorable. Unfortunately, our current budget policy is contributing to the problem because it is taking the amount that is in surplus every year and using it to pay other bills. That is comfortable. That is easy. But it does not help us deal with the problem.

In 2001, I urged my colleagues to set aside \$900 billion of what was then projected to be surplus to either prepay the liability or pay down debt. For those who are advocates of personal accounts, the money could have been used to establish personal accounts,

not borrowing it but putting real assets behind it. For those who do not like personal accounts, the money could have been used to pay down debt to better prepare ourselves for the time when the baby boomers retire.

The chart I was showing before perfectly illustrates why this is no time to permanently or continually divert Social Security and other trust fund surpluses to other purposes. Failing to return to a fiscal path of saving trust fund surpluses will severely limit Congress' ability to address the looming pension and health care needs of the baby boomers and will shift a larger debt and tax burden on to future generations.

Any private-sector corporation that behaved like the Federal Government is behaving would find its chief officers on their way to a Federal institution, but it would not be the Congress of the United States, it would not be the White House. Anybody who was running a private-sector entity that took trust fund assets, retirement fund assets of its employees, would be guilty of a Federal crime. They would be on their way to a Federal institution. It would not be Congress; it would not be the White House; they would be on their way to a Federal penitentiary.

What is happening here is a shell game, and it is a shell game with enormous consequences, not like a shell game where somebody bets on some corner deal and loses \$10 or \$20. This is a shell game being played by society. I believe it is time to put a stop to this practice of borrowing against future commitments.

That is why I am proud to join Senator VOINOVICH to introduce a newly designed bipartisan lockbox bill to stop the raid on Social Security and other trust funds. This legislation says enough is enough. The raid on Social Security and other trust funds has to stop. It is time to start saving Social Security surpluses for Social Security and to stop raiding the Social Security piggy bank to pay for other priorities.

With this bipartisan legislation, Senator VOINOVICH and I intend to finally put Social Security in a lockbox that works. Our bill takes a new tack on the lockbox concept by fundamentally changing the way in which Social Security and other trust fund surpluses are invested. The legislation would create a new Office of Trust Fund Administration at the Treasury Department that would be charged with investing Social Security and other trust fund surpluses in safe, non-Federal debt instruments, including State municipal bonds, corporate bonds, mortgage-backed securities, and bond index funds. These interest-bearing investments could only be used to meet the obligations of Social Security and other Federal trust funds.

Under our proposal, trust fund surpluses would no longer be used to fund the general operations of Government, and the true size of the Federal deficit would be revealed, forcing us to tackle

these deficits head on. This bill, if passed, would force Congress, the President, and the public to recognize the true cost of Federal borrowing, and it would force the Federal Government to invest in real assets that could be used to finance future financial obligations.

I believe our Nation is in a precarious financial position. Unfortunately, our current budget policies have worsened our outlook by driving the Nation further into deficits and debt. We need to begin by returning to budget discipline and paying down debt.

It is time for us to take a new direction. I believe this legislation is an important first step.

I thank my colleague, Senator VOINOVICH, for his work on this matter. He has spent months pursuing the issue. I am honored to join him. I believe this is an important policy change for the country and for the Congress. I hope that my colleagues will support it.

By Mr. THUNE:

S. 1733. A bill to establish pilot projects under the medicare program to provide incentives for home health agencies to utilize home monitoring and communications technologies; to the Committee on Finance.

Mr. THUNE. Mr. President, as I traveled across my State of South Dakota this August, I heard from many constituents about the high cost of health care. Concerns about the cost of health care are not limited, however, to the people of South Dakota. These concerns span across state lines and across the minds of people of all ages.

There is no one-size-fits-all solution to the issues of access and cost of health care.

My State of South Dakota is rural. In South Dakota, 46 out of our 66 counties are classified as medically underserved areas—areas that have insufficient health resources, manpower or facilities to meet the medical needs of the population. This poses a significant challenge in providing health care to the 750,000 residents of South Dakota.

Providing high quality affordable health care will take the cooperation of both the public and the private sector. The use of technology in the delivery of health care has been a proven method in providing quality care while reducing cost.

Telehealth uses telecommunications and information technologies to provide health care services at a distance. It provides individuals in remote underserved areas access to specialists and other health care providers through the use of technology. This means that when my constituent in Gregory, SD, needs his skin examined by a dermatologist, he does not need to travel the 185 miles to Sioux Falls.

The practice of telemedicine, however, has been underutilized and underfunded despite numerous studies praising the ability of telehealth to deliver care to individuals in remote areas.

The adoption of telehealth has been hampered by legal, financial, and regulatory barriers.

My legislation, the Fostering Independence Through Technology Act of 2005, takes a step in the right direction of breaking down the barriers that prevent the adoption of telehealth. It provides incentives for home health agencies to purchase and utilize home monitoring and communications technologies. My legislation is pro technology, pro quality, and pro savings.

Specifically, my bill requires the Secretary of the Department of Health and Human Services to create demonstration projects that would encourage home health agencies to utilize remote monitoring technology. Utilizing technology in the home health setting would reduce the number of visits by home health aides while still providing quality care.

Each demonstration project is required to include a performance target for the home health agency. This target will be used to determine whether the projects are enhancing health outcomes for Medicare beneficiaries as well as saving the program money.

Each year, the home health agency participating in the pilot will receive an incentive payment based on a percentage of the Medicare savings realized as a result of the pilot project.

The demonstration projects would be conducted in both rural and urban settings because medically underserved areas exist across the country. One project, however, is required to be conducted in a state with a population of less than one million.

Technology is improving each and every day. I ask then, why one of the biggest industries in our Nation—health care—is not utilizing this technology to reduce costs and improve the quality of care delivered. Breaking down the barriers that prevent wider adoption of telehealth will improve our system of care and lower the cost of health care for individuals across the country.

The practice of telehealth brings medicine to people, people who live in medically underserved areas and people who are too frail or too ill to leave the comfort of their homes.

My legislation answers the call for wider adoption of telehealth and provides Medicare beneficiaries independence without sacrificing quality of care.

It is time for Congress to tackle the legal, financial, and regulatory barriers that are preventing the implementation of technology into the health care field. The legislation that I am introducing today takes a giant step in this direction and I urge my colleagues to support this legislation.

By Mr. BINGAMAN:

S. 1734. A bill to establish the Valle Vidal National Preserve in the State of New Mexico; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation to pre-

serve a special place in my home state of New Mexico, the Valle Vidal.

New Mexico is a State filled with natural wonders, so when you hear people referring to the Valle Vidal as "New Mexico's Yellowstone" you have to stop and take notice. Any visitor to the place won't find it hard to see what inspires such a grand comparison. The scenic and wildlife features of the Valle Vidal stand out, even in the spectacular country of northern New Mexico.

For decades the area was admired from afar by the public as a famous private hunting and fishing ranch, until it was finally taken into public ownership in 1982. Since then, the Valle Vidal has become a premier destination for all manner of lovers of the outdoors. Whether you are drawn to its beautiful aspen stands, its wide meadows and the spectacular views they afford, its abundant wildlife, or the outstanding camping opportunities that the Boy Scouts take advantage of every year, there is much to cherish in the Valle Vidal.

As the home and crucial wintering ground of the State's largest elk herd the area is of iconic value to New Mexican hunters. The elk herd is so prized that the State only allows for a once-in-a-lifetime permit to hunt there. I am told those that do get a permit rarely return unhappy.

The Valle Vidal is also home to native Rio Grande cutthroat trout and will play an important role in the State's plans to recover that species from its depressed numbers today.

The Forest Service has recognized the unique values of the Valle Vidal and manages the area with a special emphasis on wildlife but they are required under current law to consider developing the eastern half for coalbed methane production. They have completed their estimates of the available gas resources under the Valle Vidal and any further analysis would be the responsibility of the lessee. Based on the estimates the Forest Service has done it is clear that, although there is certainly money to be made drilling for gas in the Valle Vidal, the amounts that could be produced are of no national significance. The Forest Service has begun the process of amending their management plan for the area and would later begin analyzing the potential conflicts that drilling would encompass sometime late next year. This bill would remove the need for the second part of that process.

New Mexico has significant coalbed methane resources in both the Raton Basin, where the eastern half of the Valle Vidal is, and the San Juan Basin. In fact, the San Juan basin is one of the Nation's foremost natural gas production areas, generating about 1 trillion cubic feet of gas each year. New Mexico is one of this country's foremost producers of oil and natural gas and we are proud of what we do for our Nation's energy picture. But New Mexicans are also proud of our wild country. The places we love define our character as much as the work we do.

The undefinable characteristic of being a New Mexican is shown the most clearly in the places we cherish—the places that we recognize as so special that we want to set them aside for our children and our grandchildren. This is particularly true when it is not an easy choice to set them aside. It would be easy to simply pursue resources wherever we find them. We certainly need the energy and have shown remarkable ingenuity in extracting oil and gas from places previously thought unreachable and with gradually lessening effects on the surrounding landscape. But our essential character is revealed in making the harder choice to slow down and recognize that some places are special and warrant special treatment. The Valle Vidal is such a special place.

Even if there were significant gas resources under the Valle Vidal it would be very difficult to risk turning it into an industrial zone. But we don't really face that choice here. The eastern half of the Valle Vidal comprises less than 1 percent of the gas-producing Raton Basin. According to the Forest Service, even with the most optimistic projections the gas resources are less than one-half of 1 percent of the Raton Basin resources. Using those same projections and even with intensive development we could only expect enough gas to come out of the Valle Vidal over its 20 year development to meet our Nation's gas needs for less than 3 days. In short, drilling the Valle Vidal wouldn't make a dime's worth of difference in our national energy picture.

The Raton Basin will continue to be developed and I'm sure we will continue to find additional areas in New Mexico to meet this nation's growing energy needs but I hope we can set aside this place to meet some of our other needs. Our need to get outside and experience the best the natural world has to offer. By creating the Valle Vidal National Preserve with this bill we can take the opportunity to preserve an essential piece of New Mexican character and demonstrate once again that value is more than a question of dollars and cents.

By Ms. CANTWELL (for herself, Mr. REID, Mr. DURBIN, Mr. INOUE, Mrs. FEINSTEIN, Mr. KERRY, Mr. FEINGOLD, Mrs. CLINTON, Mr. WYDEN, Mr. KOHL, Mr. SCHUMER, Ms. STABENOW, Mr. DORGAN, Mr. JEFFORDS, Mrs. BOXER, Ms. MIKULSKI, Mr. BIDEN, Mr. LIEBERMAN, Mr. HARKIN, Mr. REED, and Mr. SALAZAR):

S. 1735. A bill to improve the Federal Trade Commission's ability to protect consumers from price-gouging during energy emergencies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. CANTWELL. Mr. President, I rise today to introduce the Energy Emergency Consumer Protection Act of 2005. I want to thank the original co-

sponsors of this legislation, which include Senate Minority Leader REID, and Senators DURBIN, FEINSTEIN, KERRY, FEINGOLD, CLINTON, KOHL, SCHUMER, STABENOW, DORGAN, and CORZINE.

This legislation would put in place a Federal law to prohibit gasoline price-gouging during national emergencies, and would institute new protections for American consumers from manipulation of oil and gasoline markets.

Even before the devastation caused by Hurricane Katrina and its tragic aftermath, skyrocketing oil and gasoline prices were burdening American families and our Nation's economy—with the notable exception of the oil industry, which continued to rack up record profits. Already in my home State of Washington, prices had reached 74 cents a gallon more than last year before the storm hit. After the storm—though our supplies were not directly affected—prices topped \$3 per gallon in some areas of my State, including some of the most rural and economically challenged. And following that tragic storm, gas prices in some areas of this Nation reached almost \$6 per gallon.

The volatility in oil and gasoline prices shows few signs of abating. Just yesterday, we saw oil set the new record for a one-day spike in prices. At the New York Mercantile Exchange, those prices rose more than \$4 per barrel just yesterday, to close at \$67.39. That's the largest single-day price spike since oil started trading on the exchange, in 1983.

It's clear to me that we have a lot of work to do, if we're going to get serious about addressing one of the most important challenges facing our generation of Americans: improving our Nation's energy security. We need a long-term plan and national commitment to free us from our over-dependence on oil in general. We need to make the American economy more fuel efficient, and position this Nation to compete in the 21st Century economy. It is in our Nation's long-term economic and national security interests to improve the fuel efficiency of American vehicles, provide consumers with the tools to make smart choices, provide those same consumers with a broader array of fuel-flexible vehicles and transportation options, and expand our production of home-grown biofuels, in more diverse regions of this country. Especially when it comes to fuel efficiency, this body has to date lacked the political will necessary to take the steps we must to bolster this Nation's energy and economic security. Along with my colleagues who have been tireless champions on this issue for so long, Senators FEINSTEIN and DURBIN, I will continue to fight to put our Nation on the right path when it comes to fuel efficiency.

But in the short-term, we also need to take a close look at the lack of transparency and increased concentration in the oil and gasoline markets,

which has left us in a situation where the very few can set the prices that impact the lives of so many. And we need to make sure we have a national plan—triggered in cases of national emergencies—that makes it clear profiteering at the gas pump will not be tolerated.

Right now, the oil companies know we don't have a plan to protect American consumers. That's why we need a Federal law that's going to prohibit price gouging, and assess Federal penalties from those who exploit national tragedies to maximize their profits. That is why my colleagues and I have come together today to introduce this legislation.

In the wake of Hurricane Katrina, we have already heard gas station owners complaining that the big oil companies ordered them to raise prices. Investigating those claims should be the top job of federal regulators—and there should be harsh penalties for that kind of behavior, profiteering in the midst of a national disaster.

Today, 28 States have anti-gouging laws on the books. Unfortunately, my own State is not among them. But in crafting this legislation, I have looked to those other state laws—focusing specifically on the law of the State of New York, where price gouging cases have been successfully prosecuted in the past, related to natural disasters.

But I also want to remind my colleagues again that, while Hurricane Katrina exposed the underlying vulnerability of the American economy to supply disruptions, average U.S. gasoline prices were already 75 cents more than they were a year earlier—and many consumers had begun to ask why. While the oil companies have filled their coffers with record profits over the past few years, our Nation's airlines, truckers, farmers and small businesses across the board are struggling to make ends meet because of skyrocketing fuel costs. Worker pensions are in jeopardy, and families are already feeling the squeeze.

That's why this legislation also contains provisions to ban manipulation in oil and gasoline markets, and institutes new market transparency, investigation and enforcement mechanisms. These measures are based on provisions in the recently enacted bipartisan energy bill that prohibited these practices in other sectors of the energy industry. It provides for the same kind of anti-manipulation and transparency rules as those with which electricity and natural gas industries must comply. This legislation would apply the same sort of anti-manipulation and transparency standards to the oil industry that we already apply to companies that sell other essential energy commodities.

Already, these prices are impacting a diverse swath of the U.S. economy and hurting hard-working Americans. According to the Department of Energy, Americans will spend over \$200 billion more on energy this year than they did

last year, totaling over one trillion dollars.

These energy prices are also costing us jobs. On average, every time oil prices go up 10 percent, 150,000 Americans lose their jobs—based on the calculations of the Bureau of Labor Statistics and Federal Reserve Board.

What's more, according to the non-partisan Congressional Budget Office, a 40 percent increase in gas prices this month will decrease total domestic consumption by 0.4 percent. And unless prices come down in the fourth quarter, our Gross Domestic Product (GDP) will fall by 0.9 percent. These energy price spikes are strangling economic growth. According to the Congressional Research Service, every time oil prices go up by 10 percent for a sustained period of time, we lose somewhere between \$80 billion and \$160 billion in economic growth.

But while these prices are hurting the economy as a whole, they are having a particularly profound impact on our Nation's energy-intensive industries. For example, they are hampering the American airline industry. The airline industry estimates it will pay \$9.2 billion more for fuel in 2005 than in 2004, a 103 percent increase from 2001. As Southwest CEO Steve Kelly told the Seattle Times just last week, "We are now facing energy prices that no airline can make money at, at least with today's [ticket prices]."

These prices are also making it impossible for our farmers to break even. Even during a good year, farmers operate on profit margins of only about 5 percent, so fertilizer, fuel, and pesticide price increases of 20 percent or more have made it very difficult to get by.

Other sectors of the transportation industry are also being dramatically impacted. Take, for example, the trucking industry. Diesel fuel accounts for a quarter of the trucking industry's operating expense, or \$85 billion in 2005. Each penny increase in diesel costs the trucking industry \$350 million over a full year.

And these prices are impacting essential services in this country. School districts and local governments are feeling the pain, as are federal agencies themselves. Higher fuel prices are expected to add \$300 million to the Postal Service's transportation costs nationwide this year.

What about the pain these prices are causing, in other ways? Energy costs are putting pensions at risk and requiring taxpayer bailouts. That's particularly true when it comes to the hundreds of thousands of airline workers in this country. United Airlines has already transferred \$6.6 billion of its pension obligations to the government pension agency. If Delta and Northwest terminate their pension plans following their bankruptcy declarations, taxpayers would have to cover another \$12 billion.

And these prices are especially harmful to low-income Americans. House-

holds with incomes under \$15,000—about one-fifth of all households in this country—this year will spend around 10 percent of their total income on gasoline alone.

And what's going to happen this winter? Heating costs for the average family using heating oil are projected to hit \$1,666 during the upcoming winter months. This represents an increase of over \$400 over last winter's prices and \$700 more than the winter heating season of 2003 and 2004. For families using natural gas, prices are projected to hit \$1,568, representing an increase of over \$600 over last year's prices and \$640 more than 2003 and 2004.

These alarming statistics lead me to question where is all this money going? The Congressional Budget Office wrote recently that increased gasoline prices are "basically a temporary redistribution of income from consumers of gasoline to the stockholders of refiners."

This is a situation that is causing gross inequities between different industries themselves. Oil industry profits have nearly tripled over the last three years to roughly \$87 billion last year—likely to be even more this year—while the airline industry has lost over \$32 billion over the last four years.

How is this happening? While we watch all of these economic impacts transpire, our federal regulators have allowed the oil industry to strengthen its choke-hold on American consumers and businesses. According to the independent Government Accountability Office, mergers and increased market concentration with the U.S. petroleum industry has led to higher wholesale gasoline prices in this country.

That's why it's time for this body to do something about it. The Energy Emergency Consumer Protection Act is a common-sense approach to protect American consumers from gasoline price gouging during national emergencies. And it begins to shine the spotlight on the marketing practices of the oil industry in general.

I thank my cosponsors for their support, and I ask my colleagues to support this legislation.

Mr. KOHL. Mr. President, I rise today to join Senator CANTWELL in cosponsoring the Energy Emergency Consumer Protection Act of 2005. This bill will, for the first time, give our Federal Government the needed tools to prosecute those unscrupulous individuals and companies that seek to take advantage of emergencies and disasters by price gouging consumers in the sale of gasoline and other petroleum products. With the tremendous suffering caused by Hurricane Katrina resulting in gas supply disruptions, and with gas prices at record levels well in excess of \$3.00 per gallon in many places throughout the Nation, the time is now for passage of this essential legislation.

In the wake of the Hurricane Katrina disaster and the associated disruptions to supply and distribution networks, the national average price of gas is now

at record levels. Allegations of price gouging and drastic price spikes were unfortunately commonplace in the immediate days following the disaster—including, for example, gas being sold at \$6.00 per gallon in the Atlanta area. Many believe that the human suffering caused by loss of life, housing, and employment, has been compounded by some unscrupulous individuals and businesses who have taken advantage of the emergency by gouging consumers. Yet, under current law, the Federal Government has virtually no ability to prosecute such price gouging. Our bill will correct this critical deficiency.

This legislation contains several important provisions. First, it gives the President the authority to declare an energy emergency during times of disruptions in the supply or distribution of gasoline or petroleum products. Second, the bill, for the first time, declares illegal under federal law selling gasoline or petroleum products at a price unconscionably high or when circumstances indicate that the seller is taking unfair advantage to increase prices unreasonably in times of energy emergency. Those who violate this law face civil penalties of up to \$3,000,000 per day and criminal penalties, including jail terms of up to five years for individuals, as well. The bill also forbids market manipulation in connection with the sale of gasoline and petroleum products and empowers the experts at the Federal Trade Commission to write regulations setting forth specific conduct constituting market manipulation. Additionally, our bill gives states Attorneys General the power to enforce these provisions as well.

These measures are an urgently needed deterrent to prevent all those who would seek to profit from this enormous tragedy by price gouging consumers in the price of gasoline. It will protect consumers—both those who were the victims of the immediate effects of Hurricane Katrina and those around the country—who suffer every day at the gas pumps from the real and growing economic pain caused by record high gas prices. As Ranking Member on the Senate Antitrust Subcommittee, I believe that this legislation is necessary to prevent unscrupulous companies using the disaster on the Gulf Coast to justify uncompetitive gas price hikes. All of us can agree that profiteering and price gouging in the price of an essential commodity like gasoline is simply unacceptable. Such conduct violates every principle of free and fair competition. We must give the Federal Government the necessary tools to prevent such misconduct, and prosecute those who do so.

I urge my colleagues to support the Energy Emergency Consumer Protection Act.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 53—EXPRESSING THE SENSE OF CONGRESS THAT ANY EFFORT TO IMPOSE PHOTO IDENTIFICATION REQUIREMENTS FOR VOTING SHOULD BE REJECTED

Mr. OBAMA (for himself, Mr. DODD, Mr. REID, Mr. CORZINE, Mrs. CLINTON, Mr. HARKIN, Mr. FEINGOLD, Mr. AKAKA, Mr. DORGAN, Mr. KENNEDY, Mr. KERRY, Ms. MIKULSKI, Mr. LAUTENBERG, Ms. STABENOW, Mr. PRYOR, Mr. DAYTON, Mr. LEAHY, Mr. DURBIN, Mr. WYDEN, and Mr. SALAZAR) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 53

Whereas the most fundamental right accorded to United States citizens by the Constitution is the right to vote, and the unimpeded exercise of this right is essential to the functioning of our democracy;

Whereas historically, certain citizens, especially racial minorities, have been prevented from voting because of significant barriers such as literacy tests, poll taxes, and property requirements;

Whereas the long and difficult struggle to remove these and other barriers to voting resulted in the loss of life but also led to the passage of the 15th, 19th, and 24th Amendments to the Constitution;

Whereas in the face of persistently low voter turnout relative to other industrialized democracies, exaggerated fears of voter impersonation have led to calls for more stringent voter identification requirements, including the requirement of government-issued photo identification cards as the only approved form of voter identification;

Whereas there has been no substantiated evidence of any significant incidence of fraud due to voter impersonation, and the more serious attack on ballot integrity has been the discounting of millions of ballots, including an estimated 6,000,000 ballots lost in the 2000 Presidential election;

Whereas there is no evidence that photo identification requirements address the few isolated instances of such fraud;

Whereas 12 percent of voting-age Americans do not have a driver's license, most of whom are minorities, new United States citizens, the indigent, the elderly, or the disabled;

Whereas government-issued identification cards can cost as much as \$85 and are often unnecessary for the daily needs of, or inaccessible to, many urban, rural, elderly, and indigent voters who do not own cars;

Whereas the National Commission on Federal Election Reform reported in 2001 that a photo identification requirement would "impose an additional expense on the exercise of the franchise, a burden that would fall disproportionately on people who are poorer and urban";

Whereas an alarming number of States, including most recently the State of Georgia, have passed proposals requiring voters to produce government-issued photo identification at the polls;

Whereas the State of Georgia no longer allows affidavits affirming one's identity to meet the identification requirement for voting, a change that will likely disproportionately affect minorities, new United States citizens, the indigent, the elderly, and the disabled;

Whereas 150,000 senior citizens in the State of Georgia do not have a form of government-issued photo identification;

Whereas residents in the State of Georgia can obtain the newly required voter identification card in only 56 places in all 159 counties in Georgia with no such places currently located in Atlanta, Georgia;

Whereas the State of Georgia permits the use of various forms of proof of identity to obtain government-issued identification that it does not accept in a similar manner when its citizens attempt to exercise their constitutionally protected right to vote;

Whereas the State of Georgia will charge United States citizens at least \$20 for voters to purchase 1 of the government-issued photo identification cards required under the new State law unless such citizens wish to endure the potential humiliation of swearing to their indigency;

Whereas poll taxes are prohibited in Federal elections by the 24th Amendment to the Constitution and in State elections by a 1966 Supreme Court case;

Whereas the Secretary of State of Georgia has stated that photo identification would not have resolved any instances of voter fraud;

Whereas the Voting Rights Act of 1965 requires that Georgia and other States with histories of discrimination in elections prove that election laws and practices do not hinder minorities' ability to exercise the franchise, including access to the polls, and that such States have such laws and practices approved by the Department of Justice before implementation;

Whereas the Department of Justice's approval of the Georgia statute in August of 2005 was a troubling example of a recent trend towards weakening voter protections and countenancing voter suppression;

Whereas Hurricane Katrina and its aftermath have destroyed or rendered unusable the official records of many State and local government agencies in Louisiana, Mississippi, and Alabama, as well as the documents of thousands of residents in those states, which will significantly complicate the ability of those residents to obtain photo identification cards;

Whereas the residents of the Gulf Coast region, in particular, those residents displaced by Hurricane Katrina, have already suffered immeasurably in recent weeks and should not be further burdened by losing their right to vote because they cannot obtain photo identification cards;

Whereas the Carter/Baker Election Reform Commission recommended that States implement mandatory State-issued photo identification requirements for voting at the polls, despite the lack of evidence that such identification will address documented instances of voter fraud; and

Whereas an electoral system with integrity is one that allows all eligible voters the opportunity to cast their votes, and thus election reform must further democratic empowerment, not disenfranchisement: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) a requirement that United States citizens obtain photo identification cards before being able to vote has not been shown to ensure ballot integrity and places an undue burden on the legitimate voting rights of such citizens;

(2) the Department of Justice should—

(A) vigorously enforce the Voting Rights Act of 1965; and

(B) challenge any State law that limits a citizen's ability to vote based on discriminatory photo identification requirements; and

(3) any effort to impose national photo identification requirements for voting should be rejected.

Mr. OBAMA. Mr. President, today I am submitting a resolution to express the Senate's strong disapproval of recent efforts to disenfranchise Americans.

In the weeks since Hurricane Katrina ravaged the Gulf Coast, our country has been awakened to the plight of the most vulnerable Americans—the poor, the elderly, the sick, and the disabled. And if we have learned anything from this tragedy, it is that the Government has too often ignored the needs of these citizens in crafting national policy. Whether it is homeland security or education or health care, these Americans have consistently been left behind.

Now, we are in danger of proceeding down another path that disregards the needs of our Nation's neediest—the right to vote. This is the most fundamental right protected by the Constitution and the right for which many Americans have fought and died.

The last two Presidential elections were tainted by allegations of fraud and abuse. The complaints ranged from long polling lines to faulty machines to confusing ballots. The rampant complaints have shaken people's confidence in our election system. And so it is all of our duty to work to restore and protect the integrity of the electoral process.

Unfortunately, in this new millennium, too many electoral reform efforts seem intent on limiting access to the ballot as opposed to expanding it. In the mid-20th century, the poll tax was the preferred means of disenfranchising large minority populations, specifically African Americans. Today, the poll tax is taking on a new form—a photo identification requirement for voters.

According to the National Commission on Federal Election Reform, such a requirement would "impose an additional expense on the exercise of the franchise, a burden that would fall disproportionately on people who are poorer and urban." Nevertheless, a number of States, including Georgia, have recently passed laws mandating government-issued photo identification for voters at the polls.

In Georgia alone, at least 150,000 senior citizens do not have government-issued photo identification, which can cost up to \$85. Nationwide, at least 12 percent of eligible drivers do not have a driver's license. And Georgia has made it difficult for rural and urban folks to obtain their voter photo identification. There are currently only 56 places in all 159 counties where such identification is available, with no places available in Atlanta. For people who already lack transportation, which may be why they do not have driver's licenses, it is far-fetched to think that these same people could easily get to another county to obtain a voter identification card.

Earlier today, the Carter-Baker Commission on Federal Election Reform released its recommendations for improving the electoral process. While many of the Commission's recommendations are worthy of consideration, its report recommends the implementation of a national voter identification requirement, despite acknowledging that there is "no evidence of extensive fraud in U.S. elections or of multiple voting."

This past weekend, Afghanistan held its second successful national election, and we have seen successes in Iraq's elections as well. If these nascent democracies can commit themselves to bringing any and all citizens to the polls, surely we can do the same.

Many of us both here in Washington and around the country have been asking questions over the past three weeks about our Nation's priorities and our commitment to helping our country's most vulnerable citizens. But a major priority should be ensuring that these citizens can exercise the most fundamental right in a democracy—the right to vote.

The resolution I am submitting today, along with Senator DODD and joined by Senators REID, CORZINE, CLINTON, HARKIN, FEINGOLD, AKAKA, DORGAN, KENNEDY, KERRY, MIKULSKI, LAUTENBERG and others, expresses the Senate's strong disapproval of photo identification requirements for voting. The resolution also urges the Department of Justice to challenge any State law that limits a citizen's ability to vote based on discriminatory photo identification requirements and urges the rejection of any national photo identification requirements for voting.

I am honored that Representative JOHN LEWIS, a civil rights icon who put his life on the line to fight for the right to vote, will be introducing the same resolution in the House later this week.

I urge my colleagues to support this important resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1736. Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1737. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra.

SA 1738. Mr. ALLARD (for himself, Mr. ROBERTS, Mr. CRAIG, Mr. BURNS, Mr. THUNE, and Mr. HAGEL) proposed an amendment to the bill H.R. 2744, supra.

SA 1739. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1740. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1741. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1742. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra.

SA 1743. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1744. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1745. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1746. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1747. Mr. DURBIN (for Mr. REID) proposed an amendment to the bill H.R. 2744, supra.

SA 1748. Mr. DURBIN (for Mr. INOUE (for himself, Mr. AKAKA, and Mrs. FEINSTEIN)) proposed an amendment to the bill H.R. 2744, supra.

SA 1749. Mr. DURBIN (for himself, Mr. ENZI, Mr. KENNEDY, and Mr. BINGAMAN) proposed an amendment to the bill H.R. 2744, supra.

SA 1750. Mr. BENNETT proposed an amendment to the bill H.R. 2744, supra.

SA 1751. Mr. BENNETT proposed an amendment to the bill H.R. 2744, supra.

SA 1752. Mr. BENNETT proposed an amendment to the bill H.R. 2744, supra.

SA 1753. Mr. ENSIGN (for himself, Mr. BYRD, Mr. GRAHAM, Mr. LOTT, Mr. DEMINT, Ms. LANDRIEU, Ms. STABENOW, Mrs. FEINSTEIN, Mr. LAUTENBERG, and Mr. CORZINE) proposed an amendment to the bill H.R. 2744, supra.

SA 1754. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1755. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1756. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1757. Mr. LUGAR (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1758. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1759. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1760. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1761. Ms. STABENOW (for herself, Mr. LEVIN, Mr. DEWINE, Mr. BAYH, and Mr. VOINOVICH) submitted an amendment intended to be proposed by her to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1762. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1763. Mr. TALENT (for himself and Mr. PRYOR) proposed an amendment to the bill H.R. 2744, supra.

SA 1764. Mr. CRAIG (for himself and Mrs. FEINSTEIN) submitted an amendment in-

tended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1765. Mr. KOHL (for Mr. HARKIN) proposed an amendment to the bill H.R. 2744, supra.

SA 1766. Mr. KOHL (for Mr. PRYOR) proposed an amendment to the bill H.R. 2744, supra.

SA 1767. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1768. Mr. SPECTER (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1769. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1736. Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 128, line 19, strike "\$12,400,000" and insert "\$17,400,000".

On page 128, line 24, strike "\$1,000,000" and insert "\$6,000,000".

On page 129, line 2, insert before the period at the end the following: "": *Provided further*, That \$3,000,000 shall be provided to each third round empowerment zone".

On page 173, after line 24, insert the following:

SEC. 7. Notwithstanding any other provision of this Act, each amount provided by this Act is reduced by the pro rata percentage required to reduce the total amount provided by this Act by \$5,000,000.

SA 1737. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 93, line 9, before the period at the end insert the following: "": *Provided further*, That the Secretary, through the Agricultural Research Service, or successor, is authorized to lease approximately 40 acres of land at the Central Plains Experiment Station, Nunn, Colorado, to the Board of Governors of the Colorado State University System, for its Shortgrass Steppe Biological Field Station, on such terms and conditions as the Secretary deems in the public interest: *Provided further*, That the Secretary understands that it is the intent of the University to construct research and educational buildings on the subject acreage and to conduct agricultural research and educational activities in these buildings: *Provided further*, That as consideration for a lease, the Secretary may accept the benefits of mutual cooperative research to be conducted by the Colorado State University and the Government at the Shortgrass Steppe Biological Field Station: *Provided further*, That the term of any lease shall be for no more than 20 years, but a lease may be renewed at the

option of the Secretary on such terms and conditions as the Secretary deems in the public interest”.

SA 1738. Mr. ALLARD (for himself, Mr. ROBERTS, Mr. CRAIG, Mr. BURNS, Mr. THUNE, and Mr. HAGEL) proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. It is the sense of the Senate that the United States Government should not permit the importation into the United States of beef from Japan until the Government of Japan takes appropriate actions to permit the importation into Japan of beef from the United States.

SA 1739. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION _____. HUMANE METHODS.

Section 2 of Public Law 85-765 (commonly known as the “Humane Methods of Slaughter Act of 1958”) (7 U.S.C. 1902) is amended—

(1) by redesignating subsections (a) and (b) as paragraphs (1) and (3) respectively, and indenting accordingly;

(2) in the first sentence, by striking “No method” and inserting the following:

“(a) IN GENERAL.—No method”;

(3) in the second sentence, by striking “Either of the following two” and inserting the following:

“(b) PARTICULAR METHODS.—The following methods”;

(4) in paragraph (1) (as redesignated by paragraph (1))—

(A) by striking “in the case” and inserting “In the case”;

(B) by inserting “or ratites” after “other livestock”;

(C) by striking “animals” and inserting “livestock or ratites”;

(D) by striking “; or” at the end and inserting a period;

(5) by inserting after paragraph (1) (as redesignated by paragraph (1)) the following:

“(2) In the case of poultry and rabbits, shackling prior to being rendered insensible to pain is permissible if the handling and shackling is performed in a humane manner.”; and

(6) in paragraph (3) (as redesignated by paragraph (1)), by striking “anemia” and inserting “ischemia”.

SA 1740. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 143, line 13, strike the period and insert the following: “: *Provided further*, that of the amounts appropriated under this heading for salaries and expenses, \$15,000,000, shall be transferred from the Office of the

Commissioner to the Office of Over-the-Counter Drug Evaluation.”.

SA 1741. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7 _____. It is the sense of the Senate that—

(1) the Senate—

(A) encourages expanded efforts to alleviate hunger throughout developing countries; and

(B) pledges to continue to support international hunger relief efforts;

(2) the United States Government should use financial and diplomatic resources to work with other donors to ensure that food aid programs receive all necessary funding and supplies; and

(3) food aid should be provided in conjunction with measures to alleviate hunger, malnutrition, and poverty.

SA 1742. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173, after line 24, insert the following:

SEC. 7 _____. Section 508(a)(4)(B) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)(4)(B)) is amended by inserting “or similar commodities” after “the commodity”.

SA 1743. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 94, line 9, before the semicolon, insert the following: “, of which not less than \$1,500,000 shall be used for special grants for agricultural research related to hardwood scanning”.

SA 1744. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 143, line 13, strike the period and insert the following: “: *Provided further*, that of the amounts appropriated under this heading for salaries and expenses, \$10,000,000, shall be transferred from the Office of the Commissioner to the Office of Drug Safety for purposes of postmarket surveillance activities.”.

SA 1745. Mrs. MURRAY submitted an amendment intended to be proposed by

her to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 143, line 13, strike the period and insert the following: “: *Provided further*, that the amounts appropriated under this heading for salaries and expenses of the Office of the Commissioner shall be reduced by \$5,000,000.”.

SA 1746. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 143, after line 19, insert the following:

In addition, notwithstanding any other provision of this Act, none of the amounts appropriated under this title shall be expended to initiate or conduct a rulemaking process relating to the over-the-counter application for the drug Plan B. The preceding sentence shall not apply to the 60-day public comment period initiated on August 26, 2005, relating to such drug.

SA 1747. Mr. DURBIN (for Mr. REID) proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173, after line 24, insert the following:

SEC. 7 _____. (a) Section 8c(5) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by adding at the end the following:

“(M) MINIMUM MILK PRICES FOR HANDLERS.—

“(i) APPLICATION OF MINIMUM PRICE REQUIREMENTS.—Notwithstanding any other provision of this section, a milk handler described in clause (ii) shall be subject to all of the minimum and uniform price requirements of a Federal milk marketing order issued pursuant to this section applicable to the county in which the plant of the handler is located, at Federal order class prices, if the handler has packaged fluid milk product route dispositions, or sales of packaged fluid milk products to other plants, in a marketing area located in a State that requires handlers to pay minimum prices for raw milk purchases.

“(ii) COVERED MILK HANDLERS.—Except as provided in clause (iv), clause (i) applies to a handler of Class I milk products (including a producer-handler or producer operating as a handler) that—

“(I) operates a plant that is located within the boundaries of a Federal order milk marketing area (as those boundaries are in effect on the date of enactment of this subparagraph);

“(II) has packaged fluid milk product route dispositions, or sales of packaged fluid milk products to other plants, in a milk marketing area located in a State that requires handlers to pay minimum prices for raw milk purchases; and

“(III) is not otherwise obligated by a Federal milk marketing order, or a regulated

milk pricing plan operated by a State, to pay minimum class prices for the raw milk that is used for the milk dispositions or sales.

“(iii) OBLIGATION TO PAY MINIMUM CLASS PRICES.—For the purpose of clause (ii)(III), the Secretary may not consider a handler of Class I milk products to be obligated by a Federal milk marketing order to pay minimum class prices for raw milk unless the handler operates the plant as a fully regulated fluid milk distributing plant under a Federal milk marketing order.

“(iv) CERTAIN HANDLERS EXEMPTED.—Clause (i) does not apply to—

“(I) a handler (otherwise described in clause (ii)) that operates a nonpool plant (as defined in section 1000.8(e) of title 7, Code of Federal Regulations (as in effect on the date of enactment of this subparagraph));

“(II) a producer-handler (otherwise described in clause (ii)) for any month during which the producer-handler has route dispositions, and sales to other plants, of packaged fluid milk products equaling less than 3,000,000 pounds of milk; or

“(III) a handler (otherwise described in clause (ii)) for any month during which—

“(aa) less than 25 percent of the total quantity of fluid milk products physically received at the plant of the handler (excluding concentrated milk received from another plant by agreement for other than Class I use) is disposed of as route disposition or is transferred in the form of packaged fluid milk products to other plants; or

“(bb) less than 25 percent in aggregate of the route disposition or transfers are in a marketing area or areas located in 1 or more States that require handlers to pay minimum prices for raw milk purchases.

“(N) EXEMPTION FOR CERTAIN MILK HANDLERS.—Notwithstanding any other provision of this section, no handler with distribution of Class I milk products in the Arizona-Las Vegas marketing area (Order No. 131) shall be exempt during any month from any minimum milk price requirement established by the Secretary under this subsection if the total distribution of Class I products during the preceding month of any such handler's own farm production that exceeds 3,000,000 pounds.”.

(b) Section 8c(11) of the Agricultural Adjustment Act (7 U.S.C. 608c(11)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended—

(1) in subparagraph (C), by striking the last sentence; and

(2) by adding at the end the following:

“(D) EXCLUSION OF NEVADA FROM FEDERAL MILK MARKETING ORDERS.—In the case of milk and its products, no county or other political subdivision located in the State of Nevada shall be within a marketing area covered by any order issued under this section.”.

(c) Notwithstanding any other provision of this section or the amendments made by this section, a milk handler (including a producer-handler or producer operating as a handler) that is subject to regulation under this section or an amendment made by this section shall comply with any requirement under section 1000.27 of title 7, Code of Federal Regulations (or a successor regulation) relating to responsibility of handlers for records or facilities.

(d)(1) This section and the amendments made by this section take effect on the first day of the first month beginning more than 15 days after the date of enactment of this Act.

(2) To accomplish the expedited implementation schedule for the amendment made by subsection (a), effective on the date of enactment of this Act, the Secretary of Agriculture shall ensure that the pool distributing plant provisions of each Federal milk marketing order issued under section

8c(5)(B) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)(B)), reenacted with amendments by the Agricultural Marketing Agreement of 1937, provides that a handler described in section 8c(5)(M) of the Agricultural Adjustment Act, reenacted with amendments by the Agricultural Marketing Agreement of 1937 (as added by subsection (a))), will be fully regulated by the order in which the distributing plant of the handler is located.

(3) Implementation of this section and the amendments made by this section shall not be subject to a referendum under section 8c(19) of the Agricultural Adjustment Act (7 U.S.C. 608c(19)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

SA 1748. Mr. DURBIN (for Mr. INOUE (for himself, Mr. AKAKA, and Mrs. FEINSTEIN)) proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 101, line 10, before the period at the end insert the following: “: *Provided further*, That none of the funds may be used to demolish or dismantle the Hawaii Fruit Fly Production Facility in Waimanalo, Hawaii”.

SA 1749. Mr. DURBIN (for himself, Mr. ENZI, and Mr. KENNEDY and Mr. BINGAMAN) proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173, after line 24, insert the following:

SEC. 7. (a) Subject to subsection (b), none of the funds made available in this Act may be used to—

(1) grant a waiver of a financial conflict of interest requirement pursuant to section 505(n)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(n)(4)) for any voting member of an advisory committee or panel of the Food and Drug Administration; or

(2) make a certification under section 208(b)(3) of title 18, United States Code, for any such voting member.

(b) Subsection (a) shall not apply to a waiver or certification if—

(1) not later than 15 days prior to a meeting of an advisory committee or panel to which such waiver or certification applies, the Secretary of Health and Human Services discloses on the Internet website of the Food and Drug Administration—

(A) the nature of the conflict of interest at issue; and

(B) the nature and basis of such waiver or certification (other than information exempted from disclosure under section 552 of title 5, United States Code (popularly known as the Freedom of Information Act)); or

(2) in the case of a conflict of interest that becomes known to the Secretary less than 15 days prior to a meeting to which such waiver or certification applies, the Secretary shall make such public disclosure as soon as possible thereafter, but in no event later than the date of such meeting.

(c) None of the funds made available in this Act may be used to make a new appointment to an advisory committee or panel of the Food and Drug Administration unless the Commissioner of Food and Drugs submits a confidential report to the Inspector General

of the Department of Health and Human Services of the efforts made to identify qualified persons for such appointment with minimal or no potential conflicts of interest.

SA 1750. Mr. BENNETT proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 93, line 9 at the end of the sentence insert the following:

“*Provided further*, That the Agricultural Research Service may convey all rights and title of the United States, to a parcel of land comprising 19 acres, more or less, located in Section 2, Township 18 North, Range 14 East in Oktibbeha County, Mississippi, originally conveyed by the Board of Trustees of the Institution of Higher Learning of the State of Mississippi, and described in instruments recorded in Deed Book 306 at pages 553-554, Deed Book 319 at page 219, and Deed Book 33 at page 115, of the public land records of Oktibbeha County, Mississippi, including facilities, and fixed equipment, to the Mississippi State University, Starkville, Mississippi, in their “as is” condition, when vacated by the Agricultural Research Service.”

SA 1751. Mr. BENNETT proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173 after line 24, insert the following new paragraphs:

“SEC. . (a) Hereafter, none of the funds made available by this Act or any other Act may be used to publish, disseminate, or distribute Agriculture Information Bulletin Number 787.

(b) Of the funds provided to the Economic Research Service, the Secretary of Agriculture shall enter into an agreement with the National Academy of Sciences to conduct a comprehensive report on the economic development and current status of the sheep industry in the United States.”

SA 1752. Mr. BENNETT proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173 after line 24 insert the following:

“SEC. . The Secretary of Agriculture may establish a demonstration intermediate re-lending program for the construction and rehabilitation of housing for the Choctaw Nation: *Provided*, That the interest rate for direct loans shall be 1 percent: *Provided further*, That no later than one year after the establishment of this program the Secretary shall provide the Committees on Appropriations with a report providing information on the program structure, management, and general demographic information on the loan recipients.”

SA 1753. Mr. ENSIGN (for himself, Mr. BYRD, Mr. GRAHAM, Mr. LOTT, Mr. DEMINT, Ms. LANDRIEU, Ms. STABENOW, Mrs. FEINSTEIN, Mr. LAUTENBERG, and Mr. CORZINE) proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration,

and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, add the following:

SEC. . None of the funds made available in this Act may be used to pay the salaries or expenses of personnel to inspect horses under section 3 of the Federal Meat Inspection Act (21 U.S.C. 603) or under the guidelines issued under section 903 the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901 note; Public Law 104-127).

SA 1754. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7 _____. Not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture, in cooperation with the Secretary of Energy, shall provide to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report that describes the impact of increased prices of gas, natural gas, and diesel on agricultural producers, ranchers, and rural communities.

SA 1755. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7 _____. The Secretary of Agriculture (referred to in this section as the "Secretary") shall prepare a report for submission by the President to Congress, along with the fiscal year 2007 budget request under section 1105 of title 31, United States Code, that—

(1) identifies measures to address bark beetle infestation and the impacts of bark beetle infestation as the first priority for assistance under the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6501 et seq.);

(2) describes activities that will be conducted by the Secretary to address bark beetle infestations and the impacts of bark beetle infestations;

(3) describes the financial and technical resources that will be dedicated by the Secretary to measures to address bark beetle infestations and the impacts of the infestations; and

(4) describes the manner in which the Secretary will coordinate with the Secretary of the Interior and State and local governments in conducting the activities under paragraph (2).

SA 1756. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7 _____. Notwithstanding the proclamation by the President dated September 8, 2005, or any other provision of law, the provisions of subchapter IV of chapter 31 of title 40, United States Code (and the provisions of all other related Acts to the extent they depend upon a determination by the Secretary of Labor under section 3142 of such title, whether or not the President has the authority to suspend the operation of such provisions), shall apply to all contracts to which such provisions would otherwise apply that are entered into on or after the date of enactment of this Act, to be performed in the counties affected by Hurricane Katrina and described in such proclamation.

SA 1757. Mr. LUGAR (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 15, strike "\$128,072,000" and insert "\$126,072,000".

On page 167, line 20, strike "\$12,000,000" and insert "\$14,000,000".

SA 1758. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 167, line 20, strike "\$12,000,000" and insert "\$14,000,000".

SA 1759. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 94, line 9, before the semicolon, insert the following: "; of which not less than \$1,500,000 shall be used for special grants for agricultural research related to hardwood scanning".

On page 85, line 15, strike "\$128,072,000" and insert "\$126,572,000".

SA 1760. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7 _____. (a)(1) Section 101 of division B of Public Law 108-324 (118 Stat. 1232) is amended—

(A) in subsection (a)(2)—

(i) by striking "the 2003, 2004, or 2005 crop (as elected by a producer), but limited to only one of the crop years listed" and inserting "the 2003 or 2004 crop (as elected by a producer) and the 2005 crop"; and

(ii) by striking "qualifying crop losses" and all that follows through "in this paragraph."; and

(B) in subsection (c)(1), by striking "2004" and inserting "2005".

(2) The amounts made available by the transfer of funds in or pursuant to the amendments made by paragraph (1) are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

(b)(1) Effective beginning on the date of enactment of this Act, the Secretary shall use funds of the Commodity Credit Corporation to carry out the 2002 Livestock Compensation Program announced by the Secretary on October 10, 2002 (67 Fed. Reg. 63070) for 2005 losses.

(2) In carrying out the Program, the Secretary shall—

(A) provide assistance to any applicant that—

(i) conducts a livestock operation that is physically located in a disaster county, including any applicant conducting a livestock operation with eligible livestock, as that term is used in carrying out the livestock assistance program under section 101(b) of division B of Public Law 108-324 (118 Stat. 1232); and

(ii) meets all other eligibility requirements established by the Secretary for the Program; and

(B) provide assistance to any applicant that—

(i) produces an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1)); and

(ii) meets all other eligibility requirements established by the Secretary for the Program.

SA 1761. Ms. STABENOW (for herself, Mr. LEVIN, Mr. DEWINE, Mr. BAYH, and Mr. VOINOVICH) submitted an amendment intended to be proposed by her to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, line 9, before the colon insert the following: "; of which \$10,440,000 shall be used for the eradication of the emerald ash borer in the States of Michigan, Ohio, and Indiana".

SA 1762. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7 _____. Section 10204(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8204(a)) is amended by inserting "per year" after "\$75,000".

SA 1763. Mr. TALENT (for himself and Mr. PRYOR) proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173, after line 24, insert the following:

SEC. 7. None of the funds made available by this or any other Act may be used to close or relocate a county or local Farm Service Agency office unless or until the Secretary of Agriculture has determined the cost effectiveness and enhancement of program delivery of the closure or relocation, and report to the House and Senate Committees on Agriculture and Appropriations.

SA 1764. Mr. CRAIG (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 15, strike "\$128,072,000" and insert "\$116,072,000".

On page 173, after line 24, insert the following:

SEC. 7. In addition to other amounts made available by this Act, \$12,000,000 shall be made available to the Secretary of Agriculture for the provision of specialty crop block grants under section 101 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108-465; 7 U.S.C. 1621 note), of which not more than 5 percent shall be available for administrative expenses.

SA 1765. Mr. KOHL (for Mr. HARKIN) proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 173, after line 24, insert the following:

SEC. 7. 90 days before initiating any structural change in a mission area of the Department, the Secretary of Agriculture shall provide notice of the change to the Committees on Appropriations of the Senate and the House of Representatives.

SA 1766. Mr. KOHL (for Mr. PRYOR) proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 154, line 10, insert ", Cleburne County, Arkansas," after "Montana".

SA 1767. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7. (a) Not later than 14 days after the date of the enactment of this Act, the Federal Trade Commission shall initiate an inquiry into the retail prices of natural gas and gasoline to determine if the prices of natural gas and gasoline (both before and after Hurricane Katrina), including the price of gasoline containing ethanol, is being arti-

ficially manipulated by reducing refinery capacity, by speculation in oil market, or by any other form of manipulation.

(b) Not later than 14 days after the initiation of the inquiry required under subsection (a), the Federal Trade Commission shall report to Congress the results of the inquiry.

(c) Not later than 14 days after issuing the report required under subsection (b), the Federal Trade Commission shall hold a public hearing for the purpose of presenting the results of the inquiry.

(d)(1) If the Federal Trade Commission determines that the increase in natural gas and gasoline prices, including the price of gasoline containing ethanol, is a result of market manipulation, the Federal Trade Commission shall, in cooperation with the attorney general of any affected State, take appropriate action.

(2) If the Federal Trade Commission determines that the increase in natural gas and gasoline prices, including the price of gasoline containing ethanol, is not the result of market manipulation, the Federal Trade Commission shall notify the Secretary of Energy. The Secretary shall, not later than 14 days after receiving such notification, decide if expanded use of the Strategic Petroleum Reserve should be implemented to assure adequate supplies of gasoline.

(e) This section shall cease to apply on—

(1) the date the Federal Trade Commission makes its determination described in subsection (d); or

(2) if applicable, the date of the decision of the Secretary of Energy under paragraph (2) of such subsection.

SA 1768. Mr. SPECTER (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7. Section 1502 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982) is amended in subsections (f) and (g)(1) by striking "2005" each place it appears and inserting "2007".

SA 1769. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 173, after line 24, insert the following:

SEC. 7. Notwithstanding any other provision of law (including regulations), none of the funds made available by this Act may be used to carry out section 508A(c)(1)(B)(i) of the Federal Crop Insurance Act (7 U.S.C. 1508A(c)) in a manner that applies the term "crop year" in a manner that fails to take into account the varying climates of different regions of the United States.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Ms. SNOWE, Mr. President, the Chair wishes to inform Members that the

Committee on Small Business & Entrepreneurship will hold a public hearing entitled, "The Impact of Hurricane Katrina on Small Businesses" on Thursday, September 22, 2005, at 10 a.m., in room 428A of the Russell Senate Office Building.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BENNETT, Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a business meeting during the session of the Senate on Tuesday, September 20, 2005 at 10 a.m. in SR-328A, Russell Senate Office Building. The purpose of this meeting will be to markup S. 1582, a bill to reauthorize the U.S. Grain Standards Act.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BENNETT, Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 20, 2005, at 10 a.m., to conduct a hearing on the nomination of Mr. Emil Henry Jr., of New York, to be Assistant Secretary for Financial Institutions, Department of the Treasury; Ms. Scottie Theresa Neese, of Oklahoma, to be Director of the United States Mint; and Mr. Patrick O'Brien, of Minnesota, to be Assistant Secretary for Terrorist Financing, Department of the Treasury.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BENNETT, Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, September 20 at 10 a.m. The purpose of this hearing is to receive testimony regarding the current state of climate change scientific research and the economics of strategies to manage climate change. Issues to be discussed include: the relationship between energy consumption and climate change, and the potential effects on the U.S. economy of climate change and strategies to control greenhouse gas emissions.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BENNETT, Mr. President, I ask unanimous consent that the Committee on Foreign Relations' Subcommittee on Western Hemisphere, Peace Corps, and Narcotics Affairs be authorized to meet during the session of the Senate on Tuesday, September 20, 2005, at 2:30 p.m. to hold a hearing on China's Role in Latin America.

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

COMMITTEE ON THE JUDICIARY

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to meet to conduct a hearing on "The Kelo Decision: Investigating Takings of Homes and other Private Property" on Tuesday, September 20, 2005 at 10 a.m. in the Dirksen Senate Office Building Room 226. The tentative witness list is attached.

Panel I: The Honorable John Cornyn, United States Senator [R-TX].

Panel II: Ms. Susette Kelo, New London, CT; Fred Jenkins, Pastor, St. Luke's Pentecostal Church, North Hempstead, NY; The Honorable Eddie A. Perez, Mayor, Representing the National League of Cities, Hartford, CT; Hilary O. Shelton, Director, NAACP Washington Bureau, Washington, DC; Thomas Merrill, Charles Keller Beekman Professor of Law, Columbia University, New York City, NY; Steven J. Eagle, Professor of Law, George Mason University, Arlington, VA.

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

SUBCOMMITTEE ON DISASTER PREVENTION AND PREDICTION

Mr. BENNETT. Mr. President, I ask unanimous consent that the Subcommittee on Disaster Prevention and Prediction be authorized to meet on Tuesday, September 20, 2005, at 3 p.m., on Review of the Prediction of Hurricane Katrina.

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

MEASURE PLACED ON THE CALENDAR—S. 1718

Mr. BENNETT. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the second time.

The assistant legislative clerk read as follows:

A bill (S. 1718) to provide special rules for disaster relief employment under the Workforce Investment Act of 1998 for individuals displaced by Hurricane Katrina.

Mr. BENNETT. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceeding.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

ORDERS FOR WEDNESDAY, SEPTEMBER 21, 2005

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, September 21. I further ask consent 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 proceed to a period of morning business for up to 60

minutes, with the first 30 minutes under the control of the majority leader or his designee and the final 30 minutes under the control of the Democratic leader or his designee; provided that following morning business, the Senate resume consideration of H.R. 2744, the Agriculture appropriations bill.

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

PROGRAM

Mr. BENNETT. Mr. President, tomorrow, the Senate will return to the consideration of the Agriculture appropriations bill. Under a previous order, there is a filing deadline of 4 p.m. for first-degree amendments. I urge Senators to come forward early with their amendments so we can finish the bill tomorrow night. Rollcall votes will occur throughout the day tomorrow, and I announce on behalf of the majority leader that a late night may be necessary in order to finish the bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BENNETT. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:36 p.m., adjourned until Wednesday, September 21, 2005, at 9:30 a.m.