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No. 120

## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Father Joseph Breen of Saint Edward's Catholic Church in Nashville, TN.

### PRAYER

The guest Chaplain offered the following prayer:

As we gather this morning in this solemn hall of the Senate, considered by those who formed the Constitution to be the great "anchor" of the Government, let us call upon God, sovereign Lord of our Nation, to deepen our hearts and our minds to the truth about life, its dignity, and its reflection of the Eternal God. Help us to appreciate the truth that life is always good and that every life is of equal dignity.

We are thankful for the eyes we have to see, hearts to understand, the depth to think, and the concern to care. As we take life one day at a time, we ask for guidance and strength. We do not have yesterday or tomorrow, only today. Help us to remember the problems we encounter are but opportunities that are put before us to use creative energies, making a better world for everyone.

Lord, thank You for giving me this opportunity to express the love and the gratitude of the people of our great Nation to our lawmakers who so willingly have given themselves to public service.

Bless our Senators now and always. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU 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.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 22, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3 of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,  
President pro tempore.

Mr. SUNUNU thereupon assumed the chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

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

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

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2744, which the clerk will report.

The 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:

Dayton modified amendment No. 1844, to condition the use of funds for carrying out a provision relating to prevented planting payments, with an offset.

Bingaman (for Jeffords) amendment No. 1796, to provide funds to carry out the historic barn preservation program, with an offset.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a vote in relation to the Dayton amendment, No. 1844.

The Senator from Utah.

Mr. BENNETT. Mr. President, I see Senator DAYTON is here. The yeas and nays have not been ordered. There have been discussions during the evening about this amendment. I wonder whether the Senator wants the yeas and nays. I would say the Jeffords amendment, which under the previous order is the next pending business, will be withdrawn.

### AMENDMENT NO. 1796 WITHDRAWN

I ask unanimous consent that it be withdrawn, after conferring with Senator JEFFORDS and his staff.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

### AMENDMENT NO. 1844, AS MODIFIED

Mr. BENNETT. We are now on the Dayton amendment.

The ACTING PRESIDENT pro tempore. The vote occurs in relation to the Dayton amendment, No. 1844, as modified.

Mr. DAYTON. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the 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) is necessarily absent.

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

The result was announced—yeas 47, nays 52, as follows:

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



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S10327

[Rollcall Vote No. 240 Leg.]

## YEAS—47

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murray
Bayh	Grassley	Nelson (FL)
Biden	Harkin	Nelson (NE)
Bingaman	Inouye	Obama
Boxer	Jeffords	Pryor
Byrd	Johnson	Reed
Cantwell	Kennedy	Reid
Carper	Kerry	Rockefeller
Clinton	Kohl	Salazar
Coleman	Landrieu	Sarbanes
Conrad	Lautenberg	Schumer
Dayton	Leahy	Stabenow
Dodd	Levin	Thune
Dorgan	Lieberman	Wyden
Durbin	Lincoln	

## NAYS—52

Alexander	DeWine	McConnell
Allard	Dole	Murkowski
Allen	Domenici	Roberts
Bennett	Ensign	Santorum
Bond	Enzi	Sessions
Brownback	Frist	Shelby
Bunning	Graham	Smith
Burns	Gregg	Snowe
Burr	Hagel	Specter
Chafee	Hatch	Stevens
Chambliss	Hutchison	Sununu
Coburn	Inhofe	Talent
Cochran	Isakson	Thomas
Collins	Kyl	Vitter
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	Martinez	
DeMint	McCain	

## NOT VOTING—1

Corzine

The amendment (No. 1844), as modified, was rejected.

Mr. BENNETT. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

## FARMERS MARKET PROMOTION PROGRAM

Mr. HARKIN. Madam President, I would like to take a moment and comment about an important program that I worked to include in the 2002 farm bill. I wish to engage Chairman BENNETT, manager of the fiscal year 2006 Agriculture appropriations bill, in a colloquy regarding the Farmers Market Promotion Program.

The House of Representatives has already passed its Agriculture appropriations bill, which includes \$1 million in funding for the Farmers Market Promotion Program. As the Senate wraps up its work on the pending bill and looks ahead to conference, I would like to request that the chairman do all he can in those negotiations to secure full funding for this important program.

Authorized in section 10605 of the 2002 farm bill, the Farmers Market Promotion Program would provide critical Federal grant dollars to local governments, chambers of commerce, farmers market alliances, coops, and economic development organizations to support the expansion, development and maintenance of farmers markets and other direct marketing opportunities. An initial investment of \$1 million will help to get this program up and running, bringing critical resources to communities nationwide.

I make this request of the chairman understanding the budget pressures and competing interests within this bill. I would like to say at this time,

however, this \$1 million would be very well spent. Consumers are demanding locally grown farm raised agricultural products and producers want to meet this demand. In my State and across the Nation exciting things are happening in the area of new markets for agricultural products, but many communities lack the needed seed money to get off of the ground.

Mr. BENNETT. The Senator from Iowa and ranking member of the Senate Committee on Agriculture, Nutrition and Forestry, as well as member of the subcommittee of jurisdiction over this bill, raises some important points about funding in the bill. I will work with Senator HARKIN in conference to address this issue.

Mr. HARKIN. I am grateful to the Chair and thank him again for his skillful work at crafting a bill that can be supported by the full Senate.

Mr. DEWINE. Madam President, I thank Chairman COCHRAN for taking the time to have this very serious discussion with me about a life saving proposal that I believe needs to become part of this bill before it is passed into law.

The proposal, originally suggested by President Bush, would allow a small percentage of U.S. food aid dollars to be used to purchase food locally in the country or region of a food aid crisis until U.S. food aid can arrive. For example, if there is a food crisis in Ethiopia, the U.S. Government would be able to purchase food in neighboring countries, or even in other areas of Ethiopia where food is available, and use it to save lives until food shipped from the United States could arrive. On average, U.S. food aid takes over 4 months to arrive in countries in need, and during that gap period, people die—children die.

There is also another consideration that makes this proposal even more imperative. U.S. food aid is stored in Galveston, TX, and 60 percent of our food aid shipments exit through the Gulf of Mexico. Now, with Rita raging off the coast of Texas, several hundreds of millions of dollars of food aid are in the direct path of the storm.

Even if the food stores are not destroyed by this storm, the vessels that were intended to transport the food aid have been sent out to sea and rail companies are not picking up additional commodities. This means the U.S. food aid delivery system is in a state of arrest. If we do not provide a limited authority to purchase food locally until U.S. food aid can arrive in countries suffering from a food shortage crisis, kids will starve to death as they wait for help to arrive. We cannot in good conscience let that happen.

This is one of those rare times when we, as elected officials, have the opportunity to take a step that directly saves lives. Make no mistake about it—if we fail to give the U.S. Agency for International Development the flexibility to purchase food from local sources, our lack of action will prevent us from saving lives. Failing to act will cost the lives of thousands of suffering

men, women, and children. I trust that such a failure is simply not acceptable to my fellow Senators. It certainly is not acceptable to me.

Mr. COCHRAN. I thank the Senator from Ohio for bringing this issue to my attention and note his desire to provide funding for this new proposal to provide cash for in-country commodity purchasing. I want the Senator to know that I will work with him throughout the conference negotiations on this bill to address this issue.

## FOOD ASSISTANCE PROGRAMS

Mr. BAUCUS. I rise today to express my deep concern with the state of our Nation's food assistance programs. In recent weeks our Nation has seen first hand the critical importance of food assistance programs in helping our fellow Americans in times of need. After Hurricane Katrina, with Hurricane Rita bearing down on the Texas coast, and with rising fuel costs, our ability to provide the resources needed by Americans need of food assistance is threatened. This is a critical problem one I have seen in the gulf States but also seen in Montana where many of my fellow Montanans rely on food assistance.

Mr. COCHRAN. I join my colleague from Montana in expressing concern over the condition of the Nation's food assistance programs. I too believe that participation in these nutrition programs may increase due to the recent hurricane. I look forward to working with the Senator to provide adequate funding to meet the demand for food assistance.

Mr. BAUCUS. I appreciate Chairman COCHRAN's understanding and concern. I have seen some of the devastation in the gulf and want to express my sympathy and pledge my support to help. Montanans have seen the devastation and like me, they have opened their arms and hearts to Gulf State evacuees. I hope that the chairman will join me in pledging his support for taking immediate action to help alleviate the critical needs faced by Americans in the gulf as well as citizens across the country regarding food assistance. The Senate should act, and act now to provide Americans relying on food assistance assurance that the resources they rely upon will be there when they need it.

Mr. KOHL. I join my distinguished colleagues from Mississippi and Montana. Providing emergency funds for the food assistance programs in this country is desperately required. Americans in the gulf, as well as my home State of Wisconsin, should be provided the food assistance that they need. Congress must act to address the essential needs of these Americans by ensuring that the Nation's food banks, emergency feeding and other food assistance organizations have the resources they require.

Mr. SALAZAR. Madam President, I rise to speak about the fiscal year 2006 Agriculture appropriations bill. I want

to begin by thanking Chairman BENNETT and Ranking Member KOHL for their hard work on this important bill. They were given a tough assignment—to meet the needs of our rural communities in the context of a very tough budget picture. They have done a good job.

I have several amendments to this bill, and I know we have reached an agreement on two of them. I thank my colleagues and their staffs, Galen Fountain and Fitz Elder for their help. I will discuss those amendments shortly.

I have spoken in this Chamber before about the forgotten America and, once again, I stand here today to speak about my concern that we are not doing everything we can on behalf of those farmers, ranchers and agri-businesses which continue to play a vital role in our Nation's rural communities.

I am concerned about these communities. Too often, Washington leaves those communities to wither on the vine.

The administration has proposed reductions in farm commodity programs, crop insurance, food assistance, rural development and conservation.

Just yesterday, the U.S. Department of Agriculture announced that Hurricane Katrina caused an estimated \$900 million in farm losses, however according to reports, this estimate did not include long-term infrastructure losses such as damaged barns, machinery, and fuel shortages.

The bill before us takes steps to send a message to rural America that we are not forgetting that vital part of our country.

It invests 3 percent more than the House-passed bill.

It adds back many of the important investments that the President proposed cutting in his budget earlier this year.

There are also important investments for Colorado. Specifically, Colorado State University in Fort Collins will receive \$1.9 million in important agriculture research programming.

Colorado will see nearly \$32 million in agricultural research and conservation projects, including \$15 million in investment to fight noxious weeds and funding for resource conservation and development councils.

I think we can do more, and we must do more, because it is not just Washington that forgets rural America. Consider this. Earlier today, I got on the World Wide Web and googled gas prices on Google News. Sixty-four pages came back with stories on the gas prices that are hurting this country.

But through tens of pages of stories, I did not see a single story on the impact of high gas on farmers and ranchers. I did see stories on: rising gas prices hurting commuters; rising gas prices hurting SUV drivers; rising gas prices hurting local governments; rising gas prices hurting lottery sales; rising gas prices hurting pizza delivery prices; rising gas prices hurting golf

travel plans; and rising gas prices hurting leaf watchers.

I have no doubt these high prices are hurting families in each of these situations.

But I also know that now, today, this week, in the height of harvest time, no one is hurt by gas prices more than farmers and ranchers.

Here is what I am hearing from my State. During harvest, agricultural producers are some of the largest fuel consumers in the U.S. and producers are facing enormous fuel costs. In Grand Junction, CO, diesel prices are as high as \$3.16.

I have heard from one Colorado farmer in Kit Carson County who has estimated that in order to harvest this year, he will need an additional \$46,000 to cover fuel costs alone.

I have also heard from another farmer in northeastern Colorado who, in order to cover the increasing price of fuel, has applied for additional loans at this bank only to be turned down because he is already overextended with existing loans.

That is why I am so pleased this bill now includes my amendment to require the Secretary of Agriculture to work with the Secretary of Energy to produce a comprehensive report on the impact of high gas prices on our farmers, ranchers and rural communities across the country. That data is the first step toward a comprehensive solution to helping these communities address these terrible prices.

I am also pleased the bill now includes my amendment to call the Secretary's attention to an issue that is plaguing Colorado and the West. I know that the chairman is acutely aware of this problem, and thank him and his staff for their support.

The Forest Service reports that during 2004, a total of 7 million trees covering over 1.5 million acres, were killed by several different types of bark beetles throughout the State of Colorado.

Severely impacted counties in my State include: Grand, Jackson, Routt, Summit, Eagle, Park, Chaffee, Pitkin, Sumache, Gunnison, Hinsdale, San Miguel, Ouray, Delta, Montrose, Mesa, and Garfield.

Awareness of the bark beetle infestation has grown with the increasing visual impact of the large stands of dead trees visible from I-70 and Colorado's resort communities.

These infestations will leave millions of acres of Colorado forests at risk of a catastrophic fire.

Regrettably, in the face of this challenge, the Secretary of Agriculture continues to underplay the importance of Forest Service funding. I am thankful that my colleagues on the Interior appropriations subcommittee have done what they can in this budget environment to increase funding to fight pine beetles.

But we can do better. Consider this: total USFS funding down 11 percent from last year; forest health management funding is flat; fiscal year 2006

wildland fire management appropriated additional \$25 million for forest health activities on Federal and State land, \$15 M and \$10 M, respectively).

That is why it is so important that we send this message to the Secretary today. He needs to help us be able to do more to fight this scourge. And this amendment today is the first step in that effort.

I will spend this upcoming weekend with my mother, on our family ranch in the San Luis Valley and will lend a helping hand to the potato harvest on the farm. The people of that valley—like the people of rural communities across this great country—may not get the chance to ever come to Washington to see the work we do. Nonetheless, I hope, that our work makes it to them, so that they can be assured that we have not forgotten them.

Mr. LEVIN. Madam President, earlier this month, the emerald ash borer was positively detected in the Upper Peninsula of my home State of Michigan for the first time. Officials believe that this may be an isolated outbreak, and hope that it can be successfully contained.

Unfortunately, this is an aggressive pest that we in Michigan have been fighting for years, however we have had only limited success in containing the infestation in the past. It is believed that the ash borer was brought to Michigan about 6 years ago through the channels of international trade. What started as a local infestation in a few counties in southeastern Michigan has grown to infest the entire Lower Peninsula. This find in a State park in Michigan's Upper Peninsula is significant because it shows that efforts and the resources provided until now have not been adequate to contain the pest.

While even as we speak, research is being conducted by some of our State's best experts on ways to kill the bug while saving our ash trees, a lack of funding is hampering these efforts. Whatever funding is available must be balanced between research efforts and eradication and containment. For now, that means removing our ash trees. In Michigan alone, we are nearing 10 million trees removed. I cannot tell you how distressing it is for communities which have been forced to remove trees and have little or no funding to replace them. Ann Arbor, near the heart of the infestation and known for its beautiful downtown tree-lined streets, is increasing devoid of foliage, as is the case with too many of our cities and towns.

The State of Michigan anticipated \$30 million in Federal funding last year for activities related to eradicating emerald ash borer. Unfortunately, they only received a third of that. This has severely affected our ability to do what is necessary to eradicate this pest. Chipping of these downed trees has ground to a halt, and funding to enforce the State's wood quarantines has been strained. We cannot continue to hold back the spread of the ash borer on our own with such meager funding.

This year, recognizing the serious threat that the ash borer poses to the Nation, the administration requested \$32 million for eradication efforts. However, the Senate bill before us provides only \$5.96 million for the efforts. This is simply far too inadequate.

The House of Representatives approved \$14 million for emerald ash borer-related activities in their Agriculture appropriations bill. While this is still far below what is required, I believe it is a positive first step to providing the desperately needed funding to slow the spread of the ash borer.

We must recognize that this is a nationwide problem that is unfortunately not receiving the recognition or support that it should. A handful of States where EAB has been detected cannot be expected to contain the bug on their own forever. We have seen how quickly the ash borer has infested my State of Michigan, taking only 5 years to spread throughout the Lower Peninsula. Without adequate resources, we face a serious threat to our ash stock. The further spread of the emerald ash borer would be economically devastating to my State, and possibly to much of the rest of the Nation.

I am hopeful that the Senate conferees to this bill will accept the House's level of \$14 million for EAB eradication efforts.

Mr. FEINGOLD. Madam President, I am pleased that the Senate has approved H.R. 2744, the fiscal year 2006 appropriations bill providing vital funding for the Department of Agriculture, Food and Drug Administration and related agencies. While I may not support every provision, this bill provides important funding to support our Nation's farmers, rural communities, and conservation programs along with providing nutritious food for seniors, children and those in need.

I am pleased that the Appropriations Committee rejected a number of administration proposals to reduce or eliminate important programs such as funds for research at our land-grant colleges and universities, conservation partnerships through resource conservation and development councils, and funds to combat Johne's disease in our dairy industry. All of these programs were funded at a minimum of last year's levels instead of receiving drastic cuts.

After years of delay, I was encouraged that the Senate bill included funds to implement mandatory country-of-origin labeling, COOL, for meat, vegetables and fruits. Country-of-origin labeling is vitally important to enable our farmers to show their pride in the quality of their products, from ginseng to cheese to cranberries. Wisconsin farmers are proud of their work, and many consumers want to support American products—with country-of-origin labeling, both farmers and consumers benefit. I urge the Senate conferees to insist on funding COOL when they meet with the House conferees to resolve differences between the two Chambers' bills.

The Senate bill included over \$18 million for efforts to control and eradicate chronic wasting disease, CWD, in deer and elk. In addition to this much needed funding, I also worked with Senator ALLARD to include a provision that would require the Department of Agriculture to set minimum national standards for CWD control. Under the current system there are various State regulations but no set of basic procedures guiding the movement, handling, testing and permitting of captive-raised deer and elk. Our amendment, that was included as part of the bill, requires the Animal Plant Health Inspection Service to publish its uniform methods and rules concerning CWD within 90 days of enactment of the provision. With CWD being newly discovered in New York and West Virginia, it is clear that this disease requires a national response. This provision is an important step to prevent the further spread of CWD and help deer and elk farmers operate safely throughout the Nation.

High fuel costs are putting a squeeze on all Americans, but our farmers are in a particularly vulnerable position. While the high fuel costs are hitting them at many levels, they have little flexibility in whether to plant and harvest their fields, pay to move their products to market or procure fertilizer and feed. More than that, they receive what the market dictates for their products, so when fuel costs double or triple and they see fuel surcharges on every one of their bills, they can't pass these costs on and receive a higher price for their milk, grain or other products. In recognition of this difficult situation, I was proud to cosponsor an amendment offered by Senator SALAZAR that was included in the bill as a first step to addressing this problem. The amendment requires the Department of Agriculture to study the issue and issue a report on the impact to farmers.

I also submitted an amendment to the bill to require the Food and Drug Administration, FDA, to conduct a study on the levels of pesticides in domestic and imported ginseng. With Wisconsin ginseng being highly prized worldwide for its quality and lack of unsafe residues, mislabeled imported ginseng, often with high levels of pesticide residues, remains a problem for our producers. This study would have investigated this issue and provided important information to focus FDA's enforcement activities on reducing the amount of unsafe ginseng being passed off as Wisconsin- or U.S.-grown and helping growers fight back against this unfair competition. I was disappointed that I was blocked from having this amendment included in the bill. Despite this setback, I will continue to fight for better enforcement to protect consumers and Wisconsin's ginseng growers.

Mr. DODD. Madam President, I thank Senator BENNETT and Senator KOHL for their efforts as floor man-

agers of H.R. 2744, the Agriculture appropriations bill, and for their willingness to include in that legislation an amendment that I offered along with Senators HARKIN, REED, CARPER, BIDEN, and LIEBERMAN.

Our amendment, No. 1818, expresses the sense of the Congress that the Food and Drug Administration, FDA, should act within 1 year to issue comprehensive labeling guidelines for over-the-counter, OTC, sunscreen products—a so-called "final monograph." The FDA began work to develop such a monograph in 1978. In 2002, after 24 years, the agency issued a final monograph. Unfortunately, the final sunscreen monograph failed to address one of the most critical aspects of sunscreens—how to measure protection against UVA rays, which are responsible for causing skin cancer. Because the final monograph failed to address this key issue, the FDA stayed it until a comprehensive monograph could be issued in order to avoid consumer confusion and the need for unnecessary product relabeling.

That stay was issued nearly 4 years ago, and the FDA has yet to issue a comprehensive final monograph. Sunscreen manufacturers need clear guidance on product labeling in order to provide consumers with crucial information about the protective benefits of sunscreen products. Studies have shown that skin cancer rates continue to rise, especially in younger adults and women.

Furthermore, in the face of FDA inaction, States are poised to fill the void, raising the specter of a patchwork of state labeling requirements that could be confusing to consumers and unnecessarily burdensome to manufacturers. Pursuant to section 751 of the Federal Food, Drug, and Cosmetic Act, FFDCA, which was enacted in 1997, a Federal rule on sunscreen labeling would preempt any related State labeling requirements. But this preemption does not apply in the absence of a Federal rule. A recent decision by the Los Angeles Superior Court held that, because there is no final FDA monograph for sunscreens, the FFDCA does not preempt California State labeling and advertising laws. Consequently, California State law can require specific labeling for sunscreens sold in California.

The FFDCA expresses Congress' view that national uniformity of sunscreen labels is important to providing all consumers with equal access to valuable information about the need for sunscreens to reduce the risk of skin cancer. As such, under Public Law 105-115, the Food and Drug Modernization and Accountability Act of 1997, Congress intended the FDA, which has the requisite scientific and medical expertise, to prescribe labels for sunscreen products.

In March 1999, in a letter to FDA Commissioner Jane Henney, Senator REED and I expressed similar concerns about the agency's protracted delay in issuing a comprehensive final OTC

monograph for sunscreen. Sadly, and much to the detriment of many Americans who need clear, accurate, and comprehensive sunscreen labeling as their first line of defense against skin cancer, little has been done by FDA since that time. Twenty-seven years is more than enough time for FDA to finalize this monograph. Again, I thank Senator BENNETT and Senator KOHL for their willingness to address this issue. I urge the FDA to act with all possible haste to finalize the OTC monograph for sunscreen products, and to do so within the next year.

Mr. DURBIN. Madam President, I rise to offer this amendment with Senators MURRAY, OBAMA and AKAKA, and I thank Senators FEINSTEIN and HUTCHISON, as managers of this bill, for working with us to place some reasonable limitations on the review of disability claims for post-traumatic stress disorder that is currently under way in the Department of Veterans Affairs.

The Department of Veterans Affairs is conducting a review of 72,000 cases of veterans whom the VA has already rated at 100 percent disability due to post-traumatic stress disorder. The reason for this review is that the Inspector General of the VA recently found that the Department has, in the past, approved many PTSD disability claims without obtaining key documents from the veterans necessary to demonstrate that the PTSD is connected to their military service. In other words, the VA failed to adequately confirm the facts of the case.

In many cases, however, many years have now passed since the Department rated the veteran as disabled and began providing disability compensation. For many of these veterans suffering from the mental and emotional burdens of some very horrific experiences, that VA disability check may be their only source of income.

Now, the VA is re-opening these cases to determine if there was an error in their collection of documentation, and if so, where and how the error occurred.

Even if there was an error, however, that veteran is now dependent on that income. The veteran should not now—years later—be punished with a loss of their income due to the late discovery by the VA of its own error.

For this reason, the amendment I am offering today prohibits the use of any appropriated funds to revoke or reduce a veteran's disability compensation for post-traumatic stress disorder based on a finding that the Department of Veterans Affairs failed to collect justifying documentation, unless such failure was the direct result of fraud by the applicant.

It is the intent of this amendment that the Department may conduct this review if it provides a report to the Committee on Appropriations on the plan for staffing and funding requirements. The Department cannot, however, correct its error by taking money away from veterans.

America's veterans deserve the undying gratitude of the people of this Nation. America's veterans deserve speedy and accurate processing of their claims at the Department of Veterans Affairs. They do not deserve to be given compensation one day, only to have it taken away years later. Fortunately, the Senate is acting today to prevent that from happening.

Mr. FRIST. Madam President, every morning, farmers and ranchers across America wake up to do the hard work of growing crops, tending livestock, and providing food that is safe, abundant and affordable.

Over 2 million American farms grow the food that feeds the world.

And today we will pass, with near unanimous support, the Agriculture appropriations bill, which helps America's farmers to be the most productive in the world.

The Agriculture appropriations bill funds \$100.7 billion for a wide array of Government agencies. Roughly 80 percent of the funding in this bill is for those programs referred to as "entitlements." That includes farm price support programs and funding for low-income, domestic food assistance programs such as food stamps, school lunch, and other child nutrition programs.

The portion of this bill we refer to as "discretionary" includes such activities as rural development, rural housing, agriculture research, FDA, and most conservation programs. That portion represents \$17.3 billion—less than a 3 percent increase over this year's funding.

Later today, the Department of Agriculture will release their most current estimates on the agriculture damages caused by Hurricane Katrina. Preliminary estimates indicate that the loss of agricultural production in the area might be less than \$1 billion. Small comfort to the hard working people who have lost their livelihoods—shrimpers along the coast who have lost their shrimp boats, broiler producers in Mississippi who have lost their facilities.

But we do know that 8 of the 10 major export grain elevators near the Port of New Orleans are operational today. Three major floating rigs, which have comparable capacity to these elevators, are also operational.

Eighty percent of grain export capacity has been restored, and barge movement is now increasing. Export grain delivery from the upper reaches of the Mississippi is catching up with these capacity numbers. The real impact of Katrina on the agricultural sector will be the increasing cost of energy and fertilizer costs.

As I mentioned earlier, the largest expenditure made by the USDA is for food and nutrition programs. The appropriations bill provides \$40.7 billion for the Food Stamp Program; \$12.4 billion for the school meal programs; \$5.3 billion for the Women and Infants and Children program. Rural housing loan programs are allotted nearly \$5 billion.

Another critical function of the USDA is to conduct research into improving our farming and conservation methods.

The Department provides grants to local communities for a variety of rural development projects, ranging from electricity improvements, to water infrastructure, waste management, broadband service, and energy efficiency.

During the August recess, I had the opportunity to meet with a group of county mayors back in my home State. Tennessee is a major grower of cotton, corn, and soybeans. This year, we are expected to produce 48 million bushels of soybeans on 1.2 million acres of farmland. The Tennessee USDA office also predicts we will set a new State record for cotton production, at over 1.1 million bales.

While I was home meeting with the county mayors, we discussed Tennessee's thriving farming business and what they need to help it grow. Greater research into agricultural production was one area they highlighted. The farm bill includes significant support for those efforts, includes significant support for those efforts.

It includes: \$2 million for Appalachian horticultural research, a collaborative project between the USDA and University of Tennessee; \$955,000 for research into the best way to protect soil and water quality on farms which can suffer from heavy erosion; and nearly \$40 million for the boll weevil eradication program to help our cotton farmers combat this destructive pest.

These programs, along with major funding for the USDA's rural development programs and housing services, are helping farmers around the country continue to feed America, and indeed, the world.

From the very beginning of our Nation's history, farming has been the backbone of our economy, our growth, and our independence. Our earliest settlers were farmers. Farmers and ranchers pioneered our expansion to the West. Indeed, the first patent issued by the Patent Office in 1790 was to Samuel Hopkins for a farming innovation.

I congratulate the chairman of the subcommittee, Senator BENNETT, and the ranking member, Senator KOHL, on reporting a bill that, even in a time of tight budgets, targets spending on the needs of rural America, while also maintaining funding for essential food assistance programs.

By pulling together and remaining focused, the United States Senate is keeping America's expansive food and fiber system moving forward.

Mr. BENNETT. Madam President, all other amendments having been withdrawn or disposed of, we are now to final passage. To accommodate those who need to leave, I reserve any remarks about the bill until after final passage and urge we move to the vote.

Madam President, I yield for the Senator from Alaska.

## CHANGE OF VOTE

Mr. STEVENS. Madam President, I ask unanimous consent the vote on 237 be changed. I voted no and I intended to vote aye. I ask it be changed. It will not change the outcome of the vote.

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

Mr. KOHL. Madam President, I thank Senator BENNETT once again for his hard work and expert managing of this bill. It has been a pleasure to work with him, and I look forward to continuing to work together as we conference this bill with the House. I also publicly and sincerely thank John Ziolkowski, Fitz Elder, Hunter Moorhead, Dianne Preece, and Stacy McBride on his staff for their hard work and dedication.

They exhibited professionalism and a strong work ethic throughout this entire process, and worked seamlessly with my staff—something I am constantly reminded of as a rare occurrence in what can be an incredibly partisan place. I look forward to continuing this strong spirit of cooperation.

Mr. BENNETT. Madam President, I call for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

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) is necessarily absent.

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

The result was announced—yeas 97, nays 2, as follows:

[Rollcall Vote No. 241 Leg.]

## YEAS—97

Akaka	Coleman	Hatch
Alexander	Collins	Hutchison
Allard	Conrad	Inhofe
Allen	Cornyn	Inouye
Baucus	Craig	Isakson
Bayh	Crapo	Jeffords
Bennett	Dayton	Johnson
Biden	DeMint	Kennedy
Bingaman	DeWine	Kerry
Bond	Dodd	Kohl
Boxer	Dole	Kyl
Brownback	Domenici	Landrieu
Bunning	Dorgan	Lautenberg
Burns	Durbin	Leahy
Burr	Enzi	Levin
Byrd	Feingold	Lieberman
Cantwell	Feinstein	Lincoln
Carper	Frist	Lott
Chafee	Graham	Lugar
Chambliss	Grassley	Martinez
Clinton	Gregg	McCain
Coburn	Hagel	McConnell
Cochran	Harkin	Mikulski

Murkowski	Salazar	Stevens
Murray	Santorum	Talent
Nelson (FL)	Sarbanes	Thomas
Nelson (NE)	Schumer	Thune
Obama	Sessions	Vitter
Pryor	Shelby	Voinovich
Reed	Smith	Warner
Reid	Snowe	Wyden
Roberts	Specter	
Rockefeller	Stabenow	

## NAYS—2

Ensign

Sununu

## NOT VOTING—1

Corzine

The bill (H.R. 2744), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Madam President, at this time I would like to thank those who worked so hard to help us with the bill, particularly Dave Schiappa and Laura Dove here on the floor, along with Bill Hoagland of the leader's staff and Chairman CHAMBLISS and his staff, all of whom have been tremendously helpful. We also thank David Tinsley, Kathie Alvarez, Lula Davis, the Parliamentarians, and the cloakroom staff. These marathon activities are not the best kind of situations for some of these folks whom we take for granted around here. I want to acknowledge their help and their support.

I, of course, want to acknowledge the staff of the subcommittee, and I will list their names as a single staff, even though technically they are divided between majority and minority, but in this subcommittee we work together as if we are one staff: John Ziolkowski, Fitz Elder, Hunter Moorhead, Dianne Preece, Stacy McBride, Galen Fountain, Jessica Frederick, Bill Simpson, and Tom Gonzales.

All of these people have my very deep and sincere thanks for the work in getting this done.

Now, Madam President, I understand we have to appoint conferees.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment, requests a conference with the House on the disagreeing votes of the two Houses, and the Chair appoints Mr. BENNETT, Mr. COCHRAN, Mr. SPECTER, Mr. BOND, Mr. MCCONNELL, Mr. BURNS, Mr. CRAIG, Mr. BROWNBACK, Mr. STEVENS, Mr. KOHL, Mr. HARKIN, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, and Mr. BYRD conferees on the part of the Senate.

UNANIMOUS CONSENT  
AGREEMENT—H.R. 2528

Mr. BENNETT. Madam President, I ask unanimous consent that at 11:30 a.m. today, the Senate proceed to the immediate consideration of Calendar No. 169, H.R. 2528. I further ask consent that the committee-reported substitute be agreed to as original text for the purposes of further amendment, with no points of order waived by virtue of this agreement.

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

## MORNING BUSINESS

Mr. BENNETT. Madam President, I now ask unanimous consent that there 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.

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

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

AMERICAN RED CROSS AND  
HURRICANE RELIEF

Mr. DURBIN. Madam President, yesterday morning I made a trip to meet with the head of the American Red Cross. ADM Marty Evans is an extraordinary person. She was born in Springfield, IL, and served in the U.S. Navy for 29 years. She rose to the rank of rear admiral and, after her retirement from the Navy, spent several years as head of the Girl Scouts of America. Then a few years ago, she was chosen to be CEO of the American Red Cross.

The American Red Cross is an extraordinary agency. There are some 4,500 employees in Washington, 30,000 nationwide, millions of volunteers. Those of us who have had the good fortune of working with the Red Cross know that the people working in Washington are important, but the volunteers in the field are absolutely essential—men and women from communities across America who, at the first warning signal, are prepared to give up their personal lives and move to where they are needed. The help they bring and have brought has made a difference so many times in the lives of victims.

As Ms. Evans told me yesterday, this is not just a matter of hurricanes and floods. They respond to house fires to try to make certain that families and individual communities have a helping hand. I asked her what she did in preparation for Hurricane Katrina, how the American Red Cross positioned itself. I asked what they were doing in anticipation of Hurricane Rita, which we are all watching so closely. She said they didn't wait for a Government signal. They knew what they had to do. They positioned their people, their resources in safe locations where they could move in as quickly as possible after the disaster. They gave a helping hand in the evacuation. But they were ready and prepared, if something terrible occurred. It was heart warming and reassuring to know that the American Red Cross and other extremely important charitable organizations such as America's Second Harvest based in Chicago,

the Salvation Army, and so many faith-based groups are prepared and ready to move.

We are now watching, because of satellite imagery, the course of Hurricane Rita, praying that it will not strike with the force of a category 5 hurricane on the coast of Texas and Louisiana, and that somehow, some way, at the last moment we will be spared. But whether we are spared or not, we must be prepared.

This administration has been haunted by Hurricane Katrina for the last 3 weeks. President Bush has made at least five different visits to New Orleans to be visibly present during the rescue and recovery. He made a historic speech from Jackson Square about the challenge which Hurricane Katrina places on Americans. I thought what the President said was the right thing. I am a loyal Democrat, but I listened carefully to what the President said, and I thought the President showed the kind of leadership America needs at this moment.

I will refer later in my remarks to the question of what went wrong with Hurricane Katrina. But looking forward, as we must as a nation, we need to stand behind those victims, their families, the communities, and the States that were hit by Hurricane Katrina. It was a call to arms by the President for this Congress to join with him and the American people in standing up for the most vulnerable people in our country. That is as truly American as it gets.

Listen to the debate that has followed President Bush's announcement in New Orleans. We have had Members of Congress saying we can't afford to do it. We can't afford to provide the disaster assistance for these people to rebuild their lives and for these communities to rebuild their infrastructure and their homes. There have even been arguments from some that we can't consider spending this money because we have to keep our word to the wealthiest people in America that we promised we would cut their taxes.

The budget resolution we passed in the Senate and in the House this year promised that before we went home at the end of the year, we would give \$70 billion more in tax cuts to the wealthiest people in America. We also promised in the budget resolution, which I opposed, that we would cut Medicaid, which is health insurance for poor and elderly people, and that we would cut student loan assistance. That was part of what I considered a poorly thought out budget resolution which passed with Republican majorities in the House and Senate.

Now with the intervention of Hurricanes Katrina and Ophelia, and the possibility of Hurricane Rita and damage, many Republicans are arguing: We have a solemn responsibility to cut the taxes for the wealthy first, to cut Medicaid expenditures for the poor and elderly, and to cut student loans, and we don't have the resources to help the victims.

That is unfortunate. It reflects a difference in values. It reflects a difference in priorities. This Senator from Illinois believes that our first obligation is to the most vulnerable in America. Our first obligation is to those helpless victims and those communities who, through no fault of their own, are suffering today. It is time for us to be straightforward. It is time for the President to be straightforward to Republican leaders in the House and Senate, to say clear and unequivocally: We cannot afford to go forward with more tax cuts for wealthy people as we fight a war in Iraq and Afghanistan and as we come to the assistance of our neighbors who suffered because of these terrible natural disasters.

If the President will do that, I can guarantee him this: There is plenty of room on this side of the aisle for Democrats to join him in a bipartisan response to a national disaster which paid no attention to party affiliation.

I can say that with confidence because after 9/11/2001, that is exactly what happened. Democrats and Republicans alike joined hands in the face of that terrorist disaster and said we will stand behind the victims and their families and the State of New York and that city that endured that great loss, as well as, of course, our friends in the Pentagon who were victims as well of 9/11.

We stood together on a bipartisan basis. We did some exceptional things, things to make our country stronger, things to respond to the attack that had taken place. The list is long, starting with resolutions condemning terrorism, appropriations bills, and special bills to put money after 9/11 where it was needed the most, the Airline Stabilization Act, Uniting and Strengthening America Act, the USA PATRIOT Act, the intelligence bills, the defense bills—the list goes on and on.

These were strong bipartisan measures taken in the wake of 9/11 by Democrats and Republicans. We need that same spirit today. We need that spirit to stand behind the victims of Hurricane Katrina and their families and, God forbid, if Hurricane Rita will wreak the same type of havoc, we need to stand behind those victims as well, making certain first we have the resources in FEMA to respond to national emergencies.

There was a feeling 4 years ago that America had received a wakeup call after 9/11, that we had to be ready and prepared as a nation to respond to whatever was thrown at us. Extraordinary measures were taken, extraordinary speeches were made, but when Hurricane Katrina struck, we were not ready.

There has been a lot of question about how to answer the question. What did we do wrong, what did we fail to do with Hurricane Katrina? We better get those answers and get them quickly, not just to point blame, which some say is what it is all about, but for

accountability, to figure out what went wrong so it does not happen again. That is basic. It is not a blame game. There is no game involved. It is a matter of accountability.

Sadly, our friends on the other side of the aisle believe the only accountability can come about if a majority of those who are asking the questions are members of the President's party. We learned after 9/11 that it was much better to bring in an independent, nonpartisan commission to ask those hard questions.

The 9/11 Commission, cochaired by Gov. Thomas Kean, a former Republican Governor of New Jersey, and Congressman Lee Hamilton, a former Democratic Congressman from Indiana, did an exceptional job. The strong bipartisan commission came up with measures and recommendations which truly changed the way we govern America and changed the way we think about our responsibility in Congress, as well as in the executive branch.

We need exactly the same type of commission when it comes to Hurricane Katrina. But for reasons I cannot explain, the Republicans have steadfastly refused to appoint an independent, nonpartisan commission to find out what went wrong several weeks ago with Hurricane Katrina. That is the only way to come up with a credible analysis of that failing, whether it occurred at the Federal level, the State level, the local level, or right here in Congress. Let's have an honest, independent, nonpartisan commission, as we did after 9/11.

Instead, the Republican leadership says let's press forward with our own internal investigation. That has no credibility—or very little, I might say. I have been a member of the Senate Intelligence Committee where Senator ROBERTS, as the chairman, has promised he would investigate the misuse of intelligence information before the invasion of Iraq. That promise has been made for over a year. Nothing has happened.

We have called time and time again for a congressional investigation of the contracts in Iraq, the no-bid contracts in Iraq to companies such as Halliburton. We know there is evidence of abuse, misuse of taxpayers' funds, and yet this Republican Congress refuses to have a full-scale, honest investigation of Halliburton and the other contractors who are profiteering at the expense of our troops and at the expense of our taxpayers.

So it is time to concede the obvious. We cannot have a thorough, meaningful investigation of Hurricane Katrina without an independent commission. And we cannot come up with the resources to address Katrina and the other natural disasters until the President makes it clear to the Republican leadership in Congress that we can no longer afford the promised tax cuts to the wealthiest people in America.

It is time for us to assess the reality of the challenges we face in Iraq, in Afghanistan, and right here at home. It is



time for us to dedicate the resources to rebuilding and strengthening America, rather than strengthening the coffers of a few corporations that happen to have political connections. That is our responsibility.

I hope my colleagues in the Senate and the House will gather together and understand that rebuilding our Nation is our first responsibility. We must understand that the least fortunate among us need our help today. They are more vulnerable than they have ever been.

We cannot change the past, but now with another hurricane moving across the Gulf of Mexico, we can work together in a bipartisan way to change the future. America can certainly do better.

Madam President, I yield the floor, and 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. NELSON of Florida. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to address the Senate as in morning business.

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

#### HURRICANES AND THE PRICE OF OIL

Mr. NELSON of Florida. Mr. President, Hurricane Rita, bearing down on the gulf coast of Texas, perhaps Louisiana again, a category 5, with winds that have gotten up to 175 miles an hour, is very similar to Hurricane Katrina 3 or 4 weeks ago. It sprang up as a category 1, hitting south Florida first. Katrina did quite a bit of damage, as you would expect with winds in the range of 80 and 85 miles an hour. There was a lot of debris. There was the loss of electricity as it went over Miami, Dade County. Then, of course, when it got out to the gulf, fueled by those warm waters, about 87 degrees, providing the fuel for the hurricane, it surged in intensity on up to category 5, coming down to a category 4 before it hit the Louisiana coast.

It is eerily similar; Hurricane Rita springing up and hitting Florida this time actually 50 miles south of Key West, of course, with those counterclockwise winds, and a category 1 hitting Key West—that being the strongest side of the storm—and then out over the warm waters of the gulf. This is what we have as it is approaching landfall Saturday morning.

Before Katrina, this Nation was finally waking up to how vulnerable we are in our dependence on energy sources. Specifically, the Nation was waking up to the fact that 58 percent of our daily consumption of oil comes

from foreign shores. That is not a very good position to be in if you have to depend on foreign lands for that oil. The price of gasoline was spiking up prior to Katrina, in the range of \$2.70 a gallon. This was during August. I was doing townhall meetings all over my State of Florida, and I can tell you at \$2.70 a gallon, people are hurting. Senior citizens on fixed incomes cannot afford to drive to the doctor. People making \$20,000 a year can't afford to drive to work.

Then along comes Katrina, and because of hitting the area of our refinery capacity, the scare goes into the market and the price of gasoline surges. In one station, overnight—one station on Interstate 10 near Tallahassee—it surged 40 cents to well over \$3 a gallon.

I can tell you because I know what my people feel in Florida, they are hurting. They are having difficulty making ends meet, even without now having this additional cost. Here we go again. Here comes the next major hurricane, Hurricane Rita. It is now apparently bearing down on the Galveston-Houston area, one of the major shipping ports of the world. Also, that is where a great deal of the oil activity and the oil refinery capacity of this country is located. If it does knock out some of that refinery capacity, we are going to see these spikes in the price of gasoline to the point that it is starting to hurt our people.

Is it going to take another tragedy like this for us to finally wake up and, as a nation, get our heads out of the sand and address this energy-dependent condition in which we find ourselves? Mind you, this is with the backdrop that over the past 4-plus years I have been privileged to be a Member of the Senate, we have tried almost every year to do a simple little thing, and that is to raise miles per gallon on SUVs and phase it in over a long period of time so it doesn't hurt anybody. But we cannot even get 40 votes out of 100 Senators for an amendment like that, to try to address the energy-dependent condition in which this Nation finds itself.

What are we going to do? Is it going to take another Katrina-like tragedy to shake us out of our lethargy? We might be shaken come next Saturday morning.

There are a number of things we can do. But before I go into that, let me tell you about this thin thread we are hanging onto in our energy dependence. With 58 percent of our daily consumption foreign oil, any disruption in the system automatically will cause prices to spike and could come to the position of paralysis. It could be a major shutdown because of some malfunction in a refinery. Lord forbid, it could be a terrorist sinking a supertanker in the Strait of Hormuz, that 19-mile-wide strait in the Persian Gulf through which all of the world's tankers have to go out into the open sea to supply a world thirsty for oil. It could

be another series of hurricanes. Whatever it is, that thin thread of the supply line could have devastating consequences for this country, if we cannot satiate our parched throats, this thirst for oil.

We best get on with it. I suggest we start rethinking and get more than 39 votes for mandating increased miles per gallon. I suggest we start making ethanol, not just from corn—which is an expensive process—but from less expensive sources from which our technology now allows us to make ethanol. We can surely make it from sugar cane. We can make a lot from normal waste. Do you know something else. We can make it from grass. We have 31 million acres of prairie grass in this country. Let's cut the grass. Let's make cheaper ethanol and let's mix that ethanol with gasoline that will burn in our existing car engines.

The primary consumption of oil is in the transportation sector, and in the transportation sector are our personal vehicles, where we consume most of that oil. If we start mixing ethanol with gasoline in greater proportions, it will burn in our existing car engines and we will use that much less oil.

But let's do something else. Let's make sure that when the car manufacturers are satisfying the demands of the American public for new automobiles, they satisfy the demands and start producing more hybrid vehicles. If you have a hybrid vehicle, which Toyota has had for the last 6 years, that will get the equivalent of 50 miles per gallon in start/stop traffic, then you are burning less oil. The consumption of oil is less.

If that hybrid vehicle is now burning a fuel that is not just gasoline but is a mixture of gasoline and ethanol, then you are consuming all the less oil.

I suggest one more thing, that we build our hybrid vehicles so that when you park in your garage at night, you plug it in and it charges up that battery, so the next day, when you drive out, you have a fully charged battery so the gasoline engine in your hybrid vehicle is being used less to charge up that battery, and you have charged up that battery overnight from a source of energy other than oil.

These are steps we can take right now. How many more monster hurricanes is it going to take, hitting the refinery capacity of this Nation along the gulf coast, for us to get our heads out of the sand? I hope and pray that Rita is going to lessen and that it will not strike a portion of the coast that brings devastation and tumult and hardship. But as of Thursday midday, that is the course it is on for Saturday morning landfall. The National Hurricane Center is pretty accurate in their predictions.

I am talking to an empty Chamber because we are all out there in committee meetings. I have just run here from trying to help protect us in the Commerce Committee on a question of communications after a natural disaster—which we have experienced after



Katrina. The Judiciary Committee is meeting at this moment as they consider a nominee for Chief Justice of the Supreme Court.

I have made similar remarks on this floor time and time again. If they have not fallen on deaf ears, they have been ignored, as have the similar remarks of other Senators. How many times do we have to be reminded of our vulnerability as a nation, dependent on foreign oil? Let's start enacting some energy policies that will address this problem immediately, to wean ourselves as quickly as possible from dependence on foreign oil.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. 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.

#### MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 2528, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2528) making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with an amendment.

(Strike the part shown in black brackets and insert the part shown in italic.)

H.R. 2528

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

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies, for the fiscal year ending September 30, 2006, and for other purposes, namely:

#### TITLE I

##### DEPARTMENT OF DEFENSE

##### MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, \$1,602,552,000, to remain available until September 30, 2010: *Provided*, That of this amount, not to exceed \$168,804,000 shall be available for study, planning, design, architect and engineer services, and host nation

support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

In addition, \$50,000,000, to remain available until September 30, 2007, for overhead cover systems to support force protection activities in Iraq: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law.

##### MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, \$1,109,177,000, to remain available until September 30, 2010: *Provided*, That of this amount, not to exceed \$36,029,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

##### MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, \$1,171,338,000, to remain available until September 30, 2010: *Provided*, That of this amount, not to exceed \$91,733,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

##### MILITARY CONSTRUCTION, DEFENSE-WIDE

##### (INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, \$976,664,000, to remain available until September 30, 2010: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed \$107,285,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

##### MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities

for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$410,624,000, to remain available until September 30, 2010.

##### MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$225,727,000, to remain available until September 30, 2010.

##### MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$138,425,000, to remain available until September 30, 2010.

##### MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$45,226,000, to remain available until September 30, 2010.

##### MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$110,847,000, to remain available until September 30, 2010.

##### NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, \$206,858,000, to remain available until expended.

##### FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$549,636,000, to remain available until September 30, 2010.

##### FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$803,993,000.

##### FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$218,942,000, to remain available until September 30, 2010.

##### FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and

maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$588,660,000.

**[FAMILY HOUSING CONSTRUCTION, AIR FORCE]**

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$1,236,220,000, to remain available until September 30, 2010.

**[FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE]**

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$755,319,000.

**[FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE]**

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, \$46,391,000.

**[DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND]**

For the Department of Defense Family Housing Improvement Fund, \$2,500,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

**[BASE REALIGNMENT AND CLOSURE ACCOUNT 1990]**

For deposit into the Department of Defense Base Closure Account 1990, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), \$377,827,000, to remain available until expended.

**[BASE REALIGNMENT AND CLOSURE ACCOUNT 2005]**

For deposit into the Department of Defense Base Realignment and Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), \$1,570,466,000, to remain available until expended.

**[BASIC ALLOWANCE FOR HOUSING, ARMY]**

For basic allowance for housing, for members of the Army on active duty, \$3,945,392,000.

**[BASIC ALLOWANCE FOR HOUSING, NAVY]**

For basic allowance for housing, for members of the Navy on active duty, \$3,592,905,000.

**[BASIC ALLOWANCE FOR HOUSING, MARINE CORPS]**

For basic allowance for housing, for members of the Marine Corps on active duty, \$1,179,071,000.

**[BASIC ALLOWANCE FOR HOUSING, AIR FORCE]**

For basic allowance for housing, for members of the Air Force on active duty, \$3,240,113,000.

**[BASIC ALLOWANCE FOR HOUSING, ARMY NATIONAL GUARD]**

For basic allowance for housing, for members of the Army National Guard on active duty, \$453,690,000.

**[BASIC ALLOWANCE FOR HOUSING, AIR NATIONAL GUARD]**

For basic allowance for housing, for members of the Air National Guard on active duty, \$248,317,000.

**[BASIC ALLOWANCE FOR HOUSING, ARMY RESERVE]**

For basic allowance for housing, for members of the Army Reserve on active duty, \$310,566,000.

**[BASIC ALLOWANCE FOR HOUSING, NAVAL RESERVE]**

For basic allowance for housing, for members of the Naval Reserve on active duty, \$191,338,000.

**[BASIC ALLOWANCE FOR HOUSING, MARINE CORPS RESERVE]**

For basic allowance for housing, for members of the Marine Corps Reserve on active duty, \$40,609,000.

**[BASIC ALLOWANCE FOR HOUSING, AIR FORCE RESERVE]**

For basic allowance for housing, for members of the Air Force Reserve on active duty, \$71,286,000.

**[FACILITIES SUSTAINMENT, RESTORATION AND MODERNIZATION, ARMY]**

For expenses for facilities sustainment, restoration and modernization of the Army, \$1,850,518,000.

**[FACILITIES SUSTAINMENT, RESTORATION AND MODERNIZATION, NAVY]**

For expenses for facilities sustainment, restoration and modernization of the Navy, \$1,344,971,000.

**[FACILITIES SUSTAINMENT, RESTORATION AND MODERNIZATION, MARINE CORPS]**

For expenses for facilities sustainment, restoration and modernization of the Marine Corps, \$553,960,000.

**[FACILITIES SUSTAINMENT, RESTORATION AND MODERNIZATION, AIR FORCE]**

For expenses for facilities sustainment, restoration and modernization of the Air Force, \$1,845,701,000.

**[FACILITIES SUSTAINMENT, RESTORATION AND MODERNIZATION, DEFENSE-WIDE]**

For expenses for facilities sustainment, restoration and modernization of the Department of Defense, \$115,400,000.

**[FACILITIES SUSTAINMENT, RESTORATION AND MODERNIZATION, ARMY NATIONAL GUARD]**

For expenses for facilities sustainment, restoration and modernization of the Army National Guard, \$391,544,000.

**[FACILITIES SUSTAINMENT, RESTORATION AND MODERNIZATION, AIR NATIONAL GUARD]**

For expenses for facilities sustainment, restoration and modernization of the Air National Guard, \$184,791,000.

**[FACILITIES SUSTAINMENT, RESTORATION AND MODERNIZATION, ARMY RESERVE]**

For expenses for facilities sustainment, restoration and modernization of the Army Reserve, \$204,370,000.

**[FACILITIES SUSTAINMENT, RESTORATION AND MODERNIZATION, NAVAL RESERVE]**

For expenses for facilities sustainment, restoration and modernization of the Naval Reserve, \$67,788,000.

**[FACILITIES SUSTAINMENT, RESTORATION AND MODERNIZATION, MARINE CORPS RESERVE]**

For expenses for facilities sustainment, restoration and modernization of the Marine Corps Reserve, \$10,105,000.

**[FACILITIES SUSTAINMENT, RESTORATION AND MODERNIZATION, AIR FORCE RESERVE]**

For expenses for facilities sustainment, restoration and modernization of the Air Force Reserve, \$55,764,000.

**[ENVIRONMENTAL RESTORATION, ARMY]**

**[(INCLUDING TRANSFER OF FUNDS)]**

For the Department of the Army, \$407,865,000, to remain available until transferred: *Provided*, That the Secretary of the

Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

**[ENVIRONMENTAL RESTORATION, NAVY]**

**[(INCLUDING TRANSFER OF FUNDS)]**

For the Department of the Navy, \$305,275,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

**[ENVIRONMENTAL RESTORATION, AIR FORCE]**

**[(INCLUDING TRANSFER OF FUNDS)]**

For the Department of the Air Force, \$406,461,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

**[ENVIRONMENTAL RESTORATION, DEFENSE-WIDE]**

**[(INCLUDING TRANSFER OF FUNDS)]**

For the Department of Defense, \$28,167,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

**[ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES]**

**[(INCLUDING TRANSFER OF FUNDS)]**

**[For the Department of the Army, \$221,921,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.]**

**[DEFENSE HEALTH PROGRAM]**

**[For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, \$19,983,912,000, of which \$19,184,537,000 shall be for operation and maintenance, of which not to exceed 2 percent shall remain available until September 30, 2007, and of which up to \$10,212,427,000 may be available for contracts entered into under the TRICARE program; of which \$355,119,000, to remain available for obligation until September 30, 2008, shall be for procurement; and of which \$444,256,000, to remain available for obligation until September 30, 2007, shall be for research, development, test and evaluation: *Provided*, That notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than \$7,500,000 shall be available for HIV prevention educational activities undertaken in connection with U.S. military training, exercises, and humanitarian assistance activities conducted primarily in African nations.]**

**[ADMINISTRATIVE PROVISIONS]**

**[SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed \$25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.]**

**[SEC. 102. Funds appropriated in this title for construction shall be available for hire of passenger motor vehicles.]**

**[SEC. 103. Funds appropriated in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.]**

**[SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.]**

**[SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than \$25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.]**

**[SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.]**

**[SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.]**

**[SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.]**

**[SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.]**

**[SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.]**

**[SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed \$500,000 for projects to be accomplished in Japan, in any NATO member country, or in countries bordering the Arabian Sea, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.]**

**[SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed \$1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.]**

**[SEC. 113. The Secretary of Defense is to inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed \$100,000.]**

**[SEC. 114. Not more than 20 percent of the funds made available in this title which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year.]**

**[(TRANSFER OF FUNDS)]**

**[SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.]**

**[SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.]**

**[SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.]**

**[SEC. 118. The Secretary of Defense is to provide the Committees on Appropriations of both Houses of Congress with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Sea to assume a greater share of the common defense burden of such nations and the United States.]**

**[(TRANSFER OF FUNDS)]**

**[SEC. 119. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to be merged with, and to be available for the same purposes and the same time period as that account.]**

**[(TRANSFER OF FUNDS)]**

**[SEC. 120. Subject to 30 days prior notification to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in "Military Construction" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided*, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.]**

**[SEC. 121. None of the funds made available in this title may be obligated for Partnership for Peace Programs in the New Independent States of the former Soviet Union.]**

**[SEC. 122. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the Committees on Appropriations of both Houses of Congress the notice described in subsection (b).]**

**[(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including**

the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

[(A) the closure or realignment of the installation for which housing is provided under the contract;

[(B) a reduction in force of units stationed at such installation; or

[(C) the extended deployment overseas of units stationed at such installation.

[(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

[(TRANSFER OF FUNDS)]

[SEC. 123. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

[SEC. 124. Notwithstanding this or any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: *Provided*, That not more than \$35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: *Provided further*, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

[SEC. 125. None of the funds made available in this title under the heading “North Atlantic Treaty Organization Security Investment Program”, and no funds appropriated for any fiscal year before fiscal year 2006 for that program that remain available for obligation, may be obligated or expended for the conduct of studies of missile defense.

[SEC. 126. Whenever the Secretary of Defense or any other official of the Department of Defense is requested by the subcommittee on Military Quality of Life and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives or the subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate to respond to a question or inquiry submitted by the chairman or another member of that subcommittee pursuant to a subcommittee hearing or other activity, the Secretary (or other official) shall respond to the request, in writing, within 21 days of the date on which the request is transmitted to the Secretary (or other official).

[SEC. 127. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such

section or until transferred pursuant to subsection (i)(3) of such section.

[(TRANSFER OF FUNDS)]

[SEC. 128. During the 5-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation, “Foreign Currency Fluctuations, Construction, Defense,” to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

[SEC. 129. None of the funds appropriated in this title available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) or TRICARE shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided*, That this limitation does not apply in the case of inpatient mental health services provided under the program for persons with disabilities under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

[SEC. 130. The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental and medical equipment of the Department of Defense, at no cost to the Department of Defense, to Indian Health Service facilities and to federally-qualified health centers (within the meaning of section 1905(1)(2)(B) of the Social Security Act (42 U.S.C. 1396d(1)(2)(B))).

[SEC. 131. None of the funds made available in this title may be used to carry out a military construction project, land acquisition, or family housing project for a military installation approved for closure in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), and the Secretary of Defense may not transfer funds appropriated for such a military construction project, land acquisition, or family housing project to another account or use such funds for another purpose or project without the approval of the Committees on Appropriations of both Houses of Congress.

[SEC. 132. None of the funds in this title for operation, maintenance, or repair of housing for general officers and flag officers in the National Capital Region may be used until the Department of Defense submits the report required by section 2802(c) of the Military Construction Authorization Act for Fiscal Year 2005.

[TITLE II]

[DEPARTMENT OF VETERANS AFFAIRS]

[VETERANS BENEFITS ADMINISTRATION]

[COMPENSATION AND PENSIONS]

[(INCLUDING TRANSFER OF FUNDS)]

[For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 540 et seq.) and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), \$33,412,879,000, to remain available until expended: *Provided*, That not to exceed \$23,491,000 of the amount appropriated under this heading shall be reimbursed to “General operating expenses” and “Medical services” for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the “Compensation and pensions” appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to “Medical facilities revolving fund” to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

[READJUSTMENT BENEFITS]

[For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61), \$3,214,246,000, to remain available until expended: *Provided*, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under section 3104(a) of title 38, United States Code, other than under subsection (a)(1), (2), (5), and (11) of that section, shall be charged to this account.

[VETERANS INSURANCE AND INDEMNITIES]

[For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487, \$45,907,000, to remain available until expended.

[VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT]

[(INCLUDING TRANSFER OF FUNDS)]

[For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That during fiscal year 2005, within the resources available, not to exceed \$500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

[In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$153,575,000, which may be transferred to and merged with the appropriation for “General operating expenses”.

[VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT]

[(INCLUDING TRANSFER OF FUNDS)]

[For the cost of direct loans, \$53,000, as authorized by chapter 31 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans,

shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$4,242,000.

[In addition, for administrative expenses necessary to carry out the direct loan program, \$305,000, which may be transferred to and merged with the appropriation for "General operating expenses".

**[NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT]**

**[(INCLUDING TRANSFER OF FUNDS)]**

[For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, \$580,000, which may be transferred to and merged with the appropriation for "General operating expenses": *Provided*, That no new loans in excess of \$30,000,000 may be made in fiscal year 2006.

**[GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT]**

[For the administrative expenses to carry out the guaranteed transitional housing loan program authorized by subchapter VI of chapter 37, of title 38, United States Code, not to exceed \$750,000 of the amounts appropriated by this Act for "General operating expenses" and "Medical administration" may be expended.

**[VETERANS HEALTH ADMINISTRATION]**

**[MEDICAL SERVICES]**

[For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment and salaries and expenses of health-care employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code; \$20,995,141,000, plus reimbursements, of which not less than \$2,200,000,000 shall be expended for specialty mental health care: *Provided*, That of the funds made available under this heading, not to exceed \$1,100,000,000 shall be available until September 30, 2007: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for treatment for veterans who are service-connected disabled, lower income, or have special needs: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: *Provided further*, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: *Provided further*, That for the Department of Defense/Department of Veterans Affairs Health Care Sharing Incentive Fund, as authorized by section 721 of Public Law 107-314, a minimum of \$15,000,000, to remain available until expended, for the purposes authorized by section 8111 of title 38, United States Code.

**[MEDICAL ADMINISTRATION]**

[For necessary expenses in the administration of the medical, hospital, nursing home,

domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; information technology hardware and software; uniforms or allowances therefor, as authorized by sections 5901-5902 of title 5, United States Code; administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.); \$4,134,874,000, plus reimbursements, of which \$250,000,000 shall be available until September 30, 2007.

**[MEDICAL FACILITIES]**

[For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities for the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering and architectural activities not charged to project costs; for repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry and food services, \$3,297,669,000, plus reimbursements, of which \$250,000,000 shall be available until September 30, 2007.

**[MEDICAL AND PROSTHETIC RESEARCH]**

[For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, to remain available until September 30, 2007, \$393,000,000, plus reimbursements.

**[DEPARTMENTAL ADMINISTRATION]**

**[GENERAL OPERATING EXPENSES]**

[For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-wide capital planning, management and policy activities, uniforms or allowances therefor; not to exceed \$25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, \$1,411,827,000: *Provided*, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: *Provided further*, That the Veterans Benefits Administration shall be funded at not less than \$1,086,938,000: *Provided further*, That of the funds made available under this heading, not to exceed \$70,000,000 shall be available for obligation until September 30, 2007: *Provided further*, That from the funds made available under this heading, the Veterans Benefits Administration may purchase up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines.

**[NATIONAL CEMETERY ADMINISTRATION]**

[For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor;

cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; and hire of passenger motor vehicles, \$156,447,000: *Provided*, That of the funds made available under this heading, not to exceed \$7,800,000 shall be available until September 30, 2007.

**[OFFICE OF INSPECTOR GENERAL]**

[For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$70,174,000, to remain available until September 30, 2007.

**[CONSTRUCTION, MAJOR PROJECTS]**

[For constructing, altering, extending and improving any of the facilities including parking projects under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, \$607,100,000, to remain available until expended, of which \$532,010,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities; and of which \$8,091,000 shall be to make reimbursements as provided in section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) for claims paid for contract disputes: *Provided*, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, such as portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund and CARES funds, including needs assessments which may or may not lead to capital investments, none of the funds appropriated under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: *Provided further*, That funds provided in this appropriation for fiscal year 2006, for each approved project (except those for CARES activities referenced above) shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2006; and (2) by the awarding of a construction contract by September 30, 2007: *Provided further*, That the Secretary of Veterans Affairs shall promptly report in writing to the Committees on Appropriations of the House of Representatives and Senate any approved major construction project in which obligations are not incurred within the time limitations established above.

**[CONSTRUCTION, MINOR PROJECTS]**

[For constructing, altering, extending, and improving any of the facilities including parking projects under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103,

8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, \$208,937,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section, of which \$160,000,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities: *Provided*, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

#### GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

[For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131-8137 of title 38, United States Code, \$25,000,000, to remain available until expended.

#### GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

[For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by section 2408 of title 38, United States Code, \$32,000,000, to remain available until expended.

#### ADMINISTRATIVE PROVISIONS

##### (INCLUDING TRANSFER OF FUNDS)

[SEC. 201. Any appropriation for fiscal year 2006 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations.

[SEC. 202. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code, hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by sections 5901-5902 of such title.

[SEC. 203. No appropriations in this title (except the appropriations for "Construction, major projects", and "Construction, minor projects") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

[SEC. 204. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under sections 7901-7904 of title 5, United States Code or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of cost is made to the "Medical services" account at such rates as may be fixed by the Secretary of Veterans Affairs.

[SEC. 205. Appropriations available in this title for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2005.

[SEC. 206. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United

States Code, except that if such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".

[SEC. 207. Notwithstanding any other provision of law, during fiscal year 2006, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the "General operating expenses" account for the cost of administration of the insurance programs financed through those accounts: *Provided*, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2006 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further*, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further*, That the Secretary shall determine the cost of administration for fiscal year 2006 which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

[SEC. 208. Notwithstanding any other provision of law, the Department of Veterans Affairs shall continue the Franchise Fund pilot program authorized to be established by section 403 of Public Law 103-356 until October 1, 2006: *Provided*, That the Franchise Fund, established by title I of Public Law 104-204 to finance the operations of the Franchise Fund pilot program, shall continue until October 1, 2006.

[SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

[SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication for all services provided at rates which will recover actual costs but not exceed \$29,758,000 for the Office of Resolution Management and \$3,059,000 for the Office of Employment and Discrimination Complaint Adjudication: *Provided*, That payments may be made in advance for services to be furnished based on estimated costs: *Provided further*, That amounts received shall be credited to "General operating expenses" for use by the office that provided the service.

[SEC. 211. No appropriations in this title shall be available to enter into any new lease of real property if the estimated annual rental is more than \$300,000 unless the Secretary submits a report which the Committees on Appropriations of the Congress approve within 30 days following the date on which the report is received.

[SEC. 212. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: *Provided*, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services

from any person who does not make such disclosure as required: *Provided further*, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

[SEC. 213. None of the funds made available to the Department of Veterans Affairs in this Act, or any other Act, may be used to implement sections 2 and 5 of Public Law 107-287 and section 303 of Public Law 108-422.

[SEC. 214. Notwithstanding any other provision of law, at the discretion of the Secretary of Veterans Affairs, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the "Construction, major projects" and "Construction, minor projects" accounts and be used for construction (including site acquisition and disposition), alterations and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in "Construction, major projects" and "Construction, minor projects".

[SEC. 215. Amounts made available under "Medical services" are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

[SEC. 216. That such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to "Medical services", to remain available until expended for the purposes of this account.

[SEC. 217. Amounts made available for fiscal year 2006 under the "Medical services", "Medical administration", and "Medical facilities" accounts may be transferred between the accounts to the extent necessary to implement the restructuring of the Veterans Health Administration accounts after notice of the amount and purpose of the transfer is provided to the Committees on Appropriations of the Senate and House of Representatives and a period of 30 days has elapsed: *Provided*, That the limitation on transfers is 20 percent in fiscal year 2006.

[SEC. 218. Any appropriation for fiscal year 2006 for the Veterans Benefits Administration made available under the heading "General operating expenses" may be transferred to the "Veterans Housing Benefit Program Fund Program Account" for the purpose of providing funds for the nationwide property management contract if the administrative costs of such contract exceed \$8,800,000 in the budget year.

[SEC. 219. Notwithstanding any other provision of law, the Secretary of Veterans Affairs (Secretary) shall allow veterans eligible under existing VA Medical Care requirements and who reside in Alaska to obtain medical care services from medical facilities supported by the Indian Health Services or tribal organizations. The Secretary shall: (1) limit the application of this provision to rural Alaskan veterans in areas where an existing VA facility or VA-contracted service is unavailable; (2) require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary; (3) require this provision to be consistent with CARES; and (4) result in no additional cost to the Department of Veterans Affairs or the Indian Health Service.

[SEC. 220. That such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the "Construction, major projects" and "Construction, minor projects" accounts, to remain available until expended for the purposes of these accounts.



[SEC. 221. None of the funds available to the Department of Veterans Affairs in this Act, or any other Act, may be used by the Department of Veterans Affairs to implement a national standardized contract for diabetes monitoring systems.

#### [TITLE III]

##### [RELATED AGENCIES]

##### [AMERICAN BATTLE MONUMENTS COMMISSION]

##### [SALARIES AND EXPENSES]

[For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; not to exceed \$7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, \$35,750,000, to remain available until expended.

##### [FOREIGN CURRENCY FLUCTUATIONS ACCOUNT]

[For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, \$15,250,000, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

##### [UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS]

##### [SALARIES AND EXPENSES]

[For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251-7298 of title 38, United States Code, \$18,295,000, of which \$1,260,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102-229.

##### [DEPARTMENT OF DEFENSE—CIVIL]

##### [CEMETERIAL EXPENSES, ARMY]

##### [SALARIES AND EXPENSES]

[For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed \$1,000 for official reception and representation expenses, \$29,550,000, to remain available until expended. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the Lease of Department of Defense Real Property for Defense Agencies account.

##### [ARMED FORCES RETIREMENT HOME]

[For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, \$58,281,000, of which \$1,248,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport.

#### [TITLE IV]

##### [GENERAL PROVISIONS]

[SEC. 401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

[SEC. 402. None of the funds provided in this Act may be used, directly or through

grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

[SEC. 403. Such sums as may be necessary for fiscal year 2006 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

[SEC. 404. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

[SEC. 405. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.

[SEC. 406. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of "E-Commerce" technologies and procedures in the conduct of their business practices and public service activities.

[SEC. 407. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

[SEC. 408. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Quality of Life and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

[SEC. 409. None of the funds made available by this Act may be used to close or realign any military installation approved for closure or realignment in 2005 before the Secretary of Defense makes the information available upon which the Secretary's closure and realignment recommendations were based, as required by section 2903(c)(4) of the Defense Base Closure and Realignment Act of 1990 (title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

[This Act may be cited as the "Military Quality of Life and Veterans Affairs Appropriations Act, 2006".]

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:*

#### TITLE I—MILITARY CONSTRUCTION

##### MILITARY CONSTRUCTION, ARMY

*For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in*

*Chief, \$1,640,641,000, to remain available until September 30, 2010: Provided, That of this amount, not to exceed \$191,393,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.*

##### MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

##### (INCLUDING RESCISSION OF FUNDS)

*For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, \$1,045,882,000, to remain available until September 30, 2010: Provided, That of this amount, not to exceed \$32,524,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That of the funds appropriated for "Military Construction, Navy" under Public Law 108-324, \$92,354,000 are hereby rescinded.*

##### MILITARY CONSTRUCTION, AIR FORCE

*For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, \$1,209,128,000, to remain available until September 30, 2010: Provided, That of this amount, not to exceed \$103,347,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.*

##### MILITARY CONSTRUCTION, DEFENSE-WIDE

##### (INCLUDING TRANSFER OF FUNDS)

*For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, \$1,072,165,000, to remain available until September 30, 2010: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided further, That of the amount appropriated, not to exceed \$133,120,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.*

##### MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

*For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United*



States Code, and Military Construction Authorization Acts, \$467,146,000, to remain available until September 30, 2010.

#### MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$279,156,000, to remain available until September 30, 2010.

#### MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$136,077,000, to remain available until September 30, 2010.

#### MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$46,676,000, to remain available until September 30, 2010.

#### MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$89,260,000, to remain available until September 30, 2010.

#### NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, \$206,858,000, to remain available until expended.

#### FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$549,636,000, to remain available until September 30, 2010.

#### FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$812,993,000.

#### FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$218,942,000, to remain available until September 30, 2010.

#### FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$593,660,000.

#### FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition,

replacement, addition, expansion, extension, and alteration, as authorized by law, \$1,142,622,000, to remain available until September 30, 2010.

#### FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$766,939,000.

#### FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, \$46,391,000.

#### DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, \$2,500,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

#### DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990

For deposit into the Department of Defense Base Closure Account 1990, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. section 2687 note), \$377,827,000, to remain available until expended.

#### DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. section 2687 note), \$1,504,466,000, to remain available until expended: Provided, That these funds may not be obligated or expended until the Secretary of Defense submits to the congressional defense committees and receives approval of a report describing the specific programs, projects, and activities for which such funds are to be obligated.

#### GENERAL PROVISIONS

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed \$25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds made available in this title shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than \$25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2)

provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual military construction appropriations Acts.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds made available in this title may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed \$500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Sea, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed \$1,000,000 to a foreign contractor: Provided, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: Provided further, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense shall inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed \$100,000.

SEC. 114. Not more than 20 percent of the funds made available in this title which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

#### (TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such

project were made available if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

SEC. 118. The Secretary of Defense shall provide the Committees on Appropriations of both Houses of Congress with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Sea to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 119. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. section 2687 note), to be merged with, and to be available for the same purposes and the same time period as that account.

(TRANSFER OF FUNDS)

SEC. 120. Subject to 30 days prior notification to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in "Military Construction" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169, title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

SEC. 121. None of the funds made available in this title may be obligated for Partnership for Peace Programs in the New Independent States of the former Soviet Union.

SEC. 122. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the Committees on Appropriations of both Houses of Congress the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved

and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(TRANSFER OF FUNDS)

SEC. 123. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. section 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 124. Notwithstanding this or any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: Provided, That not more than \$35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: Provided further, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 125. None of the funds made available in this title may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in this Act, or any other appropriations Act.

SEC. 126. None of the funds made available in this title under the heading "North Atlantic Treaty Organization Security Investment Program", and no funds appropriated for any fiscal year before fiscal year 2006 for that program that remain available for obligation, may be obligated or expended for the conduct of studies of missile defense.

SEC. 127. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

SEC. 128. None of the funds made available in this title, or in any Act making appropriations for military construction which remain available for obligation, may be obligated or expended to carry out a military construction, land acquisition, or family housing project at or for a military installation approved for closure, or at a military installation for the purposes of supporting a function that has been approved for realignment to another installation, in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. section 2687 note), unless the Secretary of Defense certifies that the cost to the United States of carrying out such project would be less than the cost to the United States of cancelling such project, or in the case of projects having multi-agency use, that another Government agency has indicated it will assume ownership of the completed project, and the Secretary of Defense may not transfer funds made available for such a military construction project, land acquisition, or family housing project to another account or use such funds for

another purpose or project without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 129. Unless stated otherwise, all reports and notifications required by this title shall be submitted to the Subcommittee on Military Quality of Life and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

TITLE II—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of article IV of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 540 et seq.) and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540-548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), \$33,412,879,000, to remain available until expended: Provided, That not to exceed \$23,491,000 of the amount appropriated under this heading shall be reimbursed to "General operating expenses" and "Medical administration" for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the "Compensation and pensions" appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical care collections fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61), \$3,214,246,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under section 3104(a) of title 38, United States Code, other than under subsection (a)(1), (2), (5), and (11) of that section, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by title 38, United States Code, chapter 19; 70 Stat. 887; 72 Stat. 487, \$45,907,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND

PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by title 38, United States Code, chapter 37: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That during fiscal year 2006, within the resources available, not to exceed \$500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

For administrative expenses to carry out the direct and guaranteed loan programs, \$153,575,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VOCATIONAL REHABILITATION LOANS PROGRAM  
ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, \$53,000, as authorized by title 38, United States Code, chapter 31: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$4,242,000.

In addition, for administrative expenses necessary to carry out the direct loan program, \$305,000, which may be transferred to and merged with the appropriation for "General operating expenses": Provided, That no new loans in excess of \$30,000,000 may be made in fiscal year 2006.

NATIVE AMERICAN VETERAN HOUSING LOAN  
PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by title 38, United States Code, chapter 37, subchapter V, \$580,000, which may be transferred to and merged with the appropriation for "General operating expenses": Provided, That no new loans in excess of \$30,000,000 may be made in fiscal year 2006.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR  
HOMELESS VETERANS PROGRAM ACCOUNT

For the administrative expenses to carry out the guaranteed transitional housing loan program authorized by title 38, United States Code, chapter 37, subchapter VI, not to exceed \$750,000 of the amounts appropriated by this Act for "General operating expenses" and "Medical administration" may be expended.

VETERANS HEALTH ADMINISTRATION  
MEDICAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in paragraphs (1) through (8) of section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department of Veterans Affairs and including medical supplies and equipment and salaries and expenses of healthcare employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code; \$23,308,011,000, plus reimbursements, of which \$1,977,000,000 are designated as an emergency requirement pursuant to section 402 of House Concurrent Resolution 95 (109th Congress), the fiscal year 2006 budget resolution: Provided further, That of the emergency funds provided under this heading, the Department of Veterans Affairs shall submit for approval by the Committees on Appropriations of both Houses of Congress, a financial plan outlining how the emergency funds will be obligated: Provided further, That the Department of Veterans Affairs shall include these emergency funds in their base request for the fiscal year 2007 budget submission: Provided further, That of the funds made available under this heading, not to exceed \$1,500,000,000 shall be available until September 30, 2007: Provided further, That notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for treatment for veterans who are service-connected disabled, lower income, or have special needs: Provided further, That notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: Provided further, That notwithstanding any other provision of law, the

Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: Provided further, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: Provided further, That for the Department of Defense/Veterans Affairs Health Care Sharing Incentive Fund, as authorized by section 721 of Public Law 107-314, a minimum of \$15,000,000, to remain available until expended, for any purpose authorized by title 38, United States Code, section 8111.

MEDICAL ADMINISTRATION

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; uniforms or allowances therefore, as authorized by sections 5901-5902 of title 5, United States Code; and administrative and legal expenses of the Department of Veterans Affairs for collecting and recovering amounts owed the department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.); \$2,858,442,000, plus reimbursements, of which \$250,000,000 shall be available until September 30, 2007.

INFORMATION TECHNOLOGY

For necessary expenses, \$1,456,821,000 shall be available for the Department of Veterans Affairs Information Technology program: Provided, That within 90 days of enactment of this Act, the Secretary of Veterans Affairs shall establish an office for Information Technology (IT) with the authority and responsibility for all IT projects: Provided further, That this office shall report directly to the Deputy Secretary of Veterans Affairs: Provided further, That this new organizational structure shall be subject to approval of the Committees on Appropriations in both Houses of Congress: Provided further, That within this amount, no more than \$100,000,000 from all sources shall be available for the HealtheVet project for fiscal year 2006: Provided further, That none of the funds made available for the HealtheVet project may be obligated until such time that the Department of Veterans Affairs creates a single position with the responsibility for and the authority to manage the entire project, including budgetary authority: Provided further, That none of the funds made available for the HealtheVet project may be obligated until the Committees on Appropriations in both Houses of Congress approve a financial expenditure plan for the entire project.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities for the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department of Veterans Affairs; for oversight, engineering and architectural activities not charged to project costs; for repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Department of Veterans Affairs, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry and food services, \$3,297,669,000, plus reimbursements, of which \$250,000,000 shall be available until September 30, 2007.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code to remain available until

September 30, 2007, \$412,000,000, plus reimbursements, of which, not less than \$15,000,000 shall be used for Gulf War Illness research.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of department-wide capital planning, management and policy activities, uniforms or allowances therefore; not to exceed \$25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, \$1,418,827,000: Provided, That expenses for services and assistance authorized under title 38, United States Code, sections 3104(a)(1), (2), (5), and (11) that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That the Veterans Benefits Administration shall be funded at not less than \$1,093,937,500: Provided further, That of the funds made available under this heading, not to exceed \$71,000,000 shall be available for obligation until September 30, 2007.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefore; cemetery expenses as authorized by law; purchase of one passenger motor vehicle for use in cemetery operations; and hire of passenger motor vehicles, \$156,447,000: Provided, That of the funds made available under this heading, not to exceed \$7,800,000 shall be available until September 30, 2007.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$70,174,000, to remain available until September 30, 2007.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities including parking projects under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in title 38, United States Code, section 8104(a)(3)(A) or where funds for a project were made available in a previous major project appropriation, \$607,100,000, to remain available until expended, of which \$539,800,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities; and of which \$2,500,000 shall be to make reimbursements as provided in title 41, United States Code, section 612 for claims paid for contract disputes: Provided, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, such as portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund and CARES funds, including needs assessments which may or may not lead to capital investments, none of the funds appropriated under this heading shall be used for any project which

has not been approved by the Congress in the budgetary process: Provided further, That funds provided in this appropriation for fiscal year 2006, for each approved project (except those for CARES activities referenced above) shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2006; and (2) by the awarding of a construction contract by September 30, 2007: Provided further, That the Secretary of Veterans Affairs shall promptly report in writing to the Committees on Appropriations of both Houses of Congress any approved major construction project in which obligations are not incurred within the time limitations established above: Provided further, That none of the funds in this or any other Act may be used to modify or alter the mission, services or infrastructure of the 18 facilities on the Capital Asset Realignment for Enhanced Services (CARES) list requiring further study as specified by the Secretary of Veterans Affairs.

#### CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities including parking projects under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is equal to or less than the amount set forth in title 38, United States Code, section 8104(a)(3)(A), \$208,937,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations, of which \$160,000,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities: Provided, That from amounts appropriated under this heading, additional amounts may be used for CARES activities upon notification of and approval by the Committees on Appropriations of both Houses of Congress: Provided further, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department of Veterans Affairs which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

#### GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities; and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes; and for furnishing care to veterans as authorized by title 38, United States Code, sections 8131–8137, \$104,322,000, to remain available until expended.

#### GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by title 38, United States Code, section 2408, \$32,000,000, to remain available until expended.

#### GENERAL PROVISIONS

##### (INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for the Veterans Benefits Administration for fiscal year 2006 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred as necessary to any other of the mentioned appropriations: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both

Houses of Congress the authority to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.

##### (INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for the Veterans Health Administration for fiscal year 2006 under the "Medical services", "Medical administration", "Information technology", and "Medical facilities" accounts may be transferred between the mentioned accounts: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed: Provided further, That no transfer may be made out of the "Medical and Prosthetic Research" account.

SEC. 203. The Secretary of Veterans Affairs shall submit to the Committees on Appropriations in both Houses of Congress a quarterly report on the financial status of the Veterans Health Administration. This report shall contain, at a minimum, both planned and actual expenditure rates, unobligated balances, and any potential financial shortfalls.

SEC. 204. No project for which funds have been appropriated in the "Construction, major projects" account may be canceled or altered in scope by more than 10 percent in cost without submitting a request to the Committees on Appropriations of both Houses of Congress and an approval is issued, or absent a response, a period of 30 days has elapsed.

SEC. 205. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under 5 U.S.C., sections 7901–7904 or 42 U.S.C., sections 5141–5204), unless reimbursement of cost is made to the "Medical services" account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 206. Appropriations available to the Department of Veterans Affairs for fiscal year 2006 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2005.

SEC. 207. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 2006 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–86, except that if such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2006, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the "General operating expenses" account for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2006 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary of Veterans Affairs shall determine the cost of administration for fiscal year

2006 which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 209. Notwithstanding any other provision of law and hereafter, the Department of Veterans Affairs shall continue the Franchise Fund established by title I of Public Law 104–204.

SEC. 210. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

SEC. 211. Funds available in any Department of Veterans Affairs appropriation for fiscal year 2006 or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication for all services provided at rates which will recover actual costs but not exceed \$29,758,000 for the Office of Resolution Management and \$3,059,000 for the Office of Employment and Discrimination Complaint Adjudication: Provided, That payments may be made in advance for services to be furnished based on estimated costs: Provided further, That amounts received shall be credited to "General operating expenses" for use by the office that provided the service.

SEC. 212. No appropriations in this Act for the Department of Veterans Affairs shall be available to enter into any new lease of real property if the estimated annual rental is more than \$300,000 unless the Secretary of Veterans Affairs submits a report which the Committees on Appropriations in both Houses of Congress approve within 30 days following the date on which the report is received.

SEC. 213. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: Provided, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: Provided further, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

SEC. 214. Amounts made available under the "Medical services" account are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the department.

##### (INCLUDING TRANSFER OF FUNDS)

SEC. 215. Any appropriation for fiscal year 2006 for the Veterans Benefits Administration made available under the heading "General operating expenses" may be transferred to the "Veterans Housing Benefit Program Fund Program Account" for the purpose of providing funds for the nationwide property management contract if the administrative costs of such contract exceed \$8,800,000 in the fiscal year.

SEC. 216. Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall allow veterans eligible under existing Department of Veterans Affairs Medical Care requirements and who reside in Alaska to obtain medical care services from medical facilities supported by the Indian Health Services or tribal organizations. The Secretary shall: (1) limit the application of this provision to rural Alaskan

veterans in areas where an existing Department of Veterans Affairs facility or Veterans Affairs-contracted service is unavailable; (2) require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary; (3) require this provision to be consistent with Capital Asset Realignment for Enhanced Services Activities; and (4) result in no additional cost to the Department of Veterans Affairs or the Indian Health Service.

(INCLUDING TRANSFER OF FUNDS)

SEC. 217. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to title 38, United States Code, section 8118 may be transferred to the "Construction, major projects" and "Construction, minor projects" accounts, to remain available until expended for the purposes of these accounts.

SEC. 218. Notwithstanding any other provision of law, at the discretion of the Secretary of Veterans Affairs, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the "Construction, major projects" and "Construction, minor projects" accounts and be used for construction (including site acquisition and disposition), alterations and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in "Construction, major projects" and "Construction, minor projects".

SEC. 219. None of the funds made available in this Act may be used to implement any policy prohibiting the Directors of the Veterans Integrated Service Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.

(INCLUDING TRANSFER OF FUNDS)

SEC. 220. That such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to the "Medical services" account, to remain available until expended for the purposes of this account.

SEC. 221. Appropriations available to the Department of Veterans Affairs for fiscal year 2006 for salaries and expenses shall be available for services authorized by title 5, United States Code, section 3109; hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefor, as authorized by title 5, United States Code, sections 5901–5902.

TITLE III—RELATED AGENCIES  
AMERICAN BATTLE MONUMENTS  
COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; not to exceed \$7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, \$36,250,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, \$15,250,000, to remain available until expended, for purposes authorized by title 36, United States Code, section 2109.

UNITED STATES COURT OF APPEALS FOR  
VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by title 38, United States Code, sections 7251–7298, \$18,795,000, of which

\$1,260,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL  
CEMETERIAL EXPENSES, ARMY  
SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed \$1,000 for official reception and representation expenses, \$28,550,000, to remain available until expended. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the lease of Department of Defense Real Property for Defense Agencies account.

ARMED FORCES RETIREMENT HOME  
ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, \$58,281,000, of which \$1,248,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington, District of Columbia and the Armed Forces Retirement Home—Gulfport, Mississippi.

This Act may be cited as the "Military Construction and Veterans Affairs, and Related Agencies Appropriations Act, 2006".

Amend the title so as to read: "An Act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes."

Mrs. HUTCHISON. Mr. President, it is my pleasure today to bring the fiscal year 2006 Military Construction, Veterans Affairs and related agencies bill to the Senate for consideration.

First, I would like to say that as a result of Chairman COCHRAN and Senator BYRD's leadership, we received an increase in our allocation from the very beginning of this process of over \$1.2 billion above the President's request to assist the Department of Veterans Affairs. It was only through this increase that Senator FEINSTEIN and I were able to take care of our Nation's veterans.

This bill stays within our 302(b) allocation. It provides \$12,116,611,000 for military construction and \$70,710,881,000 for the Department of Veterans Affairs and \$157,126,000 for related agencies.

This bill bridges two significant funding gaps in fiscal year 2006 for the Department of Veterans Affairs. This is a total of \$3.2 billion.

First, the President's budget request included two legislative proposals for the VA's health system that would have increased the copayments for prescription drugs and instituted new enrollment fees, both of which were to be paid for by veterans. Revenue estimates for these proposals were approximately \$1.2 billion. The administration reduced the VA's budget request by this amount. This bill does not include either of those two legislative proposals, and instead the subcommittee used all of its increased allocation to cover the \$1.2 billion difference for VA health care.

The second gap in the VA's 2006 budget was a shortfall in VA's health care budget identified by the Secretary of Veterans Affairs this summer. The bill contains \$1.977 billion requested by the administration in a budget amendment. While Senator FEINSTEIN and I have included the full amount requested, the bill designates this funding as an emergency appropriation.

I would like to especially thank the subcommittee's ranking member, Senator FEINSTEIN, for her efforts and cooperation over the summer regarding that particular critical issue. In addition, I thank Senator LARRY CRAIG, and Senator PATTY MURRAY, as well as Senator AKAKA for their help in solving that problem that was looming as an emergency. And we all came to an agreement on a bipartisan basis that is certainly worthy of our colleagues' support. We had part of it as an emergency, and we will finish what we need in the 2006 budget.

The bill recommends \$23.3 billion for the VA's medical services account. This funding level is \$1.3 billion above the President's request. Again, this was only possible with the extra allocation provided by the full committee chairman and ranking member.

This bill recommends \$412 million for medical and prosthetic research. The budget request for this account was \$9 million below the fiscal year 2005 level. The funding level in the bill increases this account above the fiscal year 2005 level by \$19 million.

We have specifically included funds directed solely to research for gulf war illness syndrome. This is an area that I feel very strongly committed to because so many of our veterans came back from the first gulf war—one in seven veterans who returned from that war—with symptoms they had not ever had in their lives. I believe we were slow to recognize that, but we are now putting greater emphasis on that—not only to treat those veterans but also to see what the cause is and prevent future members of our armed services from being susceptible to that kind of chemical warfare. This bill provides full funding as requested for the VA's medical facilities account at \$3.3 billion, as well as new construction and renovation of existing facilities at \$607 million and \$209 million, respectively.

The bill creates an account for the VA information technology. This is a very important effort that will help achieve efficiencies in delivering care to our veterans. We do not have the technology we need in our veterans system to do what needs to be done on an efficient basis. This will reorganize the entire technology portfolio and give Congress more oversight, as well.

For our Nation's veterans compensation, pensions, and other benefit programs, we fully funded the administration's request of \$36.8 billion. The bill

also provides sorely needed funds for military construction with the impending return of troops. As a result of the current overseas rebasing effort, BRAC, Army modularity, and the global war on terror, our service men and women are in a time of great transformation. It is important they have facilities in place to enable the transformation.

The bill, including the first phase of funding for the BRAC 2005 round, should it be approved by Congress, adds \$1.5 billion. We have also included a provision that facilitates congressional oversight by requiring the Secretary of Defense to provide a spending plan before obligating any funds from this account.

The bill also continues funding for many important quality-of-life initiatives, including 11 family housing privatization projects, and it increases Guard and Reserve funding more than \$295 million over the President's request.

For the related agencies under our jurisdiction, we include \$51.5 million for the American Battle Monument Commission, which is \$1 million above its request, and \$28.5 million for Arlington National Cemetery, which is \$500,000 above their request.

Our subcommittee has worked hard to bring a fair and balanced bill. It warrants the support of our colleagues. We could not have done this without the total cooperation of Senator FEINSTEIN and her staff. We have always worked together on a bipartisan basis. We always will on this subcommittee.

I yield the floor to my ranking member, Senator FEINSTEIN.

The PRESIDING OFFICER. Under the previous order, the committee-reported substitute is agreed to as original text for the purpose of amendment, with no points of order waived.

(The committee amendment in the nature of a substitute was agreed to.)

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I am very pleased to join my chairman, Senator HUTCHISON, in recommending the 2006 Military Construction, Veterans Affairs, and related agencies appropriations bill to the Senate. I thank Senators COCHRAN and BYRD for their leadership and assistance in guiding this bill through the committee and to the floor.

I very much appreciate the support of our leaders in allowing us to take up this bill at this time before we have completed action on the Defense authorization or appropriations bills. I recognize this is not the normal order of business. With the clock running and a large amount of unfinished business facing the Senate, it is imperative we press on with these bills as quickly as possible.

With one disastrous hurricane behind us and another bearing down on Texas, we all recognize there is no time to dawdle. We face enormous challenges with these hurricanes. Both Senator

HUTCHISON and I hope and pray it will not bring another measure of devastation on our coastal States. My heart goes out to my chairman, Senator HUTCHISON, to her people, our people, in the State of Texas. I hope we can move this bill quickly so she can return to Texas later today to help her constituents prepare for the onslaught of the storm.

I want the Senator to know all on this side wish you and your people Godspeed. I hope it does not hit as hard as it looks like it might.

Mrs. HUTCHISON. Mr. President, let me say thank you for those kind words. I appreciate them. I know the Senator from California has lived through some very tough earthquakes.

We appreciate the response Congress is giving to the many needs of the victims of Hurricane Katrina and possibly those who will be in a similar situation from Rita.

Thank you very much.

Mrs. FEINSTEIN. We have watched with great pride the heroic actions of our Nation's active and reserve military personnel as they have rushed to respond to devastation caused by Hurricane Katrina. We have watched these same troops courageously carry out their missions in Iraq and Afghanistan.

We ask so much of our military and we all recognize we can never adequately repay our debt of gratitude to them. That said, we as Senators have both the opportunity and the responsibility to ensure programs important to our military forces and our veterans are adequately funded.

As Senator HUTCHISON has said, the bill before the Senate today is a bipartisan effort to provide a portion of that funding for the infrastructure needs of our military and the health care and other needs of our veterans.

I want to emphasize the bipartisan nature of this bill and to especially commend the chairman, Senator HUTCHISON, for her skill and her determination—and she can be very determined—in addressing the budgetary complications posed by merging the massive and troubled budget of the VA into the military construction appropriations bill.

In that respect, when we had hearings, it was interesting to see that Senator CRAIG came, Senator AKAKA came, Senator MURRAY came, the former authorizers, as well as appropriators when the VA was in another budget.

I hope veterans all over the United States recognize how deeply this Senate does care that the VA budget is adequately funded. It was a struggle, but we got there and we got there together. That was thanks to the authorizers and the appropriators and the former appropriators, including my friend Senator MIKULSKI, for working closely with us.

This bill is notable in several regards. First, under the leadership of Chairman COCHRAN and Senator BYRD, we were able to provide \$1.977 billion in emergency funding to address the pro-

jected shortfall in veterans health care. This was originally disputed, but the authorizers found that the percentage of increase in the planning model was wrong. Therefore, additional moneys were, in fact, needed. That was in addition to the \$1.5 billion in the 2005 supplemental funding we were able to add to the 2006 Interior appropriations bill to make up the current shortfall in veterans health care funding. So it was a double effort because money was also added on the Interior bill as well as on our bill.

At a time of tight budget constraints and many competing needs, the Senate Committee on Appropriations demonstrated it stands united in support of our veterans. I very much hope the full Senate and the House will stand by our committee's recommendation.

The bill before the Senate today totals \$82.98 billion, of which \$44 billion is discretionary. For military construction, the bill equals the budget request of \$12.116 billion, although we have rearranged some of the funding within that request.

For the VA, the total amount appropriated in this bill is \$70.7 billion, including \$34.1 billion in discretionary spending and \$36.6 billion in mandatory spending. This is \$3.2 billion above the President's original budget proposal.

Even before we learned of the terrible shortfalls in the VA budget, Chairman COCHRAN and Senator BYRD provided an additional \$1.26 billion to the subcommittee to cover shortcomings in the President's budget request for the Department of Veterans Affairs. Senator HUTCHISON and I used that additional funding to restore proposed cuts to programs and to make up all the savings assumed in the budget submission for proposed enrollment fees and increased pharmaceutical copayments, as the chairman mentioned.

The Senate Committee on Appropriations unanimously rejected levying these fees on our veterans and provided funding to ensure that the VA could continue to provide service to all eligible veterans.

The bill also provides essential funding for military construction, military family housing, and base realignment and closure costs. Once again, Hurricane Katrina has demonstrated the vital mission of the Guard and Reserve forces to respond to disasters at home and the important backup role played by components of our Active-Duty Forces.

As any experienced military member will state, infrastructure is the key to readiness. Our troops can't train or deploy effectively without the infrastructure necessary to support their mission. This bill provides important funding for military infrastructure needs, including family housing. As the chairman mentioned in the privatization of a number of new projects, those needs will only increase as a result of the impact of Hurricane Katrina on a number of facilities and installations in Mississippi and Louisiana.



We must be prepared to meet those emerging requirements and others we may yet face, without slowing down the progress we are making toward addressing the backlog of military construction requirements nationwide. I suggest that a necessary place for some of this will be the next emergency supplemental rather than, hopefully, amendments to this bill.

Finally, this bill includes necessary funding to implement the 2005 base realignment and closure process and to continue the environmental cleanup from the previous BRAC rounds. This is very important to me. I thank the chairman for going along with it because the environmental cleanup needs are far beyond those envisioned or those budgeted.

Much of the remaining environmental cleanup requirements is in my home State of California. I am particularly mindful of the need to finish this job. Senator HUTCHISON has strongly supported me in this effort. I appreciate her concern that we fully fund environmental cleanup of military installations closed under the BRAC process.

Again, I thank Chairman HUTCHISON for her steadfast leadership on this bill, and Chairman COCHRAN and Senator BYRD for their unstinting support of our Nation's military members and veterans. I also thank, because we have a great staff, Tammy Cameron, Sean Knowles, and Dennis Balkam on the majority, and Christina Evans, B.G. Wright, and Chad Schulken of my staff for their professionalism and their excellent work.

This is a good bill. I encourage all of my colleagues on the Democratic side, in particular, to support it and to move expeditiously to pass it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank Senator FEINSTEIN. It is clear we worked very well to address the needs of veterans in our country and the military construction needs of all the services in our country. I, too, thank her staff and my staff, Tammy Cameron, Dennis Balkam, and Sean Knowles, for working together to make sure we do the very best job possible and that we work together.

I also add that I appreciate what Senator FEINSTEIN said about amendments to the bill. We are going to shortly propose a unanimous consent that gives a deadline for Members who may want to do an amendment, but I hope no one will try for amendments related to Katrina or Rita because we will have another supplemental for those purposes and we would like to keep this bill in our 302(b) allocation.

Speaking of Katrina and Rita, I commend the Department, especially, for the way they have handled the emergencies that have faced them. When Katrina was threatening the New Orleans and Mississippi areas, they moved the patients out of harm's way before they were threatened. Before anyone

said they had to, they were calling the families of patients, explaining the options and telling the families where the patients were being moved. Records were moved to safe locations. Emergency stockpiles of prescription drugs were routed to the areas where the patients were going. It was truly a phenomenal success. Not one veteran who was in the care of the Veterans' Administration was in any way harmed because of this evacuation and this service. Every single veteran had medication dispensed on time. Special arrangements were made to deliver benefit payments to those who did not have an address or a bank where they were.

Victims who were not veterans were also helped. No one was denied medical treatment. VA doctors were there to help everyone, and they did. This is due to the professionalism of the Department and the detailed prior planning.

I can tell you the Department of Veterans Affairs is now doing the exact same thing in the areas that are thought to be in the path of Hurricane Rita. They are beginning to evacuate the veterans who might be in harm's way. They will continue to be ready to assure that all of our veterans on medications will have those medications. I commend Secretary Nicholson and all of the professionals at the Department of Veterans Affairs for stepping up to the plate and taking care of our veterans who are in these emergency situations on the gulf coast today.

There is no question that all of us—I happen to have been born in Galveston. I have lived through hurricanes, and I know how devastating it can be to an area to be struck by a hurricane. I was going to college when Hurricane Carla struck, which was the largest hurricane we had ever had since the 1900 storms in Galveston. It was a level 4.

Now we are looking at possibly a level 5. So I have a lot of friends and family who are in the area who are just waiting to see what is going to happen. And it takes something out of you, there is no question.

But our veterans are going to be taken care of. The people of America who are in trouble are going to be taken care of by our Federal, State, and local communities that are all working together to make sure that when Americans are in need, Americans will be there to do our part to ease this pain.

So thank you, Mr. President. I thank my distinguished ranking member, Senator FEINSTEIN, for her concern. I commend our Secretary of Veterans Affairs for working with us through many of the travails we have had to assure that our veterans get the care they need and that our Active-Duty military also have the military construction for their quality of life.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from California.

Mrs. FEINSTEIN. If I may, Mr. President, I very much concur with what my

chairman has just said. In watching on television, one of the things that has come through to me is the enormous sensitivity of our military toward people's plights. What is coming back from people is: Oh, they are treating us so well. They really care.

I believe that is a real commendation for the American military, thrown into a situation for which they are not necessarily trained. After all, they are trained for war fighting. They have done amazingly. I think from the top, when General Honore went down—no nonsense, "move that gun down"—there was no doubt who was in command. It was a true command presence and followed down through the ranks in an amazing way.

So I just want to say thank you very much to each man and woman who is down there helping people go through some of the worst days of their lives.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank Senator FEINSTEIN for bringing that up because there are so many stories.

I talked to the FEMA Director yesterday, and he has already gone to the Department of Defense to get a mobile hospital pre-positioned in the area where Rita might come so we would have a MASH unit ready to help people who might be injured. He has asked for helicopters, which he is going to get, for evacuation and rescue missions.

I do think the military has really stepped up to the plate in Alabama, Mississippi, and Louisiana. They are ready to go and will be going to help the people of Texas where we think the brunt of this storm will hit.

The other unsung heroes and heroines of this plight are the men and women of the Coast Guard. The person in charge from the Federal Government for the effort in Texas is going to be the admiral from the Coast Guard because they have done an incredible job. Admiral Allen over in Louisiana is doing a wonderful job. And now we will have other Coast Guard personnel helping with the operation in Texas.

So I have been working in the last 24 hours with our State and local officials and our Federal officials to assure that the resources are there. I am convinced everything that can be done is being done and that if you can be prepared, we are prepared. But we all know hurricanes are unpredictable in many ways, and we are in for probably a tough time. We are up to it. We will make sure whatever can be done to ease the pain of people who are in harm's way will be done.

I thank the Senator so much for her statement and the concern of all of my colleagues. Just as we have stated our concern to our colleagues from Louisiana and Mississippi and Alabama, people now realize we have another State to add to the emergency needs of our country. I have no doubt everyone will be there doing everything possible for my constituents in Texas.



Mr. President, we are going to shortly propose a unanimous consent request. I ask any of my colleagues who might have amendments to get down to the floor immediately because we know of no amendments other than a couple we have in the mix. Senator COBURN has one, and we have one from Senator FEINSTEIN for Senator CARPER and Senator BIDEN. Those are the only ones we have been informed would be here, and we are going to dispatch those.

So I will ask for a quorum call so we can come back shortly for a unanimous consent request. But if anyone is thinking of an amendment, I would ask my colleagues to address it immediately.

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.

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

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

Mrs. HUTCHISON. Mr. President, we do have a couple of other amendments. Senator DEWINE has put an amendment in. But I am going to say that if we do not hear from anyone by 12:30, we are going to prepare to go to third reading and set a timetable for the vote. So I am just giving our colleagues fair warning that at 12:30, we will lock in the third reading and the vote on the Military Construction and Veterans Affairs and related agencies appropriations bill.

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. CRAIG. 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. CRAIG. Mr. President, I appreciate the expeditious way our leader and the chairman of the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies has brought this important appropriations bill to the floor. It is, in my opinion, without question, that we ought to try to deal with all of our appropriations bills this year, complete them individually, complete the total process. We have seen the difficult and confusing process of omnibus bills over the last couple of years. Clearly, this Congress ought to demonstrate to the American taxpayer that we can conduct our budgeting and our appropriating process in a reasonable and responsible fashion to move ahead. The chairman of the subcommittee is urging us to come to the floor if we have amendments and address them in a timely fashion, to see if we can complete work on this appropriations bill today. I appreciate that.

As chairman of the Veterans' Affairs Committee, I have worked closely with the chairman and the ranking member of this subcommittee to assure that we have adequately funded the Veterans' Administration. As our colleagues know—and certainly observers have known—we have had difficulty in effective and responsible projections of costs. As we have seen a ramping up of services to America's veterans and as the quality of veterans health care improves, there has been a substantially greater number of veterans who have chosen to use the veterans health care system to provide for their needs. As a result, H.R. 2528 provides \$70.71 billion to the Department of Veterans Affairs, the highest amount of appropriated dollars in the history of the Department. Of this funding, \$34.09 billion is discretionary funding, meaning spent across the spectrum of veterans services, which is \$1.26 billion above the administration's request, and \$23.32 billion is for medical services which is \$1.3 billion above the administration's request. Not only did the administration come in at a higher number, but as the needs changed, Congress came in at an even higher number. That speaks clearly to our commitment to America's veterans, as we have always responded to their needs in what we believe to be a direct, straightforward way.

The overall budget of Veterans Affairs has risen \$22.5 billion or 47.5 percent, with average increases for all veterans at nearly 7.8 percent every year. I am talking about since the Bush administration took office. These increases more than double the growth of the entire Federal budget, which has increased by 4.14 percent. I am talking about the Department of Veterans Affairs.

Anyone who says we are not meeting the obligation to America's veterans with unprecedented increases and increases that are substantially more than in other areas of our Federal budget simply hasn't looked at the numbers and the level of health care being provided. Health care funding alone has grown by \$10 billion, or 52 percent, during the Bush administration. With that attention and response from the Congress and this President, VA has become a modern health care system, described in recent national publications as the best health care anywhere. Of course, that is exactly why we now see more veterans seeking veterans health care; it is not the health care of last resort. It is the health care of first choice. It is a modern, quality delivery system all of us can be proud of, not only because we are providing it but because it serves America's heroes in a way that we feel an appropriate obligation to do so.

I thank Chairman HUTCHISON for the work she has done, and the ranking member, Senator FEINSTEIN, for their cooperative effort with us as we have worked our way through this difficult funding process for veterans. The job is well done. The services and the re-

sources provided are responsible and adequate for the serving of America's veterans.

I am privileged to serve on this subcommittee, to work with the chairman and ranking member to accomplish this task. I also have the unique responsibility of serving as chairman of the authorizing Committee on Veterans' Affairs. I am pleased and proud of the work we are doing, not only for America's veterans today but for those who are soon to become America's veterans. The brave men and women serving us in the defense of our freedom in the war on terrorism in Iraq and Afghanistan are coming back. Many of them will be requiring significant services as they have been injured and found themselves in harm's way. Of course, that is our responsibility. We will not back from it in any way. America's veterans or America's serving men and women soon to be veterans need to know that this Congress has and will continue to address their needs in a responsible fashion, to serve them as we appropriately must, sometimes having to draw priorities but recognizing that those needing the care are going to get the care, the kind that is appropriate and responsible for America's heroes, America's veterans, and men and women currently serving in the armed services.

I yield the floor 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. CHAMBLISS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. CHAMBLISS. Mr. President, I ask I be allowed to proceed as in morning business.

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

#### HURRICANE KATRINA

Mr. CHAMBLISS. Mr. President, I rise to express my heartfelt sympathy for the hundreds of thousands of Americans who have been impacted and displaced by Hurricane Katrina. Many people will feel the effects of a natural disaster of this magnitude for years. My thoughts and prayers are certainly with them all.

There have been an awful lot of negative publicity and stories surrounding this natural disaster. But there also have been a number of positive activities that have taken place leading up to Katrina's arrival, during the storm itself, as well as in the aftermath. I would like to share some of those stories.

Since Katrina made landfall on August 29, 2005, public and private agencies have worked closely together to survey the damage to Mississippi, Louisiana, and Alabama. The hurricane affected the Port of New Orleans and the

ports along the gulf coast and grain facilities along the Mississippi River. Reports estimate that the total damage to the Port of New Orleans is approximately \$1.6 billion, including damage to two bridges and a lock.

The Port of New Orleans is an economic asset to the City of New Orleans, contributing approximately \$88 million to the city's economy and \$1.6 billion to the statewide economy of Louisiana in the year 2001 alone. According to the New Orleans Customs District, for the period October 2004 through June 2005, an 8-month period, the dollar value of exports for bulk agricultural products is almost \$1 billion going through New Orleans. This is almost half of the bulk product, by value, exported from the United States every year. In 2004, bulk amount was \$25.6 billion.

As many of my colleagues are aware, transportation on the Mississippi River is very important to our Nation's farmers and is critical to keeping U.S. agriculture positioned and able to serve U.S. markets for grain, oilseeds, and grain products shipped from New Orleans. The Mississippi gulf typically is responsible for about 71 percent of corn, 65 percent of soybeans, and 22 percent of wheat exports. This system is one of the most important elements in keeping U.S. grains and oilseeds, particularly corn and soybeans, as well as several other U.S. agriculture products, competitive in the world markets. Of the 50.2 million metric tons exported from U.S. ports thus far in 2005, 29.7 million metric tons or 59 percent was exported from the Mississippi gulf.

Export elevators in the Mississippi gulf region range in storage capacities from 2 million to more than 7 million bushels each. These facilities have a rated vessel loading capacity generally ranging from 60,000 to 100,000 bushels per hour.

As chairman of the Committee on Agriculture, my staff has been in touch with all of the major U.S. grain exporters following Katrina's aftermath moving north. The grain export industry and the industry's supporting transportation infrastructure affected by this disaster committed early on to resume operations as soon as possible. Through continued perseverance, the National Grain and Feed Association, NGFA, and the North American Export Grain Association, NAEGA, which represents those business that handle 70 percent of the U.S. grain and oilseed crop, have prioritized the recovery operations of the grain export infrastructure in this region.

Due to the accomplishments of the private sector, as of today, the grain export elevators are operating at a storage capacity in excess of 84 percent in New Orleans. Moreover, the Federal agencies, especially the U.S. Army Corps of Engineers and the U.S. Coast Guard, have made this possible because of the cooperation between the private sector and the lessees of the port facilities, such as Cargill and ADM and other grain brokerage companies.

Grain exporters, allied industries, and multiple U.S., State and local government entities continue to work around the clock under very challenging conditions to restore operations on the Mississippi River and the affected region. While normal operating conditions at these facilities are not fully restored, many of the obstacles are being addressed successfully to have them operate at full capacity.

A common challenge for every company is making sure enough workers can reach their facilities and have a warm bed and a hot meal. Elevator workers, port workers, and USDA grain inspectors were displaced by the hurricane's extensive damage or complete destruction to their homes—and they also obeyed evacuation instructions. All of these people need housing and the appropriate infrastructure in order to be able to return to work.

As the companies secure adequate housing and living quarters for the employees and their families, the employees of the industry, the Port of New Orleans and other gulf coast ports can more quickly get back to work to ensure U.S. agriculture continues feeding the world.

This is at a point in time during the harvest of grains in the Midwest where we are at our peak, and it is such a critical factor, not just for the city of New Orleans but for all of our grain producers in the Midwest that put their grain on barges, ship them down the Mississippi River to the Port of New Orleans and other gulf coast facilities.

The private sector, the Department of Agriculture, the Army Corps of Engineers, and the Coast Guard are diligently working to restore the gulf coast ports to full capacity in a timely manner. Congress will continue to provide these agencies the resources and the private sector the ability they need to do so.

I am confident that the United States will continue to be a reliable supplier to the international community of grain. I commend the tireless efforts of the U.S. Government agencies, NAEGA, NGFA, and the companies involved in resuming operations of the Port of New Orleans, the ports along the gulf coast and grain facilities along the Mississippi River.

There continue to be many great stories of other individuals and companies contributing and sacrificing time, money, and even their safety to help the victims of Katrina. In my home State of Georgia, many folks are volunteering in evacuee shelters, contributing food, clothes, and money. Some are even housing evacuees. Companies and their employees are joining the effort as well.

The marquee company of my home State is Coca-Cola. Coca-Cola, its bottlers, and their employees are doing their part to assist the victims of Katrina. Coca-Cola had its incident management team in place prior to the storm making land to coordinate its

response to Hurricane Katrina. With a number of facilities damaged or without electricity in the affected area, Coca-Cola and its bottlers immediately began producing water and an assortment of beverages from other plants for donation to FEMA and other relief agencies, even as they attempted to reach employees in the affected areas.

Running short of bottles and cans to deliver water and juice for children, Coca-Cola employees modified 2.5-gallon containers, which are normally used for syrup in restaurant fountain dispensers, and converted them to hold various beverages for shipment to emergency shelters at the Astrodome and other places in and around the affected area.

To date, Coca-Cola and its bottling partners have shipped more than 30 million containers of filtered water, juice, sport drinks, and other beverages to relief organizations, including the American Red Cross, Department of Defense, FEMA and Mississippi Emergency Management Agency and food service partners such as Aramark.

The Coca-Cola company and the Coca-Cola Bottlers Association committed \$5 million to Hurricane Katrina relief. A major portion of the donations went to the American Red Cross and the Salvation Army, with \$2 million being set aside to aid displaced Coca-Cola employees.

Because of Georgia's experience in disasters and because of the expertise in mobile medical centers, Ben Hinson, the owner of Mid Georgia Ambulance Company was asked by the State of Louisiana to coordinate all ambulance and paramedic services coming into the State.

Within 2 days of Hurricane Katrina making landfall, Ben was on the ground delivering medical services and coordinating response teams from all over the country. His company along with other Georgia ambulance services would eventually send 20 ambulances and 50 paramedic crews to help in the relief efforts.

Ben and his son, Shay, now manage over 600 paramedics and nearly 400 ambulances, a number that is growing every day as more States and localities continue to mobilize. Mid Georgia Ambulance is also working side by side with Navy medical teams in St. Bernard Parish providing triage and primary medical care to survivors.

Home Depot is another company which is passionate about helping its neighbors and communities during times of need. Home Depot responded with unwavering support to help Louisiana, Mississippi, Alabama and Florida residents recover from this catastrophe.

One of Home Depot's policies during such emergencies is to freeze prices on all hurricane commodities to assure that no price gouging can take place. Home Depot also established a 24-7 hurricane command center to support efforts to restore operations in the field. Home Depot relocated 950 associates to work in affected stores while

impacted associates focus on the needs of their families and homes. They raised credit limits on its consumer credit cards and extended special offers to customers in the affected areas. They dispatched Loss Prevention personnel and uniformed guards to ensure the safety of customers and associates in affected and surrounding stores and temporary support centers.

The Home Depot understands that its employees are the most important company asset and many were disaster victims themselves. To create a support network for short-term financial assistance to help ensure the safety of each associate and their families, Home Depot provided more than \$1.2 million through 1,350 grants to workers impacted by Hurricane Katrina.

They also set up a toll-free disaster assistance line for affected associates. The hotline helps associates find temporary housing, provides transfers to other store locations and contacts mortgage and credit card companies to temporarily suspend payments, among other services.

The Home Depot has donated \$1.5 million to support immediate relief and recovery efforts by relief organizations including \$400,000 to the American Red Cross and Salvation Army, and \$600,000 to support long-term rebuilding and volunteerism efforts.

The Home Depot Foundation donated \$500,000 to community development organizations that rebuild low- to moderate-income housing in affected areas. With the help of its vendor partners, the Home Depot has provided and shipped nearly \$1.25 million in in-kind product donations including generators, gloves, flashlights and batteries, floodlights, food, cleaning supplies and linens. This effort by Home Depot will continue until the cleanup process is completed.

Georgia's own Center for Disease Control has directed much of its resources toward providing both immediate help to the victims' day-to-day health needs, as well as the long-term difficulties of containing the spread of disease and infection.

CDC positioned personnel on the ground in Louisiana prior to the storm making land.

Dr. Julie Gerberding, CDC Director, has asked the CDC Foundation to activate its Emergency Preparedness and Response Fund, created after 9/11 to provide flexible and immediate resources for CDC to use in a public health emergency.

Dr. Gerberding has also activated the CDC state-of-the-art Bernie Marcus Emergency Operations Center to support the Department of Health and Human Services as a coordinating hub for the hurricane response.

Public health scientists, relief workers, and medical supplies as well as environmental and medical test samples have been on the flights to and from the affected areas.

As of today, September 22, the CDC has sent hundreds of thousands of doses

of antibiotics and maintenance medications for chronic diseases such as diabetes, heart disease, high blood pressure, pain and anxiety, just to name a few. Also included are IVs, insulin syringes, and basic pharmaceuticals.

CDC has deployed 246 professionals to the field. Specialties include nursing, epidemiology, sanitation, occupational safety, disease surveillance, and risk communication.

CDC is helping to vaccinate thousands of children at evacuation centers' and CDC experts are helping to organize, implement, and assess the evacuation centers' vaccination program.

CDC has been focusing on food-borne, water-borne, and insect-borne infectious disease outbreaks as well as checking water quality, restoring critical laboratory functions and rebuilding public health and laboratory infrastructures.

Many evacuees in Louisiana, Mississippi, and Alabama lost their personal health records. These needs are being addressed through existing immunization systems.

In Louisiana alone, CDC estimated that 8,300 queries were made to the Louisiana Immunization Network for Kids statewide—LINKS—regarding vaccination histories for kids that were evacuated. CDC is using LINKS to determine health records of children and providing immunizations for those in need and for those with no proof of health records.

A story of human interest: Liz O'Mara surveys a shelter in Jackson, MS. A CDC public health advisor, she spent her second week of marriage on a cot in a conference room with 10 men "who snored!" But she says:

It is an honorable experience to play a small part of a State and local response effort. We—Strategic National Stockpile—are not here as individuals, but as a team. We rely on each other's commitment to their specific responsibilities and expertise as a synchronized unit, or we simply would not be very successful assisting with State and local needs.

I am proud of the efforts that Georgians, as well as all Americans are doing to help those who are suffering from Hurricane Katrina. We owe them a great deal of gratitude.

Thank you, Mr. President.

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

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

#### AMENDMENT NO. 1852

Mr. AKAKA. Mr. President, I call up my amendment No. 1852.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. AKAKA] proposes an amendment numbered 1852.

Mr. AKAKA. 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 provide an additional \$10,000,000 for the Readjustment Counseling Service, with a corresponding offset from the HealtheVet account)

On page 76, line 22, strike "\$23,308,011,000" and insert "\$23,318,011,000".

On page 77, line 1, insert "\$109,000,000 shall be available for the Readjustment Counseling Service: *Provided further, That*" after "this heading".

On page 78, line 22, strike "\$1,456,821,000" and insert "\$1,446,821,000".

On page 79, line 7, strike "\$100,000,000" and insert "\$90,000,000".

Mr. AKAKA. Mr. President, this amendment would plus-up the Readjustment Counseling Service's funding by \$10 million. RCS is the arm of VA that operates the Vet Centers that many of us know so well. Vet Centers have traditionally provided needed counseling services to veterans of the Vietnam War in community-based settings for over two decades.

Now, in the midst of Operations Iraqi Freedom and Enduring Freedom, the mission of the Vet Centers has been expanded to include outreach and counseling for service members, including members of the Guard and Reserve, who are returning from these conflicts.

By providing the Vet Centers with an additional \$10 million in funding, VA would be able to hire additional professional family therapists at Vet Centers nationwide to provide services to family members of veterans deeply affected by their service in combat. The readjustment period can be difficult for the entire family.

We have all heard the statistics emerging from the groups that have already come back from OIF and OEF. Families and marriages have suffered due to rough transitions, and many have resulted in divorce.

These additional funds would also augment Vet Centers in underserved rural communities and would expand the capacity for these centers to provide readjustment services to those veterans who may struggle with obtaining access because they live in a remote area.

Surviving family members of those servicemen who paid the ultimate price, will be able to find solace through the Vet Center's bereavement counseling program. Vet Centers would be able to hire more bereavement counselors to provide counseling for those who must endure the pain of losing a family member in combat.

Finally, I point out that in his testimony to the Committee on Veterans' Affairs this past June, VA Secretary Nicholson stated that only \$8 million would be required for additional services that were already being implemented by the Vet Center program, such as providing additional outreach workers. We need to make sure that these services are secure by providing

the funds necessary to implement them. The requested amount would do that and go even a bit further to support this invaluable program.

Mr. President, I ask for support of this amendment, knowing how important it is today for our veterans, and look forward to its adoption.

I yield back the remainder of my time.

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. STEVENS. 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 Alaska.

#### GLOBAL CLIMATE CHANGE

Mr. STEVENS. Mr. President, in August, the voice of the Anchorage Times printed an article authored by my good friend Dr. Syun-Ichi Akasofu. Dr. Akasofu is the director of the International Arctic Research Center in Fairbanks. He is one of the world's leading experts on Arctic science and global climate change.

Given the interest some of our colleagues have recently shown on this subject, I ask unanimous consent that Dr. Akasofu's article be printed in the RECORD.

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

[From the Voice of the Times, Aug. 23, 2005]

#### ALASKA GLACIERS RECEDING SINCE 1800

(By Dr. Syun-Ichi Akasofu)

Few can argue that the earth's temperature is not changing—especially in Alaska. However, before we create fundamental policy changes, let's keep everything in context.

Our work at the International Arctic Research Center and that of many other scientists has produced significant findings. One thing we do know is that there is no definitive scientific proof that all of the present global warming is attributable to humans, or caused by the greenhouse effect. Natural changes are also important factors to consider.

First, the Ice Age was only an average of 6° C cooler than today. There is permafrost in Alaska and Siberia, which is the product of the Ice Age. The fact that it still exists and is still thawing is partly due to the fact that the Ice Age has not concluded yet. The present warming must partly be due to the recovery from the Ice Age.

Alaska glaciers have been receding since 1800, before greenhouse gases increased significantly after the Little Ice Age. Portage Glacier has been receding from about 1890 or earlier (the earliest record).

Additionally, we cannot scientifically explain the complicated way the Arctic sea ice along the Alaska Arctic coast and other areas such as Siberia are receding. We do know that the resulting open sea allows for the development of intense cyclones that cause serious coastal erosion in Alaska and elsewhere. It cannot be concluded that this is a result of the greenhouse effect.

Two other factors to consider are the North Atlantic Oscillation and solar output.

We know that the warm North Atlantic water that is flowing into the Arctic Ocean is an important factor in warming the Arctic Ocean. The intensity of this flow occurs in pulses, some of which are driven by cyclical changes known as the North Atlantic Oscillation.

In addition, the sun has been putting more energy out during the last 100 years, which is estimated to be equivalent to a 0.2° C increase (not the greenhouse effect!), one third of the 0.6° C, which has been determined to be the official estimate of global warming during the last 100 years.

Added to such long-term trends, there are multi-decadal and interannual fluctuations. Three years ago, Europe suffered from an intense heat wave. One can easily see that it was not due to the greenhouse effect, since uncommonly hot summers in Europe did not make the headlines either last year or this year.

Likewise, it has been said that the number of hurricanes is increasing, however, there is no clear indication of it. These are interannual fluctuations.

In addition to actual temperature changes, there are other issues to consider. One such case is that many recent disasters have been attributed to the greenhouse effect without scientific proof; this includes the great floods in Bangladesh and India in recent years.

These floods may partly be due to massive deforestation in these countries, to which some people must be held responsible. On the other hand, by saying it is due to the greenhouse effect, I am afraid that they are hiding behind the greenhouse catastrophic scenario. The danger from such confusion and hysteria may be even greater than from global warming itself.

In this respect, the reduction of CO<sub>2</sub> release must be based on a carefully assessed scientific ground, not the catastrophic scenario. The United States spends more than any other country on climate change research—\$5 billion next year. We should address the impacts of climate change while allowing scientists to continue their work on the true causes of these changes. Let's base our policy decisions on sound science—not hysteria.

Mr. STEVENS. Mr. President, I trust Dr. Akasofu's research and opinions. He has published more than 550 articles and is the author or coauthor of 10 books. His work has shown that he is an expert in Arctic research. It has shown that while there is little doubt the Earth's temperature is changing, there is still much debate about what is causing this change.

In his article, Dr. Akasofu says that the:

[One] thing we do know is that there is no definitive scientific proof that all of the present global warming is attributable to humans, or caused by the greenhouse effect.

Some of the changes we are seeing are the most recent stage in a historic evolution. In Alaska, our glaciers have been receding since 1800, long before the advent of the so-called greenhouse gases.

In the past 100 years, the Sun has been giving off additional energy, which is likely responsible for one-third of the .6-degree Celsius increase in global temperature. And there is now the so-called Atlantic and Pacific oscillation that may be dumping more heat, that is, warm ocean water, into the Arctic Ocean.

Changes in climate and weather patterns are not isolated events. They are part of a long-range historic trend or trends. One cannot arrive at sound conclusions about the causes by observing the changes which occur in their own lifetime. Reliable conclusions can only be reached by sound science and the type of research being conducted by Dr. Akasofu and his staff.

We must not substitute our own casual judgment for sound science. This will only lead to confusion. And Dr. Akasofu warned that:

The danger from such confusion and hysteria may be even greater than from global warming itself.

The effects of global climate change are real. Regardless of the cause, changes are underway in the Arctic regions, including Alaska, and we must deal with these effects. But we must also allow the scientists to reach scientifically based conclusions on what is causing this phenomenon.

The basic problem we face is distinguishing between natural causes and human impact. The Commerce Committee's Subcommittee on Global Climate Change, chaired by Senator VITTER and cochaired by Senator LAUTENBERG, held a hearing on global climate change policy in July. During that hearing, I asked Dr. James Mahoney, Assistant Secretary of Commerce for Oceans and Atmosphere, about the situation and he told me:

Sometimes there are . . . political arguments that want to go in one extreme or the other. The scientific argument is much more complicated in the middle.

Figuring out what is really happening in the Arctic will be very important to answering the overall question of global climate change, and I am dedicated to pursuing this. As far as the United States is concerned, the evidence of global climate change is more apparent in Alaska than anywhere else. We should prepare for its effects, but I want to seek sound science before we enact policies aimed at its causes.

We have created two subcommittees in the Commerce Committee that deal in some way with global climate change, and we will continue in our committee to address this issue. But I think it is very dangerous to make, as Dr. Mahoney called them, the "political arguments." We must follow science on this issue, and I commend Dr. Akasofu for leading those efforts.

Mr. President, I thank the chair. I yield the floor.

I suggest the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. HUTCHISON. Mr. President, we have a series of amendments that have been cleared on both sides, and I ask unanimous consent that the pending amendments be temporarily set aside so that I could send these amendments

individually to the desk for their consideration.

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

## AMENDMENT NO. 1858

Mrs. HUTCHISON. On behalf of Senator COBURN, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. COBURN, proposes an amendment numbered 1858.

Mrs. HUTCHISON. 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 require that any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying this bill be included in the conference report or joint statement accompanying the bill in order to be considered as having been approved by both Houses of Congress)

At the appropriate place, insert the following:

SEC. . Any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying H.R. 2528 shall also be included in the conference report or joint statement accompanying H.R. 2528 in order to be considered as having been approved by both Houses of Congress.

Mrs. HUTCHISON. I urge adoption of the amendment.

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

The amendment (No. 1858) was agreed to.

Mrs. HUTCHISON. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## AMENDMENT NO. 1859

Mrs. HUTCHISON. I send an amendment to the desk on behalf of Senator CARPER and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. CARPER, proposes an amendment numbered 1859.

Mrs. HUTCHISON. 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 provide that, of the amount made available by title I for military construction for the Air National Guard and available for planning and design, \$1,440,000 shall be made available for planning and design for a replacement C-130 maintenance hangar at Air National Guard New Castle County Airport, Delaware)

On page 72, between lines 13 and 14, insert the following:

SEC. 130. Of the amount appropriated by this title under the heading "MILITARY CONSTRUCTION, AIR NATIONAL GUARD" and available for planning and design, \$1,440,000 shall be available for planning and design for a replacement C-130 maintenance hangar at Air National Guard New Castle County Airport, Delaware.

Mrs. HUTCHISON. I urge its adoption.

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

The amendment (No. 1859) was agreed to.

Mrs. HUTCHISON. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## AMENDMENT NO. 1860

Mrs. HUTCHISON. I send an amendment to the desk on behalf of Senator BOXER and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mrs. BOXER, proposes an amendment numbered 1860.

Mrs. HUTCHISON. 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 require a report on housing assistance to low-income veterans)

On page 93, between lines 20 and 21, insert the following:

## SEC. 222. REPORT ON HOUSING ASSISTANCE TO LOW-INCOME VETERANS.

(a) IN GENERAL.—The Comptroller General shall conduct a study on housing assistance to low-income veterans, including—

(1) an estimate of the number of low-income, very low-income, and extremely low-income veteran households;

(2) a description of the demographic and socioeconomic characteristics and health and disability status of such households;

(3) an estimate of the number of such households experiencing a high cost burden in, overcrowding in, or poor quality of housing, or experiencing homelessness;

(4) an assessment of such households, including their current barriers to safe, quality, and affordable housing and levels of homelessness among such households;

(5) the extent to which Federal housing assistance programs provide benefits, including supportive services, to all veteran households and in particular to low-income, very low-income, and extremely-low income veteran households;

(6) the number of units designated for or occupied by veterans and low-income, very low-income, and extremely low-income veterans in Federally subsidized or insured housing;

(7) a summary description of the manner in which veteran compensation, veteran dependency and indemnity compensation, and veteran pension are considered as income or adjusted income for purposes of determining—

(A) eligibility for Federal housing assistance programs; and

(B) the amount of rent paid by a veteran household for occupancy of a dwelling unit

or housing assisted under Federal housing assistance programs;

(8) a summary description of the special considerations made for veterans under—

(A) public housing plans submitted under section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c-1); and

(B) comprehensive housing affordability strategies submitted under section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705);

(9) the extent to which public housing authorities have established preferences for veterans for public housing and housing choice vouchers;

(10) the number of homeless veterans provided assistance, cumulatively and currently, under the program of housing choice vouchers for homeless veterans under section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)), and the current status of the program, including—

(A) the number of vouchers the Department of Housing and Urban Development currently allocates to the Department of Veterans Affairs;

(B) the monetary value of such vouchers; and

(C) the names and locations of VA medical centers receiving such vouchers; and

(11) a description of activities relating to veterans of the Department of Housing and Urban Development.

(b) ACQUISITION OF SUPPORTING INFORMATION.—In carrying out the study under this section, the Comptroller General shall seek to obtain views from the following persons:

(1) The Secretary of Housing and Urban Development.

(2) The Secretary of Veterans Affairs.

(3) Low-income, very low-income, and extremely low-income veterans.

(4) Representatives of State and local housing assistance agencies.

(5) Representatives of nonprofit low-income housing providers and homeless service providers, including homeless veteran service providers.

(6) National advocacy organizations concerned with veterans, homelessness, and low-income housing.

(c) TIMING OF REPORT.—Not later than 6 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under this section.

Mrs. HUTCHISON. I urge its adoption.

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

The amendment (No. 1860) was agreed to.

Mrs. HUTCHISON. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## AMENDMENT NO. 1861

Mrs. HUTCHISON. I send an amendment to the desk on behalf of Senator ISAKSON and Senator CHAMBLISS and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. ISAKSON and Mr. CHAMBLISS, proposes an amendment numbered 1861.

Mrs. HUTCHISON. 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 that, of the amount appropriated by this title under the heading "MILITARY CONSTRUCTION, ARMY", \$4,550,000 shall be made available for the construction of a military police complex at Fort Gordon, Georgia, and to provide an offset)

On page 72, between lines 13 and 14, insert the following:

SEC. 130. (a) Of the amount appropriated by this title under the heading "MILITARY CONSTRUCTION, ARMY", \$4,550,000 shall be made available for the construction of a military police complex at Fort Gordon, Georgia.

(b) The amount appropriated by this title under the heading "MILITARY CONSTRUCTION, ARMY" and available for Fort Gillem, Georgia, is hereby decreased by \$4,550,000.

Mrs. HUTCHISON. I urge its adoption.

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

The amendment (No. 1861) was agreed to.

#### AMENDMENT NO. 1862

Mrs. HUTCHISON. I send an amendment to the desk on behalf of Senator FEINSTEIN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mrs. FEINSTEIN, proposes an amendment numbered 1862.

Mrs. HUTCHISON. I ask unanimous consent that the reading be dispensed with.

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

The amendment is as follows:

(Purpose: To increase by \$25,000,000 the amount made available by title I for the Department of Defense Base Closure Account 1990, and to provide an offset)

On page 72, between lines 13 and 14, insert the following:

SEC. 130. (a) The amount appropriated by this title under the heading "DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990" is hereby increased by \$25,000,000.

(b) The amount appropriated by this title under the heading "DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005" is hereby decreased by \$25,000,000.

Mrs. HUTCHISON. I urge its adoption.

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

The amendment (No. 1862) was agreed to.

Mrs. HUTCHISON. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 1863

Mrs. HUTCHISON. I send an amendment to the desk on behalf of Senator FEINGOLD and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. FEINGOLD, proposes an amendment numbered 1863.

Mrs. HUTCHISON. 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 require the Secretary of Veterans Affairs to report to Congress on a plan to provide veterans benefits handbooks to all county veterans service officers)

On page 93, between lines 20 and 21, insert the following:

SEC. 222. (a) Not later than 60 days after the date of enactment of this Act, the Secretary of Veterans Affairs, after consultation with the National Association of County Veterans Service Officers, other veterans service organizations, and State Departments of Veterans Affairs shall submit a report to the committee on Appropriation of the Senate that describes a plan (including estimated costs) to provide an adequate supply of the 2006 edition of handbook entitled, Federal Benefits for Veterans and Dependents, and all subsequent editions, to all county veterans service officers in the United States.

Mrs. HUTCHISON. I urge its adoption.

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

The amendment (No. 1863) was agreed to.

Mrs. HUTCHISON. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

#### AMENDMENT NO. 1864

Mrs. HUTCHISON. I send an amendment to the desk on behalf of Senator DURBIN and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. HUTCHISON], for Mr. DURBIN, proposes an amendment numbered 1864.

Mrs. HUTCHISON. 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 place conditions on the use of appropriated funds for reviewing or revoking approved disability claims for post-traumatic stress disorder and to prohibit the Secretary of Veterans Affairs from using Federal funds for certain investigations until after the submission of a detailed implementation plan to the Committee on Appropriations)

On page 93, between lines 20 and 21, insert the following:

SEC. 222. None of the funds made available in this Act or any other Act may be used—

(1) to revoke or reduce a veteran's disability compensation for post-traumatic stress disorder based on a finding that the Department of Veterans Affairs failed to collect justifying documentation unless such failure was the direct result of fraud by the applicant; or

(2) for the implementation of Recommendation 3 of VA Inspector General Report No. 05-00765-137 or any related review and investigation of post-traumatic stress disorder unemployment and 100 schedular percent ratings cases, until the Department of Veterans Affairs reports to the Committee on Appropriations on its plan for implementing this recommendation, and outlines the staffing and funding requirements.

Mrs. HUTCHISON. I urge its adoption.

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

The amendment (No. 1864) was agreed to.

Mrs. HUTCHISON. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 1865

Mrs. HUTCHISON. I send an amendment to the desk on behalf of Senator DURBIN and Senator MURRAY and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. DURBIN and Mrs. MURRAY, proposes an amendment numbered 1865.

Mrs. HUTCHISON. 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 instruct the Department of Veterans Affairs to conduct a veterans disability compensation information campaign)

On page 81, line 2, insert "The VA shall conduct an information campaign in States with an average annual disability compensation payment of less than \$7,300 (according to the report issued by the Department of Veterans Affairs Office of Inspector General on May 19, 2005), to inform all veterans receiving disability compensation, by direct mail, of the history of below average disability compensation payments to veterans in such States, and to provide all veterans in each such State, through broadcast or print advertising, with the aforementioned historical information and instructions for submitting new claims and requesting review of past disability claims and ratings: *Provided further,*" after "*Provided,*".

Mrs. HUTCHISON. I urge its adoption.

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

The amendment (No. 1865) was agreed to.

Mrs. HUTCHISON. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. HUTCHISON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.



Mrs. HUTCHISON. I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 1866

Mrs. HUTCHISON. I send an amendment to the desk on behalf of Senator JEFFORDS and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. JEFFORDS, proposes an amendment numbered 1866.

Mrs. HUTCHISON. 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 clinical training and protocols to meet the mental health care needs of servicemembers and veterans)

On page 93, between lines 20 and 21, insert the following:

**SEC. 222. CLINICAL TRAINING AND PROTOCOLS.**

(a) FINDINGS.—Congress finds that—

(1) the Iraq War Clinician Guide has tremendous value; and

(2) the Secretary of Defense and the National Center on Post Traumatic Stress Disorder should continue to work together to ensure that the mental health care needs of servicemembers and veterans are met.

(b) COLLABORATION.—The National Center on Post Traumatic Stress Disorder shall collaborate with the Secretary of Defense—

(1) to enhance the clinical skills of military clinicians through training, treatment protocols, web-based interventions, and the development of evidence-based interventions; and

(2) to promote pre-deployment resilience and post-deployment readjustment among servicemembers serving in Operation Iraqi Freedom and Operation Enduring Freedom.

(c) TRAINING.—The National Center on Post Traumatic Stress Disorder shall work with the Secretary of Defense to ensure that clinicians in the Department of Defense are provided with the training and protocols developed pursuant to subsection (b)(1).

Mrs. HUTCHISON. I urge its adoption.

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

The amendment (No. 1866) was agreed to.

Mrs. HUTCHISON. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. HUTCHISON. 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.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Senator

SALAZAR be added as the original cosponsor of the Feingold amendment that was just passed by consent.

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

AMENDMENT NO. 1865

Mr. DURBIN. Mr. President, I am pleased to offer with Senator OBAMA this amendment to the Veterans appropriation bill. Our amendment will inform America's most under-compensated disabled veterans about how they may have their claims reviewed.

Americans have a fundamental dedication to fairness. No matter what a person's background, class, religion, race or other difference, everyone deserves to be treated equally under the law.

When we hear about unequal treatment, our basic sense of justice as Americans is shocked. We are perhaps doubly shocked when we hear of unequal treatment of disabled veterans.

We would expect that disabled veterans will receive differing levels of disability compensation based on the degree and type of their disability, but we do not expect to see the average amount paid to disabled veterans to vary greatly from State to State.

Unfortunately, the truth is that the average amount paid to disabled veterans across this country varies widely.

The May 19, 2005 Review of State Variances in VA Disability Compensation Payments released by the Department of Veterans Affairs Office of Inspector General confirms media reports that "variances in annual disability compensation by State have existed for decades." The average annual disability compensation payment in the highest State is \$12,004 per year. In the lowest State it is only \$6,961.

The State with the lowest average compensation is my own state of Illinois.

The report from the Inspector General of the Department of Veterans Affairs acknowledges that, in addition to demographic factors, inconsistency in VA rating decisions is one of the major causes of this disparity. A major reason for inconsistent decisions is the shortage of rating specialists in the VA offices reviewing the claims. The review's survey of VA rating specialists revealed that most of them do not believe the regional offices have sufficient rating staff.

On May 20, the day after the release of the report, Senator OBAMA and I hosted a Veterans Town Hall Meeting in Chicago. We invited the Secretary of Veterans Affairs to join us so that he could help explain to the veterans of our State how they had been so short-changed and so under-compensated for so long and—more importantly what he was going to do about it.

To the Secretary's credit he stepped up to the plate. He promised a special operation to review new claims as well as old ones and he committed to providing the additional staff to get this done.

These are steps in the right direction which might help correct a decades-long history of unequal treatment; a decades-long pattern of under-compensated veterans; a decades-long injustice.

Unfortunately, veterans can't ask for what they don't know about.

The purpose of our amendment is to set aside some funds which will allow the VA to conduct an information campaign to inform veterans of this past history of unequal treatment and under-compensation and to notify them of how they can have their case reviewed for possible correction.

The Secretary of Veterans Affairs made a commitment to making the situation right.

Here is what the Secretary said:

We are committed to doing what is right for our veterans. If that entails that we have to set up a special operation here in Illinois to review your claims or to look at new claims that you as an eligible veteran want to make, we will do that. We want each of you to feel that you have been treated fairly and equitably by your VA, because you deserve that.

The past is past, but as I have been charged by both of these Senators, the future is now, and we are going to make a special effort to see if we can have you feel sure that you have been treated fairly and equitably by the VA so that you will have a chance if you so choose to have a review of that, or you can bring the new information to us, and we will make every effort to see that that is reviewed, and reviewed fairly and equitably for you.

Later at that meeting, the Secretary promised to provide the staff to get this done. He said:

... If we need more people here, we're going to get them. And as I said when I spoke earlier, it looks like we could make a special effort for you to come in and have a review or come in with a new claim, and we're going to have people there to process it and do it just as timely as we can.

Recently, those additional disability rating specialists arrived to augment the existing staff at the Chicago regional office so that claims can be reviewed more thoroughly and more quickly.

Now the final step is for the VA to inform veterans that, while they have indeed been under-compensated and short-changed for decades, help is now available to them.

The amendment which we have offered requires the Department of Veterans Affairs to conduct an information campaign in those States where the average annual disability compensation payment made to veterans is less than \$7,300. According to the Inspector General's report of May 19, 2005, there were six "low cluster" States below this level of average disability payment. Those States were Illinois, New Jersey, Ohio, Connecticut, Michigan and Indiana. The intent of this measure is to inform veterans of the past history of below-average disability compensation payments in these States. It is also intended to provide these veterans with information on how to request a review of past



claims and ratings and how to submit new claims as the Secretary has promised. The campaign would include mailed notifications to all veterans in these States who are currently receiving disability compensation. The amendment also requires the Department to disseminate this information through broadcast and print advertisements in order to educate any veterans whose past claims may have been improperly denied.

The deliberate sharing of this information with our most under-compensated disabled veterans will help provide them with an opportunity to have their case reviewed and perhaps at long last to receive the compensation to which they are entitled.

I yield the floor.

AMENDMENTS NOS. 1867 AND 1868

Mr. SALAZAR. Mr. President, I rise to discuss two amendments to the Military Construction and Veterans Affairs appropriations bill.

My first amendment No. 1867, is an attempt to avoid the budget fiasco we faced earlier this year.

We are working on an appropriations bill for a Department of Veterans Affairs that is under a cloud. The VA is under a cloud because earlier this year, it announced a \$1.27 billion budget deficit.

This news came as a surprise to millions of veterans across the country and was completely unexpected by Members of Congress.

In fact, the news of this gigantic shortfall came, not from an official announcement, but by accident, during a routine budget meeting with congressional staffers. This was a billion-dollar blindside that never should have happened, and that should never happen again.

I commend Senators KAY BAILEY HUTCHISON and DIANE FEINSTEIN as well as Senators CRAIG and AKAKA for their leadership in speeding additional funding to fill the gap this year.

I also commend them for their great work in this appropriations bill and in their subcommittee report to make sure that this kind of budget fiasco does not happen again.

Specifically the requirement in this bill that VA make quarterly budget reports to Congress makes good sense.

My amendment would build on that obligation and require the VA to notify Congress immediately, if at any point in the year, they discover that the Department may face a budget shortfall totaling 2 percent or more of the VA's discretionary budget. It also would require VA to come up with a plan to improve its actuarial and long-term budget planning.

This amendment just makes common sense. Throughout the year, the VA is constantly receiving new data on enrollment, utilization, and medical costs.

The VA knew for some time that it faced higher than expected enrollment of returning Iraq veterans. The VA was shifting money between administrative

accounts to cover the gap well before they let Congressional appropriators and authorizers know. The earlier that Congress finds out about a problem, the more we can be partners in finding a solution.

Senators AKAKA, DURBIN, and I have asked GAO to investigate the VA's budget and actuarial process. My first amendment also would require the VA to do its own internal review and come up with a plan to improve the budget process to compliment this investigation.

My second amendment, No. 1868, would address a problem that was brought to my attention during a field hearing I held in Colorado on rural veterans issues in August.

Veterans in rural areas are in poorer health than their urban counterparts. A 2004 study found that rural veterans scored worse than urban veterans both in overall health and mental health. Because of the distance and difficulties in obtaining care, many rural veterans put off preventive as well as necessary treatment, which results in poorer health and ultimately increased health costs.

Almost every Senator in this body has heard similar stories, but I will tell one. Veterans in northwestern Colorado who have to drive as many as 360 miles round trip through winding mountain roads to reach the VA Medical Center in Grand Junction. This is a grueling trip that takes an economic and physical toll on our veterans and leads many to not seek care.

Community-based outpatient clinics can be the most cost-effective way to reach veterans and ensure they get the ongoing primary healthcare they need to stay healthy, and ward off expensive complications that come from lack of early treatment.

Despite this, the VA's prioritization methodology used to identify new clinic locations hurts rural veterans disproportionately.

Because of its emphasis on reaching the largest number of veterans in a cost-effective way, the VA's clinic planning process is geared to urban and suburban areas, where there are the largest numbers of veterans.

The Capital Asset Realignment for Enhanced Services, CARES, Commission asked VA to address this issue, and the VA has taken some important steps forward. However, at my hearing, VA officials told me that current policies still heavily favor urban areas, and were precluding the building of additional rural clinics.

In too many rural corners of this country, there are isolated pockets of veterans who do not have enough access to VA care. I believe that we need additional outpatient clinics in rural America. For too long, tight budgets and bad priorities have slowed the building of new clinics across the country. My amendment would take a small step to giving the VA the authority to expand access to health care in rural areas.

I yield the floor.

AMENDMENT NO. 1867

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. SALAZAR, proposes an amendment numbered 1867.

Mrs. HUTCHISON. I ask unanimous consent 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 a report on any Department of Veterans Affairs budget shortfall totaling 2 percent or more of the Department's total discretionary funding budget for a fiscal year)

On page 93, between lines 20 and 21, insert the following:

SEC. 222. (a) The Secretary of Veterans Affairs shall immediately submit to the Committees on Veterans' Affairs and Appropriations of the Senate and the House of Representatives a report on any Department of Veterans Affairs budget shortfall totaling 2 percent or more of the Department's total discretionary funding budget for a fiscal year.

(b) The Secretary of Veterans Affairs shall, not later than 180 days after the date of the enactment of this Act, submit to the Committees on Veterans' Affairs and Appropriations of the Senate and the House of Representatives a comprehensive plan to improve long-term budget planning and actuarial forecasting at the Department of Veterans Affairs.

Mrs. HUTCHISON. I urge its adoption.

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

The amendment (No. 1867) was agreed to.

Mrs. HUTCHISON. Mr. President, I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. HUTCHISON. 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. CRAIG. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

AMENDMENT NO. 1868

Mr. CRAIG. Mr. President, I send to the desk an amendment numbered 1868 on behalf of Senator SALAZAR. I ask for its immediate consideration.

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

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG], for Mr. SALAZAR, proposes an amendment numbered 1868.

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

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

The amendment is as follows:

(Purpose: To assist rural veterans)

On page 93, between lines 20 and 21, insert the following:

SEC. 222. (a) In conducting advanced planning activities under this Act, the Secretary of Veterans Affairs shall reevaluate Veterans Health Administration Handbook 1006.1 and other guidance and procedures related to planning, activating, staffing, and maintaining community-based outpatient clinics.

(b) In conducting such planning, the Secretary shall—

(1) revise as appropriate existing policies to make them less disadvantageous to rural veterans; and

(2) reexamine criteria used in planning, activating, staffing, and maintaining such clinics, including geographic access, number of Priority 1-6 veterans, market penetration, cost effectiveness, and distance to parent facilities, to determine whether such criteria are weighted in a manner that negatively affects rural veterans.

The PRESIDING OFFICER. Is there further debate? The question is on agreeing to the amendment.

The amendment (No. 1868) was agreed to.

Mrs. FEINSTEIN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. CRAIG. Mr. President, I ask unanimous consent that at 3:10 today, the Senate proceed to a vote on or in relation to Akaka amendment No. 1852, with no amendments in order to the amendment prior to that vote; provided further that no other amendments be in order to the bill and that following disposition of the Akaka amendment, H.R. 2528 be read for a third time and the Senate proceed to a vote on passage with no intervening action or debate; provided further that following the vote the Senate insist on its amendments, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

I finally ask unanimous consent that there be 2 minutes equally divided for debate prior to passage.

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

Mr. CRAIG. Mr. President, Senator AKAKA is en route to the floor to make some final comments on his amendment prior to the vote. With that in mind, and that vote occurring at 3:10, I will take 5 minutes or less to debate in opposition to the Akaka amendment. I do this with great difficulty because the Senator is proposing additional funding in an area that we have already concentrated on, both in the appropriating subcommittee and in the authorizing committee. He is asking for an additional \$10 million in the budget for the Veterans Readjustment Counseling Service. This would represent a \$14 million increase for the

service just this year and that is an increase of almost 15 percent in its budget.

I agree the Veterans Readjustment Counseling Service does great work. They have taken on some additional roles, including the Global War on Terrorism Outreach Program, but this bill already provides a generous \$4 million increase for this function and more broadly provides over \$3 billion for veterans health care programs.

I understand the Senator from Hawaii would like to focus some attention on this program with his amendment, but I would say to my colleagues that I believe the administration and the Senate Veterans Affairs' Committee, which I chair, has already focused the necessary needed additional attention on mental health and the counseling needed for our returning service members. We have also dialoged very directly with the Veterans' Administration and at this time they feel they are adequately funded.

The bill I sponsored, S. 1182, which was just reported to the floor from the Veterans' Committee, contains numerous provisions to increase and provide access to mental health and counseling services. VA could hire marriage and family therapists as well as licensed medical health care counselors.

Further, VA is directed to work on improving access to telehealth initiatives in our Vet Center Program, which VA has expressed a desire to do.

Finally, I oppose the amendment because it would further reduce VA's information technology budget, which I think is critical. VA has made tremendous strides in improving its IT programs. It has made some errors, but clearly the benefits are outweighing the mistakes, in my opinion, in most instances.

This bill places conditions on VA's access to its IT money to ensure it is well spent and properly managed. But at the end of the day, they must continue to move forward and make needed improvements to their IT program, and the money in this bill is critical to making sure they do that.

It is for all of these reasons, regretfully, that I stand to oppose Senator AKAKA's amendment. As I said, we are putting substantially more money into counseling and veterans readjustment counseling services.

We understand from where the Senator speaks. We appreciate it. Clearly, he and I and all of us who look more closely at veterans programs recognize the need for counseling for many of our veterans when they return. It is a high priority of this chairman; it is a high priority of the ranking member. It is my opinion that with the additional \$3.2 billion—new dollars—in the veterans budget which this represents, with the add-ons which we put in Interior and a variety of other appropriations, we have adequately funded necessarily and appropriately the services the Senator would wish to provide additional moneys for, taking them from

critical areas but still remaining very important.

I see the Senator is on the floor to speak to his amendment. I yield the floor.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Hawaii.

Mr. AKAKA. Mr. President, I will speak on this amendment. I tell our colleagues Senator CRAIG and I work very well together, and we will still work well together with the Veterans' Administration.

My amendment is to meet the needs that are there now. This amendment takes \$10 million from VA information technology—specifically from a troubled Health-E-Vet Migration Program. So this is an offset to the \$10 million.

IT is critically important. We know that. As ranking member of the Committee on Veterans' Affairs, I am quite familiar with VA's electronic medical record. VA is making use of the best technology out there. We saw how good the electronic medical record was following Hurricane Katrina when VA providers were able to access medical records of evacuees. This amendment would not impinge upon that critical program. I am also quite familiar with a failed computer program called CORE-F.L.S., which was abandoned after its failure at Big Pines VA Medical Center in Florida. To be sure, this \$300 million contract failed because of lax project management.

I want to make perfectly sure that the Health-E-Vet is on the right track. As recently as February of this year, VA hired Carnegie Mellon to assess this Health-E-Vet Program. Carnegie Mellon found that VA did not "have the needed staff or procedures for a large-scale system integration project."

In the meantime, PTSD and mental health needs of returning soldiers are absolutely critical. Vet centers are most likely the VA entity which will be first accessed by a returning soldier. History tells us that returning soldiers are more likely to seek treatment at a storefront vet center rather than a VA hospital or clinic.

I also remind my colleagues that if we reach returning soldiers with less serious readjustment issues, we might be able to stave off the more debilitating PTSD. This is a simple choice that we make at this time.

I thank my chairman for his comments.

Mr. President, I ask unanimous consent to add Senator JEFFORDS and Senator KERRY as cosponsors of my amendment.

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

Mr. AKAKA. Thank you very much. I yield the floor.

Mr. FEINGOLD. Mr. President, the amendment that I am offering today will help to ensure that our veterans have easy access to information about the benefits that they have earned through their service to our country.

Each year, the Department of Veterans Affairs publishes an updated

version of a handbook entitled, "Federal Benefits for Veterans and Dependents," which contains useful information about benefits that are available through the VA. I have heard from a number of Wisconsinites who are concerned that this useful handbook is not readily available to our veterans and to County Veterans Service Officers, CVSOs, and others who assist our veterans.

It is my understanding that the Department purchases a limited number of copies of this handbook each year that some are distributed to VA regional offices, to VA health care facilities, and to State Departments of Veterans Affairs. Some of my constituents are concerned that some facilities appear to have large stockpiles of this handbook, while others only receive a very limited number. I am also told that distribution of the handbook is largely left up to regional and local VA officials.

A number of Wisconsin CVSOs have informed me that they are having trouble obtaining adequate supplies of this handbook, and that they often have to rely on VA health care facilities or other sources to obtain additional copies. While I recognize that the handbook is available for download on the Department's Web site and for purchase through the Government Printing Office, GPO, many CVSOs and veterans service organizations do not have the resources to copy or purchase this handbook in large quantities. In addition, many veterans, particularly older veterans, do not have access to—or are unable to use—the Internet and it seems unreasonable to charge them \$7 to purchase the handbook from GPO.

Veterans who want a copy of this handbook should get one—it's that simple. This handbook serves as a tangible reminder of the benefits they earned, and it also serves as a helpful guide for CVSOs, veterans service organizations, and others who work every day to ensure that our veterans receive these benefits. One Wisconsin CVSO tells me that this handbook is very valuable in his work with veterans, some of whom have told him that they have difficulty navigating the VA Web site or easily finding information in the online copy of the handbook. Being able to point a veteran to a specific page in the handbook is an important step in helping veterans to learn about their benefits or to find the answers to many common questions that veterans may have about these benefits.

Last year, in response to the concerns raised by my constituents, I asked former Secretary Principi to review the Department's policy for distributing this important handbook, including ensuring that CVSOs have access to this document. I also asked that he look into how to reallocate the supply to avoid a situation in which certain parts of the VA have surpluses while others are scrambling to get these handbooks to veterans who are requesting them. I also asked that he

provide an estimate of how much it would cost to ensure that all CVSOs in the country are provided at least one case of the handbook each year and whether the Department's current annual supply of handbooks could be reallocated to achieve this goal. Finally, I requested that the Secretary provide me with information on the distribution policies of the various VA administrations with respect to providing copies of this handbook to individual veterans, including a description of the VA's policy regarding making these handbooks visibly available to individual veterans at VA facilities.

In the former Secretary's response, he assured me that "... due to the increased outreach efforts initiated this past year, as well as the requests for additional handbooks from external veterans service providers, I am directing my senior leadership to reevaluate their requirements for publication and distribution of the 2005 handbook. Please be assured that county veterans service officers across the nation are included in next year's distribution." While I was encouraged by the former Secretary's response, CVSOs around Wisconsin tell me that they received only one or two copies of the 2006 edition of the handbook. This meager supply is not sufficient to use the handbook as a reference and to provide copies to veterans who request them.

The amendment that I am offering today would require the Secretary of Veterans Affairs to submit to the Senate and House Appropriations Committees a plan to provide an adequate supply of the 2006 edition of the "Federal Benefits for Veterans and Dependents" handbook and all subsequent editions of this handbook to all county veterans service officers in the country.

My amendment would also require the Secretary to work with the National Association of County Veterans Service Officers, other veterans service organizations, and state departments of veterans affairs to determine what supply is adequate and to include a cost estimate for providing these handbooks to all county veterans service officers in his report. The report would be due not later than 60 days after the enactment of this bill.

Some at the VA have argued that this important handbook was developed as a desk reference for VA employees, CVSOs, veterans service organizations, and others who help veterans to learn about and obtain their benefits. Former Secretary Principi's letter to me states that in 2003 "... more than 1.4 million copies of the handbook were printed and distributed through the VA system. VA facilities, in turn, distributed handbooks to local veterans support agencies and organizations, responded to requests for the handbooks and used them as special events such as homeless veterans stand downs, veterans conferences, health fairs, and job fairs." While this handbook is indeed a helpful reference for those who work on behalf of our Na-

tion's veterans, it is also a comprehensive and handy guide to veterans benefits that many veterans around my State have requested from their CVSOs. And it is evident from the former Secretary's response that the VA itself has made this publication available to individual veterans at a variety of events. No CVSO should have to refuse a veteran a copy of this booklet because he or she has been given an inadequate supply. No CVSO should have to tell a veteran that he or she does not have the budget to make the veteran a photocopy of the handbook or that he or she can gain access to it on the Internet or by purchasing it from GPO.

I am pleased that this amendment has the support of the Wisconsin Association of County Veterans Service Officers and the Wisconsin Department of the American Legion.

I understand that the managers have agreed to accept my amendment, and I want to thank them for their support on this issue. I look forward to reviewing the Secretary's report.

Mr. OBAMA. Mr. President, I rise today to support this important piece of legislation. As many of you know, the young soldiers returning from Iraq and Afghanistan are already coming home with post traumatic stress disorder. A recent Army study found that one in six soldiers in Iraq reported symptoms of major depression. Some experts predict that more than 100,000 soldiers may need some kind of mental health treatment when they come home.

It is not only our patriotic duty to provide these soldiers with the benefits they deserve; it is our moral duty at the most fundamental level. Unfortunately, PTSD is a disease that is still all too often misunderstood, and as I speak, there are efforts at the VA to require those folks who suffer PTSD to undergo additional scrutiny in the disability benefits process.

According to VA, it will review 72,000 cases in which the maximum amount of PTSD disability benefits was awarded. The rationale for reviewing these cases is VA's belief that 2.5 percent of these cases are "potentially fraudulent." But notably, this review will entirely ignore cases in which benefits may have been unjustly denied.

This review sends a troubling message to the brave men and women who defended this country. Too many veterans see the VA as a bureaucracy with the singular goal of denying services and benefits to veterans. This decision to reopen only approved PTSD claims merely serves to promote that impression.

It is unconscionable for our Government to put the onus on law-abiding veterans to affirmatively demonstrate that they are not engaging in fraud. The process of gathering evidence to prove PTSD disability is extremely time consuming. It requires the compilation of medical records, military service records, and testimony from

other veterans who can attest to a person's combat exposure. I cannot fathom why the VA would require veterans to go through this emotionally painful process for a second time.

The VA—and our Nation's veterans—would be better served by creating nationwide standards for evaluating PTSD claims. As underscored by the inspector general's report in May that evaluated the chronic disparity between benefits received by veterans in Illinois and veterans in the rest of the country, PTSD is a highly subjective evaluation subject to significant variation. That same report uncovered significant variation in PTSD ratings from State to State—with Illinois consistently in the bottom rung for those ratings. The variation in PTSD ratings across the country may very well be the result of a lack of training or standardized practices on the part of the VA, not fraud on the part of our Nation's veterans.

I am pleased that Chairman HUTCHISON and Ranking Member FEINSTEIN worked with me and Senators DURBIN and MURRAY to include an amendment that prohibits the VA from proceeding with its review unless and until the VA reports to the Appropriations Committee on its plan for implementing this recommendation and outlines the staffing and funding requirements.

While this is an important provision, I am disappointed that there was no requirement that the VA look at denials of benefits as well as grants. To get an accurate and fair depiction of PTSD claims in this country, we need to ensure that denials are reviewed as well as grants of benefits. I will continue to work with my colleagues to see that this fundamental issue of fairness is addressed.

I also want to thank Chairman HUTCHISON and Ranking Member FEINSTEIN for their assistance in accepting an amendment to provide notice to veterans in certain States about their right to seek a review of their cases.

This provision addresses an important issue in Illinois. As some of you may know, Illinois has for more than two decades ranked 50th out of all 50 States in terms of disability benefit compensation. This staggering disparity in payments may well be the result of poor staffing and a lack of standards for disability payments across the Nation.

I have been pleased that Secretary Nicholson has agreed to provide the veterans of Illinois with extra disability raters so that the veterans in Illinois who may have been unjustly denied benefits will have the opportunity to seek a special review of their cases.

Unfortunately, up to now, there has been no special effort made to alert veterans to this special opportunity. This amendment will provide the funds for information campaigns in states with less than average disability compensation rates. These campaigns will

alert veterans of the past history of below-average disability benefit rates and provide these veterans with information on how to request a review of any past claims. The hiring of additional disability raters is important, but it is meaningless unless veterans know of their right to get their cases reopened.

I thank my colleagues for their assistance with these amendments.

Mrs. FEINSTEIN. Mr. President, I propose that for the moment we set aside the Akaka amendment, that Senator CRAIG and I make our 2-minute ending comments, and we then have the vote on the Akaka amendment, and then final passage so there are consecutive votes.

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

Mrs. FEINSTEIN. Thank you, Mr. President.

Mr. President, this bill is notable in several regards:

First, under the leadership of Senator AKAKA and Senator BYRD, we were able to provide \$1.977 billion in emergency funding in this bill to address the projected shortfall in veterans health care funding for 2006.

This is in addition to the \$1.5 billion in the 2005 supplemental funding we were able to add to the 2006 Interior appropriations bill to make up the current shortfall in veterans health care. The bill before the Senate now totals \$82.98 billion, of which \$44 billion is discretionary spending.

For military construction, the bill equals the budget request of \$12.116 billion. Although we have rearranged some of the funding within that request for the VA, the total amount appropriated in this bill is \$70.7 billion, including \$34.1 billion in discretionary and \$36.6 billion in mandatory spending. This is \$3.2 billion above the President's original budget request.

I commend and thank the chairman of the committee, Senator HUTCHISON of Texas. We have worked very well together in producing a very good bill. I am delighted we were able to finish it with quick speed.

I thank the staff on both sides. We have great professional staff. They have done a fine job.

I would like to turn it over to the chairman of the committee, my friend, Senator HUTCHISON.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Thank you, Mr. President.

I certainly appreciate the comments of my ranking member, Senator FEINSTEIN, with whom I have worked very closely on this bill. We have tried to accommodate every Member to the best of our ability with the priorities that many Members are concerned about—certain areas of the Veterans' Administration particularly. I think we have addressed those concerns in a responsible way.

I think it is very important to pass this bill because we have stayed within

our budget allocation. We will be coming in later, I am sure, with some supplemental health for veterans facilities that have been in the hurricane-affected areas of our country, but I hope we will be able to defeat the Akaka amendment, which would skew the cap on the bill, and then go to final passage. I think it is a bill everyone can support. It certainly goes further in terms of meeting our veterans' needs than any veterans bill has ever done, including the supplemental \$3.2 billion, because the Secretary of Veterans Affairs came to us and said our models are wrong, we need more money, and we have supplied that money on a bipartisan basis.

I recommend this to my colleagues.

Mr. CRAIG. Will my colleague yield?

Mrs. HUTCHISON. I am happy to yield.

Mr. CRAIG. I appreciate the chairman yielding.

Let me say to the chairman and ranking member, as the chairman of the authorizing Committee of Veterans' Affairs, how much we appreciate the cooperative way in which we have worked together to get these numbers right. Both Senators have spoken very clearly to that effort and to the unprecedented amount of money that has flowed to veterans at this time, which we think is necessary and appropriate.

I thank the Senator for that due diligence.

Mrs. HUTCHISON. Mr. President, which amendment is pending?

VOTE ON AMENDMENT NO. 1852

The PRESIDING OFFICER. Time has expired. The question is on agreeing to the Akaka amendment.

Mrs. HUTCHISON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Florida (Mr. MARTINEZ).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

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

The result was announced—yeas 48, nays 50, as follows:

[Rollcall Vote No. 242 Leg.]

YEAS—48

Akaka	Dodd	Leahy
Baucus	Dorgan	Levin
Bayh	Durbin	Lieberman
Biden	Feingold	Lincoln
Bingaman	Feinstein	Mikulski
Boxer	Harkin	Murray
Byrd	Inouye	Nelson (FL)
Cantwell	Jeffords	Nelson (NE)
Carper	Johnson	Obama
Chafee	Kennedy	Pryor
Clinton	Kerry	Reed
Collins	Kohl	Reid
Conrad	Landrieu	Rockefeller
Dayton	Lautenberg	Salazar

Sarbanes  
Schumer

Snowe  
Specter

Stabenow  
Wyden

# NAYS—50

Alexander  
Allard  
Allen  
Bennett  
Bond  
Brownback  
Bunning  
Burns  
Burr  
Chambliss  
Coburn  
Cochran  
Coleman  
Cornyn  
Craig  
Crapo  
DeMint

DeWine  
Dole  
Domenici  
Ensign  
Enzi  
Frist  
Graham  
Grassley  
Gregg  
Hagel  
Hatch  
Hutchison  
Inhofe  
Isakson  
Kyl  
Lott  
Lugar

McCain  
McConnell  
Murkowski  
Roberts  
Santorum  
Sessions  
Shelby  
Smith  
Stevens  
Sununu  
Talent  
Thomas  
Thune  
Vitter  
Voinovich  
Warner

# NOT VOTING—2

Corzine

Martinez

The amendment (No. 1852) was rejected.

Mrs. HUTCHISON. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. CHAFEE). The majority leader is recognized.

Mr. FRIST. Mr. President, the next vote will be final passage. I congratulate Senators HUTCHISON and FEINSTEIN for expediting the bill this afternoon. It took the cooperation of all Members and proves that we can move quickly through the appropriations process under the leadership of two managers. As we continue that, we go forward. I also congratulate Senators BENNETT and KOHL for their hard work on the Agriculture appropriations bill passed this morning by a vote of 97 to 2.

As Members know, the Roberts nomination—again, congratulations to the Judiciary Committee—was reported by the Judiciary Committee today. We will turn to consideration of that nomination on Monday.

We will be in session tomorrow. Senators are invited to come to the floor tomorrow, if they would like to make any remarks on that nomination. We will be voting Monday at about 5:30. That will be the next vote.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, Members can come and talk about anything they want tomorrow. We will be in a period of morning business.

Mr. FRIST. We will be in a period of morning business tomorrow. I want to accommodate Members on their statements on the Roberts nomination or anything else tomorrow. The vote at 5:30 on Monday will not be on Roberts.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. CRAIG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Florida (Mr. MARTINEZ).

Further, if present and voting, the Senator from Florida (Mr. MARTINEZ) would have voted "yea."

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 243 Leg.]

# YEAS—98

Akaka  
Alexander  
Allard  
Allen  
Baucus  
Bayh  
Bennett  
Biden  
Bingaman  
Bond  
Boxer  
Brownback  
Bunning  
Burns  
Burr  
Byrd  
Cantwell  
Carper  
Chafee  
Chambliss  
Clinton  
Coburn  
Cochran  
Coleman  
Collins  
Conrad  
Cornyn  
Craig  
Crapo  
Dayton  
DeMint  
DeWine  
Dodd

Dole  
Domenici  
Dorgan  
Durbin  
Ensign  
Enzi  
Feingold  
Feinstein  
Frist  
Graham  
Gregg  
Hagel  
Harkin  
Hatch  
Hutchison  
Inhofe  
Inouye  
Isakson  
Jeffords  
Johnson  
Kennedy  
Kerry  
Kohl  
Kyl  
Landrieu  
Lautenberg  
Leahy  
Levin  
Lieberman  
Lincoln  
Lott  
Lugar

McCain  
McConnell  
Mikulski  
Murkowski  
Murray  
Nelson (FL)  
Nelson (NE)  
Obama  
Pryor  
Reed  
Reid  
Roberts  
Rockefeller  
Salazar  
Santorum  
Sarbanes  
Schumer  
Sessions  
Shelby  
Smith  
Snowe  
Specter  
Stabenow  
Stevens  
Sununu  
Talent  
Thomas  
Thune  
Vitter  
Voinovich  
Warner  
Wyden

# NOT VOTING—2

Corzine

Martinez

The bill (H.R. 2528), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mrs. HUTCHISON. 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.

The PRESIDING OFFICER. Without objection, the title is amended.

The Senate insists on its amendments and requests a conference with the House and the Chair appoints Mrs. HUTCHISON, Mr. BURNS, Mr. CRAIG, Mr. DEWINE, Mr. BROWNBACK, Mr. ALLARD, Mr. MCCONNELL, Mr. COCHRAN, Mrs. FEINSTEIN, Mr. INOUE, Mr. JOHNSON, Ms. LANDRIEU, Mr. BYRD, Mrs. MURRAY, and Mr. LEAHY conferees on the part of the Senate.

# MORNING BUSINESS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that there now be a period for the transaction of morn-

ing business, with Senators permitted to speak for up to 10 minutes each.

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

The Senator from Montana.

# KATRINA HEALTH RELIEF PACKAGE

Mr. BAUCUS. Mr. President, I wish to read a quote from the Chicago Tribune, dated September 14, by Judith Graham, Tribune staff reporter commenting on the conditions of people needing medical care and needing it desperately on the heels of Katrina:

A New Orleans man with a brain tumor needed surgery fast—but when he found himself stranded without health insurance in Baton Rouge after Hurricane Katrina, it took the intervention of Ruth Kennedy, Louisiana's deputy Medicaid director, to get him help.

Yet this energetic state official can't possibly pull strings for all of the people who need medical assistance after the storm, such as an 89-year-old Louisiana man, now in Los Angeles with family, who couldn't fill his prescriptions because his Louisiana Medicaid card isn't good in California. Or a displaced New Orleans woman with colon cancer who needed chemotherapy but couldn't get an appointment in the city she had fled to after the storm.

Meeting the medical needs of up to 1 million hurricane evacuees scattered across the country looms as an enormous challenge. Most of them are without their medical records or any way to contact their physicians; many are suddenly without jobs and at risk of losing their medical coverage; and as a group, they're disproportionately likely to be needy and sicker-than-average.

Senator GRASSLEY, the chairman of the Finance Committee, and I have written a bill. We would like the swift passage of that bill. It is the Emergency Health Care Relief Act. This bill would provide victims of Hurricane Katrina with the health care they urgently need. We should pass this bill, and we should pass it immediately.

We have all seen the terrible destruction, the dead, the displaced, the hundreds of billions of dollars in damages.

Traveling down to the Gulf Coast last week, I saw the havoc Katrina had wreaked. It is stunning. It is like a war zone. It is worse than the pictures. It is worse than I had imagined.

At one stop, we went into what was left of a library. Muck and ruin covered books and other library materials. One shiny object caught my eye. I reached down to pick it up. What was it? It was a DVD of the film, "The Perfect Storm."

Among its many consequences, the hurricane inflicted countless blows to people's health. A third of Katrina evacuees in Houston had injuries or health problems, and more than half of those evacuees were seeking medical care.

The bill Senator GRASSLEY and I introduced will provide that care. Our bill will provide temporary Medicaid coverage for Katrina survivors. It will provide for a streamlined application. It will make benefits available right

now. It will provide coverage for up to 5 months, with a possible extension of 5 months. It is emergency health care benefits for people who need it. Pregnant women and children will be eligible for help at higher income levels, and an extended package of mental health services under Medicaid will help survivors deal with the trauma of Katrina. To support those who have private health insurance, our bill will provide Federal assistance to help individuals keep their coverage. I say that with reference to the article I read, the reporter's comments about people who do not have health insurance anymore because they have lost their jobs. Our bill will help alleviate the burden of providing health care. I have been inspired by the sights and stories of health care workers who have done all in their power to help treat victims. To ensure these providers are compensated, our bill establishes a disaster relief fund to cover the uncompensated costs they incur because of Katrina.

There are millions of dollars of uncompensated health care costs. Katrina inflicted massive financial losses on the States of Mississippi, Louisiana, and Alabama. Our legislation calls on the Federal Government to pay 100 percent of Medicaid and children's health care costs for 2006. For Alabama, the Government will pick up 100 percent of those costs in several particularly ravaged counties.

Our bill postpones a scheduled decrease in Federal Medicaid payments for 2006 to ensure all States have the means to meet their health care needs in this trying time.

Our legislation provides immediate access to funds through the TANF program for Louisiana, Mississippi, and Alabama for 14 months and provides these States, as well as States providing services to evacuees, immediate access to the TANF contingency fund, which is a very important part of the 1996 welfare law. It has been difficult and hard to use until now. Our bill eases time limits on aid so people can get immediate help, and our legislation provides federally funded extension of unemployment benefits for unemployed workers in Louisiana, Mississippi, and Alabama. This law will go a long way toward helping Katrina survivors to get back on their feet.

We must act and act now to help those who have been harmed. This is an emergency. This is not time for the legislative process as usual. This is an emergency. People need help now, not tomorrow. We must do our part to help this region and its people, and we can do so today by passing the Emergency Health Care Relief Act.

This bill should be brought up now, today. Several of us have approached the leadership to try to get this bill up now and passed today. People need help. Many have no insurance. They have lost their jobs. Time is critical. Senator GRASSLEY and I and our staffs have worked together for over a week. We have a good effort to help meet

health care needs. The affected States agree. Senators from both sides of the aisle of the affected States have all worked with us. We have agreement. All Senators in the affected States, including Senator GRASSLEY and myself, agree.

I cannot speak for the House of Representatives, but I can speak for us in this body. We have a very good package that I think should pass right now. I am very concerned that there are Senators here, on the other side of the aisle, who object. No one on this side of the aisle objects to this legislation coming up. I am informed there are Senators on the other side of the aisle who object to having this legislation coming up. The objection is we have not had time to read it. I understand that. It was brought up fairly quickly. We can give Senators time to read it. We can bring this legislation up tomorrow. Certainly they can read it over 24 hours—that is enough time to read this bill—or the next 72 hours, over the weekend. Certainly there has to be some trust around here. Senator GRASSLEY and his staff and I have fly-specked this bill. We worked very hard together over a period of almost 2 weeks. We worked with the Senators affected. They all agree, this is an emergency. This is not legislation as usual.

I call on my colleagues, let's bring up this bill and get it passed. I am very tempted to ask for unanimous consent to bring up this bill now, move us into legislative session, and bring this bill up now. Why? Very simply: It is the right thing to do. Very simply: These people need help. Very simply: It has been worked on for almost 2 weeks now. Very simply: I cannot think of any possible significant, legitimate exception.

I will not push for consideration at this point in deference to those who believe they need more time, but I very much hope when the time does come, maybe tomorrow, maybe on Monday, that this bill does come up, that we work our way through those objections so all Senators can unanimously pass this legislation. It is so important, it is so needed for so many people.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Illinois.

#### THE WAR IN IRAQ

Mr. DURBIN. Mr. President, we have considered many important issues on Capitol Hill this week. Here on the floor of the Senate, two major appropriations bills have passed, and in the Judiciary Committee, on which I serve, we considered the historic nomination of John Roberts to be our next Chief Justice of the U.S. Supreme Court. Those are all worthy issues for this Chamber to consider. Unfortunately, not enough has been said this week about an ongoing challenge to this Nation, which costs us dearly.

I speak directly to the issue of the war in Iraq. Yesterday I joined many of my colleagues for a briefing with the

Secretary of Defense, Ambassador Jeffrey, and General Myers, about the situation in Iraq. Naturally I am constrained and cannot disclose details or specifics of that briefing. But I think in the most general terms American people understand what is happening in Iraq. Whether it is called terrorism or insurrection, it continues apace. Every single day, harrowing reports come out of civilian casualties and the deaths and injuries to our soldiers. Unfortunately, we do not speak enough on this floor about the reality of this war. This is the reality.

Americans killed in Iraq as of this morning, 1,907; Americans wounded, 14,641.

If you are not familiar with how these categories of wounded soldiers are created, you should understand many of these soldiers suffer far more than superficial wounds. I have visited with them at Walter Reed Hospital and veterans hospitals back in my part of the country. I have seen men and women who are facing amputations, serious head injuries, problems that will change their lives forever. The wounds they have suffered are wounds they will carry for the rest of their lives.

There are many veterans who come home from that war with invisible wounds, with wounds of spirit—post-traumatic stress disorder from things they have seen, things they have done, stress they have been placed under for extended periods of time. If you have friends who served in the Vietnam war, you may know one who is still trying to overcome the fact that he is haunted by that experience. This is the reality of war. It is a reality you see time and again, as families stand by hospital beds or stand in grief at the funerals. It is a reminder that we cannot ignore the issue of the war in Iraq. We cannot ignore the reality of what it has brought to America.

Last week, Iraqi President Jalal Talabani came to Washington. As he arrived in Washington, he said he believed the United States could safely withdraw 50,000 troops before the end of the year. He said Iraqi forces are trained and ready to assume control of their own country. Then he went to the White House and he changed his remarks. He was not as specific; he was not as definite. He said he hoped the Iraqi troops could take over for American troops at some point in the future.

It was enticing to hear him suggest that 50,000 of the 146,000 currently serving in Iraq would be home by Christmas. I still think that is a goal we should not give up on. Unfortunately, we are still waiting for concrete evidence that Iraqi troops are ready to assume the responsibility of defending their own country. I am not certain they can take on this insurgency today from a political or a military point of view. But we need to see a clear path from the point where we are today to the withdrawal of American troops. We need to have this administration articulate that path and make it clear to the people of this country.



Next month the second report on the status of the training of Iraqi forces is due. It is critical that this report provide real information on the readiness of these forces to meet President Talabani's suggestion. While it must not disclose vital security information, this report must include enough data in unclassified form so we know exactly where we are today in terms of the Iraqi takeover of the defense of their own country.

The trajectory to date is not encouraging. There have been peaks recently, including the historic vote in January in the first real democratic election in Iraq's history. But 470 Americans have been killed since those elections on January 30 of this year—470. The administration to date has not managed to change that terrible equation; and 2½ years after the invasion I still do not believe the administration has a clear plan to secure the peace.

Intelligence analysts, both civilian and military, use a phrase called "ground truthing." Geographers and geophysicists use the same term. It means going out and physically surveying the terrain, recognizing the reality on the ground may not match the map you have been given. The solution to this disparity is not to try to bulldoze the landscape or to sculpt it to match the map or to sculpt it to match an expectation in your mind. The solution is not to blind yourself to reality on the ground. The solution is to recognize differences between what you expected and what you were actually experiencing. You may need to redraw your map. You will almost certainly need to readapt your plan.

From the day of the invasion, plans were drawn up that refused to recognize the reality on the ground in Iraq. This administration has blinded itself to what I call these ground truths. Our troops rolled in and defeated Saddam Hussein and his vaunted National Republican Guard. You know why—we have the best fighting men and women in the world. No one else even comes close. But defeating an army is not the same as defeating an insurrection. The reports we read in the press suggest that insurrection is still very strong and very lethal.

Defeating an insurgency such as that is so much harder. These terrorists, these insurgents, do not swim in a sea of sand. They are supported by people in Iraq. It demands a completely honest, clear-eyed, honest, and unbiased understanding of what we are facing, the political, cultural, and physical ground truths. I am afraid this is lacking in this administration's administration of this war.

In 1961, President John F. Kennedy gave the commencement address at the U.S. Naval Academy. There he said:

You gentlemen, therefore, have a most important responsibility, to recognize that your education is just beginning, and to be prepared, in the most difficult period in the life of our country, to play the role that the country hopes and needs and expects from you.

You must understand not only this country but other countries. You must know something about strategy and tactics and logistics, but also economics and politics and diplomacy and history.

You must know everything you can know about military power, and you must also understand the limits of military power. You must understand that few of the important problems of our time have, in the final analysis, been finally solved by military power alone.

Iraq has shown us again the limits of military power, even the military capabilities of a super power. It has shown us the importance of allies. And it has shown us the importance of ground truthing.

We are now constrained by the limits that are imposed by the prior poor decisions this Administration has made in Iraq, not just by going to war but in how it went to war.

If we were prepared for the invasion and the war, we certainly were not prepared for what followed. When the administration went to war, it failed to build a real coalition. How much different that war would be today if the President had at his side Muslim nations helping us to maintain stability in Iraq. When it executed the invasion, it tore down social, political, and economic structures that couldn't be replaced. We saw the beginning of the disintegration when the looting began, and it continues almost every day with improvised explosive devices from the almost endless arsenal of equipment and ammunition still on the ground for the taking in Iraq.

In Iraq, it sometimes seems that we have been building levees of sand that have steadily eroded. I am reminded of the images of the helicopters in Louisiana dumping enormous sandbags into a gaping hole on a broken levee and how these enormous sandbags would disappear, swallowed up by the force of the water. Is that what is happening in Iraq? That is what we have to ask, and that is what this administration must answer.

Are we making enough progress in Iraq to justify what it is costing us in blood, treasure, and in damage to our own national security? That is becoming a more and more difficult question. It certainly is a question this administration has not faced forthrightly. The American people deserve an answer. Men and women in uniform risking their lives today in Iraq deserve an answer.

If we are not making sufficient progress, what are we going to do to change direction?

I have joined others in saying that progress in the battlefield alone is never going to be enough. The Iraqi Government has to function as a real Government. It has to be able to provide basic social services, to protect its borders, offer its people security, and it is a far distance before they ever reach that point. Now, the Iraqi Government cannot perform these basic functions. Today, electricity in Baghdad is still at prewar levels. Power is off and on for

only a few hours each day. Barely half the Iraqis have access to clean water. Unemployment estimates range from 27 to 40 percent. In addition to the terrible atrocities of car bombings and other attacks, street crime is now epidemic.

There are 146,000 U.S. forces in Iraq today, and there are those who say that they just aren't enough to do the job. There are others who would like to see them all leave tomorrow. But whatever the right number is, stability in Iraq, security in Iraq, and peace in Iraq depend ultimately upon the Iraqis and their Government—not American soldiers and their lives.

Next month, the Iraqis will again go to the polls to vote up or down on a draft constitution that is before them. Voting in a country under siege is a real act of courage by the people of Iraq. We respect them, and we respect that decision to go and vote very much. This referendum is an important step forward in the political process. But however the referendum turns out, it is not clear that on October 16—the day after the vote—the people of Iraq will be all that much closer to a unified, stable, and secure Government. I certainly hope they will be.

But if the constitution passes without the support of a major faction such as the Sunnis, it is hard to see how security and unity will emerge, and if the constitution is defeated we may have to start over.

The best possible outcome I can imagine is whichever way the referendum turns out that it is followed by civic engagements from all factions in Iraq—the Kurds, the Sunnis, the Shiites, and others. Without that civic engagement, I don't see how the political progress in Iraq can succeed. But whatever comes next, we must not let our desire to see progress in Iraq blind us to reality.

We need some political ground truthing as well.

President Kennedy was right when he said many problems do not have military solutions.

We need an integrated plan for Iraq that addresses critical political and economic needs. We need a plan that would finally bring international cooperation that this administration initially thought it could do without. We need a plan to draw down American forces—not merely because the war is less popular in our country but because we have to tell the Iraqis, once and for all, they have to take charge of their own future and their own security.

We need a plan that is based on the Iraqi political calendar, not our own. That is a plan we still have not received from this administration.

The 146,000 U.S. service men and women in Iraq today risking their lives deserve that plan, so do their families at home, and so do the American taxpayers who have poured nearly \$200 billion into this war—a war which continues to demand over \$1 billion a week. The war has come at a terrible price for Americans.



This chart shows the most graphic evidence of the cost: 1,907 of our best and bravest who have paid the ultimate sacrifice, a sacrifice borne by their families forever.

We don't honor their sacrifice if we refuse to ask the hard questions, if we refuse to demand of this administration—any administration—to tell us the truth of what we are facing and how we will bring this to an honorable conclusion.

October will give us a better understanding of what is happening in Iraq with both the constitutional referendum and the Department of Defense report. It is then up to all of us to act on that knowledge, to recognize our trajectory and to change the course, if we must.

Before America loses 2,000 of our best and bravest in Iraq, this administration needs to come forward and speak clearly on its plan to bring our troops home. This administration needs to make it clear that Iraq must accept its own responsibility to protect its own nation.

If the Iraqi war exposed a failure of intelligence, if Hurricane Katrina exposed a failure of imagination and preparation, the lives we lose every day in Iraq make it clear that we can wait no longer for leadership and vision to bring this war to an end as quickly as possible.

We in the Senate need to do our part. Each year, we consider a bill called the Department of Defense authorization bill. It is a bill which considers not only what our troops need but what our veterans need.

If there is ever a time when we should be spending more time on that than anything else, it is now, right now, as we are losing soldiers every day and seeing these soldiers come home wounded.

I am sorry to report to you that before we left on the August recess, that bill was withdrawn from the calendar. It was taken off the floor of the Senate for reasons I still don't understand. The leadership in the Senate decided there were more important things to talk about. We moved from the Department of Defense authorization bill to a special interest bill from the gun lobby that just had to be passed before we left for our August recess. That is a mistaken priority. It is a mistake that, frankly, does not reflect well on the Senate.

What could be more important for us to consider at this moment in our history than the Department of Defense bill? What could be more important than talk about the equipment needs of our troops, to protect sons and daughters who are standing in the path of bullets, in the path of bombs in Iraq today? What can be more important than to talk about veterans' benefits for those who are coming home, to make sure we do everything we can to keep our promise to them; that if they will stand up for America, we will stand up for our veterans? Why aren't we returning to this bill?

Why is the Republican leadership refusing to go back to the Department of Defense authorization bill? It should be the first thing on the calendar. But, unfortunately, the decision has been made that we will not. I think it is wrong. I think we owe it to the men and women in uniform, their families praying for them at home, and everyone in this country who is so proud of their contribution to make that our highest priority.

I sincerely hope that when we return to the Senate next week, we will return to that Department of Defense authorization bill—return to it to make certain that the equipment, the supplies, and all that is needed will be there for those troops.

I can remember the first soldier I visited at Walter Reed so long ago. He was from an Ohio unit. He had lost his left leg below the knee. I was amazed. There he was still scarred, with IVs running, recent amputation. And I asked him what he thought. He said, I want to tell you two things. First, please get some protection in those humvees. Put some armor in those humvees. They are just moving targets for those terrorists in Iraq. Second, tell me how I can get back with my unit.

I heard that so many times from so many soldiers who feel such an obligation to the men and women who stood next to them in battle. If they feel that obligation to fellow soldiers, shouldn't we feel an obligation to them? Shouldn't we make this our highest priority in the Senate?

I cannot understand why we have failed to do that. I call on the leadership, on Senator FRIST and others, to set aside whatever you planned after we consider Judge Roberts next week and move directly to the Department of Defense authorization bill. I can guarantee you that you will have the cooperation of the Democratic side of the aisle to come up with a definite set of amendments, a limited time for debate and a movement to final passage as quickly as possible. Those are things we can work out. But we can only work them out if the leadership of the Senate believes this is the same high priority that I feel today.

That is our responsibility—our responsibility for these men and women who have given their lives and given important parts of themselves for this country.

I yield the floor. 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. PRYOR. 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.

#### NOMINATION OF JOHN ROBERTS

Mr. PRYOR. Mr. President, today the Senate Judiciary Committee voted to

bring the nomination of John Roberts to the full Senate for its consideration. I am quite sure that by October 3, 2005, Mr. Roberts will be sworn in as the 17th Chief Justice of the United States.

Today is a very important day for the Senate. I say this because several months ago this body was mired in a partisan judicial battle that many thought would end in a nuclear winter. Very few people, including a majority of the American public, thought that we would weather the storm and find common ground. But instead of nuclear winter, this body was able to rise above the partisan bickering that has plagued us for some time, and we were able to come to an agreement, an understanding that has allowed the judicial process to move forward.

While I do not intend to review that entire agreement, there is one part that is worth noting.

It states:

We believe that under Article II, Section 2, of the United States Constitution, the word "Advice" speaks to consultation between the Senate and the President with regard to the use of the President's power to make nominations.

We encourage the Executive branch of government to consult with members of the Senate, both Democratic and Republican, prior to submitting a judicial nomination to the Senate for consideration.

Such a return to the early practices of our government may very well serve to reduce the rancor that unfortunately accompanies the advice and consent process in this Senate.

I think that in the case of John Roberts, the clause I read has been heeded by this administration, and I applaud President Bush for following in the tradition of past Presidents who have sought meaningful consultation with the Senate.

For the first time in my short tenure as a Senator, I felt as though this administration put forth an effort to gauge where the Senate was on a nomination and acted accordingly.

I believe the White House, when working together with the Senate as a coequal branch of Government, will always be able to find a consensus nominee who will faithfully uphold the Constitution and represent the best of our justice system.

I think in the case of John Roberts, that was accomplished. This is one of several reasons I have decided to vote to confirm John Roberts as the next Chief Justice of the U.S. Supreme Court.

When President Bush nominated Mr. Roberts, I said then that I felt very strongly the Senate must fulfill its constitutional duty to learn as much about John Roberts' judicial record as possible, including his work over the past 2 years since he has been on the U.S. Court of Appeals for the DC Circuit.

The Supreme Court is the final arbiter of our liberties and freedom, and appointments for these gatekeepers are rare and pivotal. A Supreme Court Justice deserves a high threshold of review, and I think John Roberts was put to the test.

I applaud the Judiciary Committee for all of their hard work over the past few months and for the quality of last week's hearings. The quality of the questions and the ensuing debate were a testament to the important work the committee does and a testament to the valued leadership of Senator ARLEN SPECTER and Senator PATRICK LEAHY.

I had an opportunity to meet personally with John Roberts. He is someone with whom you can sit down and talk for hours about the law. He is genial and easy to get along with. He is a family man. While these are all wonderful qualities, it is not why I am voting for him.

I am voting for Mr. Roberts because he meets the criteria I have set out for judicial nominations, criteria I have used in assessing all judicial nominations that have come before this body.

When looking at the nomination of Mr. Roberts, I first asked: Does John Roberts have the qualifications or credentials to be a judge?

I think the answer to this question is obvious to anyone, and no one in this body will dispute it. Judge Roberts brings with him excellent credentials. He is a brilliant lawyer, and I was very impressed with his breadth of knowledge of the law. He has also, on multiple occasions, demonstrated a genuine understanding of the law.

I was also very impressed with his testimony before the Judiciary Committee. While some of my colleagues and I would have liked for Mr. Roberts to further explain some of his answers and positions, no one can dispute he has the ability to take this most prestigious post.

My second criteria: Will Mr. Roberts be of the right judicial temperament? As a lawyer who has argued in front of the U.S. Supreme Court 39 times, I believe Mr. Roberts has a high level of respect for the law, its institutions, and its traditions.

I am convinced, after spending time with Mr. Roberts, that he will conduct himself with the dignity befitting of a Supreme Court Justice and that he will lead the Federal judiciary with honor and integrity.

My third criteria: Will John Roberts be fair and impartial and not an activist? I want to believe the answer is yes.

I do not think it is any secret there are Members of this body, including myself, who were and still are in disagreement with some of President Reagan's domestic policies, especially pertaining to civil rights.

I, of course, was not in the Senate during the 1980s, and being a few years younger than Mr. Roberts, I was still in school when he was starting his legal career. I do not agree with many of the opinions Mr. Roberts expressed in his memos while serving in the Office of the U.S. Attorney General, but I can say that as a lawyer I have taken positions that were not my own but were my client's.

I can also say that time has a way of changing a man. It is my hope that

after 20 years of gaining life experience, John Roberts has a better understanding and appreciation of how important civil rights protections are to the survival of this country and that he has moved away from some of his earlier writings.

There will be people in my home State of Arkansas who are going to be very pleased that I am voting for Mr. Roberts. I will also face constituents who will be disappointed. I am sure those constituents will ask: Senator PRYOR, how can you be sure? How can you be sure, without broader explanations from Mr. Roberts, or without more documents, that he will vote this way or that way on an issue?

My answer to that is twofold. First, I do not believe it is my duty as a Senator to confirm only judges I believe are going to vote the way I want them to 100 percent of the time. My duty as a Senator is to use my discretion to put the best jurist possible on the bench. I believe we have achieved that threshold with John Roberts.

Just as importantly, I would answer those critical of my decision to support Judge Roberts by saying, you can never be 100 percent sure.

I have chosen, based upon the evidence I have, based on my talks with John Roberts, based on his testimony, to put my faith in Judge Roberts.

I have chosen to believe him when he says he is not an ideologue. I have chosen to believe he will uphold the Constitution above all else and that he will not let politics or personal agenda get in the way of his job.

I am certain in the years that follow there will be times I laud Justice Roberts' opinions, and there will be times I will be disappointed in his rulings. But I am confident I will never be disappointed in his integrity, his temperament, or his ability to conduct himself as a man of the Court, not as a man of politics. Therefore, I once again state my intention to vote for Judge Roberts when his nomination comes to the floor.

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

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

(The remarks of Mr. SANTORUM pertaining to the introduction of S. 1750 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SANTORUM. I yield the floor 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. REED. 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. REED. Mr. President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

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

#### LOW-INCOME HOME ENERGY ASSISTANCE

Mr. REED. Mr. President, headlines across the Nation warn of an impending disaster facing American families this winter—rising energy prices that could wipe out working-class families and seniors. The New York Times reports:

Energy Prices Lead Inflation, Overcoming Salary Increases.

The Wall Street Journal states:

Soaring Natural-Gas Prices Point to Record-High Electricity Costs.

USA Today states:

Heating Prices Loom as Problems this Winter.

Prior to Hurricane Katrina's devastation in the gulf region, Americans were facing record prices for oil, natural gas, and propane. Hurricane Katrina exacerbated these costs by damaging production platforms and ports and curtailing production at refineries in the Gulf of Mexico. Now Hurricane Rita threatens further damage and, in turn, price increases. Natural gas prices are hitting all-time highs, and crude oil and gasoline prices are again on the rise.

Consumers are feeling the price increases at the pump. But with winter looming, the full effect of these costs has yet to hit us.

In New England, the average heating cost for a family using heating oil is projected to reach \$1,666 during the upcoming winter. This represents an increase of \$403 over last winter's prices and \$714 over the winter heating season of 2003-2004, almost a \$1,000 increase in 2 years.

For a family using natural gas in the Midwest, prices are projected to hit \$1,568, representing an increase of \$611 over last year's prices and \$643 over the heating season of 2003-2004. The Mortgage Bankers Association expects steep energy costs could increase the number of missed payments and lost homes beginning later this year.

Yesterday, the State energy directors released a survey about the choices that LIHEAP households make when they face unaffordable energy bills. Of course, LIHEAP is the Low-Income Heating Assistance Program that we have authored and supported for many years in Congress. LIHEAP assists low-income Americans and seniors to ensure they can face these prices.

According to the survey by the State energy directors, 73 percent of the households surveyed reported they reduce expenses for other necessities because they do not have enough money to pay for their energy bills. These other necessities are food, prescription drugs, rent, or mortgage payments. In

fact, one in five LIHEAP households reported they went without food at least 1 day over the last 5 years due to unaffordable energy bills. Twenty-four percent used their stove or oven to provide heat because they could not fill the tanks to provide heat.

On Monday, I visited the home of Aram Ohanian, an 88-year-old veteran who lives in Rhode Island and whose monthly income consists of \$779 in Social Security payments. Money is so tight that Mr. Ohanian sometimes eats at his daughter's house or goes to a local soup kitchen for food. He also gets help from a local food bank. Last year, Mr. Ohanian received a total of \$600 in LIHEAP grants to help him keep his home safe and warm. But even with that assistance, he had to close off parts of his house to reduce energy costs.

In communities throughout this Nation, Mr. Ohanian's story repeats itself. The warning has been issued. We know that prices for energy products are on the rise. We can all foretell the next disaster facing American families. The question is, What will we do to protect these Americans from this upcoming energy storm?

We saw the most vulnerable Americans overwhelmed by rising waters in New Orleans. If we do nothing, we can see other vulnerable Americans overwhelmed by rising energy prices this winter.

First, Senator COLLINS and I, joined by 39 colleagues, are calling on the President and Congress to support \$1.3 billion in emergency LIHEAP funding in the comprehensive supplemental appropriations package for Hurricane Katrina. This funding will provide our Nation's most vulnerable low-income families, seniors, and disabled individuals with affordable energy this winter. This is the additional funding—let me stress additional funding—needed for LIHEAP to maintain the purchasing power it had last year. This money is on top of the \$3 billion we are seeking for the LIHEAP State grant program in the fiscal year 2006 Labor-HHS appropriations bill; the regular LIHEAP funding, if you will.

States are bracing for a crisis caused by the lack of affordable energy, and this funding will ensure low-income families and seniors have warm homes this winter.

Last year, a Rhode Islander receiving \$400 in LIHEAP funds could buy approximately 235 gallons of heating oil, almost a full tank. At \$2.60 a gallon, \$400 will only buy about 150 gallons of oil, a little over half a tank, which might only last about 2½ weeks. And, indeed, the \$2.60 price in Rhode Island is a hard price to find now from oil dealers.

Rhode Island's LIHEAP program estimates the State needs \$21 million to serve the 27,000 households it helped last year. I urge all of my colleagues to join Senator COLLINS and me to support our efforts to secure \$4.3 billion for LIHEAP funding this winter.

Second, we need to invest in energy efficiency. The Weatherization Assistance Program is vital to these efforts. The Weatherization Assistance Program has weatherized 5.3 million homes in the United States during its history, including 30,500 in my State of Rhode Island. The program, on average, saves families \$274 per year and reduces heating bills by 31 percent. Rhode Island's program alone has saved the United States an equivalent of 43 days' worth of oil consumption, or an equivalent of 81 days of gas consumption over the course of the life of this program.

Now is the time to expand this and other energy efficiency programs to serve these families. This is one of those programs that benefits not only individuals of the family by keeping them warm, by saving them money, but collectively benefits this country because one of our great problems is our accelerating demand for energy which drives up prices. If we can control that demand, if we can be more efficient in the use of energy, we can go a long way to help moderate the prices of energy that we face.

In America—one of the wealthiest nations in the world—no family should have to choose between heating their home and putting food on the table for their child. No senior citizen should have to decide to either buy lifesaving prescription drugs or pay their electric bill. But, unfortunately, our Nation's most vulnerable households—working families, seniors living on fixed incomes, and disabled individuals—have to make those very choices.

Third, we need to pass Senator CANTWELL's Energy Emergency Consumer Protection Act, of which I am a co-sponsor. The legislation would ban price gouging at the gas pump in the wake of natural disasters, such as Hurricane Katrina, and would empower Federal regulators to ensure greater market transparency and go after market manipulation of oil and gas prices on an everyday basis.

The administration also must begin to rethink its bankrupt energy policies. Reliable, affordable energy is critical to the social and economic well-being of our Nation. Total energy spending for the Nation this year will approach \$1 trillion, 24 percent higher than in 2004. Energy will claim the biggest share of U.S. output since the end of the oil crisis 20 years ago. This is not good energy policy.

Americans deserve a better energy bill than the one President Bush signed this summer. They deserve an energy bill that raises fuel efficiency standards and provides for oil savings, an energy bill that invests valuable tax dollars—those currently being handed out unnecessarily to oil and gas companies—into the development of renewable fuels and energy efficiency.

Oil and natural gas companies are making record profits while energy prices are overcoming workers' salary increases. These companies do not need

billions of dollars from the Federal Treasury.

The American public deserves greater accountability to ensure oil companies are not engaging in anticompetitive behavior, such as closing down refining capacity to drive up prices.

Hurricane Katrina demonstrated the economic, social, and racial divides that exist in America. As a nation, we must step back and reevaluate our priorities. Now is not the time to cut funding for or underfund social programs, such as LIHEAP, Medicaid, and food stamps, that support working families and seniors while the President proposes tax breaks for casinos, as the Washington Post reported this morning. We must prioritize, and the most vulnerable amongst us must be considered first.

Hurricane Katrina upset the lives of millions, displacing families from their homes and inflicting severe economic damage. The people of the gulf region deserve our continued support as they rebuild, and as Hurricane Rita threatens the gulf coast of Texas, we must also be prepared to help those Americans affected in its wake.

We cannot, however, forget the millions of Americans who struggle each day to make ends meet. They also deserve our support. I hope the President and the Congress will heed this warning and help build an energy safety net for all Americans beginning with adequate funding for LIHEAP, increasing investment in weatherization, passing sensible legislation such as the Cantwell bill, and revisiting our overall energy policy to make a stronger, more fair, and a more decent place for all of us.

Mr. President, I yield the floor. I note 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 the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Minnesota is recognized.

Mr. DAYTON. I thank the Chair.

(The remarks of Mr. DAYTON pertaining to the introduction of S. 1756 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DAYTON. 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. OBAMA. 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.

#### NOMINATION OF JOHN ROBERTS

Mr. OBAMA. Mr. President, thank you very much.

First of all, let me congratulate Senator SPECTER and Senator LEAHY for moving the process of confirming the nomination of Judge Roberts along with such civility, a civility that I believe speaks well of the Senate.

Let me also say that I remain distressed that the White House during this confirmation process, which overall went smoothly, failed to provide critical documents as part of the record that could have provided us with a better basis to make our judgment with respect to the nomination. This White House continues to stymie efforts on the part of the Senate to do its job. I hope with the next nominee who comes up for the Supreme Court that the White House recognizes that in fact it is its duty not just to the Senate but to the American people to make sure we can thoroughly and adequately evaluate the record of every single nominee who comes before us.

Having said that, the decision with respect to Judge Roberts' nomination has not been an easy one for me to make. As some of you know, I have not only argued cases before appellate courts but for 10 years was a member of the University of Chicago Law School faculty and taught courses in constitutional law. Part of the culture of the University of Chicago Law School faculty is to maintain a sense of collegiality between those people who hold different views. What engenders respect is not the particular outcome that a legal scholar arrives at but, rather, the intellectual rigor and honesty with which he or she arrives at a decision.

Given that background, I am sorely tempted to vote for Judge Roberts based on my study of his résumé, his conduct during the hearings, and a conversation I had with him yesterday afternoon.

There is absolutely no doubt in my mind Judge Roberts is qualified to sit on the highest court in the land. Moreover, he seems to have the comportment and the temperament that makes for a good judge. He is humble, he is personally decent, and he appears to be respectful of different points of view. It is absolutely clear to me that Judge Roberts truly loves the law. He couldn't have achieved his excellent record as an advocate before the Supreme Court without that passion for the law, and it became apparent to me in our conversation that he does, in fact, deeply respect the basic precepts that go into deciding 95 percent of the cases that come before the Federal court—adherence to precedence, a certain modesty in reading statutes and constitutional text, a respect for procedural regularity, and an impartiality in presiding over the adversarial system. All of these characteristics make me want to vote for Judge Roberts.

The problem I face—a problem that has been voiced by some of my other colleagues, both those who are voting for Mr. Roberts and those who are voting against Mr. Roberts—is that while

adherence to legal precedent and rules of statutory or constitutional construction will dispose of 95 percent of the cases that come before a court, so that both a Scalia and a Ginsburg will arrive at the same place most of the time on those 95 percent of the cases—what matters on the Supreme Court is those 5 percent of cases that are truly difficult. In those cases, adherence to precedent and rules of construction and interpretation will only get you through the 25th mile of the marathon. That last mile can only be determined on the basis of one's deepest values, one's core concerns, one's broader perspectives on how the world works, and the depth and breadth of one's empathy.

In those 5 percent of hard cases, the constitutional text will not be directly on point. The language of the statute will not be perfectly clear. Legal process alone will not lead you to a rule of decision. In those circumstances, your decisions about whether affirmative action is an appropriate response to the history of discrimination in this country or whether a general right of privacy encompasses a more specific right of women to control their reproductive decisions or whether the commerce clause empowers Congress to speak on those issues of broad national concern that may be only tangentially related to what is easily defined as interstate commerce, whether a person who is disabled has the right to be accommodated so they can work alongside those who are nondisabled—in those difficult cases, the critical ingredient is supplied by what is in the judge's heart.

I talked to Judge Roberts about this. Judge Roberts confessed that, unlike maybe professional politicians, it is not easy for him to talk about his values and his deeper feelings. That is not how he is trained. He did say he doesn't like bullies and has always viewed the law as a way of evening out the playing field between the strong and the weak.

I was impressed with that statement because I view the law in much the same way. The problem I had is that when I examined Judge Roberts' record and history of public service, it is my personal estimation that he has far more often used his formidable skills on behalf of the strong in opposition to the weak. In his work in the White House and the Solicitor General's Office, he seemed to have consistently sided with those who were dismissive of efforts to eradicate the remnants of racial discrimination in our political process. In these same positions, he seemed dismissive of the concerns that it is harder to make it in this world and in this economy when you are a woman rather than a man.

I want to take Judge Roberts at his word that he doesn't like bullies and he sees the law and the Court as a means of evening the playing field between the strong and the weak. But given the gravity of the position to which he will undoubtedly ascend and the gravity of

the decisions in which he will undoubtedly participate during his tenure on the Court, I ultimately have to give more weight to his deeds and the overarching political philosophy that he appears to have shared with those in power than to the assuring words that he provided me in our meeting.

The bottom line is this: I will be voting against John Roberts' nomination. I do so with considerable reticence. I hope that I am wrong. I hope that this reticence on my part proves unjustified and that Judge Roberts will show himself to not only be an outstanding legal thinker but also someone who upholds the Court's historic role as a check on the majoritarian impulses of the executive branch and the legislative branch. I hope that he will recognize who the weak are and who the strong are in our society. I hope that his jurisprudence is one that stands up to the bullies of all ideological stripes.

Let me conclude with just one more comment about this confirmation process.

I was deeply disturbed by some statements that were made by largely Democratic advocacy groups when ranking member Senator LEAHY announced that he would support Judge Roberts. Although the scales have tipped in a different direction for me, I am deeply admiring of the work and the thought that Senator LEAHY has put into making his decision. The knee-jerk unbending and what I consider to be unfair attacks on Senator LEAHY's motives were unjustified. Unfortunately, both parties have fallen victim to this kind of pressure.

I believe every Senator on the other side of the aisle, if they were honest, would acknowledge that the same unyielding, unbending, dogmatic approach to judicial confirmation has in large part been responsible for the kind of poisonous atmosphere that exists in this Chamber regarding judicial nominations. It is tempting, then, for us on this side of the aisle to go tit for tat.

But what I would like to see is for all of us to recognize as we move forward to the next nominee that in fact the issues that are confronted by the Supreme Court are difficult issues. That is why they get up to the Supreme Court. The issues facing the Court are rarely black and white, and all advocacy groups who have a legitimate and profound interest in the decisions that are made by the Court should try to make certain that their advocacy reflects that complexity. These groups on the right and left should not resort to the sort of broad-brush dogmatic attacks that have hampered the process in the past and constrained each and every Senator in this Chamber from making sure that they are voting on the basis of their conscience.

Thank you very much, Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Texas, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

#### RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. In my capacity as a Senator from the State of Texas, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 6:44 p.m., recessed subject to the call of the Chair and reassembled at 7:06 p.m. when called to order by the Presiding Officer (Mr. ALLEN).

The PRESIDING OFFICER. In my capacity as a Senator from the Commonwealth of Virginia, I suggest the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### HURRICANE TAX RELIEF

Mr. FRIST. Mr. President, last night we cleared by unanimous consent the Grassley-Baucus Hurricane Tax Relief package.

In the wake of Hurricane Katrina—and with Hurricane Rita now bearing down—this legislation is sorely needed.

I want to thank Senator GRASSLEY, Senator BAUCUS and Senator LOTT for their hard work and leadership to get immediate assistance to the hurricane victims.

All of America is pulling together to support the people of Alabama, Louisiana, and Mississippi.

Since Hurricane Katrina devastated the Gulf Coast, Americans from all walks of life, from all across the country, have poured out their hearts to help.

In just 3 weeks, private citizens and businesses have donated hundreds of millions of dollars to assist in the relief and recovery effort.

Schools across the country are opening their doors to the thousands of displaced students.

Communities are taking up collections of blankets, clothes, toys, and food.

Families are literally opening their homes to shelter and comfort the survivors.

In the past three weeks, I've had the opportunity to see, firsthand, America's compassion at work.

In the first week after the hurricane hit, I traveled to the gulf to do volunteer medical work. I flew to the New Orleans airport and met up with medical colleagues I know from Vanderbilt and Boston.

Many had been so moved by the stories they saw and read in the news that

they voluntarily organized themselves to head to the Gulf Coast to offer their help.

I met Knox County volunteers from my home State who had been flying helicopter missions for days.

I saw a constant stream of people pitching in, helping out, and providing spiritual and material comfort.

The bill we passed vitally supports and rewards this tremendous charity.

It recognizes that every sector of civic life is engaged in the massive recovery effort.

For example, families who are housing hurricane survivors will be eligible to receive a personal tax exemption of \$500 for every Katrina victim they take in.

The bill encourages even more cash donations by waiving the income limits that are otherwise discouraging.

The Grassley-Baucus package also rewards contributions from the business sector.

Katrina is estimated to have swept away 400,000 jobs. Under this bill, companies that hire displaced workers are eligible to receive a Working Opportunity Tax Credit of up to \$2400 per employee.

Hundreds of schools are also in desperate need of extra school books for the wave of displaced students coming through their doors.

Under this legislation, companies can receive an enhanced deduction for donating books until the new year. Food donations will also receive an enhanced deduction.

As another way to promote cash donations, the bill increases by 50 percent the amount of cash contributions a company can deduct.

The Grassley-Baucus package also offers help to the hurricane victims, themselves, in both time and money.

It allows families to dip into their retirement funds without penalty so that they can make ends meet while they struggle to regain their footing.

It also makes sure that if a mortgage company or credit card company, for example, decides to forgive a loan or a debt, there won't be any income tax due on that amount.

Another important provision of the bill is its extension of time.

All of these families need time to find a place to live, to get a job, to get back on their feet and rebuild their lives.

To help ease the pressure, people whose homes are located in the presidentially-declared disaster area will have up to 5 years to purchase new property.

Their tax filing deadline will be extended until February of next year.

These are only first steps. But they're important first steps that lift some of the pressure on these traumatized families.

I want to assure these good people that the United States Senate remains hard at work and focused on helping them recover. We are committed to the well being of our fellow citizens.

America is a family. And we pull together in times of need. And we will grow closer, stronger and more compassionate as we confront the challenges ahead.

#### PATRICIA LYNCH

Mr. REID. Mr. President, I rise to pay tribute to Patricia Lynch and to recognize the contributions of Ms. Lynch to the State of Nevada. Patricia Lynch was first elected Reno City Attorney in 1987 and is currently serving her fifth term. She is a tremendous asset to our community and Nation.

For the past 20 years Ms. Lynch has demonstrated a commitment to public service. She has performed countless hours of service to communities in northern Nevada and helped to coordinate and direct the efforts of local charitable organizations.

Patricia began her career in public service as a legislative assistant to Representative John E. Moss from 1975 to 1977 in the United States House of Representatives; she is a current member of the board of directors of the John E. Moss Foundation.

Patricia has also demonstrated unwavering commitment to protecting the rights of women. She is a founding member and 1993 president of Northern Nevada Women Lawyers Association. Her membership on Nevada statewide boards includes the Nevada Prosecution Advisory Council, Nevada Domestic Violence Prevention Council, and the Nevada Commission on Domestic Violence.

In addition to her local and civic contributions, Patricia has served as an ambassador for the United States within the international legal community. She is a member of the World Jurist Association, WJA, and has presented papers at WJA conferences in Kiev, Ukraine in 1998 and Budapest, Hungary in 1999. She has also served as the moderator for local government law panels at WJA conferences in Budapest, Hungary in 1999, Dublin, Ireland in 2001, and Adelaide, Australia in 2003. In January 2003, Patricia participated in hosting the City Planner from Kabul, Afghanistan in a tour of wastewater and drinking water facilities in Reno, NV.

I hope you will join with me in honoring the outstanding achievements of Patricia Lynch and the selfless life she chose.

#### THIRD ANNUAL CONGRESSIONAL CONFERENCE ON CIVIC EDUCATION

Mr. REID. Mr. President, Justice Louis Brandeis once said, "The only title in our democracy superior to that of President is the title of citizen." This statement illustrates the paramount importance that the citizen plays within these United States. And, as such, we must continue to learn and teach what it means to be a good citizen.

"Civic education" is the term used to describe the transmitting of knowledge

and skills necessary for people to become responsible citizens. And our democracy is sustained and strengthened when our citizens have these skills and tools. In fact, there is no more important or urgent task than preparing this and future generations of Americans to maintain our democracy.

To advance the continuing importance of civic education, I am pleased to announce that the Joint Leadership of the Congress of the United States will host the Third Annual Congressional Conference on Civic Education on September 24-26 here in Washington, DC.

The Congressional Conference on Civic Education will bring together educators and experts from all across the country who work to promote civic education and civic engagement at the state and local levels. I am pleased to serve as honorary host for the conference, along with Majority Leader FRIST, Speaker HASTERT, and Leader PELOSI.

The 2005 Congressional Conference on Civic Education will emphasize the state of civic education in America. In an effort to restore the civic mission of schools, each State is working on creating a plan to promote civic education and engagement. Conferees will work to build upon these foundations built by participants and State delegations from the past two conferences.

The Congressional Conference on Civic Education is the third of five annual conferences planned to focus public attention on the state of civic education in America's public schools. This conference is sponsored by the nonpartisan Alliance for Representative Democracy, and consists of the National Conference of State Legislatures, the Center on Congress at Indiana University and the Center for Civic Education. Through an act of Congress, the Alliance is funded by the Department of Education.

I am honored to recognize the work of the Nevada delegation. The Nevada Campaign for the Civic Mission of Schools is building on the previous success of the Nevada Commission on Participatory Democracy. The Nevada Campaign has completed a benchmark survey regarding the state of civic education in the State and is planning the First Nevada Civic Education Summit for this December. Thanks to the efforts of congressional conference delegate, Senator Valerie Wiener, a resolution was passed by the Nevada Legislature this year supporting efforts of the Nevada Department of Education in increasing the role of civics in the Nevada schools curriculum.

I find it particularly appropriate that the Congressional Conference on Civic Education convenes this week. Just last week, on September 17, we observed Constitution Day, celebrating the brilliance of our founding document and the essential role citizens play in our democracy.

I am sure that the congressional leadership joins me in expressing grati-

tude to the many educators and State delegations that make this conference possible. We thank them for their time and commitment to this important endeavor. We look forward to learning about their ideas and hearing of the progress made at next year's conference.

Among those delegates who are in Washington, DC, are the following, whose names I ask unanimous consent to have printed in the RECORD.

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

Alabama: Ms. Janice A. Cowin, State Facilitator; Ms. Rebecca Beaty, Executive Director, The American Village Citizenship Trust; Representative Priscilla Dunn, Alabama House of Representatives; Dr. Ethel Hall, Vice-President, Alabama State Board of Education; Dr. William P. Collins, Professor, Samford University.

Alaska: Ms. Mary Bristol, State Facilitator; Mr. Macon Roberts, Treasurer, Anchorage School Board; Dr. Carl F. N. Rose, Executive Director, Association of Alaska School Boards; Ms. Krista Scully, Pro Bono Director, Alaska Bar Association; Mr. David Baranow, Chair, Law Related Education Committee, Alaska Bar Association.

Arizona: Senator Tim Bee, State Facilitator, Majority Leader, Arizona Senate; Mrs. Lynda Rando, Assistant State Facilitator; Representative Mark Anderson, Arizona House of Representatives; Ms. Kathleen Williams, Retired Teacher, Mesa Schools; Senator Linda Gray, Arizona State Senate; Mr. Jeffrey Schrade, Director, LRE, Arizona Foundation for Legal Services & Education; Representative Jennifer Burns, Arizona House of Representatives.

Arkansas: Ms. Barbara Patty, State Facilitator; Representative Betty Pickett, Arkansas House of Representatives; Ms. Suzanne McPherson, Director of Special Programs, Van Buren School District; Mr. Frank Smith, Social Studies Supervisor, Pulaski County Schools; Ms. Margaret Herrick, Social Studies Specialist, Arkansas Department of Education.

California: Mr. Roy Erickson, State Facilitator; Mr. David W. Gordon, Sacramento County Superintendent of Schools; Mrs. Michelle Herczog, Consultant, Los Angeles County Office of Education; Mr. Todd Clark, Executive Director, Constitutional Rights Foundation. Dr. Darline Robles, Superintendent, Los Angeles County Office of Education; Mr. Gary K. Hart, Institute for Education Reform, California State University; Mr. Michael Hulsizer, Administrator, Kern County Superintendent of Schools; Mr. Michael Ricketts, Chief Consultant, California Assembly Committee on Education; Ms. Julie Sauls, Chief of Staff, Office of Assemblyman Kevin McCarthy; Dr. William Cirone, County Superintendent, Santa Barbara County.

Colorado: Ms. Barbara Miller, State Facilitator; Mrs. Maria Garcia-Berry, President, CRL Associates; Representative David Balmer, Colorado General Assembly; Senator Sue Windels, Colorado General Assembly; Ms. Jill Conrad, Director, Colorado Canopy; Dr. Jane Urschel, Associate Executive Director, Colorado Association of School Boards.

Connecticut: Dr. James Schmidt, State Facilitator; Ms. Sheila McKay, Government Relations, Connecticut Association of Boards of Education; Ms. Mary Skelly, Social Studies Coordinator, Vocational-Technical School System; Ms. Martha Press, Supervisor of Social Studies, Stratford Public Schools.

Delaware: Mr. Lewis Huffman, State Facilitator; Mr. Reginald Greenwald,

Collette Educational Resource Center; Mr. Ed Freel, Director of Policy, University of Delaware, IPA; Mr. Fran O'Malley, Delaware Social Studies Education Project, University of Delaware.

District of Columbia: Ms. Deborah Foster, State Facilitator; Honorable Royce Lamberth, Judge, U.S. District Court; Doug Alexander, Newspapers in Education Coordinator, Washington Times; Ms. Carla Cartwright, Attorney, McKee, Nelson, LLP; Mr. John Cruden, President District of Columbia Bar Association; Ms. Jacquelyn Davis, Executive Director, New Leaders for New Schools.

Florida: Ms. Annette Boyd Pitts, State Facilitator; Honorable Barbara Pariente, Chief Justice, Supreme Court of Florida; Mr. John Doyle, Director, Division of Social Sciences, Dade County Public Schools; Ms. Dianne Wheatley Gilotti, President, Florida League of Women Voters; Ms. Levon Terrell, Social Studies Program Specialist, FL Dept. of Education; Honorable Peggy A. Quince, Justice, Supreme Court of Florida; Ms. Mary Chiles, Office of U.S. Senator Bill Nelson.

Georgia:

Ms. Mary Stakes, State Facilitator; Representative David Casas, Georgia House of Representatives; Dr. Bill Cranshaw, Social Studies Program Specialist; Mr. Eddie Bennett, Social Studies Supervisor, Cobb County Public Schools; Mr. William Cheeks, Businessman; Senator Daniel Weber, Georgia State Senate; Ms. Shalynda Warren, Regional Voting Education Coordinator.

Hawaii: Representative Lyla Berg, State Facilitator, Hawaii House of Representatives; Mr. Robert McClelland, Planning and Evaluation, Hawaii State Department of Education; Senator Norm Sakamoto, Hawaii State Senate Representative; Roy Takumi, Hawaii House of Representatives; Mr. Roger Takabayashi, President, Hawaii State Teacher's Association.

Idaho: Dr. Dan Prinzing, State Facilitator Justice; Linda Copple Trout, Idaho Supreme Court; Mrs. Parra Byron, Education Policy Advisor, Office of the Governor; Dr. Marilyn Howard, State Superintendent of Public Instruction; Ms. Linda Clark, Superintendent, Meridian Schools.

Illinois: Dr. Patton Feichter, State Facilitator; Dr. Darlene Ruscitti, Regional Superintendent, DuPage County Schools; Dr. Carolyn Pereira, Executive Director, Constitutional Rights Foundation Chicago; Dr. Steven Klein, State Coordinator, Law Related Education, Elgin School District; Representative Suzanne Bassi, Illinois House of Representatives; Representative William Davis, Illinois House of Representatives; Mr. Jesse Ruiz, Chairman, Illinois State Board of Education.

Indiana: Mr. Peter Bomberger, State Facilitator; Dr. John Patrick, Indiana University; Dr. Suellen Reed, Superintendent of Public Instruction, Indiana Department of Education; Senator Theresa Lubbers, Indiana State Senate; Representative Robert Behning, Indiana House of Representatives; Mr. Dennis Lee, Birmingham & McHale Law Firm; Ms. Jill Baisinger, Social Studies Coordinator, Indiana Department of Education.

Iowa: Mr. Jason Follett, State Facilitator; Senator Paul McKinley, Iowa State Senator; Ms. Dianne Bystrom, Iowa State University.

Kansas: Ms. Lynn Stanley, State Facilitator; Mr. Paul Stuewe, Teacher, Lawrence High School; Dr. Dan C. Yunk, CEO, Kansas Fann Bureau; Mr. Rick Reed, Educator, McPherson High School; Dr. Randall Watson, Superintendent, McPherson School District; Senator Roger Retiz, Kansas State Senate.

Kentucky: Dr. Deborah Williamson, State Facilitator; Honorable Trey Grayson, Secretary of State of Kentucky; Ms. Natalie



Stiglitz, Social Studies Coordinator, Kentucky Department of Education; Ms. Robin Chandler, Branch Manager, Kentucky Department of Education; Representative Tanya Pullin, Kentucky House of Representatives; Ms. Polly Page, Northern Kentucky University; Senator Jack Westwood, Kentucky State Senate.

Louisiana: Ms. Maria Yiannopoulos, State Facilitator; Senator Gerald Theunissen, Louisiana Senate; Mr. E. Wade Shows, Attorney at Law.

Maine: Mr. Patrick Phillips, State Facilitator; Kala Clark, Legislative Youth Advisory Board; Kathryn Hunt, University of Maine; Theodore Sharp, Superintendent of Schools, Gorham, ME; Representative Stephen Bowen, Maine House of Representatives.

Maryland: Ms. Marcie Taylor-Thoma, State Facilitator; Ms. Sharon Cox, President, Montgomery County Board of Education; Delegate David Rudolph, Maryland House of Delegates; Mrs. Julie Ayers, Student Learning Specialist, Maryland State Department of Education; Senator Gwendolyn Britt, Maryland General Assembly.

Massachusetts: Ms. Diane Palmer, State Facilitator; Senator Richard T. Moore, Massachusetts Senate; Mr. Sheldon Berman, Superintendent, Hudson Public Schools; Ms. Susan Whittle, Director, Office for the Humanities, Massachusetts Department of Education; Mr. Roger Desrosiers, Social Studies Teacher, Millbury High; School Representative Michael Rush, Massachusetts House of Representatives.

Michigan: Ms. Linda Start, State Facilitator; Mr. Chris Siebenmark, Office of Senator Ron Jelinek; Mrs. Kathleen Straus, President, State Board of Education; Representative Hoon-Yung Hopgood, Michigan House of Representatives.

Minnesota: Ms. Jennifer Bloom, State Facilitator; Ms. Juanita Peterson, 1st Vice President, League of Women Voters Minnesota; Ms. Dana Carmichael, Minneapolis Public Schools; Senator Jim Greenwalt, Minnesota State Senate; Mr. Richard Theisen, Past President, National Council for the Social Studies.

Mississippi: Dr. Susie Burroughs, State Facilitator; Ms. Judith Couey, Curriculum Director, Mississippi Department of Education; Dee Chambliss, Assistant Secretary of State for Education & Publications.

Missouri: Ms. Millie Aulbur, State Facilitator; Ms. Leslye Winslow, Deputy Secretary of State for Elections, Office of the Secretary of State; Mr. Stan Johnson, Missouri Department of Elementary and Secondary Education; Senator Gary Nodler, Missouri General Assembly; Ms. Melissa Randol, Associate Executive Director of Law, Missouri School Boards Association; Representative Danielle Moore, Missouri House of Representatives.

Montana: Dr. Bruce Wendt, State Facilitator; Senator Sam Kitzenberg, Montana Senate; Ms. Brenda Wahler, Attorney, State of Montana Child and Family Services; Representative Gary Branae, Montana House of Representatives; Honorable Linda McCulloch, State Superintendent of Education; Honorable Brad Johnson, Montana Secretary of State.

Nebraska: Mr. Mitch McCartney, State Facilitator; Senator DiAnna Schimek, Member, Nebraska Unicameral Legislature; Joe Rowson, Assistant Vice President, University of Nebraska; Mr. Ken Meyers, 9th Grade Social Studies Teacher, Wilcox-Hildreth High School; Mr. Larry K. Starr, Director of Social Science Education, Nebraska Department of Education; Ms. Doris Huffman, Nebraska State Bar Foundation.

Nevada: Ms. Judith Simpson, State Facilitator; Senator Valerie Wiener, Nevada

State Senate; Assemblywoman Bonnie Parnell, Nevada Assembly; Mr. Steve George, Public Information Officer, Office of the Secretary of State; Dr. Keith Rheault, Nevada Superintendent of Schools.

New Hampshire: Mr. Mica B. Stark, New Hampshire Institute of Politics, State Facilitator; Ms. Debby Scire, Executive director, Campus Compact, New Hampshire; Mr. Kenneth Relihan, Social Studies Consultant, New Hampshire Department of Education; Ms. Debra Hamel, New Hampshire State Board of Education.

New Jersey: Ms. Arlene Gardner, State Facilitator; Ms. Debra Casha, Vice President, New Jersey State Board of Education; Mr. Phillip Brown, Center for Character Education at Rutgers; Mr. Ramon De La Cruz, Director, Division of Elections, Office of the Attorney General; Assemblyman Craig A. Stanley, New Jersey General Assembly.

New Mexico: Ms. Dora Marroquin, State Facilitator, Secretary Rebecca Vigil-Giron, New Mexico Secretary of State; Patricia Concannon, Social Studies Consultant, New Mexico Department of Education; Ms. Jennifer MacDonald, Curriculum Director; Representative; Teresa Zanetti, New Mexico House of Representatives; Ms. Leah Gutierrez Wier Instructional Manager, Albuquerque Public Schools.

New York: Dr. Stephen Schecter, State Facilitator; Ms. Rita Lashway, Deputy Executive Director, New York State School Boards Association; Dr. John Bierwirth, Superintendent, Herricks Union Free School District; Mr. Carl Onken, President Elect, New York State School Boards Association; Ms. Deborah Shayo, Director, Law, Youth & Citizenship Program, New York State Bar Assn.; Mr. Timothy Backus, Supervisor, Social Studies, South Colonie Central School District.

North Carolina: Ms. Kelley O'Brien, State Facilitator; Representative Susan Fisher, North Carolina House of Representatives; Representative Rick Glazier, North Carolina House of Representatives; Ms. Margot Christensen, North Carolina League of Municipalities; Ms. Mollie Henderson, Social Studies Consultant, North Carolina Department of Public Instruction; Ms. Sandra Cook, Newspapers in Education, NC Press Foundation.

North Dakota: Dr. Phil Harmeson, Co-State Facilitator; Senator Ray Holmberg, Co-State Facilitator, North Dakota Senate; Honorable Wayne Stenehjem, Attorney General, State of North Dakota; Mr. Neil Howe, Director, Division of Independent Study; Representative Rae Ann Kelsch, North Dakota House of Representatives; Honorable Mary Maring, Justice, North Dakota Supreme Court.

Ohio: Mr. Jared Reitz, State Facilitator; Ms. Linda Petz, Consultant for Social Studies, Stark Educational Service Center; Representative Dixie Allen, Ohio House of Representatives; Mr. Frank Underwood, Special Projects and Initiatives, Ohio Community Service Council; Ms. Lisa Duty, Education Consultant, Ohio Department of Education; Ms. Patricia Allen Day, Executive Director, Secondary Education, Dayton Public Schools.

Oklahoma: Ms. Lisa Pryor, State Facilitator; Representative Gary Banz, Oklahoma House of Representatives; Ms. Gina Wekke, Campus Compact/Academic Affairs, OK State Regents for Higher Education; Representative Bill Nations, Oklahoma House of Representatives; Dr. Teena Nations, Director, Professional Development, OK Commission on Teacher Preparation; Ms. Jean Hendrickson, Executive Director, Oklahoma A+ Schools.

Oregon: Ms. Barbara Rost, State Facilitator; Ms. Marilyn Cover, Executive

Director, Classroom Law Project; Representative Linda Flores, Oregon House of Representatives; Ms. Kathleen Cornett, Oregon Community Foundation; Ms. Cynthia Guyer, Executive Director, Portland Schools Foundation.

Pennsylvania: Ms. Stephanie McKissic, State Facilitator; Ms. Sue Perrotty, Chief of Staff, First Lady of Pennsylvania; Representative Dwight Evans, Pennsylvania House of Representatives; Ms. Sabrina Holloway, Office of Representative Dwight Evans; Mr. Jeffrey Zeiders, Pennsylvania Department of Education; David Trevasakis, Executive Director LEAP Kids PA.

Rhode Island: Mr. Michael Trofi, State Facilitator; Mr. James Parisi, Rhode Island Federation of Teachers & Health Professionals; Representative Edwin Pacheco, Rhode Island General Assembly; Senator Juan Pichardo, Rhode Island General Assembly; Representative Hanna Gallo, Rhode Island General Assembly.

South Carolina: Ms. Beth DeHart, South Carolina Bar Association; Mr. James Bryan, Social Studies Coordinator; Senator Robert Hayes, South Carolina State Senate; Dr. Paul Home, Director of Curriculum and Program Review, Education Oversight Committee; Mr. Matthew Gates, Staff Attorney SC House of Representatives; Senator John W. Matthews, South Carolina State Senate.

South Dakota: Dr. John Lyons, State Facilitator; Representative Gerald Lange, South Dakota House of Representatives; Mrs. Glena Fouberg, President, State Board of Education; Representative Keri Weems, South Dakota House of Representatives; Ms. Patty Pearson, Executive Director, Kids Voting South Dakota.

Tennessee: Ms. Janis Kyser, State Facilitator; Dr. Ashley Smith, President, Tennessee Association of Middle Schools; Mr. Bruce Opie, Legislative Liaison, Tennessee Department of Education; Mr. Al Mance, Executive Director, Tennessee Education Association; Ms. Brenda Ables, Social Studies Specialist, Tennessee Department of Education.

Texas: Mrs. Jan Miller, State Facilitator; Ms. Patricia Ann Hardy, Texas State Board of Education; Mr. George Rislov, Managing Director, Curriculum Development, Texas Education Agency; Ms. Michelle Ungurait, Director of Social Studies, Curriculum Division, Texas Education Agency; Ms. Mary Lee Webeck, Assistant Professor, University of Texas at Austin.

Utah: Ms. Kathy Dryer, State Facilitator; Representative LaVar Christensen, Utah House of Representatives; Judge Judith Billings, Utah Court of Appeals; Mr. Ed Dalton, Member, Utah State Board of Education; Senator Karen Hale, Utah State Senate; Mr. Alan Griffin, Civic, Character and Service-Learning Specialist, Utah State Office of Education.

Vermont: Vee Gordon, State Facilitator; Secretary Deborah L. Markowitz, Secretary of State; Mr. Robert Paolini, Executive Director, Vermont Bar Association; Ms. Janel Johnson, Civic Education Coordinator, Office of the Secretary of State, State of Vermont; Senator Donald Collins, Vermont State Senate; Mr. William Corrow, Vice-Chairman, Vermont Board of Education; Representative Kathy Lavole, Vermont House of Representatives; Margaret Sanchez, The Vermont Youth Engagement Coalition; Mr. Kevin Ryan, Director of Education and Communication, Vermont Bar Association.

Virginia: Dr. Barbara Parry, Co State Facilitator; Dr. Steve Bragaw, Co State Facilitator; Ms. Beverly Thurston, Specialist-History, Social Sciences, Virginia Department of Education; Delegate James Dillard, Virginia General Assembly.

Washington: Mrs. Kathy Hand, State Facilitator; Mr. Steve Mullin, President,

Washington Roundtable; Representative David Upthegrove, Washington House of Representatives; Representative Dave Quall, Washington House of Representatives; Dr. Robert Butts, Assistant Superintendent, Office of the Superintendent of Public Instruction.

West Virginia: Mrs. Priscilla Haden, State Facilitator, Member, State Board of Education; Delegate Tom Campbell, West Virginia House of Delegates; Mr. Ben Beakes, Chief of Staff, West Virginia Secretary of State; Mr. Bill Thomas, West Virginia Legislative Reference and Information Center; Ms. Regina Scotchie, Social Studies Coordinator, West Virginia Department of Education.

Wisconsin: Ms. Dee Runaas, State Facilitator; Dr. Diana Hess, Assistant Professor, University of Wisconsin; Honorable Elizabeth A. Burmaster, State Superintendent; Senator Luther Olsen, Wisconsin State Senate; Dr. Richard Grobshmidt, Assistant State Superintendent, Department of Public Instruction; Lindsey Draper, Milwaukee County Children's Court; Senator Robert Jauch, Wisconsin State Senate; Ms. Beth Ratway, Social Studies Consultant, Department of Public Instruction.

Wyoming: Mr. Matt Strannigan, State Facilitator; Ms. Wendy Madsen, Legislative Information Officer, Wyoming Legislature; Senator Mike Massie, Wyoming State Senate; Mr. Geoff O'Gara, Member, Member, Wyoming State Board of Education; Representative Rosie Berger, Wyoming House of Representatives; Ms. Kristi Wallin, Coordinator, Wyoming Partnership for Civic Education.

#### SAMOYEDS STRUT STUFF IN OWENSBORO

Mr. MCCONNELL. Mr. President, it was President Harry Truman who observed, half a century ago, that "if you want a friend in Washington, get a dog." That is perhaps a little harsh. Nevertheless, I note that many of my colleagues in the Congress are dog fanciers, and the Senate is a strikingly dog-friendly workplace. So it is fitting that we pay tribute to a renowned people-friendly breed of dog: the Samoyed. Legendary for their beauty, friendly spirit and heroic and historic treks to the North and South Poles, Samoyeds pulled the adventurers of yesteryear to new frontiers.

Several hundred Samoyeds and their humans will be pulling into Owensboro, KY, in October for the Samoyed Club of America's "Simply Southern" National Specialty. While I am pleased that these noble dogs and their guardians will be visiting the Commonwealth, it is, sadly, because of Hurricane Katrina's devastation in Biloxi, MS, where the event was originally scheduled to be held. So the SCA Specialty this year is a hurricane evacuee, but in addition to contributing over \$10,000 from show proceeds to animal rescue in the devastated region, the organizers look forward to going back to a rebuilt and newly vibrant gulf coast in the future.

Samoyed dogs were named for the semi nomadic tribe which developed the breed. Living along the shores of the Arctic Ocean, north of Russia and Siberia, they were one of the earliest tribes of Central Asia. They depended upon their dogs to herd reindeer, pro-

tect against wolves, hunt bears, and even keep the children warm as they slept. Their endurance and intelligence made the Samoyed dogs prized members of early European expeditions to the Arctic and Antarctic. Borchgrevink, Amundsen, and Shackleton in the Antarctic, and Nansen and Abruzzi in the Arctic, counted on Samoyeds to explore the extreme and then uncharted ends of the Earth. The American explorers Fiala and Baldwin also used Samoyed sled teams. Most of the Samoyeds in England and the United States today are related to sled dogs from those expeditions.

Among them was Rex of White Way, who was renown as the lead dog on the U.S. Mail sled team that used to run the 64-mile mail delivery route from Ashton, ID, to West Yellowstone, over the 7000-foot Targhee Pass. Rex was a superb canine athlete and hero. He even learned to parachute on rescue missions that retrieved survivors of airplane crashes and a snowbound train in the Sierra Nevada Mountains. Although Samoyeds are a medium-sized dog ranging in weight from 35-65 pounds, they are very strong. Rex of White Way broke the world weight-pull record in 1953 by pulling 1,870 pounds.

Samoyeds have been described as "by nature . . . not a quarrelsome dog though he will stand his ground for what he feels are his rights. Each Samoyed is an individual, even from one litter. One will be very attentive and obedient while another may be more headstrong and less demanding of affection as long as he knows the house is his castle when he wants it and he owns you."

One may detect in that description some symmetry with Senators.

The description goes on: He has a keen sense of knowing when you are happy, sad, who really loves him, just tolerates him, dislikes him and he will return his love accordingly. He is a 'talky' dog and with encouragement will voice his pleasures and his dislikes. Some enjoy jokes and ham it up when laughed at while others resent it. He will speak with his paw or nose.

Samoyeds today are still pulling sleds. They are also skijoring, pulling scooters, herding, excelling in agility and obedience trials and otherwise exemplify the "Working" class of dogs. As therapy dogs, they bring joy and comfort to people in nursing homes and hospitals. Indeed, at least one Samoyed therapy dog that I know of, Gidget (Salish's Potomac Fervour), recently visited Hurricane Katrina evacuees from Gulfport, MS, who are currently residing at the Armed Forces Retirement Home here in Washington. She teams up with another Samoyed, Samantha, in regular visits with children at Inova Fairfax Hospital in northern Virginia. So these are not just beautiful dogs, they are hard-working dogs, doing great work for many people around the country.

On October 24, hundreds of Samoyeds, with their humans in tow, lit-

erally as they are prone to pull, will arrive in Owensboro. For some it will have been a harrowing journey since Hurricane Katrina roared ashore. Sheila and Walter Herrmann, co-chairs of the event and residents of Covington, LA, described their hurricane experience: Walter and I were hunkered down for the storm watching tree after tree fall and a tornado touch down and make a disaster of our kennels (the dogs, our own as well as the boarders were safely crated in the safest portion of our house) talking about the national is what helped us get through it.

Others involved in beating the odds and making this event happen include: Pam Barbe, Karen Brooks, Diane Dotson, Peggy Green, and Laurie Stone. I would also like to thank Jim and Celinda Cheskawich for all their good work.

Mr. President, Kentucky and I extend a warm welcome to the Samoyed Club of America's 2005 "Simply Southern" National Specialty.

#### LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise 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 January 16, 2005, a man was attacked with broken glass bottles by two men outside his home in Manhattan, NY. The apparent motivation for the attack was the man's sexual orientation.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### NOMINATION OF JOHN ROBERTS

Mr. NELSON of Nebraska. Mr. President, with the Judiciary Committee's confirmation hearings all but complete, I rise today to announce my vote on the nomination of Judge John Roberts to serve as the 17th Chief Justice and the 116th Justice of the United States Supreme Court.

I have come to my decision not in haste, but with great care and consideration. Over the history of our Nation, relatively few Senators have had the opportunity to consider the nomination of a Chief Justice and I recognize the honor that accompanies this great responsibility.

Judge Roberts is an extremely well qualified nominee. Some have said he

may be the best nominee ever to the Supreme Court. I am not one that regularly calls on such hyperbole on most issues, but I can say today that from what I have seen, I expect Judge Roberts to serve with distinction and honor as Chief Justice. I think the Court will be enhanced despite the obvious and measurable impact of the loss to the Court of Chief Justice William Rehnquist.

My record on judicial nominations speaks for itself. I have supported 213 of the 214 district and circuit court judges confirmed by the Senate. I voted against filibustering judicial nominees twenty-four times. I understand the executive branch's power to appoint judges—as Nebraska's Governor I appointed the entire State Supreme Court and Court of Appeals and more than half the State's sitting judges.

As a Senator who pledged to put aside the partisan games to get things done in Washington, I was very concerned last year about how a potential Senate shutdown due to a stalemate over judicial nominations would impact legislation important to the Nation, and especially my home State of Nebraska.

We needed a national energy policy—including the renewable fuels standard that would boost ethanol production, a very strong Nebraska industry. We needed to complete the Highway bill—with \$1.3 billion in road construction funds that will create jobs and boost the economy in Nebraska. We needed to avoid the now annual “omnibus” spending bill that made it nearly impossible to monitor and control Washington spending. Social Security and Medicare need to be addressed. At the time I was concerned about the ongoing drought—“Drought David” as I called it to bring attention to it—that is ravaging our agricultural sector in Nebraska and across the Nation. We had no idea the wrath and destruction that Hurricane season would bring to bear on the Nation, but after Katrina we can see how important it is to have a functioning Congress.

Senator ALEXANDER, during a floor speech regarding the judicial stalemate offered a suggestion, a call really, that many of us heard and decided to heed. Surely, a bipartisan group of Senators could develop an agreement that would resolve the stalled judicial nominations and diffuse the nuclear option—and ultimately, ease some of the partisan tension that had crippled the Senate and threatened to shut it down completely.

I am very proud of my role in the so-called “gang of fourteen,” the bipartisan group that navigated the path to confirmation for many of the President's judicial nominees and preserved the precedents and traditions of the Senate. I am also very proud that the gang's “memorandum of understanding” paved the way to complete many of the legislative priorities I mentioned earlier—including the energy bill and the highway bill.

The “memorandum of understanding” included an important section asking the President to improve communications with the Senate on judicial nominees. We asked that he spend more time on the advice part of the “advice and consent” clause in the Constitution.

When Associate Justice Sandra Day O'Connor announced her planned retirement in June, the White House heeded our recommendation and consulted with a vast majority of Senators before nominating Judge Roberts to the Court. That consultation with the Senate certainly diffused some of the more extreme partisanship when the Roberts nomination was announced. Not all of it, of course, but some of it.

Before the Judiciary Committee began its process, I met personally with Judge Roberts. In that meeting he impressed me. We talked at length about judicial activism and the threat it poses to the Nation. We talked about settled law. His knowledge of the history of law was impressive. His belief in and dedication to the rule of law was apparent and admirable.

At the outset of the Roberts confirmation process, I said that I hoped the gang of fourteen had no role in the process because that would mean the process was working. And it did work.

The Roberts confirmation hearings were dignified, the questions were tough but appropriate, and the answers Judge Roberts provided were as most expected. The hearings were no place to overturn law or discuss case specifics. The hearings did not produce any disqualifying revelations, nor did I expect that to happen.

Only time will tell where Judge Roberts will come down on the prevailing legal matters that come before the Roberts Court. I can only take him at his word that he will approach his role on the Court without a predetermined agenda, without activism, and with only the intention to balance the scales of justice for all Americans.

What came though to me as I watched his confirmation hearings was a man with great poise, a deep and thorough knowledge of the law, a love for this country and unmatched integrity. John Roberts is a man deserving of the nomination and deserving of confirmation.

I will vote to confirm Judge John Roberts as Chief Justice of the Supreme Court.

#### DEDICATION OF THE STATUE OF PO'PAY

Mr. DOMENICI. Mr. President, this is a special day for New Mexicans. Earlier today, Congress accepted the statue of Po'pay, a man from San Juan Pueblo who played an important role in New Mexico's colonial history. The acceptance of this work marks the 100th contribution to the Statuary Hall Collection. On behalf of my home State, I give special recognition to sculptor Cliff Fragua, from Jemez Pueblo, for a

job well done. He should be proud of his work. Cliff is the first American Indian artist to sculpt a statue for the Statuary Hall Collection. I also thank the New Mexico Statuary Hall Commission and Foundation for all their dedication and tireless effort in making this endeavor a terrific success.

New Mexico's first statue in the collection is that of the late Senator Dennis Chavez. Unlike Senator Chavez, Po'pay was a leader of a different era. Po'pay was a leader among the Pueblo people during the latter part of the 17th century. He united the Pueblos and led the Pueblo Revolt of 1680. This revolt made apparent the Pueblo Indians' desire to maintain their dignity and culture—both socially and spiritually. The Po'pay-led insurrection against the Spanish conquerors was at its core a basic human and American need to challenge oppressors. Yes, there have been incidences of intolerance in our State's more than 400-year history. Those early days were hard and oftentimes brutal. Wrongs were done, and the Pueblo Revolt—represented with this statue—was the Native peoples' response to those hardships.

In the end, the Pueblo Revolt served as an important lesson for the Spaniards, who returned to New Mexico a dozen years later. The Pueblo Revolt forever shaped the history of the State of New Mexico and the American Southwest. The result of that uprising is still evident today as the Pueblo Indians continue to live a distinct lifestyle. The Pueblo culture of New Mexico draws visitors from around the world. The American people should take the time to visit and enjoy these ancient cultures that are alive today. Their lives give our State its name: “The Land of Enchantment.”

My own life has been made richer by my many Indian friends. My lifelong friend, Herman Agoyo, and his beautiful family are with us today. As well noted in the history of this event, Herman's leadership has been inspiring and tireless. Herman leads the Turtle Dance at San Juan Pueblo on December 26 of each year. This year, Herman and San Juan Pueblo Governor Garcia will have a special reason to celebrate this beautiful event. This is the year of Po'pay—from San Juan Pueblo—who is now honored here in our Nation's Capitol.

Today's Indian Pueblos are a cultural haven from ancient times. However, for all New Mexicans who came after, the revolt taught us an enduring lesson of tolerance and acceptance. It is this lesson that has resulted in New Mexico having one of the best and richest multicultural societies in the United States. As my friend Benny Atencio, of Santo Domingo Pueblo, observed:

I strongly feel that the selection of Po'pay to be placed in the nation's Statuary Hall along with that of the late Senator Dennis Chavez, who was my personal friend, would serve as a unique reminder to the world that two unique cultures can coexist without destruction of their traditional cultural values and beliefs.

I could not have stated it better.

Mr. BINGAMAN. Mr. President, I rise today to honor Po'pay, a man who through his life and philosophy inspired New Mexicans to unite and share their experiences of life, happiness, and customs, with a marble statue sculpted by Cliff Fragua of Jemez Pueblo. It will be the one-hundredth statue to be added to the National Statuary Hall collection. The statue of this remarkable leader of the Pueblo Revolt of 1680, is a gift from the State of New Mexico and was unveiled in the United States Capitol Rotunda today.

Po'pay was born in Ohkay Owingeh, San Juan Pueblo, in 1630. He was a deeply humble man, with deep respect for his Pueblo's culture, language, traditions, and customs, and a dedication to passing these things on to future generations.

During the seventeenth century the Pueblo way of life was seriously threatened. Some did not want the Pueblo people to practice their language, culture, or traditions, depriving them of their very core. Po'pay successfully united the separate Pueblo nations. This group of some 150 Pueblo leaders united against those who sought to destroy their way of life and prevailed. Po'pay led this great revolt and the fight for respect the Pueblo people deserved.

Through his devotion and commitment to the preservation of Pueblo culture, Po'pay played an irreplaceable role in helping to shape our Nation's future. By championing the customs and traditional ways of his ancestors, he strengthened and preserved the Pueblo heritage for future generations, bridging the rich Pueblo and Spanish cultures of the Southwest. His dedication to this cause in response to the challenges the Pueblo community faced is a testament to the spirit of New Mexico.

This statue will forever be a reminder of his leadership and courage in keeping the Pueblo culture alive. The statue of Po'pay will join the figure of the late Senator Dennis Chavez that stands proudly outside the doors of the old Senate Chambers. It is a privilege for New Mexico to be represented by two men with such vision, leadership, and courage.

The decision to honor Po'pay was brought to the foreground during the tercentennial commemoration of the Pueblo Revolt by a unified group of Pueblo leaders. Thanks to their leadership, in November of 1996 the tribal council of Ohkay Owingeh, San Juan Pueblo, made the nomination official with a resolution. In 1997, State Senator Manny Aragon and Representative Nick Salazar introduced Senate Bill 404, which was passed and signed by Governor Gary Johnson on April 10. The nine member Statuary Hall Commission was formed and the fund-raising began. Cliff Fragua of Jemez Pueblo was selected to create the statue, and by May of 2005 the block of Tennessee Marble took the form of

Po'pay. Thanks to the vision of many Pueblo leaders, the New Mexico Statuary Hall Commission and Foundation, and New Mexico's citizens, Po'pay shall forever be honored in the halls of the United States Capitol.

We honor and respect Po'pay's accomplishments as the man who made it possible for Pueblo culture to thrive and sustain itself. Po'pay's contributions made New Mexico what it is today, a multicultural State, rich in culture and spirit.

#### HISPANIC HERITAGE MONTH

Mrs. FEINSTEIN. Mr. President, I rise to pay tribute to the Hispanic community. As we commemorate Hispanic Heritage Month, I want to recognize the contributions made by millions of Hispanics to our Nation. The greatness of California is that it is truly a multicultural State and I am honored to represent California's Hispanic community in the U.S. Senate.

This month we celebrate a community that believes in the American goals of freedom, opportunity, and a chance to build a better life. In pursuing these aspirations, Hispanics have made enormous contributions to life in the United States through business, politics, science, culture, sports, and entertainment. Hispanics have served in the armed services with bravery and courage and many have made the ultimate sacrifice in giving their lives for the common good of our country. Through their service, they have brought honor to America and their Hispanic heritage—a rich heritage from which all of America benefits.

Today, I rise to honor the sacrifices that these brave Americans and their families have made. I also want to honor Hispanic heroes and heroines, such as the late Cesar Chavez. Indeed, Hispanics are changing the way America looks at itself. Today there are 31 million Hispanics in the U.S. By 2050, our Nation's Hispanic population is projected to reach 96 million—an increase of more than 200 percent.

Hispanics are making their mark; between 1984 and 1998 Hispanic voting increased nationwide in midterm elections by 27 percent, even as overall voter turnout declined by 13 percent. In my own State of California, where nearly 11.5 million Hispanics comprise over 32 percent of the population, Hispanics are participating and contributing to civic life in important ways. Two of the California State legislature's three highest offices are occupied by Hispanics: Lt. Gov. Cruz Bustamante and Speaker of the Assembly Fabian Nuñez. On the local level, the people of Los Angeles elected Antonio Villaraigosa as the first Hispanic mayor in over a century, and 20 percent of Los Angeles' city council seats are held by Hispanics. The Hispanic community has provided great leadership for California, and will provide important leadership for our country.

Hispanics are visibly successful in other areas as well. From Sammy Sosa

in sports to Jennifer Lopez, Andy Garcia, and Salma Hayek in the entertainment industry, Hispanics have added greatly to the fabric of our Nation.

We must not forget the critical contributions Hispanics have made to education and science. The 1995 Nobel Prize Winner in Chemistry, Dr. Mario Molina, joined the University of California, San Diego last year, and Dr. Eduardo Macagno is the founding dean of the Division of Biological Sciences at the same University.

A democratic and prosperous society should not step back from a national commitment to provide assistance to those who strive to achieve the American dream, despite the odds. In particular, I want to emphasize the importance of quality education for the success of Hispanic children. The University of California system alone enrolled nearly 25,000 Hispanic undergraduate and graduate students last year. Hispanic youths are a great source of strength and hope for the future of this Nation and they should be able to participate fully in the American experience; that is the primary reason why I have been a strong supporter of the DREAM Act.

Mr. President, I am proud to honor California's Hispanic community and to have the opportunity to ensure that Hispanic contributions and sacrifices do not go unnoticed.

#### ADDITIONAL STATEMENTS

##### HONORING SHERI GARMON

• Mr. CRAPO. Mr. President, it is with a heavy heart that I wish to announce the death of Sheri Garmon, one of many Idahoans who have died from cancer that was likely attributable to nuclear fallout.

Like others, Sheri spent time and energy bringing awareness of this issue as it related to Idaho. However, Sheri, who was fighting multiple cancers, became a charismatic spokesperson for those suffering from the same fate.

Sheri Garmon, daughter of Don and Millie Garmon, was born in Emmett, ID, in 1952. When Sheri was just a baby, just 6 months old, the National Cancer Institute estimates that on a single day, June 5, 1952, she received 75 rads of iodine-131. That is the equivalent of 10,000 chest X-rays. The exposure came from nuclear testing being done in the Nevada desert; fallout blew over the little valley where Emmett sits. From that day on, Sheri's ultimate fate was sealed. But no one knew then what we know now. Sheri grew up healthy and strong, out there on her family's dairy farm, drinking milk from their cows, eating vegetables and fruits from their garden. She graduated valedictorian of her high school class, and then went on to graduate from the University of Idaho. She became a CPA and a mother. Sheri used her education as a way to provide for her family and pave the way for future achievement for those

who knew her. She was always involved in her community and concerned for the welfare of her friends and family. Along the way, Sheri was diagnosed with thyroid cancer. She beat it. Then she was diagnosed with breast cancer. The doctors gave her about a year to live. She wanted to make it to August 20, 2005, to see her daughter graduate from college. While she did pass that date, she will never see Katie married or play with her grandchildren. She did, however, leave a legacy that we have a responsibility to uphold. Sheri is just one of many unrecognized radiation-exposure victims; her story is poignant, but it is echoed throughout her community by many other families who have survived or lost cancer battles over the last 50 years. Sheri played a large role in bringing the plight of many of her friends and family to the attention of Idaho's congressional delegation and general public last year. Sheri is survived by her mother Millie and her daughter Katie Klein.

On May 11, 2005, I came to this Chamber and introduced legislation to amend the Radiation Exposure Compensation Act. My legislation would make Idaho citizens, such as Sheri, who were exposed to fallout from nuclear testing in Nevada, eligible for compensation under the act.

In my introductory statement, I related stories of Idahoans who recounted going outside in the evenings to look at the beautiful sunsets caused by the testing. Unfortunately, and unbeknownst to them, these skies were filled with dangerous radiation that elevated their exposure and subsequent risk of developing cancer. I also stated that now is the time to amend the act to make it work for everyone who may have become ill because of radiation fallout exposure.

Let us not let Sheri's death go unanswered. Join me in supporting S. 998 to amend the Radiation Exposure Compensation Act so that others who are suffering as Sheri did are given their just compensation and treatment; it is the right thing to do.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 12:19 p.m., a message from the House of Representatives, delivered by

Ms. Niland, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 250. An act to establish an inter-agency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes.

H.R. 3667. An act to designate the facility of the United States Postal Service located at 200 South Barrington Street in Los Angeles, California, as the "Karl Malden Station".

H.R. 3767. An act to designate the facility of the United States Postal Service located at 2600 Oak Street in St. Charles, Illinois, as the "Jacob L. Frazier Post Office Building".

H.R. 3827. An act to preserve certain immigration benefits for victims of Hurricane Katrina, and for other purposes.

H.J. Res. 61. Joint resolution supporting the goals and ideals of Gold Star Mothers Day.

#### ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

S. 1368. An act to extend the existence of the Parole Commission, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

At 2:27 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 3761. An act to provide special rules for disaster relief employment under the Workforce Investment Act of 1998 for individuals displaced by Hurricane Katrina.

H.R. 3768. An act to provide emergency tax relief for persons affected by Hurricane Katrina.

The enrolled bills were signed subsequently by the President pro tempore (Mr. STEVENS).

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 250. An act to establish an inter-agency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 3667. An act to designate the facility of the United States Postal Service located at 200 South Barrington Street in Los Angeles, California, as the "Karl Malden Station"; to the Committee on Homeland Security and Governmental Affairs.

#### MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 1745. A bill to expand the availability of resources under the Community Services Block Grant Act for individuals affected by Hurricane Katrina.

S. 1748. A bill to establish a congressional commission to examine the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath and make immediate corrective measures to improve such responses in the future.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1761. A bill to clarify the liability of government contractors assisting in rescue, recovery, repair, and reconstruction work in the Gulf Coast region of the United States affected by Hurricane Katrina or other major disasters.

#### ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 22, 2005, she had presented to the President of the United States the following enrolled bills:

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.

S. 1368. An act to extend the existence of the Parole Commission, and for other purposes.

#### 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-3857. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report providing information on U.S. military personnel and U.S. individual civilian contractors involved in the anti-narcotics campaign in Columbia; to the Committee on Foreign Relations.

EC-3858. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract in the amount of \$1,000,000 or more to Japan; to the Committee on Foreign Relations.

EC-3859. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of major defense equipment sold commercially under contract in the amount of \$14,000,000 or more to South Korea; to the Committee on Foreign Relations.

EC-3860. A communication from the Secretary of the Treasury, transmitting, pursuant to Executive Order 13313 of July 31, 2003, the semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses; to the Committee on Foreign Relations.



EC-3861. A communication from the Under Secretary of Defense for Policy, Department of Defense, transmitting, pursuant to law, the Department's Report on Activities and Assistance under Cooperative Threat Reduction Programs; to the Committee on Armed Services.

EC-3862. A communication from the Publications Control Officer, Department of the Army, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Military Police Investigations" (RIN0702-AA44) received on August 31, 2005; to the Committee on Armed Services.

EC-3863. A communication from the Chief, Programs and Legislative Division, Office of Legislative Liaison, Office of the Secretary, Department of the Air Force, transmitting, pursuant to law, a report relative to a multifunction standard competition of the HQ ACC Detachment 1, Training Support Squadron at Luke Air Force Base (AFB), Arizona; to the Committee on Armed Services.

EC-3864. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Radio Frequency Identification" (DFARS Case 2004-D011) received on August 31, 2005; to the Committee on Armed Services.

EC-3865. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (3 subjects on 1 disc beginning with "DoD Letter to Commission on Technical Corrections to Draft Commission Bill") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC-3866. 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 "Air Force Errata on Commission Draft Bill") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC-3867. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (4 subjects on 1 disc beginning with "New COBRA Air Force 37 Redo Realign Grand Forks") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC-3868. 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 (Additional Army)") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC-3869. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (10 subjects on 1 disc beginning with "Abrell-Kelly Support Center II") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC-3870. A communication from the Under Secretary of Defense, Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report relative to Section 123 of the National Defense Authorization Act of Fiscal Year 2002 (production rate for the V-22 Osprey aircraft); to the Committee on Armed Services.

EC-3871. A communication from the Assistant Attorney General for Administration, Justice Management Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Final Rule Exempting a Privacy Act System of Records of

the Department of Justice from Certain Subsections of the Privacy Act (5 USC 522a); Department of Justice Regional Data Exchange System" (DOJ-012) received on September 6, 2005; to the Committee on the Judiciary.

EC-3872. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, a draft of proposed legislation entitled "Environmental Crimes Restitution Act of 2005"; to the Committee on the Judiciary.

EC-3873. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, a draft of proposed legislation relating to the Federal explosives laws; to the Committee on the Judiciary.

EC-3874. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, a draft of proposed legislation entitled "Child Pornography Prevention and Obscenity Prosecution Act of 2005"; to the Committee on the Judiciary.

EC-3875. A communication from the Assistant Attorney General, Department of Justice, transmitting, pursuant to law, the 2004 Annual Report to Congress describing the activities and operations of the Public Integrity Section; to the Committee on the Judiciary.

EC-3876. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the budget request for fiscal year 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-3877. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, the budget request for fiscal year 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-3878. A communication from the Deputy Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's 2005 Inventory of Commercial and Inherently Governmental Activities; to the Committee on Health, Education, Labor, and Pensions.

EC-3879. A communication from the Assistant General Counsel for Regulatory Services, Office of Vocational and Adult Education Department of Education, transmitting, pursuant to law, the report of a rule entitled "Notice of Final Changes to Requirements—Community Technology Centers Program"; to the Committee on Health, Education, Labor, and Pensions.

EC-3880. A communication from the Assistant General Counsel for Regulatory Services, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law the report of a rule entitled "Notice of Final Priorities, Requirements, Definitions, and Selection Criteria—School Dropout Prevention Program"; to the Committee on Health, Education, Labor, and Pensions.

EC-3881. A communication from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Disability and Rehabilitation Research Projects—Demand Side Employment Placement Models"; to the Committee on Health, Education, Labor, and Pensions.

EC-3882. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Supplemental Standards of Ethical Conduct and Financial Disclosure Requirements for Employees of the Department of Health and Human Services" (RIN3209-AA15) received on September 7, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-3883. A communication from the Coordinator, Forms Committee, Federal Election Commission, transmitting, pursuant to law, the revisions to the FEC forms and instructions, along with the explanation and justification for these revisions; to the Committee on Rules and Administration.

EC-3884. A communication from the Under Secretary of Defense, Comptroller, transmitting, pursuant to law, the report of a violation of the Antideficiency Act case number 04-11; to the Committee on Appropriations.

EC-3885. A communication from the Under Secretary of Defense, Comptroller, transmitting, pursuant to law, the report of a violation of the Antideficiency Act case number 03-01; to the Committee on Appropriations.

EC-3886. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report of a violation of the Antideficiency Act occurring in the Rural Electrification and Telecommunications Direct Loan Financing Account; to the Committee on Appropriations.

EC-3887. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC-3888. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 13224 of September 23, 2001, with respect to persons who commit, threaten to commit, or support terrorism; to the Committee on Banking, Housing, and Urban Affairs.

EC-3889. A communication from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "31 CFR part 575" received on September 18, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-3890. A communication from the Legal Information Assistant Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "EGRPRA Regulatory Review—Application and Reporting Requirements" (RIN1550-AB93) received on September 8, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-3891. A communication from the Principal Deputy Assistant Secretary for Indian Affairs, Department of the Interior, transmitting, pursuant to law, a report relative to the use and distribution of the Confederated Tribes of the Warm Springs Reservation of Oregon Judgment Funds; to the Committee on Indian Affairs.

EC-3892. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Texas; Dallas-Fort Worth Voluntary Mobile Emission Reduction Program" (FRL No. 7960-4) received August 31, 2005; to the Committee on Environment and Public Works.

EC-3893. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Chattanooga, Tennessee; Revised Format for Materials Being Incorporated by Reference" (FRL No. 7952-3) received August 31, 2005; to the Committee on Environment and Public Works.

EC-3894. A communication from the Principal Deputy Associate Administrator, Office



of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Knox County, Tennessee; Revised Format for Materials Being Incorporated by Reference" (FRL No. 7952-2) received August 31, 2005; to the Committee on Environment and Public Works.

EC-3895. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes: Wallula, Washington Area" (FRL No. 7959-6) received August 31, 2005; to the Committee on Environment and Public Works.

EC-3896. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans for Kentucky: Regulatory Limit on Potential to Emit" (FRL No. 7958-8) received August 31, 2005; to the Committee on Environment and Public Works.

EC-3897. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Extension of the Deferred Effective Date for 8-Hour Ozone National Ambient Air Quality Standards for Early Action Compact Areas" (FRL No. 7959-2) received August 31, 2005; to the Committee on Environment and Public Works.

EC-3898. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Limited Approval and Promulgation of Implementation Plans; Texas; Excess Emissions During Startup, Shutdown and Malfunction Activities" (FRL No. 7959-5) received August 31, 2005; to the Committee on Environment and Public Works.

EC-3899. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Standards of Performance for New and Existing Stationary Sources: Electric Utility Steam Generating Units" (FRL No. 7960-1) received August 31, 2005; to the Committee on Environment and Public Works.

EC-3900. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Stay of the Findings of Significant Contribution and Rulemaking for Georgia for Purposes of Reducing Ozone Interstate Transport" (FRL No. 7960-2) received August 31, 2005; to the Committee on Environment and Public Works.

EC-3901. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tomatoes Grown in Florida; Revisions in Requirements for Certificates of Privilege" (FV05-966 1 FR) received on September 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3902. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Walnuts

Grown in California; Suspension of Provision Regarding Eligibility of Walnut Marketing Board Members" (FV05-984 1 IFR) received on September 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3903. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in Washington; Modification of Pack Requirements" (FV05-946-3 IFR) received on September 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3904. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Modifying Procedures and Establishing Regulations to Limit Shipments of Small Sizes of Red Seedless Grapefruit" (FV05-905 2 IFR) received on September 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3905. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Myclobutanol; Pesticide Tolerance for Emergency Exemptions" (FRL7731-2) received on September 7, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3906. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cyfluthrin; Pesticide Tolerance" (FRL7725-7) received on September 7, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3907. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Lactic Acid, 2-Ethylhexyl Ester; Exemption from the Requirement of a Tolerance" (FRL7729-5) received on September 7, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3908. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "S-metolachlor; Pesticide Tolerance" (FRL7716-1) received on September 7, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3909. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Aminopyridine, Ammonia, chloropicrin, diazation, Dihydro-S-heptyl-2(3H)-furanone Dihydro-5-pentyl 2(3H)-furanone, and Vinclozolin" (FRL7732-5) received on September 7, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3910. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacillus Thuringiensis Cry34Ab1 and Cry34Ab1 Proteins and the Genetic Material Necessary for Their Production in Corn; Exemption from the Requirement of a Tolerance" (FRL7735-4) received on September 7, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3911. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cyhexatin; Tolerance Actions" (FRL7732-8) received on September 18, 2005; to the Com-

mittee on Agriculture, Nutrition, and Forestry.

EC-3912. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fluoxastrobin Pesticide Tolerances" (FRL7719-9) received on September 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3913. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Ethylhexyl Glucopyranosides; Exemption from the Requirement of a Tolerance" (FRL7729-6) received on September 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3914. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Alkyl Polyglycosides Exemption from the Requirement of a Tolerance" (FRL7729-7) received on September 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3915. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Myclobutanol; Re-Establishment of a Tolerance for Emergency Exemption" (FRL7736-1) received on September 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3916. A communication from the Deputy Assistant Secretary, Tax Analysis, Department of the Treasury, transmitting, pursuant to law, a report entitled "Taxable REIT Subsidiaries: Analysis of the First Year's Returns, Tax Year 2001"; to the Committee on Finance.

EC-3917. A communication from the Secretary of Labor and the Secretary of the Treasury, transmitting jointly, a draft of legislation entitled "Black Lung Disability Trust Fund Debt Restructuring Act"; to the Committee on Finance.

EC-3918. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Programs Drug Discount Card: Revision of Marketing Rules for Endorsed Drug Card Sponsors" (RIN0938-AN97) received on September 7, 2005; to the Committee on Finance.

EC-3919. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Programs; Competitive Acquisition of Outpatient Drugs and Biologicals Under Part B: Interpretation and Correction" (RIN0938-AN58) received on September 7, 2005; to the Committee on Finance.

EC-3920. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Domestic Asset/Liability Percentages and Domestic Invest Yields for IRC Sec. 842(b)" (Rev. Proc. 2005-64) received on August 31, 2005; to the Committee on Finance.

EC-3921. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modification of Rev. Proc. 83-77" (Rev. Proc. 2005-63) received on August 31, 2005; to the Committee on Finance.

EC-3922. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to

law, the report of a rule entitled "Applicable Federal Rates—September 2005" (Rev. Rul. 2005-57) received on August 31, 2005; to the Committee on Finance.

EC-3923. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "TD9220" received on August 31, 2005; to the Committee on Finance.

EC-3924. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Standard Mileage Rates 2005 Revision" (Ann. 2005-71) received on August 31, 2005; to the Committee on Finance.

EC-3925. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice 2005-64" received on August 31, 2005; to the Committee on Finance.

EC-3926. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, the Commission's Buy America Report; to the Committee on Energy and Natural Resources.

EC-3927. A communication from the Assistant Secretary, Policy, Management and Budget, Department of the Interior, transmitting, a draft of proposed legislation entitled "Pick-Sloan Missouri Basin Program Cost Reallocation Act of 2005"; to the Committee on Energy and Natural Resources.

EC-3928. A communication from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Mining Claim and Site Maintenance and Location Fees—Free Adjustment" (1004-AD75) received on September 7, 2005; to the Committee on Energy and Natural Resources.

EC-3929. A communication from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Pennsylvania Regulatory Program" (PA-124-FOR) received on September 7, 2005; to the Committee on Energy and Natural Resources.

EC-3930. A communication from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oil and Gas Leasing: Onshore Oil and Gas Operations—Fees, Rentals and Royalty Stripper Well Royalty Reductions Retention of Records" (RIN1004-AD71) received on September 7, 2005; to the Committee on Energy and Natural Resources.

EC-3931. A communication from the Assistant Secretary for Fish and Wildlife and Parks, U.S. Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2005-6 Early Season" (RIN1018-AT76) received on September 7, 2005; to the Committee on Energy and Natural Resources.

EC-3932. A communication from the Assistant Secretary for Fish and Wildlife and Parks, U.S. Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands" (RIN1018-AT76) received on September 7, 2005; to the Committee on Energy and Natural Resources.

EC-3933. A communication from the Assistant Secretary for Fish and Wildlife and

Parks, U.S. Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Final Frameworks for Early Season Migratory Bird Hunting Regulations" (RIN1018-AT76) received on September 7, 2005; to the Committee on Energy and Natural Resources.

EC-3934. A communication from the Secretary of Transportation transmitting, pursuant to law, the Semiannual Report of the Office of the Inspector General for the period October 1, 2004 through March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-3935. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-169, "Homeland Services Reform Act of 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC-3936. A communication from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, the First Annual National Capital Region Coordination Report; to the Committee on Homeland Security and Governmental Affairs.

EC-3937. A communication from the Secretary of Transportation transmitting, pursuant to law, the Annual Report of the Maritime Administration for Fiscal Year 2004; to the Committee on Commerce, Science, and Transportation.

EC-3938. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska" (ID090205A) received on September 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3939. A communication from the Deputy Bureau Chief, Consumer and Governmental Affairs Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Order on Reconsideration" (FCC05-139) received on September 8, 2005.

EC-3940. A communication from the Deputy Bureau Chief, Consumer and Governmental Affairs Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Report and Order" (FCC05-140) received on September 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3941. A communication from the Deputy Bureau Chief, Consumer and Governmental Affairs Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Order" (FCC05-141) received on September 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3942. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Procedures for Participating in and Receiving Data from the National Driver Register Problem Driver Pointer System Pursuant to a Personnel Security Investigation and Determination" (RIN2127-AJ66) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3943. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Hawley and Mundy, Texas" received on September 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3944. A communication from the Special Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "FM Broadcast Stations (Charlotte and Grand Ledge, Michigan)" (Doc. No. 03-222) received on September 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3945. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Electronic Registration of Child Restraint Systems" (RIN2127-AI95) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3946. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Response to Petitions" (RIN2127-AJ70) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3947. A communication from the Interim Legal Advisor, Mobility Division, Federal Communication Commission, transmitting pursuant to law, the report of a rule entitled "Amendment of Various Rules Affecting Wireless Radio Services" (FCC05-144) received on September 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3948. 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 Legal Description of the Class E Airspace; Columbia Regional Airport, MO; Confirmation of Effective Date" ((RIN2120-AA66)(2005-0201)) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3949. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Ruidoso, NM" ((RIN2120-AA66)(2005-0202)) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3950. 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 Airspace; Santa Teresa, NM" ((RIN2120-AA66)(2005-0203)) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3951. 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 Airspace, Marana Regional Airport, AZ" ((RIN2120-AA66)(2005-0204)) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3952. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330-200, 300, A340-200, and -300 Series Airplanes; and Model A340-541 and -642 Airplanes" ((RIN2120-AA64)(2005-0404)) received

on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3953. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300 B2 and B4 Series Airplanes; Model A300 B4 600, B4-600R, and F4 600R Series Airplanes; and Model A300 C4 605R Variant F Airplanes; and Model A310 200 and 300 Series Airplanes" ((RIN2120-AA64)(2005-0407)) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3954. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Short Brothers Model SD3-60 Airplanes" ((RIN2120-AA64)(2005-0406)) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3955. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Tiger Aircraft LLC Models AA-5, -5A, -5B Airplanes" ((RIN2120-AA64)(2005-0408)) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3956. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CL 600 2B19 Airplanes" ((RIN2120-AA64)(2005-0409)) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3957. 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 777-200 and 300 Series Airplanes" ((RIN2120-AA64)(2005-0410)) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3958. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 1 10, 10F, 15, 30, 30F, 40, 40F, MD 10 10F and 30F Airplanes; and Model MD 11 and 11F Airplanes" ((RIN2120-AA64)(2005-0411)) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3959. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: The Cessna Aircraft Company Models 525, 525A, and 525B Airplanes" ((RIN2120-AA64)(2005-0412)) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3960. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Turbomeca SA Artouste III Series Turbo-shaft Engines" ((RIN2120-AA64)(2005-0413)) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3961. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Electric Company CF 6 80C2 and CF 6 80E1

Turbofan Engines" ((RIN2120-AA64)(2005-0414)) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3962. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A321 Series Airplanes" ((RIN2120-AA64)(2005-0415)) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3963. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Saab Model SAAB 2000 Airplanes" ((RIN2120-AA64)(2005-0416)) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3964. 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, 757, 757, 777 Series Airplanes" ((RIN2120-AA64)(2005-0417)) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3965. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directive: Airbus Model A320-111 Airplanes and Model A320-200 Series Airplanes" ((RIN2120-AA64)(2005-0418)) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3966. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CL 600 2B19 Airplanes" ((RIN2120-AA64)(2005-0419)) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3967. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Turbomeca SA Arrius 2F Turboshaft Engines" ((RIN2120-AA64)(2005-0405)) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3968. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Port Townsend Waterway, Puget Sound, Washington, Naval Exercises" ((RIN1625-AA87)) received on September 7, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3969. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area; Chicago Sanitary and Ship Canal, Romeoville, IL" ((RIN1625-AA11)) received on September 7, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3970. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone (Including 2 Regulations) San Francisco Bay" ((RIN1625-AA87)) received on September 7, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3971. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area; Humboldt Bay Bar Channel and Humboldt Bay Entrance Channel, Humboldt Bay, CA" ((RIN1625-AA11)) received on September 7, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3972. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone (including 5 regulations)" ((RIN1625-AA00)) received on September 7, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3973. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone Regulations; New Tacoma Narrows Bridge Construction Project" ((RIN1625-AA00)) received on September 7, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3974. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Draw-bridge Operation Regulations (including 8 regulations)" ((RIN1625-AA09)) received on September 7, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3975. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Draw-bridge Regulation (including 3 regulations)" ((RIN1625-AA09)) received on September 7, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3976. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events; Atlantic Ocean, Atlantic City" ((RIN1625-AA08)) received on September 7, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3977. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events (including 3 regulations)" ((RIN1625-AA08)) received on September 7, 2005; to the Committee on Commerce, Science, and Transportation.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Ms. COLLINS for the Committee on Homeland Security and Governmental Affairs.

Juliet JoAnn McKenna, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

John R. Fisher, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

\*Colleen Duffy Kiko, of Virginia, to be General Counsel of the Federal Labor Relations Authority for a term of five years.

\*Stewart A. Baker, of Virginia, to be an Assistant Secretary of Homeland Security.

By Mr. SPECTER for the Committee on the Judiciary.

John G. Roberts, Jr., of Maryland, to be Chief Justice of the United States.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### 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. SANTORUM (for himself and Mr. DEMINT):

S. 1750. A bill to provide for the issuance of certificates to Social Security beneficiaries who are born before 1950 guaranteeing their right to receive Social Security benefits under title II of the Social Security Act in full with an accurate annual cost-of-living adjustment; to the Committee on Finance.

By Ms. MIKULSKI:

S. 1751. A bill to amend title 38, United States Code, to expand the State sentences for which burial in National Cemeteries and Arlington National Cemetery are prohibited to include any sentence of life imprisonment for a State capital crime; to the Committee on Veterans' Affairs.

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

S. 1752. A bill to amend the United States Grain Standards Act to reauthorize that Act; considered and passed.

By Mr. DEMINT (for himself, Mr. STEVENS, Mr. INOUE, Mr. NELSON of Nebraska, Mr. VITTER, Mr. LOTT, and Ms. LANDRIEU):

S. 1753. A bill to establish a unified national hazard alert system, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INHOFE:

S. 1754. A bill to apply the Federal medical assistance percentage determined for a State for fiscal year 2005 for fiscal years 2006 through 2014; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1755. A bill to designate the facility of the United States Postal Service located at 200 South Barrington Street in Los Angeles, California, as the "Karl Malden Station"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DAYTON:

S. 1756. A bill to establish a Department of Peace and Nonviolence; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. CLINTON:

S. 1757. A bill to amend the Internal Revenue code of 1986 to make residents of Puerto Rico eligible for the refundable portion of the child tax credit; to the Committee on Finance.

By Mr. MCCAIN (for himself and Mr. DORGAN):

S. 1758. A bill to amend the Indian Financing Act of 1974, to provide for sale and assignment of loans and underlying security, and for other purposes; considered and passed.

By Mr. CRAIG:

S. 1759. A bill to require the Secretary of the Army to remove the remains of Russell

Wayne Wagner from Arlington National Cemetery; to the Committee on Veterans' Affairs.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 1760. A bill to authorize early repayment of obligations to the Bureau of Reclamation within Rogue River Valley Irrigation District or within Medford Irrigation District; to the Committee on Energy and Natural Resources.

By Mr. THUNE (for himself, Mr. VITTER, Mr. LOTT, Ms. MURKOWSKI, and Mr. INHOFE):

S. 1761. A bill to clarify the liability of government contractors assisting in rescue, recovery, repair, and reconstruction work in the Gulf Coast region of the United States affected by Hurricane Katrina or other major disasters; read the first time.

By Mrs. BOXER (for herself, Mr. LAUTENBERG, and Mr. DAYTON):

S. 1762. A bill to establish a first responder interoperable communications grant program; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. BOXER:

S. 1763. A bill to promote the employment of workers displaced by Hurricane Katrina in connection with Hurricane Katrina reconstruction efforts; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. HUTCHISON (for herself, Ms. LANDRIEU, and Mr. CORNYN):

S. 1764. A bill to provide for the continued education of students affected by Hurricane Katrina; considered and passed.

By Ms. LANDRIEU (for herself and Mr. VITTER):

S. 1765. A bill to provide disaster relief and incentives for economic recovery for Louisiana residents and businesses affected by Hurricane Katrina; to the Committee on Finance.

By Mr. VITTER (for himself and Ms. LANDRIEU):

S. 1766. A bill to provide disaster relief and incentives for economic recovery for Louisiana residents and businesses affected by Hurricane Katrina; to the Committee on Finance.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. STEVENS:

S. Res. 247. A resolution commending the Library of Congress's private-sector advisory body, the James Madison Council and its Founding Chairman, John W. Kluge, on 15 years of exemplary service to Congress and the Nation and looking forward to the Council's continued success in the years ahead; considered and agreed to.

By Mr. AKAKA (for himself and Mr. INOUE):

S. Res. 248. A resolution commemorating the West Oahu Little League Team for winning the 2005 Little League World Series; considered and agreed to.

By Mr. AKAKA (for himself and Mr. INOUE):

S. Res. 249. A resolution commemorating the Oahu All-Stars for winning the 2005 Cal Ripken World Series and the Hawaii Warriors for winning the 2005 Continental Amateur Baseball Association World Series (ages 9-under); considered and agreed to.

By Mr. COBURN (for himself, Mr. ALLEN, Mr. BINGAMAN, Mr. BYRD, Mr. CRAPO, Mr. GRAHAM, Mr. HAGEL, Mr. ISAKSON, Mr. LEVIN, Ms. MURKOWSKI, Ms. SNOWE, Mr. THUNE, Mr. BUNNING,

Mrs. CLINTON, Mr. DORGAN, Mr. GRASSLEY, Mr. LAUTENBERG, Mr. SANTORUM, Mr. THOMAS, Mr. JOHN-SON, and Mr. MARTINEZ):

S. Res. 250. A resolution supporting the goals and ideals of Gold Star Mothers Day; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 4

At the request of Mr. FRIST, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 4, a bill to reduce healthcare costs, expand access to affordable healthcare coverage, and improve healthcare and strengthen the healthcare safety net, and for other purposes.

S. 236

At the request of Mr. NELSON of Nebraska, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 236, a bill to amend title XVIII of the Social Security Act to clarify the treatment of payment under the medicare program for clinical laboratory tests furnished by critical access hospitals.

S. 246

At the request of Mr. BUNNING, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 246, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

S. 576

At the request of Mr. BYRD, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 576, a bill to restore the prohibition on the commercial sale and slaughter of wild free-roaming horses and burros.

S. 852

At the request of Mr. SPECTER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 852, a bill to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

S. 1046

At the request of Mr. KYL, the names of the Senator from Nevada (Mr. ENSIGN) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 1046, a bill to amend title 28, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the Pledge of Allegiance.

S. 1191

At the request of Mr. SALAZAR, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1191, a bill to establish a grant program to provide innovative transportation options to veterans in remote rural areas.

S. 1244

At the request of Mr. GRASSLEY, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S.

1244, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term needs.

S. 1421

At the request of Ms. COLLINS, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1421, a bill to enhance resources to enforce United States trade rights.

S. 1440

At the request of Mr. CRAPO, the name of the Senator from Arkansas (Mr. PRYOR) 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. 1445

At the request of Mr. SALAZAR, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1445, a bill to designate the facility of the United States Postal Service located at 520 Colorado Avenue in Arriba, Colorado, as the "William H. Emery Post Office".

S. 1489

At the request of Mrs. CLINTON, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1489, a bill to amend the Public Health Service Act with regard to research on asthma, and for other purposes.

S. 1692

At the request of Mr. CONRAD, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from New York (Mrs. CLINTON) were withdrawn as cosponsors of S. 1692, a bill to provide disaster assistance to agricultural producers for crop and livestock losses, and for other purposes.

At the request of Mr. CONRAD, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1692, *supra*.

S. 1695

At the request of Mr. HARKIN, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1695, a bill to provide the Secretary of Agriculture with additional authority and funding to provide emergency relief, in coordination with the Secretary of Homeland Security, to victims of Hurricane Katrina and related conditions.

S. 1700

At the request of Mr. COBURN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1700, a bill to establish an Office of the Hurricane Katrina Recovery Chief Financial Officer, and for other purposes.

S. 1715

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 1715, a bill to provide relief for students

and institutions affected by Hurricane Katrina, and for other purposes.

S. 1716

At the request of Mr. BAUCUS, the names of the Senator from Vermont (Mr. JEFFORDS), the Senator from Minnesota (Mr. DAYTON), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 1716, a bill to provide emergency health care relief for survivors of Hurricane Katrina, and for other purposes.

S. 1732

At the request of Mr. NELSON of Nebraska, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1732, a bill to require the Federal Trade Commission to conduct an inquiry into the retail prices of natural gas and gasoline.

S. 1736

At the request of Ms. COLLINS, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of 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.

S. 1738

At the request of Ms. COLLINS, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1738, a bill to expand the responsibilities of the Special Inspector General for Iraq Reconstruction to provide independent objective audits and investigations relating to the Federal programs for Hurricane Katrina recovery.

S. 1747

At the request of Mr. CORNYN, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Virginia (Mr. ALLEN) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 1747, a bill to limit liability for volunteers and those providing goods and services for disaster relief, and for other purposes.

S. 1749

At the request of Mr. KENNEDY, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Michigan (Ms. STABENOW) and the Senator from Hawaii (Mr. INUYE) were added as cosponsors of S. 1749, a bill to reinstate the application of the wage requirements of the Davis-Bacon Act to Federal contracts in areas affected by Hurricane Katrina.

S. CON. RES. 48

At the request of Mr. DURBIN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Con. Res. 48, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued to promote public awareness of Down syndrome.

S. RES. 237

At the request of Mr. VOINOVICH, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. Res. 237, a resolution

expressing the sense of the Senate on reaching an agreement on the future status of Kosovo.

S. RES. 242

At the request of Mr. SESSIONS, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Res. 242, a resolution to express the sense of the Senate that the President should appoint an individual to oversee Federal funds for the Hurricane Katrina recovery, and for other purposes.

AMENDMENT NO. 1764

At the request of Mr. CRAIG, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 1764 intended to be 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.

AMENDMENT NO. 1767

At the request of Mr. NELSON of Nebraska, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of amendment No. 1767 intended to be 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.

AMENDMENT NO. 1835

At the request of Mr. HARKIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of amendment No. 1835 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. SANTORUM (for himself and Mr. DEMINT):

S. 1750. A bill to provide for the issuance of certificates to Social Security beneficiaries who are born before 1950 guaranteeing their right to receive Social Security benefits under title II of the Social Security Act in full with an accurate annual cost-of-living adjustment; to the Committee on Finance.

Mr. SANTORUM. Mr. President, I rise today to talk about a bill I am introducing called the Social Security Guarantee Act. The reason I am introducing this piece of legislation is in an attempt to try, at a time when it looks like the Social Security issue here in Congress has ground down to almost a halt—although I think there is still an opportunity; as we hear, the House may pass something to move the ball forward—I want to put forth an idea I think would be helpful as something we can get done that should have, I hope, bipartisan support and would create a sense of security and certainly reduce

anxiety among those at or near retirement with respect to any future changes to Social Security.

The Social Security Guarantee Act is a very simple concept. It says if you were born before 1950, this law now creates a right for you to the benefits that you have been promised.

Now, you may say: Why is that a new thing? Well, believe it or not, there is a Supreme Court case on this point that says Social Security recipients have no right to the benefits they have been promised under the law. This would create such a right for people born before 1950.

Now, why do I pick out 1950? Because in all the legislation that has been introduced in the Congress, the statements made by the President, and even statements made by my colleagues on the other side of the aisle, we have all agreed that people who are at or near retirement should not be subject to change, for a couple of reasons, not the least of which is there is money there to pay those benefits. Cashflow-wise, there will be enough money to pay for the benefits for our seniors and those who are near retirement or near the eligible age of 62. So there is not a need to change the Social Security system for these individuals. Therefore, everyone who is proposing changes to the system, to save it and strengthen it for the future, has set them aside verbally and said: We are not going to propose anything that is going to affect your benefits if you were born before 1950.

Well, if we are going to say that, and promise that, then I think a step forward—both in terms of our ability to find a solution to the problem for younger workers and the fact that Social Security will not have sufficient resources to pay for benefits in the future—we take a step forward if we promise to put in law a guarantee that older workers' and retirees' benefits are guaranteed by the law.

The second benefit is one that is political in this sense, in that one of the difficulties in trying to rally support in the public for a program that will save and strengthen Social Security for younger workers is the anxiety that older workers have and retirees have that somehow or other, at the last minute, they will be folded into this bill and somehow their benefits will be affected or their taxes will be increased.

This should provide a level of comfort and reduce that anxiety and create a proper focus for reform, the proper focus for reform being the future, not the present, not the past.

So I put this forward as an admittedly minimalist step, but I think an important one, that creates a better atmosphere where there are not political accusations of trying to take someone's Social Security check away or that grandma's check be cut in half, or whatever the case may be. You hear all these things from those who do not want to make any kind of changes to the Social Security system for younger

workers. So they go out and try to scare older workers and retirees.

I might add, another reason to do this is, it would not be fair at this point to reduce their benefits or to change the structure when they are either in the system or very close to being in Social Security.

So this is a step on which I would hope we could get bipartisan agreement, that we could pass this by unanimous consent. I do not know of anybody in this Chamber who has made the statement that they think we should change benefits for current retirees, or that we should change benefits for folks who are near retirement. That being the case, I see no reason we would not pass this and, in a sense, take those born before 1950 and say: OK, you are off the table. No Social Security changes are going to affect you. Your interest in the Social Security debate then becomes the future, not you. It becomes your children, your grandchildren, their children, their grandchildren, not how it affects you and your life today.

I think that is a helpful step in the right direction, to try to get something that is appropriate, a stronger Social Security system, that is appropriately designed for future generations of Americans.

I am pleased Senator DEMINT has joined me in this legislation. I certainly put out a call for all those who are interested in trying to take a small step forward in moving the Social Security agenda to join me in securing the benefits for our seniors, removing the anxiety that often comes, particularly with those who live from Social Security check to Social Security check, removing the anxiety that they have about the potential for their benefits to be affected by any changes Congress would make. This would create a vote, which I suspect would be unanimous, that would put every Senator on record for putting in the law that they will not change the Social Security benefits for those who were born before 1950. That has a powerful effect when a Member votes that way. It makes it very difficult for them to come back and say: I am going to change my mind.

It is a meaningful piece of legislation. It is a step in the right direction. It does remove the anxiety which is a positive thing for our seniors. It creates a platform for us to build into the future a stronger Social Security system. I am hopeful that in the next couple of months, if not early next year, that we can get a vote on this; that we can have unanimous consent to bring it up and to pass it and to get a strong vote from every Member of the Senate that Social Security reform programs put forward in the Senate to save and strengthen the Social Security system will be all about the future, will be all about younger workers and how we make the system stable for them without using scare tactics about how it is going to affect older workers who are,

in most cases, the most vulnerable citizens in our society.

By Ms. MIKULSKI:

S. 1751. A bill to amend title 38, United States Code, to expand the State sentences for which burial in National Cemeteries and Arlington National Cemetery are prohibited to include any sentence of life imprisonment for a State capital crime; to the Committee on Veterans' Affairs.

Ms. MIKULSKI. Mr. President, I rise to introduce legislation to close a loophole in current law that allows convicted murderers to be honored at our national cemeteries. I believe we must preserve our national cemeteries as places of honor for our veterans. Arlington National Cemetery—and all our national cemeteries—are hallowed ground. They should not be polluted by the remains of convicted murderers.

In August, I learned of a tragic and troubling circumstance regarding our national cemeteries. The remains of a convicted cold-blooded murderer sentenced to two life sentences for his crimes were buried at Arlington National Cemetery on July 27, 2005. This man, Russell Wagner, was convicted of stabbing to death two elderly residents of Hagerstown, MD—Daniel Davis, 84 and his wife, Wilda Davis, 80. He was sentenced in State court to two life sentences for these unspeakable crimes. While serving his sentence in prison, Wagner died from a heroin overdose. Because he served honorably in Vietnam, his remains were allowed to be placed in Arlington National Cemetery with full military honors, even though he committed this terrible crime.

This episode has been terribly painful for the Davis family, understandably: they have had to relive the horror of their parents' brutal murder, while seeing the man who took away their loved ones being honored as a hero in our Nation's most sacred burial ground. There has been community outrage—which I share. The law that allows this disgrace must be changed.

Arlington is for heroes. So many Marylanders who served with honor were laid to rest in Arlington, the heroes from every war: men like Navy Diver Michael Steadam, who was brutally murdered by terrorists simply because he was a member of our military. In the Iraqi conflict, 37 Marylanders have died, including two from the same high school who died within weeks of each other. These are the heroes who deserve burial at our national cemeteries.

In my 18 years as the head of the VA-HUD subcommittee, I was proud to work closely with our Veterans' Service Organizations. They are tireless advocates for America's veterans. I so respect and admire them. I know many in these groups are uncomfortable with the idea of Congress tinkering with the benefits our veterans have earned. I can understand their yellow flashing lights. Promises made to our veterans



must be promises kept. For 18 years, I fought every day to safeguard these benefits—and continue to do so, because they represent America's payment of a debt we owe our brave veterans for their service—a debt that can never be fully repaid. But this is murder.

Federal law already prohibits murderers from being honored at Arlington and our national cemeteries. In 1997, Congress passed a law to restrict burial eligibility, to prevent convicted Oklahoma City bomber Timothy McVeigh from being buried in a national cemetery following his execution. Under current law, if a veteran is convicted of a capital crime in a Federal court, he or she cannot be placed in a national cemetery. Yet, if someone is convicted of the same crime in a State court, they retain their eligibility to be placed in a national cemetery if they are eligible for parole. This loophole enabled the man who murdered Mr. and Mrs. Davis to be placed alongside the heroes at Arlington.

Why did Congress pass what is known as the McVeigh law? Not to further punish the guilty, but to preserve our national cemeteries as places of honor for our veterans. So I was shocked to learn that the law we passed in 1997 does not apply in the case of the man who murdered Daniel and Wilda Davis. He was convicted of two life sentences, but because he was convicted in State court, he remained eligible for interment with honors at Arlington National Cemetery. This doesn't make

any sense. The purpose of the 1997 law was to protect the standards our military men and women live by: to protect the values they fight and die for. The cold-blooded murder of an elderly couple is certainly contrary to those values.

I am introducing this bill on behalf of the Davis family. But I am also introducing it on behalf of a Nation at war. Every day across this country, brave young soldiers are being honored and laid to rest in our national cemeteries. We have precious little to offer in comfort for their grieving loved ones, who have made the ultimate sacrifice a Nation can ask. But we can insist that these sacred resting places and the honors our Nation rightfully bestowed on those who have died in its service are preserved as sanctuaries and monuments to the values they died protecting. Placing the remains of a cold-blooded murderer in this hallowed ground makes a mockery of that service. And it is wrong.

By Mr. INHOFE:

S. 1754. A bill to apply the Federal medical assistance percentage determined for a State for fiscal year 2005 for fiscal years 2006 through 2014; to the Committee on Finance.

Mr. INHOFE. Mr. President, I rise today to introduce a bill to apply the Federal Medical Assistance Percentage (FMAP) for a State for fiscal year 2005 for fiscal years 2006 through 2014. Oklahoma is one of the hardest hit States receiving a 2.27 percent reduction in

our FMAP funds for 2006, resulting in a loss of approximately \$65 million, along with 21 other states that will suffer more than a 0.5 percent reduction. I would like to introduce with unanimous consent the text of a chart created by the Oklahoma Health Care Authority that lays out the 2006 FMAP reduction.

Federal law states that the FMAP is based on the three most recent calendar years with acceptable data available from the Department of Commerce. Every four to five years the Department of Commerce's Bureau of Economic Analysis performs a comprehensive revision of its calculation of per capita income. They performed a revision in 2003 which revises the data for the previous years as well. Therefore, when the Centers for Medicare and Medicaid Services (CMS) calculated the FMAP for fiscal year 2006, they used the revised data from 2001, 2002 and 2003. A reduction of 2.27 percent would be disastrous for the state of Oklahoma.

My legislation purposes to keep the fiscal year 2005 percentage levels for 2006 through 2014, while we take an in depth look at revising the formula so states do not continue to get hit with such drastic reductions. Please join me in supporting this important legislation.

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

#### OKLAHOMA HEALTH CARE AUTHORITY

(Estimated Federal Cost Impact to Cap FMAP Reduction at .5 Percentage Point Projected FFY 2006)

State	2006 FMAP reduction	Total MAP expenditures (2004 trended)	Total cost to state w/full FMAP reduction	Federal cost to cap FMAP reduction @ 5%	Dif: adj. cost to State w/5% reduction
Alaska .....	7.42 (percent)	927,820,408	68,844,274	64,205,172	4,639,102
Wyoming .....	3.67 (percent)	411,742,028	15,110,932	13,052,222	2,058,710
New Mexico .....	3.15 (percent)	2,507,212,586	78,977,196	66,441,134	12,536,063
Oklahoma .....	2.27 (percent)	2,924,733,647	66,391,454	51,767,786	14,623,668
Maine .....	1.99 (percent)	2,344,739,613	46,660,318	34,936,620	11,723,698
West Virginia .....	1.66 (percent)	2,362,624,867	39,219,872	27,406,657	11,813,214
North Dakota .....	1.64 (percent)	565,830,511	9,279,620	6,450,468	2,829,153
Vermont .....	1.62 (percent)	899,658,464	14,574,467	10,076,175	4,498,292
Utah .....	1.38 (percent)	1,445,925,839	19,953,777	12,724,147	7,229,629
Montana .....	1.36 (percent)	726,849,009	9,885,147	6,250,901	3,634,245
Alabama .....	1.32 (percent)	4,174,809,256	55,107,482	34,233,436	20,874,046
Louisiana .....	1.25 (percent)	5,735,530,756	71,694,134	43,016,481	28,677,654
Nevada .....	1.14 (percent)	1,202,661,716	13,710,344	7,697,035	6,013,309
Mississippi .....	1.08 (percent)	3,752,796,588	40,530,203	21,766,220	18,763,983
Arkansas .....	0.98 (percent)	2,974,366,673	29,148,793	14,276,960	14,871,833
South Dakota .....	0.96 (percent)	622,166,738	5,972,801	2,861,967	3,110,834
Rhode Island .....	0.93 (percent)	1,900,919,404	17,678,550	8,173,953	9,504,597
Tennessee .....	0.82 (percent)	8,319,862,112	68,222,869	26,623,559	41,599,311
Idaho .....	0.71 (percent)	1,069,486,215	7,593,352	2,245,921	5,347,431
Wisconsin .....	0.67 (percent)	5,292,600,883	35,460,426	8,997,442	26,463,004
Kansas .....	0.60 (percent)	2,055,601,420	12,333,609	2,055,601	10,278,007
South Carolina .....	0.57 (percent)	4,449,546,832	25,362,417	3,114,683	22,247,734
<b>Total .....</b>		<b>56,667,503,565</b>	<b>751,712,038</b>	<b>468,374,520</b>	<b>283,337,518</b>

Note: Included are states that are projected to experience an FMAP reduction in FFY06. Estimated costs provided in this chart are based on state MAP expenditures published on CMS 64 reports (2004 trended by 9% for 2 years). The costs do not reflect official estimates from any of the states, but should provide a fair representation of the impact for each state.

By Mr. DAYTON:

S. 1756. A bill to establish a Department of Peace and Nonviolence; to the Committee on Homeland Security and Governmental Affairs.

Mr. DAYTON. Mr. President, I rise today to introduce legislation to create a Department of Peace and Nonviolence, headed by a Cabinet-level Secretary of Peace and Nonviolence. While I am loath to add another agency to the already oversized Federal bu-

reaucracy, it is imperative that we elevate peace to at least the same level as war within the Federal Government, inside the President's Cabinet Room, and in our national policymaking.

The Department's mission is set forth in section 101 of the proposed legislation. It says:

The Department shall—

hold peace as an organizing principle, coordinating service to every level of American society;

endeavor to promote justice and democratic principles to expand human rights; strengthen nonmilitary means of peace-making; promote the development of human potential;

work to create peace, prevent violence, divert from armed conflict, use field-tested programs, and develop new structures and nonviolent dispute resolution;

take a proactive, strategic approach in the development of policies that promote national and international conflict prevention, nonviolent intervention, mediation, peaceful

resolution of conflict, and structured mediation of conflict;

address matters both domestic and international in scope, and

encourage the development of initiatives from local communities, religious groups, and nongovernmental organizations.

The legislation mandates that an amount not less than 2 percent of the Department of Defense's annual appropriation be expended for those peace-making and peace-advancing efforts, which does not affect the Department of Defense's level of funding.

Now is clearly the time to create a Department of Peace and Nonviolence. The continuing war in Iraq, a war which I opposed, a war initiated before all attempts at peaceful resolution had been made, should teach us again that war is not the answer. Despite the incredible heroism of the men and women in our Armed Forces who have fought, patrolled, and helped so well and for so long in Iraq, 138,000 of them are still there with no end in sight. More of them are wounded, maimed, and killed every day. Terrorism activities against our troops and against Iraqi citizens are continuing and even increasing in their lethality.

Tragically, wrongly, but unavoidably, anti-American hatred also continues to grow throughout the Arab world. Who can doubt that some of the sons and daughters of Iraqis killed during the past 2½ years of war will grow up to become vicious terrorists, hell-bent on revenge against America. Our leaders did not intend to create this anti-American backlash, what the CIA calls "blowback." However, they are ignoring it at our peril.

Our Nation possesses a military might that is unprecedented in the world's history and unparalleled in the world today. We must remain so.

Yet, if we are to remain the world's leader and if we are to lead the world into a more secure and a more prosperous future, we must become better known and more respected for our peacemaking successes than for our military forces. Peace is far more than the absence of war, although that is the starting point. Peace, to have any lasting value, must be advanced, expanded, and strengthened continuously. Doing so requires skill, dedication, persistence, resources and, most importantly, people. We need thousands of American emissaries of peace at home and abroad. We need our embassies to become centers for peaceful initiatives worldwide, and we need advocates for peace-promoting policies here in Washington.

This country was founded by a Revolutionary War, a necessary war for independence. But our Nation's Founders wanted this to be a nation of peace. President Thomas Jefferson said, in 1801:

That peace, safety, and concord may be the portion of our native land, and be long-enjoyed by our fellow-citizens, is the most ardent wish of my heart, and if I can be instrumental in procuring or preserving them, I shall think I have not lived in vain.

Mr. President, 158 years later President Dwight Eisenhower, himself no stranger to war, said:

I think people want peace so much that one of these days governments had better get out of the way and let them have it.

To further that goal, in 1984, Congress passed legislation and President Ronald Reagan signed it into law, creating the U.S. Institute of Peace. Today, the Institute of Peace is an independent, nonpartisan organization funded by Congress to promote peace and curb violent international conflict. The last 20 years have shown that the Institute, and all of us, have much more to do to create and to sustain a peaceful world.

Similar to Thomas Jefferson, peace, safety and concord for our fellow citizens is the most ardent wish of my heart. If I can be instrumental in procuring or preserving them, I think that I shall not have lived in vain.

A peaceful world, inhabited by people throughout the world who have learned how to keep peace better than how to make war, who want peace, who know its benefits and who insist that their governments let them have it—that would be the best world and the greatest inheritance we could give to our children and our grandchildren and generations that will follow them. Without it, nothing else is reliable. With it, everything else is possible.

By Mrs. BOXER:

S. 1763. A bill to promote the employment of workers displaced by Hurricane Katrina in connection with Hurricane Katrina reconstruction efforts; to the Committee on Health, Education, Labor, and Pensions.

Mrs. BOXER. Mr. President, we have all seen the unprecedented destruction and suffering caused by Hurricane Katrina.

With the Katrina disaster, tens of thousands of people in the Gulf States have lost their jobs. In fact, over 200,000 have filed for unemployment benefits. For that reason, I introduced the Hurricane Katrina Reconstruction and Displaced Workers Assistance Act of 2005. This legislation would give priority in awarding Federal contracts for the rebuilding efforts to those companies where workers displaced by Hurricane Katrina comprise at least 25 percent of the workforce fulfilling the contract. It is the least we could do to help displaced workers.

Unfortunately, on the same day I introduced my bill to help workers, President Bush did just the opposite. He issued a proclamation saying that those who get Federal contracts for rebuilding will not have to pay workers the prevailing wage. This is unfair to working men and women. It is not right. The tragedy of Hurricane Katrina should not be used as an excuse to take advantage of working people.

Therefore, to ensure that workers in the region affected by the hurricane are paid the region's prevailing wages,

I am introducing a second version of the Hurricane Katrina Reconstruction and Displaced Worker Assistance Act of 2005. It will still give priority to those companies who hire displaced workers, but it will also ensure that all workers are paid the prevailing wage.

I urge my colleagues to support the bill.

## SUBMITTED RESOLUTIONS

SENATE RESOLUTION 247—COMMENDING THE LIBRARY OF CONGRESS'S PRIVATE-SECTOR ADVISORY BODY, THE JAMES MADISON COUNCIL, AND ITS FOUNDING CHAIRMAN, JOHN W. KLUGE, ON 15 YEARS OF EXEMPLARY SERVICE TO CONGRESS AND THE NATION AND LOOKING FORWARD TO THE COUNCIL'S CONTINUED SUCCESS IN THE YEARS AHEAD

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

S. RES. 247

Whereas the James Madison Council, the Library of Congress's first-ever national advisory and support group in the 205-year history of the Library of Congress is celebrating its 15th year under the continuing strong leadership of its Founding Chairman John W. Kluge;

Whereas the James Madison Council remains a loyal group of friends whose vision and generosity have made possible many new initiatives within America's oldest Federal cultural institution;

Whereas John Kluge has energized this group of dedicated and generous individuals from the private-sector to help this unique institution that was created by Congress to make added contributions for the good of the Nation;

Whereas John Kluge's example and leadership has benefitted not only the Library of Congress and Congress, but also scholars, researchers, and lifelong learners everywhere, and has created a new international award at the highest level for lifetime achievement in the study of humanity;

Whereas building on John Kluge's generosity, the James Madison Council has strengthened and enriched the world of scholarship in Washington, District of Columbia, and provided new on-line educational material for the classrooms of the Nation and the world;

Whereas the members of the James Madison Council have added a significant number of rare and historic materials of major importance to the national collection of the Library of Congress, such as the 1507 Waldseemüller map of the world, which was the first map to include America, made possible by members John Hendricks, Marguerite and Gerry Lenfest, and David Koch, the restoration of Thomas Jefferson's original library, which is the cornerstone of the Library's collections, thanks to Jerry Jones, a major private collection from members Jean and Jay I. Kislak, which documents the encounter between European explorers and the indigenous peoples of North America and, thanks to Jon and Lillian Lovelace, the Alan Lomax collection, which is the largest collection of ethnographic material ever assembled by one person; and

Whereas led by John Kluge, the James Madison Council has furthered the programs

of the Librarian of Congress, James H. Billington, such as the National Digital Library, which provides free internet access to 10,000,000 of the most historically important and educationally valuable primary materials in the Library's collection, the National Book Festival, which celebrates the joys of reading, and the Library's Bicentennial celebration in the year 2000: Now, therefore, be it

*Resolved*, That the Senate commends the Library of Congress's private-sector advisory body, the James Madison Council, and its Founding Chairman, John W. Kluge, on 15 years of exemplary service to Congress and the Nation and looks forward to its continued success in the years ahead.

#### SENATE RESOLUTION 248—COMMEMORATING THE WEST OAHU LITTLE LEAGUE TEAM FOR WINNING THE 2005 LITTLE LEAGUE WORLD SERIES

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

S. RES. 248

Whereas on August 28, 2005, the West Oahu Little League Team from Ewa Beach, Hawaii, won the 2005 Little League Baseball World Series Championship;

Whereas the Ewa Beach team defeated the defending champions Curacao, 7-6, in a dramatic, come-from-behind victory in only the second extra-inning championship game in the history of the Little League World Series;

Whereas the victory marked the first Little League World Series championship for the State of Hawaii;

Whereas manager Layton Aliviado had the ability to instill 12 boys from Ewa Beach with the confidence and skills needed to remain focused and fight back to win after falling behind;

Whereas the team hit 13 home runs during the 6 game tournament, including 3 in the championship game victory;

Whereas the champions hit at least 1 home run in every tournament game, with Vonn Feao knocking out a tournament high 4, Michael Memea and Alakai Aglipay each hit 3, Sheyne Baniaga hit 2 (including the game winner in the United States semifinal), and Quentin Guevara hit 1;

Whereas Michael Memea's game-ending homer was a first in the history of the Little League championship game; and

Whereas all of the team's players showed tremendous dedication throughout the season and the tournament toward the goal of winning the World Championship and displayed great class and sportsmanship in victory: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the West Oahu Little League Team from Ewa Beach for winning the 2005 Little League Baseball World Series Championship;

(2) recognizes the achievements of all the team's players, coaches, and support staff, and invites them to the United States Capitol to be honored;

(3) urges the President to—

(A) recognize the achievements of the West Oahu Little League Team from Ewa Beach; and

(B) invite the team to the White House for an appropriate ceremony honoring a world championship team; and

(4) directs the Secretary of the Senate to—

(A) make available enrolled copies of this resolution to the West Oahu Little League Team for appropriate display.

#### SENATE RESOLUTION 249—COMMEMORATING THE OAHU ALL-STARS FOR WINNING THE 2005 CAL RIPKEN WORLD SERIES AND THE HAWAII WARRIORS FOR WINNING THE 2005 CONTINENTAL AMATEUR BASEBALL ASSOCIATION WORLD SERIES (AGES 9-UNDER)

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

S. RES. 249

Whereas on August 21, 2005, the Oahu All-Stars won the 2005 Cal Ripken World Series;

Whereas the team from Oahu worked together in the 1 hit shutout title game to beat the series reigning champs, Team Mexico;

Whereas the manager and coaching staff, Gerald Oda, Keith Oda, and Staphe Fujimoto, respectively, had the ability to instill 14 boys from Oahu with the confidence and skills needed to succeed in a world competition;

Whereas Kewby Meyer was named the Most Outstanding Player in the series;

Whereas Kewby Meyer, Timmy Arakawa, Gavin Okada, and Kalani Lagoc-Crawford were named to the 2005 United States All World Series Team and Kash Kalohelani, Ryan Cortez, and Ryan Yamane were named to the 2005 All Defensive Team;

Whereas on August 5, 2005, the Hawaii Warriors won the 2005 Continental Amateur Baseball Association World Series (ages 9-under) championship game;

Whereas the team battled from behind in the final innings of the championship game to beat the Cincinnati Flames and complete the series with a perfect 9-0 record; and

Whereas all of the teams' players showed tremendous dedication throughout their tournaments toward the goal of winning World Series Championships and displayed great class and sportsmanship in victory: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the Oahu All-Stars for winning the 2005 Cal Ripken World Series title game and the Hawaii Warriors for winning the 2005 Continental Amateur Baseball Association World Series (ages 9-under);

(2) recognizes the achievements of all the teams' players, coaches, and support staff, and invites them to the United States Capitol to be honored;

(3) urges the President to—

(A) recognize the achievements of the Oahu All-Star team and the Hawaii Warriors team; and

(B) invite the teams to the White House for an appropriate ceremony honoring these world championship teams; and

(4) directs the Secretary of the Senate to—

(A) make available enrolled copies of this resolution to the Oahu All-Star team and the Hawaii Warriors team for appropriate display.

#### SENATE RESOLUTION 250—SUPPORTING THE GOALS AND IDEALS OF GOLD STAR MOTHERS DAY

Mr. COBURN (for himself, Mr. ALLEN, Mr. BINGAMAN, Mr. BYRD, Mr. CRAPO, Mr. GRAHAM, Mr. HAGEL, Mr. ISAKSON, Mr. LEVIN, Ms. MURKOWSKI, Ms. SNOWE, Mr. THUNE, Mr. BUNNING, Mrs. CLINTON, Mr. DORGAN, Mr. GRASSLEY, Mr. LAUTENBERG, Mr. SANTORUM, Mr. THOMAS, Mr. JOHNSON, and Mr. MARTINEZ) sub-

mitted the following resolution; which was considered and agreed to:

S. RES. 250

Whereas the American Gold Star Mothers have suffered the supreme sacrifice of motherhood by losing sons and daughters who served in the Armed Forces, and thus perpetuate the memory of all whose lives were sacrificed in our wars;

Whereas the American Gold Star Mothers assist veterans of the Armed Forces and their dependents in the presentation of claims to the Veterans' Administration, and aid the men and women who served and died or were wounded or incapacitated during hostilities;

Whereas the services rendered to the United States by the mothers of America have strengthened and inspired our Nation throughout our history;

Whereas we honor ourselves and the mothers of America when we revere and emphasize the role of the home and the family as the true foundations of our Nation;

Whereas by doing so much for the home, the American mother is a source of moral and spiritual guidance for the people of the United States and thus acts as a positive force to promote good government and peace among all mankind; and

Whereas September 25, 2005, is being recognized as Gold Star Mothers Day: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of Gold Star Mothers Day; and

(2) calls on the people of the United States to observe such day with appropriate ceremonies and activities.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1850. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1851. Mr. DEWINE (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 2528, supra; which was ordered to lie on the table.

SA 1852. Mr. AKAKA (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 2528, supra.

SA 1853. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 2528, supra; which was ordered to lie on the table.

SA 1854. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2528, supra; which was ordered to lie on the table.

SA 1855. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2528, supra; which was ordered to lie on the table.

SA 1856. Mr. MARTINEZ (for himself and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2528, supra; which was ordered to lie on the table.

SA 1857. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 2528, supra; which was ordered to lie on the table.

SA 1858. Mrs. HUTCHISON (for Mr. COBURN) proposed an amendment to the bill H.R. 2528, supra.

SA 1859. Mrs. HUTCHISON (for Mr. CARPER) proposed an amendment to the bill H.R. 2528, supra.

SA 1860. Mrs. HUTCHISON (for Mrs. BOXER) proposed an amendment to the bill H.R. 2528, *supra*.

SA 1861. Mrs. HUTCHISON (for Mr. CHAMBLISS (for himself and Mr. ISAKSON)) proposed an amendment to the bill H.R. 2528, *supra*.

SA 1862. Mrs. HUTCHISON (for Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 2528, *supra*.

SA 1863. Mrs. HUTCHISON (for Mr. FEINGOLD (for himself and Mr. SALAZAR)) proposed an amendment to the bill H.R. 2528, *supra*.

SA 1864. Mrs. HUTCHISON (for Mr. DURBIN (for himself, Mrs. MURRAY, Mr. OBAMA, and Mr. AKAKA)) proposed an amendment to the bill H.R. 2528, *supra*.

SA 1865. Mrs. HUTCHISON (for Mr. DURBIN (for himself and Mr. OBAMA)) proposed an amendment to the bill H.R. 2528, *supra*.

SA 1866. Mrs. HUTCHISON (for Mr. JEFFORDS) proposed an amendment to the bill H.R. 2528, *supra*.

SA 1867. Mrs. HUTCHISON (for Mr. SALAZAR) proposed an amendment to the bill H.R. 2528, *supra*.

SA 1868. Mr. CRAIG (for Mr. SALAZAR (for himself and Mr. BINGAMAN)) proposed an amendment to the bill H.R. 2528, *supra*.

SA 1869. Mr. THOMAS (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 2528, *supra*; which was ordered to lie on the table.

SA 1870. Mr. FRIST (for Mrs. HUTCHISON) proposed an amendment to the bill H.R. 2528, *supra*.

SA 1871. Mr. FRIST (for Mrs. HUTCHISON) proposed an amendment to the bill H.R. 2528, *supra*.

#### TEXT OF AMENDMENTS

**SA 1850.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, 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:

SEC. . Any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying H.R. 2528 shall also be included in the conference report or joint statement accompanying H.R. 2528 in order to be considered as having been approved by both Houses of Congress.

**SA 1851.** Mr. DEWINE (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, 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 72, between lines 13 and 14, insert the following:

SEC. 130. The amount appropriated by this title under the heading "MILITARY CONSTRUCTION, AIR FORCE" is hereby increased by \$12,950,000, with the amount of such increase to be available for the construction of an academic building at the Air Force Institute of Technology at Wright-Patterson Air Force Base, Ohio.

**SA 1852.** Mr. AKAKA (for himself and Mr. SCHUMER) submitted an amend-

ment intended to be proposed by him to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 76, line 22, strike "\$23,308,011,000" and insert "\$23,318,011,000".

On page 77, line 1, insert "\$109,000,000 shall be available for the Readjustment Counseling Service: *Provided further, That*" after "this heading,".

On page 78, line 22, strike "\$1,456,821,000" and insert "\$1,446,821,000".

On page 79, line 7, strike "\$100,000,000" and insert "\$90,000,000".

**SA 1853.** Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, 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 76, lines 22 and 23, strike "\$23,308,011,000, plus reimbursements, of which \$1,977,000,000" and insert "\$23,318,011,000, plus reimbursements, of which \$1,987,000,000".

On page 77, line 1, insert "\$109,000,000 shall be available for the Readjustment Counseling Service: *Provided further, That*" after "this heading,".

**SA 1854.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, 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 72, between lines 13 and 14, insert the following:

SEC. 130. The amount appropriated by this title under the heading "MILITARY CONSTRUCTION, ARMY" is hereby increased by \$4,299,000, with the amount of such increase to be made available for demolition of World War II era wooden buildings at Fort Polk, Louisiana.

**SA 1855.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, 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 72, between lines 13 and 14, insert the following:

SEC. 130. The amount appropriated by this title under the heading "MILITARY CONSTRUCTION, ARMY" is hereby increased by \$15,000,000, with the amount of such increase to be made available to replace World War II era mobilization and demobilization buildings at the north fort of Fort Polk, Louisiana, with portable temporary modular building structures.

**SA 1856.** Mr. MARTINEZ (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2528, an act making appropriations for Military

Construction and Veterans Affairs, 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 72, between lines 13 and 14, insert the following:

SEC. 130. Of the amount appropriated by this title under the heading "MILITARY CONSTRUCTION, NAVY AND MARINE CORPS" and available for architectural and engineering services and construction design, \$500,000 shall be made available for the design of wharf upgrades at Naval Station Mayport, Florida.

**SA 1857.** Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, 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 93, between lines 20 and 21, insert the following:

#### SEC. 222. CLINICAL TRAINING AND PROTOCOLS.

(a) FINDINGS.—Congress finds that—

(1) the Iraq War Clinician Guide has tremendous value; and

(2) the Secretary of Defense and the National Center on Post Traumatic Stress Disorder should continue to work together to ensure that the mental health care needs of servicemembers and veterans are met.

(b) COLLABORATION.—The National Center on Post Traumatic Stress Disorder shall collaborate with the Secretary of Defense—

(1) to enhance the clinical skills of military clinicians through training, treatment protocols, web-based interventions, and the development of evidence-based interventions; and

(2) to promote pre-deployment resilience and post-deployment readjustment among servicemembers serving in Operation Iraqi Freedom and Operation Enduring Freedom.

(c) TRAINING.—The National Center on Post Traumatic Stress Disorder shall work with the Secretary of Defense to ensure that clinicians in the Department of Defense are provided with the training and protocols developed pursuant to subsection (b)(1).

**SA 1858.** Mrs. HUTCHISON (for Mr. COBURN) proposed an amendment to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, 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. . Any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying H.R. 2528 shall also be included in the conference report or joint statement accompanying H.R. 2528 in order to be considered as having been approved by both Houses of Congress.

**SA 1859.** Mrs. HUTCHISON (for Mr. CARPER) proposed an amendment to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 72, between lines 13 and 14, insert the following:

SEC. 130. Of the amount appropriated by this title under the heading "MILITARY CONSTRUCTION, AIR NATIONAL GUARD" and available for planning and design, \$1,440,000 shall be available for planning and design for a replacement C-130 maintenance hangar at Air National Guard New Castle County Airport, Delaware.

**SA 1860.** Mrs. HUTCHISON (for Mrs. BOXER) proposed an amendment to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 93, between lines 20 and 21, insert the following:

**SEC. 222. REPORT ON HOUSING ASSISTANCE TO LOW-INCOME VETERANS.**

(a) IN GENERAL.—The Comptroller General shall conduct a study on housing assistance to low-income veterans, including—

(1) an estimate of the number of low-income, very low-income, and extremely low-income veteran households;

(2) a description of the demographic and socioeconomic characteristics and health and disability status of such households;

(3) an estimate of the number of such households experiencing a high cost burden in, overcrowding in, or poor quality of housing, or experiencing homelessness;

(4) an assessment of such households, including their current barriers to safe, quality, and affordable housing and levels of homelessness among such households;

(5) the extent to which Federal housing assistance programs provide benefits, including supportive services, to all veteran households and in particular to low-income, very low-income, and extremely-low income veteran households;

(6) the number of units designated for or occupied by veterans and low-income, very low-income, and extremely low-income veterans in Federally subsidized or insured housing;

(7) a summary description of the manner in which veteran compensation, veteran dependency and indemnity compensation, and veteran pension are considered as income or adjusted income for purposes of determining—

(A) eligibility for Federal housing assistance programs; and

(B) the amount of rent paid by a veteran household for occupancy of a dwelling unit or housing assisted under Federal housing assistance programs;

(8) a summary description of the special considerations made for veterans under—

(A) public housing plans submitted under section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c-1); and

(B) comprehensive housing affordability strategies submitted under section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705);

(9) the extent to which public housing authorities have established preferences for veterans for public housing and housing choice vouchers;

(10) the number of homeless veterans provided assistance, cumulatively and currently, under the program of housing choice vouchers for homeless veterans under section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)), and the current status of the program, including—

(A) the number of vouchers the Department of Housing and Urban Development currently allocates to the Department of Veterans Affairs;

(B) the monetary value of such vouchers; and

(C) the names and locations of VA medical centers receiving such vouchers; and

(11) a description of activities relating to veterans of the Department of Housing and Urban Development.

(b) ACQUISITION OF SUPPORTING INFORMATION.—In carrying out the study under this section, the Comptroller General shall seek to obtain views from the following persons:

(1) The Secretary of Housing and Urban Development.

(2) The Secretary of Veterans Affairs.

(3) Low-income, very low-income, and extremely low-income veterans.

(4) Representatives of State and local housing assistance agencies.

(5) Representatives of nonprofit low-income housing providers and homeless service providers, including homeless veteran service providers.

(6) National advocacy organizations concerned with veterans, homelessness, and low-income housing.

(c) TIMING OF REPORT.—Not later than 6 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under this section.

**SA 1861.** Mrs. HUTCHISON (for Mr. CHAMBLISS (for himself and Mr. ISAKSON)) proposed an amendment to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 72, between lines 13 and 14, insert the following:

SEC. 130. (a) Of the amount appropriated by this title under the heading "MILITARY CONSTRUCTION, ARMY", \$4,550,000 shall be made available for the construction of a military police complex at Fort Gordon, Georgia.

(b) The amount appropriated by this title under the heading "MILITARY CONSTRUCTION, ARMY" and available for Fort Gillem, Georgia, is hereby decreased by \$4,550,000.

**SA 1862.** Mrs. HUTCHISON (for Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 72, between lines 13 and 14, insert the following:

SEC. 130. (a) The amount appropriated by this title under the heading "DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990" is hereby increased by \$25,000,000.

(b) The amount appropriated by this title under the heading "DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005" is hereby decreased by \$25,000,000.

**SA 1863.** Mrs. HUTCHISON (for Mr. FEINGOLD (for himself and Mr. SALAZAR)) proposed an amendment to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 93, between lines 20 and 21, insert the following:

SEC. 222.(a) Not later than 60 days after the date of enactment of this Act, the Secretary of Veterans Affairs, after consultation with the National Association of County Veterans Service Officers, other veterans service organizations, and State Departments of Veterans Affairs shall submit a report to the

committee on Appropriation of the Senate that describes a plan (including estimated costs) to provide an adequate supply of the 2006 edition of handbook entitled, Federal Benefits for Veterans and Dependents, and all subsequent editions, to all county veterans service officers in the United States.

**SA 1864.** Mrs. HUTCHISON (for Mr. DURBIN (for himself, Mrs. MURRAY, Mr. OBAMA, and Mr. AKAKA)) proposed an amendment to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 93, between lines 20 and 21, insert the following:

SEC. 222. None of the funds made available in this Act or any other Act may be used—

(1) to revoke or reduce a veteran's disability compensation for post-traumatic stress disorder based on a finding that the Department of Veterans Affairs failed to collect justifying documentation unless such failure was the direct result of fraud by the applicant; or

(2) for the implementation of Recommendation 3 of VA Inspector General Report No. 05-00765-137 or any related review and investigation of post-traumatic stress disorder unemployability and 100 schedular percent ratings cases, until the Department of Veterans Affairs reports to the Committee on Appropriations on its plan for implementing this recommendation, and outlines the staffing and funding requirements.

**SA 1865.** Mrs. HUTCHISON (for Mr. DURBIN (for himself and Mr. OBAMA)) proposed an amendment to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 81, line 2, insert "The VA shall conduct an information campaign in States with an average annual disability compensation payment of less than \$7,300 (according to the report issued by the Department of Veterans Affairs Office of Inspector General on May 19, 2005), to inform all veterans receiving disability compensation, by direct mail, of the history of below average disability compensation payments to veterans in such States, and to provide all veterans in each such State, through broadcast or print advertising, with the aforementioned historical information and instructions for submitting new claims and requesting review of past disability claims and ratings: *Provided further,*" after "*Provided,*".

**SA 1866.** Mrs. HUTCHISON (for Mr. JEFFORDS) proposed an amendment to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 93, between lines 20 and 21, insert the following:

**SEC. 222. CLINICAL TRAINING AND PROTOCOLS.**

(a) FINDINGS.—Congress finds that—

(1) the Iraq War Clinician Guide has tremendous value; and

(2) the Secretary of Defense and the National Center on Post Traumatic Stress Disorder should continue to work together to

ensure that the mental health care needs of servicemembers and veterans are met.

(b) **COLLABORATION.**—The National Center on Post Traumatic Stress Disorder shall collaborate with the Secretary of Defense—

(1) to enhance the clinical skills of military clinicians through training, treatment protocols, web-based interventions, and the development of evidence-based interventions; and

(2) to promote pre-deployment resilience and post-deployment readjustment among servicemembers serving in Operation Iraqi Freedom and Operation Enduring Freedom.

(c) **TRAINING.**—The National Center on Post Traumatic Stress Disorder shall work with the Secretary of Defense to ensure that clinicians in the Department of Defense are provided with the training and protocols developed pursuant to subsection (b)(1).

**SA 1867.** Mrs. HUTCHISON (for Mr. SALAZAR) proposed an amendment to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 93, between lines 20 and 21, insert the following:

SEC. 222. (a) The Secretary of Veterans Affairs shall immediately submit to the Committees on Veterans' Affairs and Appropriations of the Senate and the House of Representatives a report on any Department of Veterans Affairs budget shortfall totaling 2 percent or more of the Department's total discretionary funding budget for a fiscal year.

(b) The Secretary of Veterans Affairs shall, not later than 180 days after the date of the enactment of this Act, submit to the Committees on Veterans' Affairs and Appropriations of the Senate and the House of Representatives a comprehensive plan to improve long-term budget planning and actuarial forecasting at the Department of Veterans Affairs.

**SA 1868.** Mr. CRAIG (for Mr. SALAZAR) (for himself and Mr. BINGAMAN) proposed an amendment to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 93, between lines 20 and 21, insert the following:

SEC. 222. (a) In conducting advanced planning activities under this Act, the Secretary of Veterans Affairs shall reevaluate Veterans Health Administration Handbook 1006.1 and other guidance and procedures related to planning, activating, staffing, and maintaining community-based outpatient clinics.

(b) In conducting such planning, the Secretary shall—

(1) revise as appropriate existing policies to make them less disadvantageous to rural veterans; and

(2) reexamine criteria used in planning, activating, staffing, and maintaining such clinics, including geographic access, number of Priority 1-6 veterans, market penetration, cost effectiveness, and distance to parent facilities, to determine whether such criteria are weighted in a manner that negatively affects rural veterans.

**SA 1869.** Mr. THOMAS (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 2528, an act making appropriations for Military Construction

and Veterans Affairs, 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 72, between lines 13 and 14, insert the following:

SEC. 130. (a) The amount appropriated by this title under the heading "MILITARY CONSTRUCTION, AIR FORCE" is hereby increased by \$10,000,000, with the amount of such increase to be made available to carry out a storm water drainage system project at F.E. Warren Air Force Base, Cheyenne, Wyoming.

(b) The amount appropriated by this title under the heading "MILITARY CONSTRUCTION, ARMY" is hereby decreased by \$10,000,000, and not more than \$30,000,000 of the total amount appropriated under such heading may be made available for the barracks complex in Grafenwoehr, Germany.

**SA 1870.** Mr. FRIST (for Mrs. HUTCHISON) proposed an amendment to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 55, line 4, strike "\$191,393,000" and insert "\$179,343,000".

On page 55, line 10, following "therefor", strike "." and insert ": Provided further, That of the amount provided for Military Construction, Army, \$8,900,000 shall be available for Phase 1a of a Permanent Party Barracks at Fort Leonard Wood, Missouri, and \$3,150,000 shall be available for an Airfield Fire Station at Fort Sill, Oklahoma."

**SA 1871.** Mr. FRIST (for Mrs. HUTCHISON) proposed an amendment to the bill H.R. 2528, an act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 56, line 11, strike "\$103,347,000" and insert "\$83,626,000".

On page 56, line 17, following "therefor", strike "." and insert ": Provided further, That of the amount provided for Military Construction, Air Force, \$5,721,000 shall be available for a B-2 Conventional Munitions Storage Facility at Whiteman Air Force Base, Missouri, and \$14,000,000 for Phase 1 of Force Protection Enhancement at Vance Air Force Base, Oklahoma."

## NOTICES OF HEARINGS/MEETINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, October 6, 2005 at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to evaluate and receive a status report on the Environmental Management programs of the Department of Energy.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two

copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Clint Williamson 202-224-7556 or Steve Waskiewicz at 202-228-6195.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. HUTCHISON. 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 22, 2005, at 10 a.m., to conduct a hearing on "Examining the Financial Services Industry's Responsibilities and Role in Preventing Identity Theft and Protecting Sensitive Financial Information."

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

### COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, September 22, 2005, at 10 a.m., on Communications in a Disaster, in SD-562.

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

### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Thursday, September 22, 2005, at 2:30 p.m., to conduct a hearing on the following pending nominations:

Environmental Protection Agency, George M. Gray, of Massachusetts, to be an assistant administrator of the Environmental Protection Agency.

Nuclear Regulatory Commission, Edward McGaffigan, Jr., of Virginia, to be a member of the Nuclear Regulatory Commission for the term of 5 years expiring June 30, 2010.

Department of the Interior, H. Dale Hall, of New Mexico, to be director of the United States Fish and Wildlife Service.

Environmental Protection Agency, Lyons Gray, of North Carolina, to be chief financial officer, Environmental Protection Agency.

Department of Commerce, Santanu K. Baruah, of Oregon, to be assistant secretary of Commerce for Economic Development.

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

### COMMITTEE ON FOREIGN RELATIONS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the



Senate on Thursday, September 22, 2005, at 9 a.m., to hold a hearing on nominations.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR,  
AND PENSIONS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Subcommittee on Education and Early Childhood Development, be authorized to hold a hearing during the session of the Senate on Thursday, September 22 at 3 p.m. in SD-430.

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

COMMITTEE ON HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, September 22, 2005, at 9:30 a.m. to hold a business meeting to consider pending committee business.

Agenda

Legislation

1. S. , Assure Emergency and Interoperable Communications for First Responders Act of 2005.

2. S. , an original bill to provide relief for the victims of Hurricane Katrina.

3. S. , a bill to expand the responsibilities of the Special Inspector General for Iraq Reconstruction to provide independent and objective audits and investigations relating to the federal programs for Hurricane Katrina.

4. S. 939, Disaster Recovery Act of 2005.

5. S. 1700, a bill to establish an Office of the Hurricane Katrina Recovery Chief Financial Officer.

6. S. , a bill to amend title 5, United States Code, to allow employees of the judicial branch to establish an emergency leave transfer program in the event of a major disaster or emergency.

7. S. 572, Homeland Security Food and Agriculture Act of 2005.

Nominations

1. Stewart A. Baker to be Assistant Secretary, U.S. Department of Homeland Security.

2. John R. Fisher to be Associate Judge, District of Columbia Court of Appeals.

3. Colleen D. Kiko to be General Counsel, Federal Labor Relations Authority.

4. Juliet J. McKenna to be Associate Judge, District of Columbia Superior Court.

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

COMMITTEE ON THE JUDICIARY

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup of Thursday, September 22, 2005 at 9:30 a.m. in Senate Dirksen Office Building Room 226.

Agenda

I. Nominations

John G. Roberts, to be Chief Justice of the United States; Timothy Flanigan, to be Deputy Attorney General.

II. Bills

S. 1088. Streamlined Procedures Act of 2005; Kyl, Cornyn, Grassley, Hatch;

S. \_\_\_\_\_. Personal Data Privacy and Security Act of 2005; Specter, Leahy, Feingold;

S. 751. Notification of Risk to Personal Data Act; Feinstein, Kyl;

S. 1326. Notification of Risk to Personal Data Act; Sessions;

S. 155. Gang Prevention and Effective Deterrence Act of 2005; Feinstein, Hatch, Grassley, Cornyn, Kyl, Specter;

S. 1086. A Bill to Improve the National Program to Register and Monitor Individuals Who Commit Crimes Against Children or Sex Offenses; Hatch, Biden, Schumer;

S. 956. Jetseta Gage Prevention and Deterrence of Crimes Against Children Act of 2005; Grassley, Kyl, Cornyn.

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

COMMITTEE ON SMALL BUSINESS AND  
ENTREPRENEURSHIP

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a hearing entitled, "The Impact of Hurricane Katrina on Small Businesses" on Thursday, September 22, 2005, beginning at 10 a.m. in room 428A of the Russell Senate Office Building.

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

COMMITTEE ON VETERANS AFFAIRS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meeting during the session of the Senate on Thursday, September 22, 2005, for a committee hearing titled "Preserving Sacred Ground; Should Capital Offenders be Buried in America's National Cemeteries?" The hearing will take place in Room 418 of the Russell Senate Office Building at 10 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 22, 2005 at 2:30 p.m. to hold a closed markup on the fiscal year 2006 Intelligence Authorization.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be author-

ized to meet on Thursday, September 22, 2005, at 2:30 p.m. for a hearing regarding "Cost and Payment Plans of Medicare Part D."

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

SUBCOMMITTEE ON NATIONAL PARKS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Subcommittee on National Parks be authorized to meet during the session of the Senate on Thursday, September 22 at 2:30 p.m.

The purpose of the hearing is to receive testimony on the following bills: S. 435, a bill to amend the Wild and Scenic Rivers Act to designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes, S. 1096, a bill to amend the Wild and Scenic Rivers Act to designate portions of the system, and for other purposes, S. 1310, a bill to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of natural gas pipeline located in the Delaware Water Gap National Recreation Area, S. 1378, a bill to amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation, and S. 1627, a bill to authorize the Secretary of the Interior to conduct a special resources study to evaluate resources along the coastal region of the State of Delaware and to determine the suitability and feasibility of establishing a unit of the National Park in Delaware.

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

PRIVILEGE OF THE FLOOR

Mr. BENNETT. Madam President, I ask unanimous consent that Senator McCain's legislative fellow, Navy CDR Shawn Grenier, be granted floor privileges during consideration of H.R. 2528.

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

Mr. DAYTON. Mr. President, I ask unanimous consent that Kimberly Jackson on my staff be granted the privilege of the floor throughout my remarks.

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

PROVIDING FOR CONTINUED EDUCATION OF STUDENTS AFFECTED BY HURRICANE KATRINA

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1764, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1764) to provide for the continued education of students affected by Hurricane Katrina.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 1764) was read the third time and passed, as follows:

S. 1764

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

#### SECTION 1. DEFINITION OF STUDENT AFFECTED BY HURRICANE KATRINA.

In this Act, the term "student affected by Hurricane Katrina" means a student who resides or resided on August 22, 2005 in an area, or is enrolled or was enrolled on August 22, 2005 in a school located in an area, for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) as a result of Hurricane Katrina.

#### SEC. 2. EDUCATION EXPENSES.

(a) IN GENERAL.—Upon the request of the Secretary of Education, the Secretary of Homeland Security may transfer any funds made available to the Federal Emergency Management Agency "Disaster Relief Fund" for Hurricane Katrina to the Department of Education for the education of students affected by Hurricane Katrina. Such funds shall only be used for expenditures for activities of educational agencies authorized under Federal law within the jurisdiction of the Department of Education, and for the following activities in support of students affected by Hurricane Katrina:

(1) Paying the compensation of personnel, including teacher aides, to provide instructional services.

(2) Paying the operational costs incurred by educational agencies as a result of educating such students.

(3) Purchasing instructional materials and equipment, including textbooks, used to educate such students.

(b) SPECIAL RULE.—Notwithstanding any other provision of this section, funds may be used for expenditures described in subsection (a) only if—

(1) the Secretary of Education makes a determination that such expenditures constitute an immediate need for the relief of students affected by Hurricane Katrina; and

(2) funds are not made available for such activities from other Federal sources.

#### SEC. 3. AVAILABILITY OF FUNDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, any funds available to the Secretary of Education, the authority for which would be cancelled or otherwise expire on September 30, 2005, shall be available for obligation by the Secretary until September 30, 2006, but only to meet educational needs of students affected by Hurricane Katrina.

(b) EMERGENCY DESIGNATION.—Any funds available for obligation pursuant to subsection (a) are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

#### SEC. 4. ADVANCED NOTIFICATION OF CONGRESS.

(a) DEPARTMENT OF EDUCATION APPROPRIATIONS ACT, 2005.—Section 304 of the Department of Education Appropriations Act, 2005 (Public Law 108-447) is amended by striking "15 days" and inserting "3 days".

(b) CONSOLIDATED APPROPRIATIONS ACT, 2005.—Section 517 of the Departments of

Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2005 (Public Law 108-447) is amended—

(1) in subsection (a), by striking "15 days" and inserting "3 days"; and

(2) in subsection (b), by striking "15 days" and inserting "3 days".

#### SEC. 5. SUNSET.

This Act shall be effective for the period beginning on the date of enactment of this Act and ending on September 30, 2006.

Mr. FRIST. Mr. President, this bill we just passed provides for the continued education of students who have been so severely affected by Hurricane Katrina.

I thank my colleague, the Senator from Texas, Mrs. HUTCHISON, for her tremendous leadership on this bill. It is a very important bill and a bill that has been a long time coming. We—especially she and her cosponsors—have aggressively worked in this regard to pass this bill. I am happy to yield to her at this time.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the distinguished majority leader for helping us clear this legislation. This is a bill cosponsored by Senator LANDRIEU and Senator CORNYN. Twenty-eight States have taken students, who are victims of Hurricane Katrina, into their hearts, into their arms, into their shelters, and into their educational systems.

We have been passing legislation that would cut red tape and pay for certain items that are not covered by the law. One of the major areas for which we have not had a precedent is schoolchildren in great numbers going into public schools as a result of having to evacuate from an emergency disaster, such as Hurricane Katrina. That has been the case.

We have more than 45,000 evacuee students now in our Texas public schools. As everyone knows, there is no school district that can afford to absorb that number of students without help. The bill we have just passed will allow the money that has already been appropriated to be available for the Department of Education to pay for the extra teachers who are being hired. It is limited to children who are victims of Hurricane Katrina, and it also has a sunset. It is just for this school year. So this is not a new law that is going to put the Federal Government into public education throughout our country. But it is going to offset the costs of hiring teachers and buying school supplies for those students who have come to our State and 27 other States with nothing.

Today I am very proud of the Senate for passing this legislation to give these 28 States the help they need. The money will flow through the Department of Education. The Secretary of Education will have the authority to take some of the money that has already been appropriated by Congress for this purpose.

I applaud the Senate for passing this bill, and I look forward to it going

through the House and being signed by the President.

I thank Senator FRIST so much for the help he has given in allowing the Senate to act quickly on this legislation.

I yield the floor.

#### NOMINATION OF ROBERT B. HOLLAND

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of Robert Holland, PN447, that the Senate proceed to its consideration, that the nomination be confirmed, that the motion to reconsider be laid upon the table, and that the President be immediately notified of the Senate's action.

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

The nomination considered and confirmed is as follows:

Robert B. Holland III, of Texas, to be United States Executive Director of the International Bank for Reconstruction and Development for a term of two years.

#### AMENDING THE INDIAN FINANCING ACT

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of S. 1758, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1758) to amend the Indian Financing Act of 1974 to provide for sale and assignment of loans and other security and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCAIN. Mr. President, today I rise in support of the Indian Financing Act Amendments of 2005, originally introduced as a component of the Native American Omnibus Act of 2005. I'm pleased to be joined by the vice chairman of the Senate Indian Affairs Committee, BYRON DORGAN, on this bill.

The Indian financing act amendments, amends the Indian finance act of 1974 to clarify that non-profit tribal entities are eligible for the BIA Loan Guaranty program. The amendments also raises the limit on the amount of loans to \$1.5 billion from \$500 million.

I look forward to working with my respective colleagues on both sides of the aisle to enact this legislation.

Mr. FRIST. Mr. President, I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

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

The bill (S. 1758) was read the third time and passed, as follows:

S. 1758

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

**SECTION 1. LOAN GUARANTY AND INSURANCE.**

(a) IN GENERAL.—Section 201 of the Indian Financing Act of 1974 (25 U.S.C. 1481) is amended

(1) by striking “SEC. 201. In order” and inserting the following:

**“SEC. 201. LOAN GUARANTIES AND INSURANCE.**

“(a) IN GENERAL.—In order”;

(2) by striking “the Secretary is authorized (a) to guarantee” and inserting “the Secretary may—

“(1) guarantee”;

(3) by striking “members; and (b) in lieu of such guaranty, to insure” and inserting “members; or

“(2) insure”;

(4) by adding at the end the following:

“(b) ELIGIBLE BORROWERS.—The Secretary may guarantee or insure loans under subsection (a) to both for-profit and nonprofit borrowers.”.

(b) SALE OR ASSIGNMENT OF LOANS AND UNDERLYING SECURITY.—Section 205 of the Indian Financing Act of 1974 (25 U.S.C. 1485) is amended—

(1) by striking “SEC. 205.” and all that follows through subsection (b) and inserting the following:

**“SEC. 205. SALE OR ASSIGNMENT OF LOANS AND UNDERLYING SECURITY.**

“(a) IN GENERAL.—All or any portion of a loan guaranteed or insured under this title, including the security given for the loan—

“(1) may be transferred by the lender by sale or assignment to any person; and

“(2) may be retransferred by the transferee.

“(b) TRANSFERS OF LOANS.—With respect to a transfer described in subsection (a)—

“(1) the transfer shall be consistent with such regulations as the Secretary shall promulgate under subsection (h); and

“(2) the transferee shall give notice of the transfer to the Secretary.”;

(2) by striking subsection (c);

(3) by redesignating subsections (d), (e), (f), (g), (h), and (i) as subsections (c), (d), (e), (f), (g), and (h), respectively;

(4) in subsection (c) (as redesignated by paragraph (3)), by striking paragraph (2) and inserting the following:

“(2) VALIDITY.—Except as provided in regulations in effect on the date on which a loan is made, the validity of a guarantee or insurance of a loan under this title shall be incontestable.”;

(5) in subsection (e) (as redesignated by paragraph (3))—

(A) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”;

(B) by adding at the end the following:

“(2) COMPENSATION OF FISCAL TRANSFER AGENT.—A fiscal transfer agent designated under subsection (f) may be compensated through any of the fees assessed under this section and any interest earned on any funds or fees collected by the fiscal transfer agent while the funds or fees are in the control of the fiscal transfer agent and before the time at which the fiscal transfer agent is contractually required to transfer such funds to the Secretary or to transferees or other holders.”; and

(6) in subsection (f) (as redesignated by paragraph (3))—

(A) by striking “subsection (i)” and inserting “subsection (h)”;

(B) in paragraph (2)(B), by striking “, and issuance of acknowledgments.”.

(c) LOANS INELIGIBLE FOR GUARANTY OR INSURANCE.—Section 206 of the Indian Financing Act of 1974 (25 U.S.C. 1486) is amended by inserting “(not including an eligible Community Development Finance Institution)” after “Government”.

(d) AGGREGATE LOANS OR SURETY BONDS LIMITATION.—Section 217(b) of the Indian Fi-

nancing Act of 1974 (25 U.S.C. 1497(b)) is amended by striking “\$500,000,000” and inserting “\$1,500,000,000”.

**COMMENDING THE JAMES MADISON COUNCIL AND ITS FOUNDING CHAIRMAN, JOHN W. KLUGE**

Mr. FRIST. I ask unanimous consent the Senate now proceed to the consideration of S. Res. 247, which was submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 247) commending the Library of Congress's private-sector advisory body, the James Madison Council, and its Founding Chairman, John W. Kluge, on 15 years of exemplary service to Congress and the Nation and looking forward to the Council's continued success in the years ahead.

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

Mr. STEVENS. Mr. President, I rise in support of a Senate resolution which I submitted commending the James Madison Council of the Library of Congress, which is celebrating its 15th year under the continuing strong leadership of its founding chairman, John Kluge.

The James Madison Council is the first private sector advisory body in the history of the Library of Congress. With the approval of the Joint Committee on the Library, which I have chaired and served on for many years, Librarian of Congress Jim Billington established the Council in 1990 as the Library's primary philanthropic body and link to the business community. It consists of public-spirited citizens dedicated to helping the Nation receive the full benefits of the Library of Congress's incomparable educational, scientific, technological, and cultural resources.

In its 15 years of unprecedented private support of the Library, the Madison Council has acquired hundreds of items for the collections that would have otherwise been unattainable through Federal appropriations alone, including the famous Waldseemüller map, the first map to bear the name “America”; the \$45 million dollar campaign to launch the National Digital Library, which provides free internet access to 10 million of the most important materials in the Library's collection; the Library's bicentennial celebration in 2000 which featured the recreation of Thomas Jefferson's library; the establishment of the John Kluge Center, a major scholarly center, and its accompanying Kluge Prize in the humanities; and the National Book Festival, in conjunction with First Lady Laura Bush, promoting literacy and the joys of reading, which is taking place this weekend.

This resolution commends and thanks the James Madison Council, particularly its chairman, John Kluge, one of the most patriotic and generous philanthropists I have known, and looks forward to its continued success

in supporting the world's greatest library in the years ahead.

Mr. FRIST. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

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

The resolution (S. Res. 247) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

**S. RES. 247**

Whereas the James Madison Council, the Library of Congress's first-ever national advisory and support group in the 205-year history of the Library of Congress is celebrating its 15th year under the continuing strong leadership of its Founding Chairman John W. Kluge;

Whereas the James Madison Council remains a loyal group of friends whose vision and generosity have made possible many new initiatives within America's oldest Federal cultural institution;

Whereas John Kluge has energized this group of dedicated and generous individuals from the private-sector to help this unique institution that was created by Congress to make added contributions for the good of the Nation;

Whereas John Kluge's example and leadership has benefitted not only the Library of Congress and Congress, but also scholars, researchers, and lifelong learners everywhere, and has created a new international award at the highest level for lifetime achievement in the study of humanity;

Whereas building on John Kluge's generosity, the James Madison Council has strengthened and enriched the world of scholarship in Washington, District of Columbia, and provided new on-line educational material for the classrooms of the Nation and the world;

Whereas the members of the James Madison Council have added a significant number of rare and historic materials of major importance to the national collection of the Library of Congress, such as the 1507 Waldseemüller map of the world, which was the first map to include America, made possible by members John Hendricks, Marguerite and Gerry Lenfest, and David Koch, the restoration of Thomas Jefferson's original library, which is the cornerstone of the Library's collections, thanks to Jerry Jones, a major private collection from members Jean and Jay I. Kislak, which documents the encounter between European explorers and the indigenous peoples of North America and, thanks to Jon and Lillian Lovelace, the Alan Lomax collection, which is the largest collection of ethnographic material ever assembled by one person; and

Whereas led by John Kluge, the James Madison Council has furthered the programs of the Librarian of Congress, James H. Billington, such as the National Digital Library, which provides free internet access to 10,000,000 of the most historically important and educationally valuable primary materials in the Library's collection, the National Book Festival, which celebrates the joys of reading, and the Library's Bicentennial celebration in the year 2000: Now, therefore, be it

*Resolved*, That the Senate commends the Library of Congress's private-sector advisory body, the James Madison Council, and its Founding Chairman, John W. Kluge, on 15 years of exemplary service to Congress and the Nation and looks forward to its continued success in the years ahead.

# COMMEMORATING THE WEST OAHU LITTLE LEAGUE TEAM FOR WINNING THE 2005 LITTLE LEAGUE WORLD SERIES

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 248, submitted earlier today by Senator AKAKA.

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

The legislative clerk read as follows:

A resolution (S. Res. 248) commemorating the West Oahu Little League Team for winning the 2005 Little League World Series.

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

Mr. AKAKA. Mr. President, I rise today in support of resolutions congratulating the Ewa Beach little league team, the Oahu all-star team, and the Hawaii Warriors on their world championships. All three teams recently persevered through difficult competition to become world champions.

The Ewa Beach little leaguers competed in the Little League World Series held in Williamsport, PA. The team posted an impressive 7-6 win in the championship game, in which they came from three runs down to defeat the defending championship team from Curacao in extra innings.

The Oahu all-stars participated in the Cal Ripken World Series tournament held in Aberdeen, MD. In the championship game, the team used three pitchers to combine for a one hit shut-out as they prevailed by a score of 1-0 over the reigning champs, a very talented team from Mexico. A special congratulations to Kewby Meyer for being named Most Outstanding Player of the series.

The Hawaii Warriors won the 2005 Continental Amateur Baseball Association World Series, ages 9 and under. The team battled from behind in the final innings to win the championship game and complete the series with a perfect 9-0 record.

I am proud not only of the impressive wins but also of the humility and sportsmanship that the teams displayed as they won with aloha. All the teams represented the State of Hawaii, and the United States, very well.

I recognize the sacrifices many family members and friends made to support the teams. These young men were able to enjoy the athletic competitions because of their loving and caring families. I applaud these families' efforts and wish all the players and their families the best in future endeavors.

I look forward to hearing more about the success of our little leaguers as they continue to pursue their education and baseball ambitions. I also want to recognize all of the contributions from a Brookings Institution fellow in my office, Bill Ferraro.

I ask unanimous consent the Teams' rosters be printed in the RECORD.

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

## WEST OAHU LITTLE LEAGUE, EWA BEACH, HAWAII TEAM ROSTER

#1, Layson Aliviado, 1B, P; #5, Harrison Kam, CF; #11, Ty Tirpak, RF; #12, Zachary Ramit, LF; #15, Ethan Javier, CF; #17, Vonn Feao, 3B, C; #18, Quentin Guevara, P, RF; #20, Sheyne Baniaga, P, 2B; #21, Michael Memea, C; #22, Zachary Rosete, LF; #24, Myron Enos, P, SS; #25, Alakai Aglipay, P, 3B. Coach: Tyron Kitashima. Coach: Clit Tirpak. Manager: Layton Aliviado.

## OAHU ALL-STARS TEAM ROSTER

#0, Kalani Lagoc-Crawford, P, OF; #2, Jake Fujimoto, SS, OF; #5, Wilkins Kato, OF, 1B; #6, Ryan Yamane, OF, P; #7, Timmy Arakawa, SS; #11, Cory Quiamzon, OF; #14, Kash Kalohelani, C; #21, Joe Yokoi, 2B, OF; #22, Dylan Goto, 2B, OF; #23, Chris Sekiguchi, OF; #25, Ryan Cortez, 3B; #34, Jordan Deponte, 2B, P; #50, Kewby Meyer, 1B, P; #51, Gavin Okada, 2B, OF. Coach: Keith Oda. Asst. Coach: Staphe Fujimoto. Manager: Gerald Oda.

## HAWAII WARRIORS TEAM ROSTER

Brett Choy, Chansen Fukushima, Joshua Inaba, Joshua Inouye, Ried Kimura, Seth Kinel, Luke Morris, Cal Muramaru, Sean Romo, Ryan Sato, Larry Tuileta. Coach, Paul Wallrabenstein III. Asst. Coach, Randy Inaba. Asst. Coach, Ricky Inouye. Asst. Coach, Dunn Muramaru. Asst. Coach, Paul Wallrabenstein, Jr.

Mr. FRIST. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements be printed in the RECORD.

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

The resolution (S. Res. 248) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

## S. RES. 248

Whereas on August 28, 2005, the West Oahu Little League Team from Ewa Beach, Hawaii, won the 2005 Little League Baseball World Series Championship;

Whereas the Ewa Beach team defeated the defending champions Curacao, 7-6, in a dramatic, come-from-behind victory in only the second extra-inning championship game in the history of the Little League World Series;

Whereas the victory marked the first Little League World Series championship for the State of Hawaii;

Whereas manager Layton Aliviado had the ability to instill 12 boys from Ewa Beach with the confidence and skills needed to remain focused and fight back to win after falling behind;

Whereas the team hit 13 home runs during the 6 game tournament, including 3 in the championship game victory;

Whereas the champions hit at least 1 home run in every tournament game, with Vonn Feao knocking out a tournament high 4, Michael Memea and Alakai Aglipay each hit 3, Sheyne Baniaga hit 2 (including the game winner in the United States semifinal), and Quentin Guevara hit 1;

Whereas Michael Memea's game-ending homer was a first in the history of the Little League championship game; and

Whereas all of the team's players showed tremendous dedication throughout the season and the tournament toward the goal of winning the World Championship and displayed great class and sportsmanship in victory: Now, therefore, be it

Resolved, That the Senate—

(1) commends the West Oahu Little League Team from Ewa Beach for winning the 2005 Little League Baseball World Series Championship;

(2) recognizes the achievements of all the team's players, coaches, and support staff, and invites them to the United States Capitol to be honored;

(3) urges the President to—

(A) recognize the achievements of the West Oahu Little League Team from Ewa Beach; and

(B) invite the team to the White House for an appropriate ceremony honoring a world championship team; and

(4) directs the Secretary of the Senate to—

(A) make available enrolled copies of this resolution to the West Oahu Little League Team for appropriate display.

## COMMEMORATION OF THE OAHU ALL-STARS AND THE HAWAII WARRIORS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 249, which was submitted earlier today by Senator AKAKA.

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

The legislative clerk read as follows:

A resolution (S. Res. 249) commemorating the Oahu All-Stars for winning the 2005 Cal Ripken World Series and the Hawaii Warriors for winning the 2005 Continental Amateur Baseball Association World Series, ages 9-under.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

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

The resolution (S. Res. 249) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

## S. RES. 249

Whereas on August 21, 2005, the Oahu All-Stars won the 2005 Cal Ripken World Series;

Whereas the team from Oahu worked together in the 1 hit shutout title game to beat the series reigning champs, Team Mexico;

Whereas the manager and coaching staff, Gerald Oda, Keith Oda, and Staphe Fujimoto, respectively, had the ability to instill 14 boys from Oahu with the confidence and skills needed to succeed in a world competition;

Whereas Kewby Meyer was named the Most Outstanding Player in the series;

Whereas Kewby Meyer, Timmy Arakawa, Gavin Okada, and Kalani Lagoc-Crawford were named to the 2005 United States All World Series Team and Kash Kalohelani, Ryan Cortez, and Ryan Yamane were named to the 2005 All Defensive Team;

Whereas on August 5, 2005, the Hawaii Warriors won the 2005 Continental Amateur Baseball Association World Series (ages 9-under) championship game;

Whereas the team battled from behind in the final innings of the championship game to beat the Cincinnati Flames and complete the series with a perfect 9-0 record; and

Whereas all of the teams' players showed tremendous dedication throughout their tournaments toward the goal of winning World Series Championships and displayed great class and sportsmanship in victory: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the Oahu All-Stars for winning the 2005 Cal Ripken World Series title game and the Hawaii Warriors for winning the 2005 Continental Amateur Baseball Association World Series (ages 9-under);

(2) recognizes the achievements of all the teams' players, coaches, and support staff, and invites them to the United States Capitol to be honored;

(3) urges the President to—

(A) recognize the achievements of the Oahu All-Star team and the Hawaii Warriors team; and

(B) invite the teams to the White House for an appropriate ceremony honoring these world championship teams; and

(4) directs the Secretary of the Senate to—

(A) make available enrolled copies of this resolution to the Oahu All-Star team and the Hawaii Warriors team for appropriate display.

#### GOALS AND IDEALS OF GOLD STAR MOTHERS' DAY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 250, which was submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 250) supporting the goals and ideals of Gold Star Mothers' Day.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 250) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 250

Whereas the American Gold Star Mothers have suffered the supreme sacrifice of motherhood by losing sons and daughters who served in the Armed Forces, and thus perpetuate the memory of all whose lives were sacrificed in our wars;

Whereas the American Gold Star Mothers assist veterans of the Armed Forces and their dependents in the presentation of claims to the Veterans' Administration, and aid the men and women who served and died or were wounded or incapacitated during hostilities;

Whereas the services rendered to the United States by the mothers of America have strengthened and inspired our Nation throughout our history;

Whereas we honor ourselves and the mothers of America when we revere and emphasize the role of the home and the family as the true foundations of our Nation;

Whereas by doing so much for the home, the American mother is a source of moral and spiritual guidance for the people of the United States and thus acts as a positive force to promote good government and peace among all mankind; and

Whereas September 25, 2005, is being recognized as Gold Star Mothers Day: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of Gold Star Mothers Day; and

(2) calls on the people of the United States to observe such day with appropriate ceremonies and activities.

#### MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS

AMENDMENTS NOS. 1870 AND 1871

Mr. FRIST. Mr. President, notwithstanding passage of H.R. 2528, I ask unanimous consent that the two amendments at the desk be agreed to.

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

The amendments (Nos. 1870 and 1871) were agreed to, as follows:

AMENDMENT NO. 1870

On page 55, line 4, strike "\$191,393,000" and insert "\$179,343,000".

On page 55, line 10, following "therefor", strike "." and insert ": Provided further, That of the amount provided for Military Construction, Army, \$8,900,000 shall be available for Phase 1a of a Permanent Party Barracks at Fort Leonard Wood, Missouri, and \$3,150,000 shall be available for an Airfield Fire Station at Fort Sill, Oklahoma."

AMENDMENT NO. 8171

On page 56, line 11, strike "\$103,347,000" and insert "\$83,626,000".

On page 56, line 17, following "therefor", strike "." and insert ": Provided further, That of the amount provided for Military Construction, Air Force, \$5,721,000 shall be available for a B-2 Conventional Munitions Storage Facility at Whiteman Air Force Base, Missouri, and \$14,000,000 for Phase 1 of Force Protection Enhancement at Vance Air Force Base, Oklahoma."

#### GOALS AND IDEALS OF INFANT MORTALITY AWARENESS MONTH

Mr. FRIST. Mr. President, I ask unanimous consent the HELP Committee be discharged from further consideration and that the Senate now proceed to the consideration of S. Res. 239.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 239) supporting the goals and ideals of Infant Mortality Awareness Month.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 239) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 239

Whereas infant mortality refers to the death of a baby before it reaches its first birthday;

Whereas the United States ranks 28th among industrialized nations in the rate of infant mortality;

Whereas in the United States, infant mortality increased in 2002, for the first time in more than 4 decades;

Whereas in 2002 the rate reached 7 deaths per 1,000 live births, which was the first increase since 1958;

Whereas the recent increase is a significant and troubling public health issue, especially for African American families, Native American families, and Hispanic families;

Whereas the infant mortality rate among African American women is more than double that of Caucasian women, according to a report produced by the National Healthy Start Association and by a related group supported by the health department of Allegheny County, in the State of Pennsylvania;

Whereas the Secretary of Health and Human Services has designated 2010, as the year by which certain objectives should be met with respect to the health status of the people of the United States;

Whereas such objectives, known as Healthy People 2010, include an objective regarding a decrease in the rate of infant mortality;

Whereas September 1, 2005, is the beginning of a period of several months during which there will be several national observances that relate to the issue of infant mortality, including the observance of October as Sudden Infant Death Awareness Month and November as Prematurity Awareness Month; and

Whereas it would be appropriate to observe September 2005, as Infant Mortality Awareness Month: Now, therefore, be it

*Resolved*, That the Senate supports the goals and ideals of Infant Mortality Awareness Month in order to—

(1) increase national awareness of infant mortality and its contributing factors; and

(2) facilitate activities that will assist local communities in their efforts to meet the objective, as established by the Secretary of Health and Human Service in Healthy People 2010, that the rate of infant mortality in the United States be reduced to a rate of not more than 4.5 infant deaths per 1,000 births.

#### MEASURE STAR PRINTED—S. 1692

Mr. FRIST. Mr. President, I ask unanimous consent that S. 1692, the Emergency Agricultural Disaster Assistance Act of 2005, be star-printed with the changes at the desk.

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

#### MEASURES PLACED ON THE CALENDAR—S. 1745 AND S. 1748

Mr. FRIST. Mr. President, I understand there are two bills at the desk due for a second reading.

The PRESIDING OFFICER. The Senator is correct. The clerk will please read the titles of the bills for the second time.

The legislative clerk read as follows:

A bill (S. 1745) to expand the availability of resources under the Community Services

Block Grant Act for individuals affected by Hurricane Katrina.

A bill (S. 1748) to establish a congressional commission to examine the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath and make immediate corrective measures to improve such responses in the future.

Mr. FRIST. Mr. President, in order to place the bills on the calendar under the provisions of rule XIV, I object to further proceeding en bloc.

The PRESIDING OFFICER. Objection being heard, the bills will be placed on the calendar.

#### MEASURE READ THE FIRST TIME—S. 1761

Mr. FRIST. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will please read the title of this bill for the first time.

The legislative clerk read as follows:

A bill (S. 1761) to clarify the liability of Government contractors assisting in rescue, recovery, repair, and reconstruction work in the Gulf Coast Region of the United States affected by Hurricane Katrina or other major disasters.

Mr. FRIST. Mr. President, I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection being heard, the bill will receive its second reading on the next legislative day.

#### AMENDING THE UNITED STATES GRAIN STANDARDS ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1752, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1752) to amend the United States Grain Standards Act to reauthorize that Act.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 1752) was read the third time and passed, as follows:

S. 1752

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

#### SECTION 1. REAUTHORIZATION OF ACT.

(a) IN GENERAL.—Sections 7(j)(4), 7A(1)(3), 7D, 19, and 21(e) of the United States Grains Standards Act (7 U.S.C. 79(j)(4), 79a(1)(3), 79d, 87h, 87j(e)) are amended by striking “2005” each place it appears and inserting “2015”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on September 30, 2005.

#### ORDERS FOR MONDAY, SEPTEMBER 26, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 1 p.m. on Monday, September 26. 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 then proceed to executive session for the consideration of Calendar No. 317, John Roberts to be Chief Justice of the United States. I further ask consent that the time from 1:30 to 2:30 be under the control of the majority leader or his designee, the time from 2:30 to 3:30 be under the control of the Democratic leader or his designee, 3:30 to 4:30 under majority control, and 4:30 to 5:30 under the control of the Democratic side.

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

#### SENATE ACCOMPLISHMENTS

Mr. FRIST. Mr. President, the Senate does continue to make steady progress on the business of the American people. We are hard at work funding the basic obligations of Government.

Today, we passed the Military Construction Appropriations Act. The Military Construction appropriations bill funds the entire Department of Veterans Affairs along with the construction of all five branches.

It provides for cancer research and funding for our VA hospitals, along with covering the cost of our treasured national monuments. I congratulate Senators HUTCHISON and FEINSTEIN for accomplishing consideration and passage of that bill in a single day. It took the cooperation of a lot of Members and proves that we can go quickly through the appropriations process. Again, I thank both of them.

This morning we also passed with near unanimous support the Agriculture appropriations bill. I thank Senator BENNETT and Senator KOHL for their tremendous work and leadership on this important bill. The Agriculture bill targets spending on the needs of rural America, while also maintaining funding for essential food assistance programs. The bill is particularly important to farmers in States all across the country, but in particular I want to comment on my home State.

It provides \$2 million for Appalachian Horticultural Research, a collaborative project between the USDA and the University of Tennessee to help trees fight and resist disease; about \$955,000 for research into the best way to protect soil and water quality on farms which can suffer from heavy erosion; nearly \$40 billion for the very successful Boll

Weevil Eradication Program which will help cotton farmers continue to combat this destructive pest.

These programs, along with major funding for USDA's rural development programs and housing services, are helping farm areas around the country continue to feed America and, indeed, continue to help feed the world.

Last week we also passed a third appropriations bill, the Commerce-Justice-Science bill. In addition to funding basic Government business, it includes significant Katrina-related measures. More than 350,000 families have been made homeless by the Katrina disaster. The CJS bill provides Federal housing assistance of up to \$600 per family per month for up to 6 months to get these families back on their feet. I commend my colleagues for remaining focused on the appropriations process so that we can also meet our responsibilities to the victims of Katrina. We have extraordinary challenges before us, and we are working hard to deliver meaningful relief in the gulf region in a fiscally responsible way.

We moved quickly in the initial days to allocate appropriate funding. We also lifted the burden of student loans for those displaced from colleges and universities. We made sure that FEMA had funding to cover their national flood insurance obligations, and we passed legislation to get the Federal courts back on track in the regions affected. Since then, we passed aggressive tax relief to encourage charitable giving and to help hurricane victims rebuild their homes, restore their possessions, find housing, and find jobs. All of this is only the first step. There will be more. Helping the victims of Hurricane Katrina recover and rebuild is a monumental undertaking, an undertaking this body is focused on. We understand the absolutely critical importance of doing this in a fiscally responsible way, with full accountability and full transparency. This is America. America is up to the challenge. The Senate will continue to do its work moving forward in this regard.

#### PROGRAM

Mr. FRIST. Mr. President, next week we will begin to debate the nomination of Judge John Roberts to be America's Chief Justice. I am confident it will be a continuation of a process that has been quite dignified and civil. We will continue that momentum as we go through next week. A final vote on his nomination will be held on Thursday, and I look forward to a full and robust debate that brings credit to this great institution. Our duty to advise and consent on the selection of Supreme Court Justices is perhaps one of our most solemn obligations. I thank my colleagues for their continuing hard work in this regard.

In summary, the order we have laid out provides that we will begin the Roberts nomination on Monday. We were prepared to have Senators deliver



opening statements during Friday's session. However, nobody has come forward with a specific request to speak. Therefore, we will return on Monday and proceed to executive session to begin that debate.

I mentioned earlier that we will vote on Monday, and Senators should expect that vote to begin somewhere around 5:30. We are clearing a number of legislative items, and we will announce on Monday what that vote will be.

I encourage my colleagues to take advantage of Monday and early Tuesday to speak on the Roberts nomination. Senators should not delay—please do not—their statements until Wednesday. The vote on the nomination will be next week. We will be prepared to remain in session as late as necessary to accommodate Members' speeches. I know that most all Members will either want to come to the floor or submit their statements to the RECORD, and we will accommodate them. Again, I encourage them, so we won't have this great rush on Wednesday or Thursday morning, to come Monday and Tuesday and make their addresses.

ADJOURNMENT UNTIL 1 P.M.

MONDAY, SEPTEMBER 26, 2005

Mr. FRIST. If there is no further business to come before the Senate, I

ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:28 p.m., adjourned until Monday, September 26, 2005, at 1 p.m.

## NOMINATIONS

Executive nominations received by the Senate September 22, 2005:

### DEPARTMENT OF DEFENSE

DORRANCE SMITH, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE VICTORIA CLARKE.

### EXECUTIVE OFFICE OF THE PRESIDENT

KATHERINE BAICKER, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE HARVEY S. ROSEN, RESIGNED.

MATTHEW SLAUGHTER, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE KRISTIN J. FORBES, RESIGNED.

### DEPARTMENT OF STATE

BENSON K. WHITNEY, OF MINNESOTA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO NORWAY.

DAVID M. HALE, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HASHEMITE KINGDOM OF JORDAN.

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

JOHN O. AGWUNOBI, OF FLORIDA, TO BE MEDICAL DIRECTOR IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE, SUBJECT TO THE QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS.

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. DANIEL P. LEAF, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. MICHAEL D. MAPLES, 0000

## DISCHARGED NOMINATION

The Senate Committee on Foreign Relations was discharged from further consideration of the following nomination and the nomination was confirmed:

ROBERT B. HOLLAND III, OF TEXAS, TO BE UNITED STATES EXECUTIVE DIRECTOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF TWO YEARS.

## CONFIRMATION

Executive nomination confirmed by the Senate: Thursday, September 22, 2005:

### INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

ROBERT B. HOLLAND III, OF TEXAS, TO BE UNITED STATES EXECUTIVE DIRECTOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF TWO YEARS.