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## Senate

The Senate met at 10:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

### PRAYER

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

Let us pray.

Eternal Spirit, King of kings and Lord of lords, we thank You today for the gift of exemplary living, particularly as we remember our Supreme Court's 16th Chief Justice, William Rehnquist. We received inspiration from his commitment to public service and from his desire to invest his life in things that flourish beyond his lifetime. We were challenged by his willingness to choose duty over personal comfort.

As many mourn his death, remind us that one day we must all stand before Your judgment seat, for You are the Chief Judge of the universe. May the reality of our accountability to You prompt us to live our lives for Your glory.

Empower each Senator to listen to the whisper of conscience as he or she labors for liberty. May his or her first priority be to live for Your honor. Give all of us the power to rule our spirits so that we may fulfill Your purpose for our lives.

We pray in Your powerful Name. Amen.

### PLEDGE OF ALLEGIANCE

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

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

### RESERVATION OF LEADER TIME

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

### MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 12 noon with the time equally divided and Senators permitted to speak therein for up to 10 minutes each.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. FRIST. Mr. President, just a short while ago, the Senate proceeded as a body to the U.S. Supreme Court to pay final respect to the late Chief Justice William Rehnquist. We continue this morning with tributes to the Chief Justice. Senators will be able to come to the Senate floor until 12 noon to make those statements.

### ORDER OF PROCEDURE

I ask unanimous consent that at 12 noon today, the Senate proceed to a vote on the adoption of a resolution honoring the life of Chief Justice Rehnquist.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Mr. President, Senators should be aware that the next vote will occur at noon today. The Senate will also recess early this afternoon during the funeral for Chief Justice Rehnquist as a further mark of respect. If necessary, we will return to session later today to consider any additional Katrina-related legislation or tributes.

This week, we also anticipate a further supplemental appropriations bill relative to the efforts in our Gulf States. We will consider that bill as expeditiously as possible to continue the recovery and rescue efforts.

Finally, I remind my colleagues that tomorrow we will begin consideration

of the Commerce-Justice-Science appropriations bill. The measure has important hurricane-related issues, including small business disaster loans and Justice Department law enforcement assistance grants. Votes will occur during the remainder of the week as we consider these matters.

### HONORING CHIEF JUSTICE WILLIAM H. REHNQUIST

Mr. FRIST. Mr. President, last Saturday, in the wake of one terrible loss, our Nation suffered another loss, a quiet loss but one that was also deeply felt across the land. We learned that William H. Rehnquist, the 16th Chief Justice of the United States, had passed away. Karen and I and the entire Senate family extend our deepest sympathies to his family and to his friends. Our Nation mourns the loss of a great leader.

William Rehnquist was an American hero—a World War II veteran, a lifelong public servant, a brilliant legal mind, and a jurist of historic consequence. He was an inspiration to all who knew him. This was especially true in his final months as he stoically fought the cancer that would eventually claim his life.

Since October 2004, when the Chief Justice announced he had thyroid cancer, his chin remained up and his mind focused and devoted. Today, that optimism, that determination, that strength of spirit in purpose remain an encouragement to us all.

I feel privileged to have had the opportunity to get to know William Rehnquist during my tenure in the Senate. I am honored to call him a friend. But even more, perhaps the most one can say of any leader, I simply feel blessed to have lived in his time and in the country that so benefited from his wisdom.

William Rehnquist was born on October 1, 1924, in Milwaukee, WI. The son of William Benjamin Rehnquist, a

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



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paper salesman, and Margery Peck Rehnquist, a multilingual translator, he spent his childhood in the Milwaukee suburb of Shorewood, WI, where he attended public schools. Even as a young student, William Rehnquist expressed interest in public service, telling others he wanted to "change the government." Well, he did exactly that.

William Rehnquist grew up in an era marked by grave challenges and extraordinary triumphs. He saw our Nation rise from the depths of the Great Depression to defeat the threat of Nazi Germany and Imperial Japan.

On December 7, 1941, when Pearl Harbor was bombed, William Rehnquist was 17 years old. Shortly thereafter, he signed up to fight, joining the Army Air Corps, serving at home and abroad from 1943 to 1946.

After the Armed Forces, with the help of the GI bill, William Rehnquist went on to college. At Stanford, he earned a bachelor's and master's degree in political science and graduated Phi Beta Kappa. But his academic journey was far from over.

He took a brief hiatus from Stanford, heading east to Harvard for a second master's degree, this time in government. In 1950, he returned to Stanford ready for law school and the defining point in his life. From Stanford, William Rehnquist would graduate first in his class that included none other than his future colleague on the high Court, Sandra Day O'Connor.

As a law student, he was known for his astute ability to defend conservatism and for his bright legal mind. One of his professors described William Rehnquist as "the outstanding student of his law school generation." This same professor would later introduce him to Supreme Court Justice Robert Jackson. In a private interview, William Rehnquist convinced Justice Jackson to award him with a coveted clerkship with the Supreme Court, despite Rehnquist's initial thoughts that he had been "written [off] as a total loss" by Justice Jackson.

After completing his clerkship, he married Natalie Cornell. The couple settled in Phoenix, where they raised three children—James, Janet, and Nancy—and where Justice Rehnquist would practice law for 16 years.

As a young lawyer, William Rehnquist was known to wear loud shirts and ties, prompting even President Nixon to refer to him as "the guy dressed like a clown." But clearly, Nixon was impressed by what he saw on the inside of the young lawyer from Phoenix. President Nixon selected Rehnquist to serve as the Assistant Attorney General for the Department of Justice's Office of Legal Counsel.

In 1971, President Nixon nominated William Rehnquist again, this time to replace Justice John Marshall Harlan as an Associate Justice on the Supreme Court. William Rehnquist was overwhelmingly confirmed by a Democratic Senate by a vote of 68 yeas and 26 nays.

In 1986, President Reagan nominated Justice Rehnquist as Chief Justice, and the Senate, by a wide margin once again, confirmed him to serve as the 16th Chief Justice of the highest Court in the land. Today, I echo what my good friend and former colleague Senator Bob Dole said of the Chief Justice during that confirmation debate now two decades ago. He was a man of "unquestioned integrity, incorruptibility, fairness, and courage."

During my tenure in the Senate, I had the privilege of getting to know the Chief Justice, or "the Chief" as the law clerks called him. And since our first introduction, I found William Rehnquist to be thoughtful, intelligent, and, I must say, quite humorous.

A skilled writer and avid historian, Chief Justice Rehnquist is the author of a number of books on Supreme Court history and the American legal system. Many articles have been written about William Rehnquist and his successes as Chief Justice of the United States, and in almost every one of these articles, he is praised for his superb ability to efficiently manage the Court.

Speaking to this point, Supreme Court Justice Byron R. White once said:

I have never ceased to marvel how one person could possibly carry out all of the tasks given the Chief Justice and yet also decide cases and write opinions as the rest of us do. Yet Chief Justices do them with regularity and, of the three Chief Justices with whom I have served, the man who now sits in the center chair in the courtroom . . . seems to me to be the least stressed by his responsibilities and to be the most efficient manager of his complicated schedule.

A former adviser to the Chief Justice said that Justice White's comments mirrored his own observations. He said that William Rehnquist's rigorous work ethic and dedication to efficiency is reflected on his staff, which he, in fact, reduced when he became Chief Justice, relying on only three clerks, although he was authorized to have four.

The former adviser described William Rehnquist as a man who could do twice the work of the average judge in half the time. Having worked alongside William Rehnquist on the Smithsonian's Board of Regents, I couldn't agree more. I treasure the days we spent together on this Board of Regents. In his capacity as the chancellor of the Smithsonian, he served as chairman of the Smithsonian's Board of Regents. I, in that capacity, saw firsthand the Chief Justice's commitment to that institution, the Smithsonian, attending every meeting despite his very busy day job at the Court. He even hosted planning meetings for board staff and liaisons of the Supreme Court in the Natalie Cornell Rehnquist Dining Room, named after his late wife of 38 years. Recently, he brought the entire Court to the Smithsonian's American History Museum to see the Brown v. Board of Education exhibit.

As he did on the Court, since the Chief Justice became chancellor, he

emphasized the importance of efficient management in the Smithsonian's affairs, and he brought a certain sense of distinction to our work for the Smithsonian. Moreover, he inspired me to always be mindful of our duty to history, our place in preserving the strength of this Nation we serve.

In recent months, while the ongoing debate in the Senate regarding judicial nominations was occurring, I thought a lot about our Federal courts and our judges. I have often wondered what are the most important qualities to look for in an individual who is being considered for a lifetime appointment on the courts. I have looked to the Chief, and I have seen those qualities embodied in his approach to the law—commitment to judicial restraint, fairness, integrity, impartiality, even temperament, openmindedness, and respect for the Constitution and the rule of law.

What is more, William Rehnquist was a man not only of high intellect but common sense—a unique combination reflected in the clarity of his opinions.

I witnessed firsthand William Rehnquist's intelligence, his temperament, and his commitment to equal justice under the law when he became only the second Chief Justice to preside over Presidential impeachment in the trial of President Bill Clinton.

A friend of mine and a former administrative assistant to the Chief Justice said:

What impressed me most about the manner in which he presided over the impeachment trial was his astute and facile recognition of and respect for the traditions and rules of the Senate. I knew he would provide impartial leadership but he also adjusted his superb management skills appropriately to the Senate's traditions. At the conclusion of the trial he was praised by the Leaders of both parties. It was another demonstration of the rare combination of high intellect and common sense that he possesses.

To this day, my colleagues on both sides of the aisle continue to remember the Chief Justice for his efficient managerial skills and his steadfast respect for the Senate during the impeachment trial. In an atmosphere of partisanship, the Chief Justice was a constant reminder of the solemn legal duties our Constitution requires of the Senate.

The Chief loved the Court. He held a deep respect for the law and its traditions, and in turn his colleagues, even those with different judicial philosophies, held a deep respect for him.

A former colleague who often decided cases differently than the Chief Justice, Justice Harry Blackmun, praised William Rehnquist as a "splendid administrator" and often testified to his fairness and commitment to the coherence and cohesion of the Court.

Once the Court's leading liberal, Justice William Brennan called Chief Justice Rehnquist "the most all-around successful" Chief that he had known and described him as "meticulously fair."

Another liberal on the Court, Justice Thurgood Marshall, described him as "a great Chief Justice."

In his 19 years as Chief Justice of the highest Court in the land, Chief Justice Rehnquist never placed himself on a higher plane than his colleagues. To fellow Justices, his law clerks and secretaries, he was sensitive, humble, and ever respectful.

I am confident that the President's nominee to the Chief Justice's seat, Judge John Roberts, will bring the same dignity to the job and earn the same level of respect from his colleagues. Judge Roberts, after all, learned from the best. From 1980 to 1981, he was clerk to then Associate Justice Rehnquist.

Having come to know John Roberts these last few weeks, there is no doubt in my mind that he has the skill, the mind, the philosophy, and the temperament to lead the Supreme Court.

With his passing over the weekend, the Supreme Court loses one of the most prolific scholars and brilliant legal minds ever to sit on the Federal bench. His passing marks a sad day for America, but it is also a day to reflect on our great fortune to have had William Rehnquist in the service of our Nation.

For over 33 years, Chief Justice Rehnquist generously offered America his brilliant mind, his unwavering leadership, and his fair and impartial judgment. He was the embodiment of all of the ideal qualities of a judge, and his humility, wisdom, and superb managerial skills allowed him to become one of the most memorable, influential, and well-respected Supreme Court Justices in our history.

Many feel that history will remember the Chief for presiding over the Senate during impeachment trials, for his participation in landmark decisions, for his perseverance in fulfilling his duties through ailing health. I believe William Rehnquist will be most remembered for his magnificent leadership and management, his ability to build consensus, his compassion and respect for others, and his fair and impartial review of each and every case that came before the Court. The imprint of William Rehnquist's gavel will not fade fast. No, it is indelibly stamped upon the face of American history and the legacy of the law we uphold. America was blessed to have William Rehnquist as Chief Justice and today he enters the history books as one of the greatest Chief Justices ever to serve on the Supreme Court of the United States.

May God bless William Rehnquist and may God bless the United States of America.

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#### RECOGNITION OF THE MINORITY LEADER

The PRESIDENT *pro tempore*. The minority leader is recognized.

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#### HONORING CHIEF JUSTICE WILLIAM H. REHNQUIST

Mr. REID. Mr. President, I was a high school student in a place called Basic

High School in Henderson, NV. I was a boy about 16 years old, and Mrs. Robinson came into the classroom. She was a part-time counselor and a full-time government teacher. She pulled me out of the class and she said, I have looked at all of your reports and you should go to law school.

I had never met a lawyer, had never even seen a courthouse, let alone been in one, but I accepted Mrs. Robinson's word that I should go to law school. From that day forward, that is what I set my mind to do. I came back here to go to law school. I was a full-time student at George Washington University, went to school in the daytime and worked as a Capitol policeman in the nighttime.

Still having never been in a courthouse, as a law student in an appellate practice course I was taking, the students were invited to go into the Supreme Court to listen to a Supreme Court argument. I can remember going there. The case the professor chose was not one that sounds very exciting. It certainly did not sound very exciting to me at the time. It did not involve some spectacular criminal case. It involved a case called *Baker v. Carr*. The first time I was ever in a courthouse I listened to one of the most important, significant Supreme Court arguments in the history of the country because those lawyers debating this case, these issues of law, were there to talk about the one man-one vote doctrine, which the U.S. Supreme Court a few months later, after having heard these arguments, decided that we in the United States would be bound by one man, one vote.

As a result of that, reapportionment took place in State legislatures and, of course, in the United States through the Federal courts. In the States where the legislature did not follow the one man-one vote rule, the courts took over.

As I look back, I was so fortunate to be able to have my first exposure to the law in the place where I later became a member of the Supreme Court bar. Having heard that case is something I will always remember.

I was a trial lawyer, and I have argued cases before the Nevada Supreme Court and the Ninth Circuit, but I never argued a case before the U.S. Supreme Court. I wish I had had that opportunity.

Having heard *Baker v. Carr* those many years ago, I have never forgotten it. That is why it has been so pleasant for me to develop a personal relationship with some of the Supreme Court Justices, one of whom was the man whose funeral I will go to today at 2, William Rehnquist.

I said earlier and I will say again, I had a tour of duty as chairman of the Democratic Policy Committee and every Thursday there is an off-the-record discussion that takes place in the Senate with Democratic Senators, and we always try to come up with things that will interest the Senators.

I said to a number of my colleagues I wanted to invite William Rehnquist to come to the Democratic Policy luncheon and they said, no, he is a dyed-in-the-wool Republican, he is partisan, and he will not come anyway.

I picked up the telephone and in a matter of a minute or two he was on the line. I said, Mr. Justice, would you come to this policy luncheon? You will talk for 5 or 10 minutes, and we will ask questions.

Yes, I would like to do that.

He came over to the LBJ Room, one of the best luncheons we ever had. He answered all the questions. As I reflect on Justice Rehnquist coming to that Democratic Policy luncheon, the thing I remember more than anything else is how funny he was. He was a man physically large in stature with a biting sense of humor.

I felt so comfortable having him preside over the impeachment trial. That was also kind of an awkward time for me. I had just been selected as the assistant Democratic leader. I had this seat right here. I had never sat so close to what was going on before and I felt so uncomfortable sitting here. My first tour of duty in the Senate in that seat was as a Senator as part of the impeachment trial of President Clinton.

Of course, I visited with him, talked to him when he kept getting up. He had a bad back and he suffered a lot from physical pain for many years as a result of his back. He would get up every 20 minutes or so and stand and walk around his chair. I had a number of very nice, warm conversations with him at that time.

The conversation I will remember beyond all other conversations with the Chief Justice, there was so much speculation in the newspapers about he was sick and he was going to step down and would it be this Monday or the next Monday or when was it going to be. So in that I felt comfortable and had spoken to him on the telephone a number of occasions, I called him at his home and I said, I am sorry to bother you at home. He was not well. I said, the simple reason I have called you is to say, do not resign.

He said, I am not going to.

I am not going to talk about all that was said during the call, but I would say he told me he was not going to resign. I will always remember that telephone conversation with the Chief Justice of the United States. I am confident I did the right thing in calling him. I did not tell any of my colleagues. I did not tell my family. I did not tell anybody, but I picked up the telephone and I called him, and I am glad I did.

So I join with the distinguished majority leader in spreading on the record of this Senate the accolades for this good man. He was very politically conservative, so I understand. He served as a lawyer for 16 years after he graduated first in his class at Stanford Law School and I have a great amount of affection for that law school. One of my

boys went to Stanford. It was a wonderful place to go to school. He served in the Army Air Corps. He was Phi Beta Kappa. That was not enough education for him. He got a second master's degree at Stanford after having gotten a master's degree at Stanford.

I am sorry that he is not going to be on the Court any more because I thought he was an outstanding administrator. He spoke for the Federal judges with strength and clarity. When we kept piling stuff on Federal judges to give them jurisdiction and do things, he complained about it. He said they work too hard, they have too much to do. So we are going to miss his voice.

#### HURRICANE KATRINA AND SENATE AGENDA

Mr. REID. Mr. President, Hurricane Katrina was a tremendous hit to us. When I say "us," I mean the American people. We recognize this administration needs to have a review of what took place. Certainly they have to acknowledge that, but I think it is the wrong thing for the President to be investigating himself. That is basically what he said he was going to do yesterday. Baseball games do not work out very well when you have the man throwing the pitches calling the balls and strikes.

I heard the House is going to start meeting today on actually passing legislative matters that are so important to being able to give relief to these people, but outside the \$10.5 billion we did on an emergency basis last Thursday, we have not done anything here legislatively to help the people who are so devastated. It is time we get to work for the gulf coast families.

What does it mean to have lost everything? That is what has happened to tens of thousands of people. They have lost everything. They are at the National Guard Armory sleeping on cots. There are hundreds of them coming from Nevada. The Senator from Arkansas, BLANCHE LINCOLN, indicated yesterday there are about 60,000 evacuees who have come to Arkansas with no jobs, no money, no change of clothes—nothing. They are counting on us, and we in the Senate are not doing anything.

We all care about these victims. This is not a question of who cares the most. But I have to say, and I raise a flag of concern, tomorrow morning we are going to the Commerce, Science, and Justice appropriations bill. Under the rules of the Senate, you are really restricted as to what you can do on an appropriations bill. This appropriations bill is no different. We can do a few little things to help the victims but almost nothing: SBA loans and maybe a few things for law enforcement, but there is nothing that gets the victims the health care, the housing, the education, or the financial relief they need now. We need to adjust our priorities on the floor of the Senate.

If we go to another appropriations bill, the same problems are here. We cannot get to the things that we need to get to, to help these people who are so desperately in need of help. I personally think we should finish the Defense authorization bill. That is what should be called up. Call up the Defense authorization bill. I spoke to the majority leader last week about this and indicated I would talk to Senator LEVIN about how much time he thought it would take. I reported my findings to Senator FRIST. We have to get to the Defense authorization bill. We spent some time on it; a few days, as you will remember. Nothing happened, to speak of. The bill was pulled.

We have hundreds of thousands of people who will be affected by the Defense authorization bill, not only those on the ground as soldiers and marines and airmen and some naval personnel who will be helped, who are on the ground in Afghanistan and Iraq. We have to do it for that reason, but we also have to do it for the hundreds of thousands of veterans who are affected by what we do with the Defense authorization bill, or do not do, and right now we are doing nothing. If we brought up the Defense authorization bill, we could do the things that need to be done to help the victims of Katrina.

What, obviously, is the game plan around here is we will wait on the Defense authorization bill until we are way down the road. Then people will say you are spending too much time on this and you are bringing up matters that are not in keeping with the defense of this country. I think the defense of this country is right now. What we have seen happening in the gulf indicates that we need our soldiers and marines, our military personnel. There are about 60,000 of them down there right now, in those three Gulf States—60,000. The Defense bill is important. Let's bring it up.

If we brought up that bill, there are some things we could do. We could, for example, introduce legislation to reestablish FEMA at the Cabinet level so it is no longer the toothless tiger it has become. We could introduce legislation to establish an independent commission to study what went wrong with Katrina. It is going to happen. There will be an independent commission to study Katrina just like there was an independent commission to study 9/11. The administration fought that and fought that, but it came to be and it was good. Congressman Hamilton and Governor Kean did a wonderful job for the people of America and the world with the work they did. We need a similar bipartisan commission to find out what took place after the storm hit.

There is legislation in which some are interested—including, it is my understanding, Congressional Representatives from Louisiana, and I know I have spoken to Senator KENNEDY about this—to have an independent authority for how we are going to spend maybe as

much as \$200 billion, \$150 billion, to do what needs to be done as a result of that catastrophe, an independent commission like the Tennessee Valley Authority, as an example, so that money is spent in the right way.

What about gas prices? Do we need to take a look at that? Do we need legislation to take a look at that? Of course we do. Of course we do. In one quarter, the last quarter, ExxonMobil's profits were up to \$8 billion, one quarter net profit; British Petroleum, \$6 billion; Shell, \$5.4 billion; ChevronTexaco, \$3.7 billion; Conoco, \$3.10 billion—their profits up 55 percent; Chevron profits up 13 percent; Shell up 35 percent; British Petroleum, their profits up 37 percent; ExxonMobil up 32 percent.

People are going to fill their vehicles today, and they will wind up spending \$100 for a tank of gas—one tank. So having the Defense bill brought up would give us an opportunity to do that. I can't imagine why we can't go to the Defense authorization bill—other than the reasons I just indicated.

There are things we could be doing. The Energy and Water conference, we have been waiting for months to have a conference on that. We can't do that. Why? Because the Senate number is higher than the House number, so the House fixes that. They just won't let us go to conference. Chairman HOBSON is not allowing us to do anything because our number is bigger than theirs.

The American people should understand that part of the Energy and Water subcommittee money that we need to spend is for the Corps of Engineers. It is here and it is in the doldrums, to say the least. Nothing is happening. Why can't we go to conference?

Also, in that the Republicans control the House, the Senate, and the White House, I think we need to revisit this budget and reconciliation. Is it really the time in the history of our country to have, as called for in the documents I have just talked about, \$70 billion more in tax cuts? That is what we are being asked to go along with.

On the night we voted on the budget resolution I read a letter from the head of the Lutheran Church, the Methodist Church, mainline Protestant Churches. They said to me: I want you to tell everyone here voting on this—and I read it into the RECORD; they gave it to me in the form of a letter—that the budget document that you are being asked to vote on is "immoral." That is their word, not mine: "immoral."

If it was immoral when we passed it, think about it now. We are going to ask for \$70 billion more in tax cuts, most of them for the rich, of course; \$35 billion in spending cuts, \$10 billion alone for Medicaid. In all the pictures on television and the newspapers you see those people who could not get out of the storm because they had no automobiles, there was no public transportation—they were stuck there. The poorest of the poor have been hit the hardest by Katrina. Shouldn't we consider not cutting Medicaid \$10 billion?

That is where that money goes, to the poorest of the poor. We cut student loans, food stamps—these are cuts to the very programs the survivors of Katrina need. America can do better.

FEMA and other agencies failed these people, in my opinion. The Senate must not fail the American people. It is time we get to work. I have given some outlines. We as a minority are happy to work with the majority, but I have given an outline of some of the things I think we need to do. The burden is on the majority to do something about this budget and reconciliation because it is on the conscience of the majority. I have to say: \$10 billion cuts in Medicaid? More tax cuts? Cutting food stamps? Student loans?

I also say that we have a burden, an obligation to do something about the military that is sacrificing so much. The little, sparsely populated State of Nevada had 24 soldiers killed.

I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Kentucky.

#### HONORING CHIEF JUSTICE WILLIAM H. REHNQUIST

Mr. McCONNELL. Madam President, it is my privilege to join others in discussing the life and career of the late Chief Justice William Rehnquist. Chief Justice Rehnquist was only the 16th Chief Justice in American history. John Jay was the first, sworn in in October of 1789. Many of us had an opportunity to go over and pay our respects, over in the Supreme Court a few moments ago, and had a chance to look at the busts of those Chief Justices.

Chief Justice Rehnquist filled the role defined for him by our Founding Fathers with wisdom and with dignity. Millions of Americans honor him for his legacy of achievement. When I went home last night, I noticed a long line of people waiting to file past the casket and pay their respects to this wonderful man.

I first met the Chief Justice in 1969 here in Washington. At the time, he was Assistant Attorney General for the Office of Legal Counsel. I was a young legislative aide to a Senator named Marlow Cook, who represented the Commonwealth of Kentucky. Senator Cook was on the Judiciary Committee and this was a period in which there were a couple of highly contentious Supreme Court nominations. Judge Clement Haynsworth of the Fourth Circuit, who was subsequently defeated, and District Judge Harold Carswell from Florida, who was also defeated. So President Nixon had not only one but two nominations at the Supreme Court defeated.

Bill Rehnquist, which is what I called him in those days, was the guy who sort of crafted the speeches and helped us, helped the Republicans and as many Democrats who were interested in supporting those two nominees—helped us craft the speeches and did the important work of helping us express

ourselves. My boss ended up supporting Haynsworth and opposing Carswell, so I was not working with Bill Rehnquist on the second nomination.

He was an extraordinary person: Dedicated, hard-working, the smartest lawyer I had ever been around at that point, and even after all these years I would still say he was the smartest lawyer I had ever been around; a keen intellect with a very sharp mind. He was also, as others have pointed out and will point out this morning, a kind and personable man, which he remained even while rising to the foremost position in American jurisprudence.

After working for Senator Cook, I returned to Kentucky in January of 1971, thinking I was sort of through with Washington. Toward the end of the year, to my surprise and pleasure, President Nixon nominated Bill Rehnquist to be on the Supreme Court. So, on my own nickel, I came back to Washington for a month and worked on his confirmation—just as a volunteer, and did odd jobs and helped do whatever was thought to be appropriate by those who were officially in charge of his confirmation. But it was a thrill to see him confirmed to the Supreme Court.

Later, in 1986, when President Reagan elevated Justice Rehnquist to the Chief Justice position, by then I was a Member of this body and, in fact, a member of the Judiciary Committee. So that was my second opportunity to work on a William Rehnquist nomination to the Supreme Court. Of course, I was proud to be involved in that and very proud to vote to confirm him.

The Chief Justice served our country with his characteristic wisdom and grace. After leading the Court for 19 years, he was the longest-serving Chief Justice since 1910. He was only the fifth Chief Justice in our Nation's history to have previously served as an Associate Justice. He exemplified the highest virtue for a Justice: He entered each case with an open mind, free of bias, never prejudging the case before the decision was made. In fact, some of his decisions over the years surprised observers and proved that he was willing to rethink opinions he may have once held. Actually, that is a good thing.

He reminded us that judges should be like umpires—never taking sides, just fairly applying the rules.

He leaves behind him a legacy that will be studied for generations. I would submit that a chief component of that legacy will be his steering the Supreme Court back toward the principle of federalism, which, alongside separation of powers, stands as one of the two structural principles undergirding our Constitution. Chief Justice Rehnquist expressed that view in dissent after dissent in the early years when he was on the Court until, with time, his dissenting views became majority ones. Because of his clear understanding of the underlying purpose of federalism, he worked to establish a jurisprudence

that guards against untrammelled Federal power and helps ensure that decisions that are purely local in nature will remain in the hands of the citizens who must, of course, abide by them.

The Chief Justice earned a reputation for being a fair and even-handed leader of the High Court. Former Justice William Brennan, who was frequently on the opposite side in cases, said Chief Justice Rehnquist was "meticulously fair in assigning opinions." He went on to say that since Rehnquist's ascension to the Chief Justice position, "I can't begin to tell you how much better all of us feel . . . and how fond all of us are of him personally." That was Justice Brennan, with whom Justice Rehnquist rarely agreed.

In this recent age of many 5-to-4 decisions, it is all the more extraordinary that the Chief Justice created such a harmonious court. The late Justice Thurgood Marshall, who served with the Chief Justice from 1972 to 1991, said simply that William Rehnquist is "a great Chief Justice."

As Chief Justice, William Rehnquist was the same honest and upright man I had observed when I first met him back in 1969. In his final months as Chief, he reminded us all once again what it means to serve with dignity and honor, as he persevered through his fight with cancer. Who was not moved to see the concept of "duty" personified on January 20, 2005, when, under extraordinary physical duress, he administered the oath of office to the President of the United States?

This Nation owes Chief Justice Rehnquist a debt that can never be fully repaid. He served his country in combat with the Army Air Corps during World War II, as a law clerk to Associate Justice Robert Jackson, as an Assistant Attorney General, as Associate Justice, and finally as Chief Justice of the United States. Throughout it all he stood for the rule of law and the upholding of the principles that this Republic holds dear. In my opinion, he was the most consequential Chief Justice since John Marshall. I repeat: the most consequential Chief Justice since John Marshall.

Elaine and I extend our sympathies to his family, his daughters Janet and Nancy, his son James, his sister Jean, and his nine grandchildren.

As miraculous a document as it is, the Constitution is only words on paper. It requires men and women of principle to see its meaning and spirit made real. William Rehnquist was one of those persons. Our grateful Nation will always remember his heroic service and his devotion to duty until the very end.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, let me thank the distinguished Democratic whip for letting me precede him in making this statement.

It was with great sadness that I learned of Chief Justice Rehnquist's

passing, and even more sad when I joined the Senate to pay our last respects to him this morning.

I first met Bill Rehnquist in 1952. We were both young lawyers here in Washington, DC. We each had taken jobs here in Washington after finishing law school and in the course of many months became very good friends. In fact, my first date with my first wife was double-dating with Bill Rehnquist.

We had both served in the Army Air Corps during World War II, and we were comrades in the deepest sense of the word. I respected Bill personally then and professionally. He was a law clerk to Supreme Court Justice Jackson.

He took his responsibilities to the Court and to the American people very seriously. Bill Rehnquist was devoted to the rule of law and to our democratic system.

In many of our Nation's most turbulent moments, we relied upon Chief Justice Rehnquist's commitment to the law to steer us toward calmer waters. History will remember his evenhandedness and his impartiality in the face of tough decisions. During the impeachment process, which he chaired in the Senate, the Chief demonstrated his fairness and his commitment to follow precisely our Constitution and the precedents of the past. It was during that time that I once again had the privilege of sharing lunches and coffees and just talking off the floor with my great friend of the past.

Bill Rehnquist was a humble and gracious man, as we all know. Among his clerks and among his friends, he was known just as "the Chief," and he was guided by the belief that no man is more important than the nation or the institution he serves. It was this belief that guided his efforts to narrow the concept of judicial activism and restore our system to its constitutional roots.

I didn't always agree with Bill Rehnquist. As a matter of fact, as young lawyers, we had a lot of arguments. But I knew he was a brilliant man, and he proved to be a great administrator for our Supreme Court. Those of us who knew the Chief respected his commitment to law and valued his advice and counsel. His friends were from all walks of life. He counted law clerks, Senators, Congressmen, and Presidents among his friends.

He embodied the lines in the Rudyard Kipling poem, "If." Bill Rehnquist could "walk with kings" without losing "the common touch."

Those of you who knew him will miss the Chief's wry sense of humor. As a matter of fact, inspired by a costume from his favorite Gilbert and Sullivan operetta, he is the only Justice who added four gold stripes to each sleeve of his black Supreme Court robe.

He also loved a practical joke. One of my favorite stories is an April Fools' prank played on Chief Justice Warren Burger, with whom I also served at the Department of Justice. Bill put a life-

size photo of Warren Burger on the front steps of the Supreme Court building with a sign asking tourists to pay \$1 to get a picture with the Chief Justice. Remember, it was April Fools' day. He then drove the Chief Justice by those steps so he could see his reaction to this prank.

But he said once to me, "The Chief Justice brings to the office no one but himself." This may be true, but this Chief Justice leaves office with the gratitude of our entire Nation. You can see it today in those long lines over by the Supreme Court. The Supreme Court has lost a great legal mind, the country has lost a devoted public servant, and I have lost another good friend.

Catherine and I extend our deepest sympathies to Bill's family and friends. He will be missed by all—greatly by me.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I know the Senator from Alabama is waiting to speak. I would like to ask him how long he would like to speak so we can set up a time arrangement with the Senator from California.

Mr. SESSIONS. I am thinking 7 to 10 minutes.

Mr. DURBIN. If it meets with the Chair's approval, I ask unanimous consent that after I finish speaking, the Senator from Alabama speak for 10 minutes and the Senator from California for 15 minutes.

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

Mr. DURBIN. Thank you, very much. I will try to be brief and to the point.

Chief Justice Rehnquist was a person I probably disagreed with in most political arguments. I read his opinions, and I realized that we just looked at the world in a different way. Yet I liked him. I liked him a lot.

I had two direct contacts with him as U.S. Senator, the first as a new Member of Senate and as a member of the Senate Judiciary Committee, and I received an invitation to come across the street, which is unusual, from the Senate to the Supreme Court for lunch. It was with a Federal judicial council. I was flattered and accepted the invitation. I then started asking the staff: Who are these people? They said: They are Federal judges from all across the United States. They gather together infrequently across the street for lunch in the Supreme Court, in a large chamber with the Chief Justice. They have invited you to come and speak to them.

Reflecting on my storied legal career as a small-town lawyer in Springfield, IL, and the fact that I didn't set the world on fire in law school, I wondered why they would ever invite me. Then it dawned on me. I was the ranking member on the court administrations subcommittee of the Judiciary Committee which had responsibility for determining the salaries of Federal judges. So they were going to entertain me for lunch and pay close attention to all of

my views in the hopes that I would listen carefully when they recommended increases in judicial salaries. That is exactly what happened. But the circumstances of that meeting were amazing.

It was a large room and a huge table. There were two chairs empty as I walked into the room with all of these federal judges in every direction. I sat in one of them. Then we waited quietly, and the door of the back room opened and everyone stood as Chief Justice Rehnquist came in to sit next to me. As he sat down, I thought to myself: There isn't a single law professor I ever had in school who would ever dream I would be sitting next to the Chief Justice, but I am certain my mother looking down from heaven thought it was entirely appropriate that her son was sitting next to the Chief Justice of the United States.

The second time was the impeachment trial in the Senate, which was presided over by Chief Justice Rehnquist. There is a small room called The President's Room. It is a historic chamber, and people often go in there for quick meetings off the floor. It became the Chief Justice's office when he was here for the impeachment trial. It was a curious setup because as you walked by there, he had a desk that was literally smack dab in the center of the room with the chair behind it, and I do not recall that there was any other furniture in the room. He just kind of sat there isolated, like this little island. I would walk by and glance in there from time to time.

Finally, I got the courage to walk in and talk to him. He dropped what he was doing and started talking right away. I was impressed. The man was entirely approachable, personable, and funny. He had a ton of questions about the Senate because he had been for over 30 years at the Supreme Court and the Senate was brand new to him. He asked basic questions and joked about the rollcalls. He said, "I love it when we have a rollcall, and it will be BAYH 'aye' and SNOWE 'no.'" He said, "I just love to listen as you call the roll here in the Senate."

We had a great conversation. He gave me a book he had written about the impeachment process. He agreed to autograph a few things. I really liked him a lot personally.

I can understand why those who disagreed with him politically still thought the world of Chief Justice William Rehnquist. He was a man dedicated to public service. I respected him so much for that.

As others have said, when he showed up in frail health at the second inauguration of President George W. Bush on a blustery, cold day to administer the oath, it was a great gesture on his part. It showed his personal commitment to his job as Chief Justice, his love of his Nation, and his responsibility. We are going to miss him. Very few men and women ever get the chance to serve as Chief Justice.



The Rehnquist Court was a Court which because of his leadership will be remembered for many years to come.

#### SENATE BUSINESS

Mr. DURBIN. Madam President, I wish to follow up the statement by our minority leader, HARRY REID. It is time to get down to business. We will finish this afternoon, after the funeral of Chief Justice Rehnquist. I hope the Senate will return immediately, come right back to the Senate and not waste any time. Let's start moving on important legislation.

The Department of Defense authorization bill was pulled from the calendar over 6 weeks ago by the Republican leadership so they could bring a bill sponsored by the gun lobby on the immunity of gun dealers from being sued in a court of law for wrongdoing. It was hard to believe we would take away from consideration a bill that dealt with our troops and our veterans, that tried helping, in the right way, the war in Iraq. We took that off the calendar so we could help a special interest group. Let's get back on the calendar to the Department of Defense authorization bill. That is something we can start this afternoon, and we should. Let's get it done this week, if we do nothing else, to make certain we are responsive to a very real concern we all share.

We have lost 1,886 American soldiers, as of today, in Iraq. Over 14,000 have suffered serious injuries. We need to get back on that bill, and then as soon as we finish that, focus on Hurricane Katrina.

All are stunned to see on the television each night, and to read in the newspapers, the accounts of the suffering that continues. Some of it is not as acute as it was just a few days ago, but consider the circumstances. These poor families were yanked out of their homes—in many cases their homes were destroyed—and now have been cast into other communities, in my State and other States, to try to keep it together while they search the whereabouts of their loved ones, put their kids in school, try to get a roof over their head, and try to get back to a normal life.

We need to do our part in Washington, DC, on a bipartisan basis, to deal with it. First, we need to provide the resources. The \$10.5 billion from last week will be gone quickly because this is such an expensive undertaking. Senator HARRY REID said yesterday, and I agree with him, let us not underestimate the cost of what this means: \$100 billion or \$150 billion is not unrealistic when considering the gravity of this hurricane and the damage it did. I fear some do not want to mouth those words—\$100 billion or \$150 billion—because they reflect the reality of what this is going to cost.

If we face the reality of the cost of Katrina, we are going to have to be honest about other decisions. How

could we possibly turn to a reconciliation bill, another bill we consider in the Senate, and cut spending for food stamps, cut spending for Medicaid, the health insurance program for poor in America, in this time of great national need? Yet that is what is planned. How could we conceive of the notion of going to a bill that would cut taxes on the wealthiest people in America, when we are at war with our children losing their lives every day, and we are facing Katrina and its aftermath where hundreds of thousands of Americans are in distress? How could we turn at that moment and say our highest priority is to give a tax break to wealthy people? That is not what America is all about. That is not what our values are all about.

For those who come to the Senate and speak in terms of their religious commitment, the basic reality is this: If you care for the least among you, you have to show it in your life's work. The Senate has that responsibility as well and more than others who do their work each day.

Two things come out of this crisis with Katrina. First, we understand what E.J. Dionne wrote on September 2 of this year in an article for the Washington Post entitled, "When Government is Good." He quoted a former Member of the Senate, Bill Cohen of Maine, who was also a Defense Secretary, and what he said was "Cohen's Law." Cohen's Law was this: Government is the enemy until you need a friend.

That is what we are learning with Katrina. We certainly learned it with September 11. We have learned it when it comes to the war on terrorism. Those who condemn Government and say, Let's keep shutting down agencies and Government employees right and left, have to understand the day may come, and soon, when we will need the American family working together as a government to do things that individuals cannot accomplish.

The second part of this is Hurricane Katrina has opened a door which has remained shut for too long. It is a door which reflects the reality of being poor in America. This door is now open 24/7 for all to see through. The poorest among us in America were the worst victims of Hurricane Katrina. Many others suffered, too, but as a group the poor suffered the most. We have to be mindful and sensitive to our responsibility to make this a great Nation of opportunity for the least among us, as well as those who have been blessed with prosperity and wealth. It is important our agenda, in the closing months of this session, reflect that reality as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I ask unanimous consent that when Senator BOXER completes her remarks, our distinguished colleague, Senator HATCH, the former chairman of the Ju-

diciary Committee, be recognized for remarks on Chief Justice Rehnquist's death.

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

#### HONORING CHIEF JUSTICE WILLIAM H. REHNQUIST

Mr. SESSIONS. Madam President, I will share a few personal thoughts about Chief Justice Rehnquist. I came to appreciate Justice Rehnquist as a young prosecutor. I was assistant U.S. attorney, tried a lot of cases and was involved in a lot of cases and had to read Supreme Court opinions on criminal law. I was impressed with his writings. It touched me in many ways. I felt he was speaking the truth when other Justices were missing and not understanding the reality of law enforcement in America.

This was in the mid-1970s, when our crime was increasing at an exponential rate. We had double-digit percentage increases in crime in the 1960s and 1970s. In the 1950s, we did not lock the door of our house, and we left our keys in the car. People did not worry about crime. It became a growing problem. At the same time crime was surging, the Warren Court handcuffed the police and their ability to deal with it.

Justice Rehnquist, during the Warren Court years, would often write dissents. Sometimes he would be the lone dissenter. I distinctly remember being in the U.S. Attorney's Office in Mobile, Alabama, reading an opinion and calling my colleagues to say: Look at this. At least one Justice understands the reality of crime and law enforcement in America.

He helped create a different approach to law and order in America. Instead of ruling on emotion and politics, he made his decisions based on the law and facts. In fact, before he left office, cases he was dissenting 8 to 1, he was winning a number of them 5 to 4 and 6 to 3. What an accomplishment to see that happen over a lifetime. I never would have thought it possible. I thought the trends were against that. Being young, I never thought we would see the pendulum swing back, but it did, and he played a key role in that.

From my observations as a member of the Department of Justice for nearly 15 years, as a member, now, of the Senate Judiciary Committee for 8 years, where I currently chair the Subcommittee on Administrative Oversight and the Courts, my humble opinion is Chief Justice Rehnquist is one of the greatest chief Justices ever to serve. Senator MCCONNELL said after John Marshall, but I don't know. I am not sure any have served more ably.

He was also a great Associate Justice. He wrote clean, succinct opinions that made sense. They were consistent with the law of our country and our heritage.

He came to the Court when the Warren Court was in full bloom and judicial activism was at its apex. In case

after case, he was the lone member of that Court to sound the alarm about the dangers that arise when a court detaches itself from a principled and honest commitment to the Constitution of the United States of America and the laws we passed. He saw the dangers in that, and he dissented many times—he joined with the majority many times, but he dissented many times—on matters of great principle in an intelligent and effective way.

He played a key role in the demise of judicial activism as a dominant view of the Court. By “judicial activism”—I will paraphrase Senator HATCH’s definition of it—it means when a judge allows their personal or political views about what is good policy or bad policy to affect their rulings in a case. It is not faithful to the Constitution when you twist the words of the Constitution or of a statute so they come out to mean what you would like them to in order to achieve the result that you prefer in a given case. Justice Rehnquist loved our Constitution, the one that we have, the good parts of it and the parts he may not agree with. He loved every section all and respected each one of them. He followed them and was faithful to them.

He understood liberty in America is dependent on order. Look what is happening, so sadly, in New Orleans: police are threatened, doctors and nurses could not get out to help or rescue people because order broke down. The Founders of our Republic never doubted the Government and the law enforcement of the United States of America. The States and counties and cities had to have certain authority to maintain order or we would never have liberty. This extreme commitment to libertarian views can undermine the basic order necessary to allow liberty to flourish in our individual capability first. He understood that very critically.

An example of the dangers he saw on the Court would be in death penalty cases. Chief Justice Rehnquist, as Associate Justice and as Chief, fully understood the Constitution makes at least eight references to capital crimes, to not being able to take someone’s life without due process; at least eight references were made in that great document to the death penalty. How could the Constitution declare the death penalty was unconstitutional when it absolutely approved it?

Two Justices dissented in every single death penalty case, saying they thought it was cruel and unusual punishment. What a weird, unprincipled dangerous interpretation of the Constitution. Justice Rehnquist stood against that tide, often as a lone Associate Justice.

Until now, people have come to realize that the Constitution and laws of this country allow a State or the Federal Government to have a death penalty, if they choose to have it. If you do not like that, take it to your legislative branch. The Constitution does

not prohibit it, for heaven’s sake. The Constitution explicitly authorizes it.

He had a good understanding of church and State. I remember Senator REID, the distinguished majority leader now, when he was the assistant leader under Thomas Daschle during that year when they were in the majority, and the Ninth Circuit struck down the Pledge of Allegiance, he criticized the Ninth Circuit. I have been a big critic of the Ninth Circuit, but I remember making remarks at that time saying as big a critic of the Ninth Circuit and as much of a critic of their striking down the Pledge of Allegiance, I have to say many Supreme Court rulings on separation of church and State are so extreme that could well be justified under language of the United States Supreme Court. The Supreme Court has given us a very confused jurisprudence on what is a legitimate separation of church and State in America.

We got to the point in one case, the Jaffree case from Alabama, the Supreme Court, by a 6 to 3 majority, struck down a moment of silence in a classroom. Justice Rehnquist dissented in that case, as he consistently dissented against some of the confused thinking that was there.

If this court had followed Justice Rehnquist’s thoughts and opinions on the question of separation of church and State, we would not have the confusion we have today. We would not have one case where the Ten Commandments in Texas are OK and another case in Alabama where the Ten Commandments are not OK. What kind of jurisprudence is that? We need to get that straight. The Court has failed, in my view, in establishment clause jurisprudence. But Chief Justice Rehnquist has been a consistent and sound and reasonable voice on how to strike the proper balance. We need to go back and continue to read those opinions and see if we cannot make them correct.

He also was a student of America. He wrote a number of books, grand inquests about impeachments, before we had the Clinton impeachment case in this body. He wrote a book, “All The Laws But One,” that deals with the rule of law in America in a time of crisis, and dealt with the Civil War and other times in our country. He was a historian who understood America, understood our exceptional nature, our commitment to law and the Constitution. He understood that deeply. Every day when he went to work, every opinion he ever wrote was consistent with his view and respect for America, her heritage, her rule of law, and her Constitution.

He understood that States have certain powers in our country. He understood that the Federal Government, through the commerce clause, has broad power, but there are limits to the reach of the commerce clause. It does not cover every single matter the United States Senate may desire to legislate on, to the extent that the federal government controls even simple,

discreet actions within a State. He re-established a respect for State law and State sovereignty through a number of his federalism opinions.

Madam President, we have lost one of the Nation’s great Justices, a man who respected our Constitution, gave his life to his country, his whole professional career. All of us should be proud of that service and honor his memory.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

#### HURRICANE KATRINA

Mrs. BOXER. Madam President, I rise today with a heavy heart. We have all watched in horror as the Gulf Coast has been struck by what could be called the worst natural disaster in our history.

Over the weekend, Chief Justice Rehnquist, who served our Court and country with such distinction for 33 years, and showed such bravery in the last months of his life, passed away.

We have now lost nearly 2,000 young men and women in Iraq, and we still do not have, in my opinion, a credible plan, a mission, a timetable to achieve success and bring our troops home. Gas prices are putting horrible strains on most Americans.

There is a tremendous amount of anxiety in America today. I feel it when I go home to California. We must confront it immediately in the Senate, in the House, and, yes, at the White House.

With one party controlling the entire Government, there is pressure in some quarters to be silent and just let mistakes and misplaced priorities take their toll.

Well, I do not agree with that mindset. I am going to say what I think. And even more important, I am going to do everything I can with my colleagues on both sides of the aisle to help get our country moving in the right direction again.

Lives hang in the balance in this disaster and, God forbid, in the next one. It is difficult to put into words how heartbroken we all are for Americans affected by Hurricane Katrina. Thousands of people have lost their lives. Far more have lost their homes, their jobs, their communities. Brave souls everywhere are still searching for some family members while trying to keep others alive and hopeful.

I even heard a doctor on CNN talking about being forced to make the impossible choice of whom to save and whom to leave behind to die.

Yes, the acts of bravery are being celebrated, as they should be—neighbor helping neighbor, churches filling in for FEMA, local law enforcement putting their own hardships aside to work 24 hours a day helping others.

But there are images, such as this one I show here, that leave us in tears. It shows a makeshift grave along the road—a makeshift grave. Somebody put a sheet over a body, and it looks



like bricks are holding down the sheet. There is a cross on top, and it says: "Here lies Vera. God help us." God help us, indeed. How can this have happened in America? Here we are, the most powerful and prosperous country in the world, and our people have to write notes on handmade graves to get attention.

Well, words of compassion are not enough. We must show those who have suffered so much that their Government will help them find their missing relatives, and rebuild their lives, homes, and communities.

The \$10.5 billion we appropriated was an important start but just a start. We should not wait another day to give all the victims of Katrina immediate access to Medicaid or to exempt them from the recent bankruptcy law. We should not be cutting Medicaid now, and that is exactly what is in the budget bill the Republicans are bringing before us.

We should not wait another day to provide temporary housing for all those displaced, including emergency vouchers. We also should use our military bases that are vacant to house people until they are on their feet again.

We should not wait another day to make sure that Halliburton, or any other company receiving Federal contracts, employs some of the estimated 500,000 to 1 million people who are now jobless. Put them to work rebuilding their own communities. You are giving these companies Federal contracts. Let them step to the plate and do their share. There are two similarities that I see between Iraq and this hurricane. The administration did not have a plan for either, and Halliburton will end up making billions of dollars for both.

Hurricane Katrina has shown a spotlight on the best and the worst of America. We have seen the inspiring courage of the survivors and the dedicated men and women working around the clock to help them. We have also seen those who would loot, and take advantage of this tragic situation. We have seen the heroics of the press, which put a spotlight on the full extent of the tragedy.

We have also seen the deadly chasm between the haves and the have-nots, with the poorest among us left behind, literally and figuratively, to weather the storm. And, yes, we have seen, in my opinion, an unacceptable response from our Federal Government. The President himself said that, and then he backed away.

I know the President has said he will launch an investigation, but it is not sufficient for the President to investigate his own administration. Congress must fulfill its oversight responsibility. I thank Senator COLLINS and Senator LIEBERMAN for pledging to hold hearings on the Government's response to this tragedy.

Today, an AP wire story that was just handed to me says, "The top U.S. disaster official"—that is Michael

Brown—"waited hours after Hurricane Katrina struck the Gulf Coast before he proposed to his boss," that is Michael Chertoff, "sending at least 1,000 Homeland Security workers into the region to support rescuers, internal documents show."

Quoting further the AP wire story:

The same day Brown wrote Chertoff, Brown also urged local fire and rescue departments outside Louisiana, Alabama and Mississippi not to send trucks or emergency workers into disaster areas without an explicit request for help from state or local governments.

We must fulfill our oversight responsibility. I agree with Senator CLINTON that we should also create an independent Katrina commission. Hurricane Katrina has raised alarming questions about our Nation's ability to prepare for and respond to disasters.

Last Thursday, the President told Diane Sawyer that we did anticipate a serious storm, and I quote him:

I don't think anyone anticipated the breach of the levees.

Well, that is unbelievable. All you had to do was look at FEMA's own report in 2001, which listed the three most likely catastrophic disasters our country could face. What were they? A massive earthquake in California, a terrorist attack on New York City, and a major hurricane hitting New Orleans. All you had to do was look at the Houston Chronicle, which predicted this. The New Orleans Times-Picayune predicted this. The National Geographic predicted this. There was a 5-day simulation in July of 2004 to specifically address a disastrous hurricane in New Orleans. The LA Times reported that in late May the Army Corps of Engineers in the New Orleans district formally notified Washington that hurricane storm surges could knock out two of the big pumping stations that keep the city dry.

On the day before the tragedy struck, an AP wire story said:

Experts expect Katrina to turn New Orleans into Atlantis, leaving up to 1 million homeless.

They did not think the levees would break?

And what about the budgets? Despite repeated requests from New Orleans for more Federal money to protect the city, the press reported that funding for Corps of Engineers projects in the New Orleans area fell by 44 percent between 2001 and 2005. This is unacceptable.

Michael Brown should go. He is a nice man. But I agree with Senator MIKULSKI, he should go. He should go because he does not even have the experience to do this job. He was the head of an Arabian horsemen's association. That is not training to step into a disaster the size of the one we have seen.

Now, in California, we know how important FEMA is during a disaster. After the Northridge Earthquake, James Lee Witt, the head of FEMA, was out there. We counted on him, and Lord knows how many lives he saved.

He knew what he was doing. We built up FEMA during that time, all of us working together. It has now been turned into a shadow of its former self.

I also agree we ought to make FEMA again an independent agency. Senator BYRD tried to do that. He offered an amendment that said: Let's wait before we put FEMA under Homeland Security. Twenty-eight of us voted for that. It did not pass. I warned at that time very clearly that this was making me extremely nervous. My quote was:

Putting the Federal Emergency Management Administration, [FEMA] lock, stock, and barrel, into this new Department I just think is going to be a real problem for us. . . . I am very worried about accountability.

Now, I do not say this to imply that I knew what was going to happen. I did not. But I do have some common sense, and I know you need one person in charge who has the ability, yes, to move mountains.

Yesterday, we had a briefing on this up in room 407. We had the whole Cabinet there. I listened to a lot of good people. I would have preferred one person I could hold accountable.

There are many more things I am going to do. But I have to say this: For years we tried to get interoperable communications funding—for years. I had a bill. Senator STABENOW had a bill. It got through the Senate. It got taken out by the House. We still do not have emergency workers able to talk to one another.

So we need to move fast. We need to move fast before the next disaster strikes. Now, we all pray in the Senate we will not have another disaster like this, but we must plan in case we do. That is our job. That is our work. We must set aside a lot of other things we are going to do around here to get this right because we know we are living under the threat of a terrorist attack that could occur in any city in this country. And this is a sad case for us and not one that should be emulated.

We all have to move forward. And, yes, the people who did not do the right thing should not be heading these agencies. In my state of California, we know how it feels to lose your bearings, your home, and your sense of security. I saw it so many times in my congressional career, in my Senate career. Earthquakes, fires, floods, mud slides; you name it, we have had it. You need strength at the Federal Government level when these things happen. Look at the city of New Orleans, what they tried to do with the police officers. Two police officers committed suicide. They had nothing, and they were trying to secure a city for days.

Well, it is hard to look at this, but we have to look at it. We have to do it with an independent commission. We have to make sure people who are counting on us get their lives back. And we can do it. This is America. But we need to hold people accountable. We need to be credible with our response. The job is a tough one, but we need to do it, and we need to do it soon. We

owe nothing less to the people we represent.

Madam President, thank you.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I was also at that meeting last night in the secure room in S. 407. I have to say, I was absolutely blown away by how much the Federal Government has mobilized to try and help in the Gulf region. There is no question that we knew this city was 10 to 12 feet under sea level and that there was bound to be some sort of a problem happen. I think there is plenty of blame to be cast around to everybody. The important thing that we ought to be considering is solving the problem and getting that city back on its feet. From what I heard last night, the Federal Government is doing everything it possibly can. Frankly, I believe every agency, including FEMA, has done a good job under the circumstances. This has been a catastrophe of great proportions. There is no question about it. All of the criticism in the world is not going to change that.

The fact is, we had a number of Cabinet-level officials there, from the Secretary of the Treasury to the Secretary of Labor, and I thought they made a pretty good case. I think we ought to get the job done and quit worrying so much about criticizing.

Mrs. HUTCHISON. Mr. President, over the weekend, I visited several hurricane relief shelters around the State of Texas. Hearing the stories from the victims of Katrina firsthand has reminded me that whenever natural disasters occur, we must help those affected recover and move on with their lives. But this is no easy task, and the impact of Katrina will be felt for many years to come.

I know this personally. Growing up in Galveston County, I lived through Carla in 1961 and other hurricanes. I have never forgotten the experience of driving to my parents' house because we had not heard from them. Telephone service was out, so we packed our car with water and other supplies and drove to their home. As we approached, we saw more and more of the hurricane's destruction. Finally, we reached their battered house, and fortunately found them unharmed.

Dealing with disasters has made Texans both strong and compassionate. Whenever people encounter adversity, they are forced to make a decision about how to respond. So often, Texans have stood tall, displaying virtue in the heat of the moment. When battered by a hurricane, Texans have increased their resolve, battling the elements to survive. When threatened by funnel clouds, they have reacted with bravery and risked their lives to save the lives of others. And after the moment of danger has passed, they have showed kindness and generosity in helping neighbors get back on their feet.

Approximately 80 percent of the city of New Orleans has been covered in

water, and thousands of people suddenly found themselves homeless and with no one to turn to. I am proud of how my State has responded. About 250,000 Katrina evacuees are in Texas at this time, and more are expected. As many as 100,000 evacuees will be housed in 243 shelters dispersed across the State and FEMA officials estimate another 150,000 Katrina victims are living in hotels.

In the midst of this tragedy, my heart has been warmed by the many Texans who opened their arms and their homes to their fellow Americans.

Public institutions, many churches and charities, and numerous individuals have provided food, shelter, and money for those escaping the hurricane's devastation.

In one story that was particularly touching, a Texas couple who had just moved into their new home took their old home off the market in order to provide shelter to a family of nine in the months ahead.

In another part of Texas, a company has offered about 40 vacant apartments in a retirement community, plus food, transportation, and housekeeping for no charge. Another Texas company will donate \$1 million to the American Red Cross and will offer rail transportation in support of hurricane relief and recovery efforts.

The Texas Health and Human Services Commission kept many offices open throughout the holiday weekend and has certified more than 50,000 Louisiana families for emergency benefits. One Houston office extended its Friday hours until 2 a.m. Saturday morning.

The Texas Department of Family and Protective Services is providing assistance with the placement of Louisiana foster care children, including 49 children from a New Orleans facility. The agency has identified placements for more children if needed and is working with shelters to ensure that any children who have been separated from their families receive help quickly.

I am also very proud of my own staff, many of whom generously gave up their holiday weekend to answer phones at the Red Cross.

I had a personal experience that was very heartwarming when I talked to a woman in the Dallas Convention Center who said her son was in the Navy and she wanted to get him a message that she was safe in Houston and that his wife and their son were fine. We were able to contact him on the USS *Harry Truman* later that night to inform him. He sent back a very long e-mail to his mother which will be delivered to her soon. It is important we do these little things to try to help as much as we can, and the Senate stands ready to do that.

One woman receiving aid in Texas thanked the workers there and gave them a message to pass along:

Thank you for everything. God bless.

She went on to say that if they were ever in New Orleans once it is back in order, to please look her up so she

could show them some New Orleans hospitality. We know New Orleans will recover, and we can't wait for that party.

To my friends back home in Texas, you repeatedly make me proud and I am honored to be your Senator. And to our neighbors along the Gulf of Mexico, know that Texas and the Nation stand with you. God Bless Alabama, Mississippi, Louisiana, and all of the United States of America.

Mr. SANTORUM. Mr. President, words cannot express the sense of loss and hopelessness that many residents are feeling at this time in Mississippi, Alabama, Louisiana, and Florida. My family and I send prayers and heartfelt condolences to all of those who have lost loved ones in the wake of this catastrophe.

One certainty of every disaster that occurs in the United States and around the world is the desire of fellow Americans to help those who are in need. Today, as we watch the terrifying developments on our TV sets, we know that generous Americans across the country are contributing food, clothing, money, and time to the unfortunate victims of this tragedy.

The Salvation Army has more than 250 volunteers, employees and others prepared to serve up to 500,000 hot meals per day to residents and first responders in the aftermath of Hurricane Katrina. They have mobilized approximately 100 mobile canteens that provide up to 5,000 hot meals per day, and staged two, 54-foot mobile Base Camp kitchens that can provide 20,000 hot meals per day. Salvation Army staff and volunteers are working in shelters and coordinating the distribution of supplies.

The American Red Cross is currently providing thousands of volunteers, Red Cross workers and resources to aid victims of Hurricane Katrina. The Red Cross has about 485 shelters open in 18 States serving more than 142,000 people. Working with the Southern Baptist Convention, the Adventists, and Second Harvest, the Red Cross is prepared to provide nearly 3.3 million meals each day. More importantly for some, the Red Cross is partnering with local and government entities to provide medical aid and counseling to families. The Red Cross is providing a safe haven for thousands of evacuees in hundreds of Red Cross shelters around the world.

Catholic Charities agencies from around the region are ready to send technical assistance teams to help the local Catholic Charities in the impacted areas with their response efforts, as well as providing long-term recovery work.

I am also thankful for the efforts of charitable organizations in my home State of Pennsylvania. From the moment that disaster struck, individuals, families and organizations across the Commonwealth have made great efforts in assisting those in need. Brother's Brother Foundation, BBF, a 47-

year old Pittsburgh-based international charity, is sending a tractor-trailer full of donations, including 5,000 pairs of new shoes donated by CROCS Inc. of Boulder, CO, and new clothing and hygiene items.

Fraternal benefit societies have also stepped up to the plate, including the Loyal Christian Benefit Association headquartered in Erie, PA, as well as the Knights of Columbus and Thrivent. The Greek Catholic Union of the United States, headquartered in Beaver, PA, has donated \$15,000 to Catholic Charities, Salvation Army, and American Red Cross.

The University of Pittsburgh Medical Center, UPMC, is ready to deploy two helicopters to States hit by the hurricane if emergency management officials ask for them.

Additionally, UPMC has offered to treat hurricane patients at its Pittsburgh hospitals or set up a 250-bed medical facility around the disaster area.

Carnegie Mellon University has offered to assist Tulane University in New Orleans in any possible way, which could include CMU taking on students from Tulane so they do not fall behind in their classwork.

The charitable efforts of so many Americans during this crisis is a reminder that government should be making laws that support and encourage such philanthropy. Legislation such as the bipartisan CARE Act benefits a sector that is vital during these times of crisis. The estimated \$2 billion in food-donation incentives that the CARE Act provides would allow farmers, restaurants and corporations to give more of their surplus food to local food banks and soup kitchens. Additionally, individuals would be willing to donate even more if current law was more favorable to those who charitably donate.

#### ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I ask unanimous consent that the vote on S. Res. 234 be delayed until 12:10.

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

#### HONORING CHIEF JUSTICE WILLIAM H. REHNQUIST

Mr. HATCH. Mr. President, I want to pay tribute to a good man whom I knew well, who was a great judge, the late Chief Justice William Rehnquist.

His service and leadership on the Supreme Court, the principles he consistently followed, and the steady hand with which he guided the judiciary make him one of the judiciary's very best.

William Hubbs Rehnquist served on the Supreme Court of the United States for 33 years and almost 8 months.

He was the eighth longest serving of the Court's 108 members, having re-

cently surpassed the tenure of the legendary Justice Joseph Story.

He was the fourth longest serving of the Court's 16 Chief Justices, and one of just five individuals to have served as both Associate and Chief Justice.

William Rehnquist's service was a powerful mixture of the personal and the professional.

He brought a kind of dignified practicality, or perhaps it was practical dignity, to what is one of the most formal and respected posts in the Federal Government.

William Rehnquist was the historian who could play a practical joke, the defender of the judicial institution who played poker with his colleagues.

We will miss this scholar and author, who also led an annual Christmas carol sing-along for the Court's employees.

Yesterday, his former clerks surrounded his casket and carried it past his former colleagues into the Court where he lay in repose in a plain white pine casket. It was so touching.

We were all touched by Justice Sandra Day O'Connor weeping at the loss of a man who had been a fellow law student more than 50 years ago and was a fellow Justice for the past 24. He was No. 1 in his class; she was No. 3. They were close friends.

The respected legal analyst Stuart Taylor writes that one attribute of greatness is being esteemed by one's colleagues. Whether his fellow Justices voted with him or against him on the cases before the Court, they all cherished and esteemed him.

Liberal icons such as Justice William Brennan called Chief Justice Rehnquist a breath of fresh air.

Justice Thurgood Marshall called him a great Chief Justice.

Justice Lewis Powell said he had a good sense of humor and was both generous and principled.

When President Nixon nominated William Rehnquist to be an Associate Justice in 1971, Attorney General John Mitchell said he expected Justice Rehnquist to be independent.

Before the Judiciary Committee, the nominee pledged as his fundamental commitment to totally disregard his own personal beliefs when interpreting and applying the law.

Democratic Senator John McClellan of Arkansas, a member of the Judiciary Committee, explained in the pages of the New York Times why he supported what he called a distinguished nominee.

He said that William Rehnquist would not contribute to the trend of pursuing abstract goals driven by ideology rather than law. As both Associate and Chief Justice, William Rehnquist confirmed Senator McClellan's judgment.

Chief Justice Rehnquist strongly defended the prerogatives of the judicial branch. This alone might give pause to those who believe the judiciary was already too strong.

But he coupled that commitment to institutional vigor with a fidelity to constitutional rigor.

While insisting that the Court was the primary interpreter of the Constitution, he did not join those who said the Constitution's meaning ebbed and flowed with the latest cultural and political fad.

Chief Justice Rehnquist understood that we entrust interpretation of our laws to unelected judges only because, as he had, they promise to keep their own moral and political viewpoints on the sideline.

Over time, by example and leadership, this principle helped him move the Court toward its traditionally modest role within our system of government.

Commentators and reporters discussing the Chief Justice's legacy almost reflexively use the moniker "Lone Ranger" to describe the new Associate Justice Rehnquist.

He was sometimes a lonely dissenter on a Court that saw itself as the vanguard of social change.

In that role, however, he reminded us of the fundamental principles that should guide the judiciary.

Judges may not exercise judicial review based on their personal opinions, preferences, or agendas. They must take the Constitution as they find it and apply it as it is.

As new Justices joined the Court, and Chief Justice Rehnquist continued articulating and applying such traditional principles, he found himself with more company.

While some talk of Chief Justices as able to bring colleagues together in a particular case, Chief Justice Rehnquist did so, patiently and steadily, over the long haul of his entire tenure.

In a 1996 address at American University's Washington College of Law, Chief Justice Rehnquist called judicial independence the "crown jewel" of the American judicial system.

He took this seriously on a personal as well as a judicial level.

In this last year or so, William Hubbs Rehnquist lived and finished life on this earth in his own independent way.

He shared what he wanted to share, when and how he chose to share it.

He carried himself with dignity, in a way protecting his privacy publicly, if such a thing is possible.

He was a good man and a good judge.

Our lives, individually as citizens and collectively as a nation, are much better for him having been among us.

I knew him personally. I know what a great man he was, as far as I am concerned. I know what a supreme intellect he was on that Court. I know what a decent, honorable, honest person he was on that Court. I can remember one lunch I had with Chief Justice Rehnquist, Justice Scalia, and Justice Kennedy. It was terrific luncheon, filled with intellectual repartee. It was a luncheon that I will never forget. I can remember his smiling from time to time as his colleagues made some of their points. He had this wry sense of humor that I suppose came from the

people that he was born and raised with in his own State. This is a man of tremendous, inestimable talent, intellect, and ability. But he was warm. He was kind. He was decent. The only time I saw any flare for the unusual was the stripes on his black robe. That was done tongue in cheek, to just kind of lampoon some of the overseriousness some of us sometimes have with regard to the Supreme Court.

William Rehnquist was a good father. His daughter Janet worked with us on my staff for a short time. I think the world of her. She is a good person. The other offspring of Justice Rehnquist are also good people. I knew Justice Rehnquist's wife who preceded him in death. She was a beautiful, lovely human being, to whom he gave great deference. This was a man who counted. This was a Chief Justice who made a difference. This is a person whom I respect and whom I care for.

I yield the floor.

Mr. CONRAD. Mr. President, today, we remember the life and dedication of one of the most influential leaders of the U.S. Supreme Court.

William H. Rehnquist, 16th Chief Justice of the United States, passed away on Saturday, September 3, 2005. A midwesterner, Rehnquist's service to our country dates back to March 1943 when he was drafted to the U.S. Army Air Corps, the equivalent of today's U.S. Air Force. He served in World War II until 1946.

After his time in the military, Rehnquist began his academic journey under the G.I. bill at Stanford University, where he earned a bachelor's degree, a master's degree, and ultimately graduated first in his class at the Stanford Law School. After clerking for Justice Robert H. Jackson, Rehnquist spent the next 16 years in private practice in Arizona.

In 1971, President Nixon nominated William Rehnquist to be an Associate Justice on the Supreme Court. As Associate Justice, Rehnquist was nicknamed the "Lone Ranger" for his many lone dissents on the nine-member Court.

In 1986, President Ronald Reagan elevated William Rehnquist to Chief Justice of the United States. In that role, Rehnquist became known for his ability to foster and retain collegiality among Associate Justices with widely differing views on the issues before the Court. He was an outstanding leader of the judicial branch of our Government.

Those of us in the Senate probably remember him best for his service during the impeachment trial for President Clinton. He presided over that historic event with dignity and decorum.

Over the past year, as he battled cancer, Chief Justice Rehnquist was as determined and sharp as ever, doing his job faithfully until the day that he passed away.

Today, we remember the Chief Justice's passion, dedication, and brilliance. And we also remember his great sense of humor. Bill Rehnquist will be

sorely missed by his family, his friends, and his country.

Mrs. HUTCHISON. Mr. President, I rise today to recognize and honor one of our country's greatest judicial leaders, a noble public servant, the 16th Chief Justice of the United States, William Hubbs Rehnquist. For the past 33 years, the last 19 of which as its leader, Chief Justice Rehnquist served the Supreme Court with honor, wisdom, and keen judgment. His record will be remembered as one of ideological dedication and devotion in a court of consensus and collegiality.

A native of Milwaukee, WI, William Rehnquist first answered his country's call to service in World War II by serving in the Army Air Corps as a weather observer in North Africa from 1943 to 1946. Upon his return, he earned his bachelor's and master's degrees in political science from Stanford University in 1948, and a master's degree in government from Harvard University in 1950. He earned his L.L.B. from Stanford in 1952, graduating first in his class, a class which included his future Supreme Court colleague Sandra Day O'Connor.

Chief Justice Rehnquist's first experience with the Supreme Court came when he clerked for Associate Supreme Court Justice Robert Jackson. Rehnquist observed during this time at the Court what he would later describe as the "expansion of federal power at the expense of State power."

After his clerkship, Rehnquist moved to Phoenix, AZ, where he practiced law in the private sector for more than 15 years. During this time, he became involved in politics; and when President Nixon was elected in 1968, Rehnquist was asked to serve as Assistant Attorney General for the Justice Department's Office of Legal Counsel. Three years later, in 1971, President Nixon nominated Rehnquist to replace Justice John Marshall Harlan on the United States Supreme Court.

From his early years as an Associate Justice through his years as the Court's leader, Chief Justice Rehnquist chartered a course to reestablish the important principle of federalism, an integral part of our Nation's constitutional structure. In cases such as *National League of Cities v. Usery* in 1976 through *U.S. v. Lopez* in 1995, his opinions aimed to protect the role of the States within the Federal system by recognizing that our government is one of enumerated rights and dual sovereignty.

Though a strong and vigorous advocate for his beliefs, Chief Justice Rehnquist was always respectful of his colleagues and committed to the rule of law, never allowing politics or infighting to threaten his Court. All of us in the Senate got to know Chief Justice Rehnquist when he presided over the impeachment trial of President William Clinton. He was a decisive, but not intrusive arbiter. His insightful observations about the operation of the Senate were both serious and humor-

ous. A profound defender of the Constitution and a staunch protector of liberty, Chief Justice Rehnquist has left behind a legacy of thoughtfulness and quiet intellect, and will be remembered as one of our Nation's greatest judicial leaders.

Mr. ENZI. Mr. President, I was sad to hear of Chief Justice Rehnquist's passing, but I want to share my gratitude for his service. He exceeded all but seven Justices by the length of his 33 years on the Supreme Court bench. President Nixon nominated him to be the 100th Supreme Court Justice in 1971. Fourteen years later, President Reagan nominated him to serve as Chief Justice. In his tenure as Chief Justice, he oversaw benchmark cases and events that helped to shape the Supreme Court and the country as we know it today. His efficient management of the Court and careful interpretation of the Constitution provide a good example for future Chief Justices.

He was a very learned man, interested in a wide range of topics and pleasant to be around. In 1952, he graduated first in his law school class at Stanford. In addition to his law degree, he held master degrees in political science from Stanford and Harvard.

He left law school and moved to Washington, DC, to clerk at the Supreme Court, a place where he would eventually spend over a third of his life.

At times, our lives intersected. During the impeachment trial of President Clinton, I presided on the Senate floor just before Chief Justice Rehnquist took the presiding officer's chair—and then I took over each day as he left the chair. I also presided when he was escorted out of the chamber following the end of the trial. I enjoyed reading his book about civil liberties in wartime and his book about the history of impeachments, which I was fortunate enough to get him to sign for me.

Now in the wake of his death and one of the worst natural disasters in U.S. history, the Senate will soon move to fill the vacancies on the court. People are going through some hard times in our country. Chief Justice Rehnquist knew about hard times.

He returned to the bench after being diagnosed and treated for cancer. He fought bravely to finish his job and spurned the rumors of retirement this summer. He stated that he would "continue as long as his health permits." And he did. I admire him for it.

We also must continue to do our job by holding hearings and then voting on the President's nominees to the court. If we keep the political posturing to a minimum, we should have plenty of time to fill the spot of the man who held it for so long and so well.

Mr. FEINGOLD. Mr. President, today we mourn Chief Justice William H. Rehnquist, who faithfully served the Supreme Court and our Nation for 33 years—19 of them as Chief Justice. That tenure made him the fourth-longest serving Chief Justice in the history

of our Nation, surpassed only by Chief Justices Melville Weston Fuller, Roger B. Taney, and John Marshall. He was also the fifth longest serving Justice in our history. Walter Dellinger, former acting Solicitor General in the Clinton administration, has suggested that Chief Justice Rehnquist will be judged by history as one of the three most influential Chief Justices, together with Marshall and Chief Justice Earl Warren. We have truly lost a historic figure.

It is with pride, then, that we in Wisconsin claim Justice Rehnquist as a native son. He was born in our State, and Wisconsin was his first home. He grew up in Shorewood, a suburb of Milwaukee, and graduated from Shorewood High School in 1942. Wisconsin must have provided a good foundation for his future; he went on to graduate first in his class from Stanford Law School and to clerk for former Supreme Court Justice Robert H. Jackson, another of the great jurists of the 20th century.

I have deep respect for this son of Wisconsin, although I did not always agree with his substantive legal views. Indeed, we are hearing praise for Justice Rehnquist from across the political and legal spectrum. To be admired and respected despite philosophical differences is one of the marks of a truly great man.

Justice John Paul Stevens, perhaps Rehnquist's most ideologically distant colleague on the current Court, paid tribute to him on behalf of the entire Court on the occasion of Justice Rehnquist's 30th anniversary on the bench. Justice Stevens praised him for his efficiency, good humor, and absolute impartiality when presiding over Court conferences. That Chief Justice Rehnquist possessed sufficient intellectual strength and personal skill to preside over discussions among nine of the finest legal minds in the nation and to earn their respect is no small feat, particularly considering the difficulties and dissension that have marked discussions and conferences in other eras. All acknowledge that Chief Justice Rehnquist was a devoted and skilled court administrator, not just for his own highest court but also in his role as guardian of our entire third branch of government, the Federal judiciary.

In addition to his accomplishments on the Court, Chief Justice Rehnquist deserves our greatest respect for the dignity and fortitude with which he conducted himself in the last year. Despite the fact that he was clearly suffering from serious illness, he continued to serve the public and the Court. He was an inspiration to all who encounter physical obstacles in carrying out their duties, to all who face the challenges of illness or disability but still want to contribute to their country or their communities.

History will judge whether Chief Justice Rehnquist led the Court in a direction that was good for the country. For now, it is appropriate to recognize his

intellect and his service. I have deep respect for Justice Rehnquist's integrity, his personal fortitude and his devotion to the Court and the entire judicial branch. Wisconsin will miss our distinguished son.

Mr. HAGEL. Mr. President, I rise today to honor the late Chief Justice William H. Rehnquist. The Chief Justice leaves behind a legacy as one of the longest serving and most influential members of America's highest Court. America is a better and stronger nation because of his distinguished service on the U.S. Supreme Court.

As many from his generation did, Chief Justice Rehnquist served in the military during World War II. He relied on the GI bill to attend college after the war and graduated from Stanford law school at the top of his class. In 1951 and 1952, Justice Rehnquist served as a U.S. Supreme Court law clerk to Justice Robert Jackson, and then went on to a distinguished career in private legal practice.

In 1971, President Nixon nominated Rehnquist to replace John Marshall Harlan on the Supreme Court, beginning one of the longest terms of service in the history of the U.S. Supreme Court. In 1986, President Ronald Reagan nominated Justice Rehnquist to be Chief Justice. He served in that capacity for over 18 years.

Only 16 individuals have served as Chief Justice of the U.S. Supreme Court. Legal scholars identify periods of evolution in American jurisprudence by the name of the Chief Justice presiding during each era. The Rehnquist Court will go down in American history as one of the most important.

As an Associate Justice, Rehnquist began coaxing the Court back into the role our Founders envisioned. As Chief Justice, Rehnquist continued to gradually pull the Court away from promoting particular social policies and back toward the principles of federalism enshrined in our Constitution. By the time he was through, Rehnquist had patiently helped reshape the relationships between our branches of Government and the States.

Chief Justice Rehnquist deserves enormous credit for returning the Court to its role of analyzing and interpreting the Constitution and our laws. History will judge Chief Justice Rehnquist well for the way in which he shaped and guided the Supreme Court during his service to our Nation.

America will miss him.

Mr. CORNYN. Mr. President, today I rise to pay tribute to one of the greatest legal minds of our day: Chief Justice William Hubbs Rehnquist, who passed away late Saturday night. His death is a tremendous loss to our entire Nation. I join my fellow Americans in both mourning his passing and honoring his profound contribution to our country.

Chief Justice Rehnquist faithfully served the American people on their Supreme Court for 33 years. Without question, our country owes him a debt of great gratitude.

The individual who occupies the center seat on the Supreme Court is not the Chief Justice of the Supreme Court, but the Chief Justice of the United States—the one person who embodies our national commitment to constitutional democracy and to the rule of law. Throughout his life, William Hubbs Rehnquist revered the Supreme Court and the rule of law as few people have—not only as our Nation's Chief Justice for 19 years, as Associate Justice for 14 years, and as a high Court law clerk, but also a student and a scholar of the Supreme Court. Rehnquist has written numerous books on legal history and the Supreme Court—including: *The Supreme Court: How It Was, How It Is*; *Grand Inquests: The Historic Impeachments of Justice Samuel Chase and President Andrew Johnson*; *All the Laws But One: Civil Liberties in Wartime*; and *Centennial Crisis: The Disputed Election of 1876*.

William Hubbs Rehnquist was born October 1, 1924, in Milwaukee, WI. He entered the U.S. Army Air Force and served in World War II from 1943 to 1946. Rehnquist obtained his undergraduate degree from Stanford University and two master's degrees from Stanford and Harvard Universities. He received his law degree from Stanford, graduating first in his class. Rehnquist served as a law clerk for Justice Robert H. Jackson, then practiced law in Phoenix, Arizona. President Richard Nixon appointed Rehnquist to serve, first as Assistant Attorney General in charge of the Office of Legal Counsel at the U.S. Department of Justice, and then as Associate Justice in 1972. President Ronald Reagan nominated him Chief Justice in 1986.

The Supreme Court enjoyed renewed admiration under Rehnquist's leadership. Guided by Rehnquist's steady hand, the United States Senate weathered one of the most difficult and controversial moments in our nation's modern history—the impeachment trial of a sitting U.S. president.

Rehnquist believed that the best judiciary was a restrained judiciary—one that would adhere to the letter of the law—not to the personal policy preferences of its members. Two areas in particular stand out in my mind as perhaps the most lasting examples of this legacy.

The Rehnquist Court may perhaps best be remembered for the restoration of common sense to our criminal justice system. Many Americans perhaps do not remember the days of the Supreme Court under Chief Justice Earl Warren. The 16 years under Warren, from 1953 to 1969, were nothing short of a heyday for criminals in America. Many Americans probably are familiar with the notion of letting a criminal off on the basis of a "technicality." This notion originated in the years of the Warren Court. The Supreme Court let countless criminals go free because police officers did not say precisely what the Court wanted them to say when they arrested criminals, or because warrants did not say precisely

what the Court wanted them to say when the police searched criminals. It is no exaggeration to assert that, at that time, the rights of criminals were placed before the rights of victims—not to mention before the wellbeing of society in general.

This period ended when President Reagan elevated William Rehnquist to Chief Justice. Chief Justice Rehnquist did his level best to return our Constitution to its original understanding, an understanding that gives law enforcement officials the freedom they need to protect society from criminals. Over the last decade, we have witnessed an historic decline in violent crime all across America. This is due, in no small part, to the efforts of Chief Justice Rehnquist.

The second area, one equally, if not more important than the first, was the effort to restore the federal-state partnership known as “federalism” envisioned by our Founding Fathers. Our Founding Fathers believed that States and the Federal Government should be equal partners. Indeed, it was the view of our Founding Fathers that the Federal Government should have limited and enumerated powers, and, in fact, the primary authority to legislate should be left to State governments. I know this might come as a surprise to some, but not all wisdom emanates from Washington DC. State governments, after all, are closer to the people than the Federal Government is. Our Founding Fathers realized this fact.

Unfortunately, many Supreme Court Justices did not. Over the years, many of these Justices had interpreted the Constitution to give the Federal Government unlimited powers. These Justices characterized everything the Federal Government wanted to do as a regulation of “interstate commerce.”

This was a fiction, of course, but over the years the Federal Government grew bigger and more powerful, the State governments grew smaller and less powerful, and the American people became less free.

Chief Justice Rehnquist did his part to stem this tide. He tried to stand for our Constitution and the founding vision that not everything should be left to the Federal Government. Although this project is still unfinished, Chief Justice Rehnquist made impressive strides, and there is no question that our Nation is better off today for his efforts.

Chief Justice Rehnquist’s passing also reminds us that Supreme Court Justices are, after all, human beings—and that they should be treated with civility and respect, not as political pawns. Thus, perhaps the best way that we in the Senate might pay tribute to Chief Justice Rehnquist’s legacy is to put partisanship aside in the judicial confirmation process.

President Bush has now fittingly nominated one of Rehnquist’s former law clerks, Judge John Roberts, to replace him as Chief Justice. We should

do the right thing by Chief Justice Rehnquist and vote on Judge Roberts’s nomination as expeditiously as possible—and without some of the political posturing that has greeted other well-qualified nominees.

My thoughts and prayers are with Chief Justice’s Rehnquist’s family. The Nation suffered a profound loss on Saturday night. I am confident, however, that we in the Senate will do our part to proceed in a manner that honors the memory of our late Chief Justice and in a manner that would make him proud.

Mr. KYL. Mr. President, the death of William Hubbs Rehnquist leaves us saddened but also grateful for his more than three decades of service to his country as a Justice of the U.S. Supreme Court, including 19 years as its Chief Justice.

I first met Chief Justice Rehnquist when he was a lawyer in Phoenix. He spent most of the 1950s and 1960s practicing law in our State, and raising a family there with his wife, Natalie, who passed away in 1991. He made an annual return to Arizona from 1994 until last year, to teach a course on Supreme Court history at the University of Arizona College of Law, my alma mater.

Appointed to his seat by President Nixon in 1972, and elevated to Chief Justice by President Reagan in 1986, he provided steady leadership at the Court through turbulent decades. He showed that one man of integrity really can make a difference.

He was a conservative whose philosophy did not always carry the day, especially in his early years on the Court. More recently, there has been greater acceptance of his notion of balance between the authority of States and the Federal Government. His decisions helped prevent the rights of criminal suspects from being overemphasized to the point that law enforcement was hampered in doing its job. They curbed the Government’s use of racial quotas, deemed by most Americans to be a squandering of the moral authority of the civil rights movement. They reaffirmed the religious freedom clause of the first amendment. They upheld restrictions on the practice of abortion, again in keeping with the views of most Americans.

On a personal level, William Rehnquist had a quick, dry wit and a manner that was warm and courteous. He was a straight shooter, devoid of pretentiousness, yet deeply learned in the law and many other things. The legacy he leaves includes the histories he wrote, namely his four books on the Court and the American legal system: “The Supreme Court: How It Was, How It Is,” 1987; “Grand Inquests: The Historic Impeachments of Justice Samuel Chase and President Andrew Johnson,” 1992; “All the Laws But One: Civil Liberties in Wartime,” 1998; and “Centennial Crisis: The Disputed Election of 1876,” 2004.

Notice those titles. We had, during his tenure as Chief Justice, a Presidential impeachment—over which he presided with a dignity and good sense that were reassuring to all, in and out of the Senate Chamber. We had a disputed election—in which he led the Court in delivering the U.S. Government and the country from a nightmare of litigation and partisan combat.

His death has left mourners even among those who disagreed with him. The liberal law professor Laurence H. Tribe offered words of praise for his brilliance, his honesty, and his calm leadership. He called Chief Justice Rehnquist “a master” at enabling the Court to “earn the respect of all who take part in its proceedings or are affected by its rulings.” Justice Ruth Bader Ginsburg said he “was the fairest, most efficient boss I have ever had.”

The admiration he inspired in people all across the political spectrum is due also to the superb job he did as the Federal judiciary’s top administrator, which is part of the role of Chief Justice. He staunchly asserted the independence of the Federal court system and fought to see that those who worked in it were adequately compensated.

William Rehnquist loved his family; he loved the law; he loved America and its history; and he loved the Supreme Court as an institution. The courage and tenacity he showed, despite suffering from thyroid cancer, were typical of him. He presided over oral arguments in the spring and continued his work on that group of cases until just last month.

It is the right of every citizen to be tried by judges as free, impartial, and independent as the lot of humanity will admit.

So said the Massachusetts Constitution of 1780, which influenced the writing of the U.S. Constitution. William Rehnquist was a free, an impartial, and an independent judge. His combination of strong-mindedness and meticulous fairness made him perfect for the position he held. He makes Americans, and especially Arizonans, very proud. We mourn his loss.

#### HURRICANE KATRINA

Mr. MCCAIN. Mr. President, at times we come to the floor of the Senate not to debate policy but to mark the death of fellow Americans. I am deeply saddened to note that this is one such occasion.

By some estimates, Hurricane Katrina has taken what may be thousands of lives throughout the southeastern United States. The storm not only ended lives but it also displaced hundreds of thousands of our fellow citizens. They have now been scattered throughout the Nation, hoping to one day return to the homes and lives they were forced to leave behind. Our work to help the victims of this national



tragedy has just begun, and Congress must do all that is necessary to fund essential relief and recovery efforts and help those in need.

#### HONORING CHIEF JUSTICE WILLIAM REHNQUIST

Mr. MCCAIN. Mr. President, while the Nation's attention is rightly focused on the ongoing tragedy in the South, I would also like to say a few words about the passing of a great American. After a long and extraordinary life, William Rehnquist died this past weekend. The 16th Chief Justice of the United States leaves us with an unmatched legacy of service to our Nation.

Born 80 years ago in Milwaukee, WI, William Rehnquist lived a truly remarkable life. Like many in his generation, he served in World War II and was stationed in North Africa. With the support of scholarship money from the G.I. Bill, Justice Rehnquist attended college at Stanford University. He then went on to earn his law degree from Stanford Law School. At law school, the Chief Justice began to establish his reputation as a brilliant legal thinker and an able scholar. He graduated at the top of his class, just ahead of Sandra Day O'Connor.

After clerking for Supreme Court Justice Robert Jackson, Rehnquist married his late wife Natalie Cornell and moved to Phoenix, AZ. There, Justice Rehnquist and Nan raised their three children—James, Janet, and Nancy—while he built a long career as one of Arizona's leading attorneys.

In 1969, Chief Justice Rehnquist became a public servant as an assistant U.S. attorney general. Two years later, he was nominated by President Nixon to the Supreme Court. After being confirmed by the Senate, he took his seat as an Associate Justice of the Court—at 47, he was the Court's youngest member. In 1986, President Reagan nominated and the Senate confirmed Justice Rehnquist as the Chief Justice of the United States.

During his 33 years on the Court, Justice Rehnquist gained respect for his sharp intellect, his strong sense of fairness, and his profound devotion to the Court and to public service.

The Chief Justice's extraordinary legal career was surpassed only by the courage that he showed in his final year of life. During that time, he battled bravely against thyroid cancer. Through radiation and chemotherapy treatments, he continued to serve on the Court and stated that he would continue to perform his duties as Chief Justice as long as his health permitted. He did just that, with the dignity and dedication that characterized his tenure on the Court.

William Rehnquist truly was first among equals. May he rest in peace.

Mr. OBAMA. Mr. President, today I speak in honor of Chief Justice William Rehnquist. The Chief Justice served this Nation's highest court with dis-

tingtion and honor for more than three decades, and his career in public service started years earlier. Even as he battled cancer over the past year, he continued to be an example of personal strength, dignity, and fortitude. I join my colleagues in mourning his passing and offering my prayers to his family.

The Chief Justice was a staunch defender of the Supreme Court and an active, independent judiciary. He was admired as a warm and helpful colleague, a thoughtful mentor, and an extremely effective administrator of the federal court system. The courts were well cared for under his distinguished leadership.

Justice Rehnquist also engaged directly with many of the toughest constitutional controversies of the twentieth century. Although I often disagreed with his decisions, Justice Rehnquist's opinions have been the source of important scholarship and litigation. Like the Chief Justice he followed, the late Earl Warren, Justice Rehnquist will be remembered as an important historical figure whose legacy will impact generations of Americans.

I knew the Chief Justice only at a distance. As a lawyer and a constitutional law instructor, I was required to wrestle intellectually with his ideas and arguments, and to press my students to divine his judicial instincts and motivations. My regret is that I never got to know him personally, or even to join one of his legendary walks around the Capitol or monthly poker games. I know that his warmth and humor have touched many of my colleagues, and he will be missed.

Of course, the strength of our constitutional structure—is that it is greater than any individual. Each of us plays but a small role in designing or building or repairing that structure it is greater and more important than any of us. We mourn the passing of Justice Rehnquist and now look to the future and the important work to be done.

Mr. JEFFORDS. Mr. President, I rise today to honor Chief Justice William Rehnquist, who was a brilliant jurist, a devoted public servant, and a person who shared my love of Vermont.

Though most Americans knew Chief Justice Rehnquist for his years of service on the Supreme Court, many Vermonters knew him as a neighbor and a friend. Like most who visit our great State, Chief Justice Rehnquist fell in love with Vermont's natural beauty and rural character and purchased a home in Greensboro in 1974.

For over 30 years, Chief Justice Rehnquist escaped the humidity and stress of Washington every summer in favor of the picturesque surroundings and quiet charm of Caspian Lake. Whether it was playing cards, visiting Willey's Store, or worshipping at the Greensboro United Church of Christ, Chief Justice Rehnquist immersed himself in the community with a remarkable subtlety and modesty for a man of

his stature and prominence. The Chief Justice would also share his knowledge of history, politics, and the law with community members in a lecture that became a much-anticipated summer tradition in Vermont's Northeast Kingdom.

Each year, before the State of the Union, I would usually have a chance to chat with the Chief Justice about his time in Vermont. Amidst the chaos and cameras of the Capitol on such a busy night, Chief Justice Rehnquist always found time to reminisce about the summer months he spent in our State. I always enjoyed these brief discussions with such a kind and engaging man who valued life's simple pleasures so dearly.

On September 5, the Burlington Free Press, describing the reaction in Greensboro to the Chief Justice's passing, wrote:

It wasn't a dignitary that was mourned; it was a guy who liked to walk everywhere and call people by their first names (and expected them to return the favor). It was a guy who had an affinity for Hershey's Special Dark Chocolate bars and Donna Gerow's homemade pumpkin bread.

As millions of Americans mourn the loss of one of the most influential people of our time, Vermonters in Greensboro, and around Caspian Lake, mourn a good neighbor, a great friend, and a fellow Vermonter.

#### RELATIVE TO THE DEATH OF WILLIAM H. REHNQUIST, CHIEF JUSTICE OF THE UNITED STATES

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to a vote on the resolution honoring the life of Chief Justice William Rehnquist, which the clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 234), relative to the death of William H. Rehnquist, Chief Justice of the United States.

Mr. HATCH, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the resolution. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Louisiana (Mr. VITTER).

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

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

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 222 Leg.]

## YEAS—95

Akaka	Dole	Martinez
Alexander	Domenici	McCain
Allard	Dorgan	McConnell
Allen	Durbin	Mikulski
Baucus	Ensign	Murkowski
Bayh	Enzi	Murray
Bennett	Feingold	Nelson (FL)
Bingaman	Feinstein	Nelson (NE)
Bond	Frist	Obama
Boxer	Graham	Pryor
Brownback	Grassley	Reed
Bunning	Gregg	Reid
Burns	Hagel	Roberts
Burr	Harkin	Salazar
Byrd	Hatch	Santorum
Cantwell	Hutchison	Sarbanes
Carper	Inhofe	Schumer
Chafee	Inouye	Sessions
Chambliss	Isakson	Shelby
Clinton	Jeffords	Smith
Coburn	Johnson	Snowe
Cochran	Kennedy	Specter
Coleman	Kerry	Stabenow
Collins	Kohl	Stevens
Conrad	Kyl	Sununu
Cornyn	Lautenberg	Talent
Craig	Leahy	Thomas
Crapo	Levin	Thune
Dayton	Lieberman	Voinovich
DeMint	Lincoln	Warner
DeWine	Lott	Wyden
Dodd	Lugar	

## NOT VOTING—5

Biden	Landrieu	Vitter
Corzine	Rockefeller	

The resolution (S. Res. 234) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

## S. RES. 234

Whereas William H. Rehnquist, the late Chief Justice of the United States, was born in Milwaukee, Wisconsin, to William Benjamin Rehnquist and Margery Peck Rehnquist and raised in Shorewood, Wisconsin;

Whereas a young William H. Rehnquist served our Nation during the Second World War in the United States Army Air Force at home and abroad from 1943 to 1946;

Whereas William H. Rehnquist enrolled in Stanford University, where he earned a bachelor's and master's degree in political science and was elected to Phi Beta Kappa;

Whereas William H. Rehnquist earned a second master's degree in government from Harvard University;

Whereas William H. Rehnquist graduated first in a very impressive class, including his future Supreme Court colleague, Sandra Day O'Connor, from Stanford University's School of Law;

Whereas William H. Rehnquist began his legal career by serving as a law clerk to Supreme Court Justice Robert Jackson;

Whereas William H. Rehnquist married the late Natalie Cornell, and they raised 3 children, James, Janet, and Nancy;

Whereas William H. Rehnquist was an accomplished attorney, having practiced law for 16 years in Phoenix, Arizona;

Whereas President Richard Nixon selected William H. Rehnquist to serve as Assistant Attorney General for the Office of Legal Counsel of the Department of Justice;

Whereas President Richard Nixon also nominated William H. Rehnquist to serve as an Associate Justice on the Supreme Court of the United States;

Whereas President Ronald Reagan nominated William H. Rehnquist to serve as the sixteenth Chief Justice of the United States;

Whereas William H. Rehnquist had a profound love for history and respect for the arts and served as Chancellor of the Smithsonian Institution for 19 years;

Whereas William H. Rehnquist was a skilled writer and avid historian and authored several books on Supreme Court history and the American legal system;

Whereas William H. Rehnquist was a man of enormous intellect and great common sense, a combination that was reflected in the clarity of his opinions;

Whereas William H. Rehnquist's record illustrates his unwavering commitment to judicial restraint, judicial independence, and the rule of law;

Whereas, under his firm leadership and superb managerial skills, William H. Rehnquist efficiently managed the Supreme Court of the United States for 19 years;

Whereas leaders of both political parties agree that William H. Rehnquist served with honor and integrity in his role as the second Chief Justice of the United States to preside over a presidential impeachment trial, respecting the institutional domain of the Senate and its processes, procedures, and traditions;

Whereas, as the leader of the Supreme Court, William H. Rehnquist was highly regarded by all of his colleagues, including those with differing judicial philosophies;

Whereas his former colleagues have described William H. Rehnquist as a "splendid administrator", "the most efficient manager", "a great Chief Justice", "meticulously fair", and the "most all-around successful" Chief Justice;

Whereas William H. Rehnquist served with distinction on the Supreme Court of the United States for over 14 years as an Associate Justice and 19 years as the Chief Justice, more than 33 years in all;

Whereas William H. Rehnquist was the fourth longest serving Chief Justice of the United States;

Whereas William H. Rehnquist was 1 of our Nation's most influential and memorable Chief Justices;

Whereas William H. Rehnquist was the embodiment of the ideal qualities of a judge, fair, impartial, open minded, and above all committed to the Constitution and the rule of law;

Whereas William H. Rehnquist will be remembered as 1 of the greatest Chief Justices of the United States;

Whereas William H. Rehnquist passed away on September 3, 2005, surrounded by his loving family; and

Whereas our Nation is deeply indebted to William H. Rehnquist, a truly distinguished American: Now, therefore, be it

*Resolved*, That the Senate—

(1) extends its heartfelt sympathy to the family and friends of William H. Rehnquist;

(2) acknowledges William H. Rehnquist's life-long service to the United States of America as a World War II veteran, a talented attorney, a dedicated public servant, a brilliant jurist, and one of our Nation's greatest Chief Justices; and

(3) commends William H. Rehnquist for his 33 year tenure on the Supreme Court of the United States and his many accomplishments as Chief Justice of the United States.

Mr. FRIST. I ask unanimous consent the time until 1:30 be equally divided, and at 1:30 the Senate stand in recess until 3:30 today as a further mark of respect to Chief Justice Rehnquist, provided further that when the Senate reconvenes at 3:30 there be a period for morning business with Senators permitted to speak for up to 10 minutes each.

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

The Senator from Massachusetts.

## THE DISASTER IN NEW ORLEANS

Mr. KENNEDY. Madam President, Americans continue to be moved by the devastation of Hurricane Katrina and its toll on our fellow Americans, from New Orleans and in the Gulf Coast region, particularly in Louisiana, Mississippi, and Alabama. The human tragedy has brought out the generosity of the American spirit, as people have opened their homes and pocketbooks to families uprooted by the storm. This is a disaster of Biblical proportions. The dimensions of this tragedy almost are beyond human comprehension and the failures by our Government to prepare and to respond run deep and wide.

Yesterday the President and the White House spokesman proclaimed that the administration would not play the blame game. This is not a game. This is not some schoolyard spat. It is about life and death and, most important, it is about getting it right the next time.

We must be about the work of providing continuing relief to our citizens and rebuilding our communities. But we also cannot delay the important task of determining what went so gravely wrong, and holding accountable those responsible for the tragic failures that Americans have seen so clearly on their televisions and read in their newspapers. The next disaster could be tomorrow. It could be a devastating earthquake. It could be a deadly terrorist attack. It could be another destructive storm. We need an immediate and independent assessment of what went wrong and what we must do to fix it.

Any corporation faced with such devastation and incompetence by its leadership would have its board and its shareholders demanding an independent assessment of the failures and demanding accountability from its leadership. It would not be business as usual.

The same holds true for the people's Government. The people have a right to candor and honesty about the state of their Government's preparedness to protect them. The new Department of Homeland Security, created by this administration, was supposed to protect us. It was supposed to do a better job of keeping us safe. It failed, and more than a million people have been displaced from their homes, a treasured American city is a wasteland, thousands have lost their lives, an economy has been shattered with ripple effects all over America. Candor, honesty, action—that is what we need. The people have a right to know that they will be better protected the next time.

Another lesson of this tragedy is that America can ignore the disparities in our society no longer. The powerful winds of this storm have torn away the mask that has hidden from our debates the many Americans who are left out and left behind. We see now in stark relief that so many Americans live every day on the brink of economic disaster. For them any setback becomes a major

obstacle to survival, and a hurricane of this force leaves their lives in the balance. These disparities have emerged not out of malice but out of indifference, but they are real and we can neglect them no longer.

In August, the Census Bureau reported that the poverty rate in America is up and has risen for 4 years. It is now 12.7 percent, with 37 million Americans surviving in poverty. A quarter of all African Americans live in poverty; for Latinos it is 22 percent. One-fifth of our children live in poverty, and a tenth of our elderly. Thirty-six million Americans are hungry or malnourished. A third of our children are in families without health insurance. In fact, 45 million Americans have no health insurance at all. And the disparity in incomes has never been greater, with the rich getting richer and the rest of America, the poor and the middle class, falling behind.

People in the middle class are having a harder time, too. Already they were struggling to cope with rising gasoline prices, rising college tuition, and rising costs of health care. Now those affected by Katrina have lost everything: Their homes, their cars, their family photos—everything. We cannot be an America of haves and have-nots. We cannot be an America of 50 separate, isolated States. As we rebuild the Gulf Coast, we must also come together to tackle these disparities. We must be a united America, one Nation under God, with liberty and justice for all. And when we say all, we mean all.

To address this challenge, our Government must respond in ways that are as good and compassionate as the American people. We cannot just fix the hole in the roof; we need to rebuild the whole foundation.

I propose that we create a New Orleans and Gulf Coast Redevelopment Authority, modeled after the Tennessee Valley Authority in its heyday. We should invest at least \$150 billion, as our Democratic leader HARRY REID has suggested previously. We should invest it in actions to work with Governors and mayors and citizens and communities to plan, help fund, and coordinate for the reconstruction of that damaged area. It should help hire workers to put people back to work rebuilding their own communities and helping them get back on their feet again.

This is a national responsibility. The tragedy affects us all, not only in our hearts, but it affects the national economy and our national security.

That is the America we stand for, an America where we treat each other with respect, where we address our mistakes and meet our challenges with honesty and candor and immediate action. America deserves no less.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BAYH. Madam President, I ask unanimous consent to speak for up to 10 minutes.

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

Mr. BAYH. Madam President, I do not speak often on the floor of the Senate. Frankly, it has been my observation that we have too many speeches and not enough action in this town. But some events are so profound that they demand our reflection. The tragedy along the Gulf Coast is such a time.

This Sunday will be the fourth anniversary of the terrorist attacks on September 11, attacks that opened our eyes to the dangerous world we live in, made real the existence of evil, and shook our national complacency forever.

Last week we witnessed a tragedy of equal proportions, not a terrorist attack, but an act of nature made more tragic by the violation of the bedrock American value of community and the fundamental promise implicit between our Government and our people. Our Government failed at one of the most basic functions it has, providing for the physical safety of our citizens, and in so doing raised questions about who we are as a people, what makes us special, and whether our leaders understand.

I am not going to dwell on the horror of the past week which we as a Nation witnessed and which the people of the Gulf Coast experienced. Among the horrors, we also witnessed countless episodes of tremendous heroism and heartwarming generosity, and we saw Americans rise up to play the role the Government should have played by getting money, food, water, clothes, even opening their homes to complete strangers. That is the best of America.

There will be a time for hearings and for factfindings, for commissions. Those investigations must be independent, so we can get to the bottom of what happened and why. And those responsible must be held accountable for their mistakes, not promoted or awarded medals.

Today, however, I want to talk about something deeper: The breaking of a promise between our basic institutions of Government and the American people who have created those institutions. The fact is that scores, maybe hundreds or thousands of lives were lost, not simply because people didn't leave or because the levees were not strengthened, but because after the storm our institutions of Government failed them, and that is not right. Many of us never thought we would live to see the day when tens of thousands of our fellow citizens would be left for nearly a week to fend for themselves without food, without water, and stranded on rooftops.

This is a moment where we have to step back and revisit the idea of what America is all about. People came here because of that idea. They came because of the promise that everyone has an opportunity to aspire to something greater, and if you work hard and play by the rules, our Government will stand up for you if you happen to fall

down on your luck. What happened last week in New Orleans and along the Gulf Coast broke faith with that idea in a profound way.

I believe the truth about America today is that our institutions, and particularly this administration, have broken their fundamental promise to the people they were elected to serve. It is unfortunate but perhaps not surprising from leaders ideologically hostile to the institutions they lead. The answer to the challenges we confront today cannot be big government, but it can also not be no government. And above all it cannot be incompetent government. But that is what they have given us.

What we are seeing in New Orleans is the result of a series of misjudgments and misdirected priorities that have all produced an increasingly tragic result, a people unprotected by their own Government, a government that no longer embodies our most basic and most precious of values. From soldiers without armor to protect them in battle, to children with no health care to protect them against disease, to corporate employees with no pensions to provide for them in their elder years, this administration has sown the seeds of indifference and division for too long and now we are all reaping the whirlwind.

Americans have always prized individuality. It is a part of our national DNA. But America is a community that draws strength from the sum of our people and has always known that the total of that sum is worth far more than its individual parts.

We can only do so much alone. To maximize our freedom, to make the most of our liberties, sometimes we must act together. It is what separates us from the law of the jungle. It is what makes us special and different from other countries, too.

As a civil rights leader once said, we may have arrived on these shores in different ships, but we are all in the same boat now.

Last week we were not all in the same boat. There were too many left adrift, too many of our boats were left behind. This is not the America we have known for more than 200 years. It is not the America we should aspire to be. Our Government broke a promise. It did not keep faith with our values. It is time for us to renew that commitment, to make a new promise to the people who went through the horror of last week, and to say to each and every American across our great land, we are going to work with you to rebuild your city, to give you the tools and the resources you need to get back on your feet, that together we are all in the same boat and that everyone—everyone—has a place. It will help you and it will strengthen all of us.

We must provide funding to school districts that accept displaced children. We must provide medical assistance for displaced victims without forcing them to wade through endless redtape. We must rebuild and strengthen the levee system in New Orleans as

quickly as humanly possible, which should have been done years ago, so that its people never again will face the calamity of last week. If Holland can do it, the little nation of Holland, then so, too, can we.

But to accomplish all of this and so much more that remains to be done, it will take leadership, leadership unlike that which has controlled Washington for these last several years. The times demand leaders who understand that the true test of leadership is not how we accentuate the differences among us but instead how we reconcile them, how we forge principled consensus, how we find common ground. We need leaders who appeal to us to think about something other than narrow self-interest but instead focus upon the greater, the better good.

The answer to our challenges can be found all around us on this floor. It is written in the motto of the Great Seal of the U.S. Senate. *E Pluribus Unum*: Out of Many, One.

It is written on the motto of the great seal of the United States Senate, "*E Pluribus Unum*," Out of Many, One.

United, there are no challenges we cannot meet; divided, we will be surrounded by dangers, our potential as a nation unfulfilled.

So this Sunday, September 11, let us say a prayer for the victims in New York and for those on the Gulf Coast and, most of all, let us say a prayer and ask for a blessing on this great country that we might have the unity and the wisdom and the selflessness to fulfill the full meaning of our creed: "One nation under God, with liberty and justice for all."

Thank you, Madam President. I yield the floor.

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

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

#### HONORING CHIEF JUSTICE WILLIAM REHNQUIST

Mr. CARPER. Mr. President, I would like to take the next 10 minutes to talk about a couple of different items.

Not far from where we are today, the body of our late Chief Justice has lain in repose, and a number of us were privileged to go there earlier today just to say goodbye and to thank him for his service to our country—33 years. That is a long time, more than three decades that he has served us. His love for our country, his love for the law and the integrity of our Nation's judiciary system was only surpassed by his love for his family and for those with whom he worked.

During his time on the Court, he fostered, among other things, real conge-

niality among the Justices—something that is not easy to do in that forum or, frankly, in this one. In return, he was held in high esteem by his colleagues who had called him, among other things, "brilliant," "principled," "generous," with "a good sense of humor," something we can never have too much of.

He demonstrated great personal strength and courage in leading the Court and this country through difficult and contentious times, continuing his work in the face of ever-daunting health problems that would have set most of us on our backs and far out of the courtroom.

There are many judicial hallmarks of his time on the Court. Throughout his tenure on the Court, he staunchly supported the independence of the Federal judiciary and our overall governmental system of checks and balances. We will miss him, but we are grateful that he was here to serve us for as long as he has.

#### HURRICANE RELIEF

Mr. CARPER. I would also like to talk about the good efforts that are going on in a number of places around our country to support the relief effort to those who have been stricken by Hurricane Katrina. We heard a fair amount of questioning about whether the response was adequate, was timely, what we could have done better, what we needed to do better, and those are all legitimate questions and they need to be answered in time—some of them now, some of them in the course of the next couple of weeks and months.

I said to some of my colleagues with whom I was discussing Katrina and our response—we were talking about the role of government in a situation such as this—Lincoln had it right about 150 years ago when he said words to the effect that the role of government is to do for people what they cannot do for themselves. That is our role in this instance as well.

Not long ago I was in our church, and the focal point of the sermon was the parable from the New Testament about the Good Samaritan and the question that is asked at the beginning of the parable of the Good Samaritan, Who is my neighbor? We go on to be reminded that our neighbor is not just the people who live across the street from us in Wilmington, DE, or in South Carolina. Our neighbor could just as well be a person who lives in New Orleans, Biloxi, Mobile, or any of the other places affected.

I am inspired by outpouring, not just from government and for us to do our jobs—we are paid literally to help people in instances such as this, and that is the expectation of us, but for a lot of people this is not their expectation. People are literally showing their faith by their deeds. In some cases, people are opening up their homes, opening up their military installations, opening up all types of facilities to receive those

who have been dislocated, welcoming youngsters to schools far from the schools those kids would normally be attending to make sure their education is not disrupted.

I think of the folks from my own State, the doctors and nurses, folks in our medical operation out of our Delaware Air National Guard. They were literally on the scene today providing services and assistance to those who need it. People are collecting food, people are giving blood, people are giving boatloads of money and, frankly, boatloads more are needed. But it is an inspiring outpouring after a difficult and disappointing beginning.

Among the questions I hope we will focus on as we try to decide what went well and what did not go well, what was right, what went right, and what we did poorly, is the issue of the levees that surround the city of New Orleans that keep Lake Pontchartrain from pouring into the city of New Orleans. If you look in the dictionary for a definition of "city at risk" if there ever was a Category 3, 4, or 5 hurricane, you would see New Orleans. That is the poster child for this kind of risk. We knew the threat was there. We knew it was a grave threat. We have been talking about it for years. The people have talked about it for years. The Army Corps of Engineers sought to reinforce the levees.

We knew this storm was coming. It is not one that popped up at the last minute. Yet, in spite of that, the work that should have been done on the levees to strengthen them to sustain this kind of onslaught by Mother Nature, someone has dropped the ball. I am not interested in finger-pointing or witch hunts. We have to find out where we went wrong, why we went wrong, and fix that. If New Orleans is ever to rise again—not from the ashes but from the waters that engulf it today—this is an issue that has to be not only resolved, we have to come up with a solution to make sure we have learned from this very expensive lesson.

I fear a storm which could have cost tens of billions may cost more than \$100 billion to repair the damage, a lot of it from New Orleans. A storm that could have cost us hundreds of lives will probably cost us thousands of lives. It did not have to be.

The last thing I wish to say is I was encouraged in the presentation we had by some of our Cabinet Secretaries who talked about what the Department of Health and Human Services is doing, making sure the folks who need medical assistance and Medicaid eligibility, identification, people who need help getting their food stamp allocations, people need to receive their unemployment checks—all kinds of things were discussed, what the Federal Government can do to help people. It was encouraging.

One of the presenters was the Secretary of the Department of Treasury. He talked, as the Presiding Officer may recall, about the work being done to

defer the payment of taxes. People who normally would have an estimated tax payment—personal business maybe—on September 15 will be given until the end of October to make that payment. They were looking for ways we, through the Federal Government, could exercise some charity, some consideration for those who were in harm's way and are now in desperate straits to pull their lives back together.

I come from a State where we have a lot of banks. We probably have more credit card banks per capita—probably issue half the credit cards issued in America. I am empowered to speak on this point. We have a lot of financial services companies around the world. They extend credit. Most do a great job of extending credit to people through America, the Northeast, Midwest, Southwest, and also the Gulf Coast States. Just as the Department of Treasury is trying to find ways to show kindness and a little consideration to those who are affected in the disaster areas on the tax side, my hope is our financial services companies which are going to be benefiting from the implementation of our new bankruptcy law this fall, this might be a good opportunity for some of them to say—and some of them already are doing this, I should point that out. Some financial services companies are saying: We want to help folks in the Southeast United States who have been affected, and here are the variety of ways we will do that. Some are not entirely forgiving indebtedness but are providing payment holidays, extending the dates on which payments are due, and taking away interest and finance charges. That is what we ought to applaud and the behavior we ought to encourage others to undertake.

Today, in addition to saying goodbye to our Chief Justice and to saying terrific work by folks from all walks of life to help people in dire straits, well done, we say to our financial services companies around the country that are trying to find their own ways to reach out and help people, God bless you. Good for you. Finally, to say to those who aren't, maybe you would like to join the parade and lend a helping hand as well.

(The remarks of Mr. CARPER pertaining to the introduction of S. 1627 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from the State of South Carolina, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 3:30 p.m.

Thereupon, the Senate, at 1:30 p.m., recessed until 3:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. MARTINEZ).

## MORNING BUSINESS

The PRESIDING OFFICER. The Senate is in a period of morning business with Senators recognized for up to 10 minutes.

The Senator from Idaho.

## ORDER OF PROCEDURE

Mr. CRAIG. Mr. President, I ask unanimous consent that following my 10 minutes, the Senator from New Hampshire, Mr. GREGG, be recognized for 10 minutes, to be followed by the Senator from Kansas, Mr. BROWNBACK.

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

## HONORING CHIEF JUSTICE WILLIAM H. REHNQUIST

Mr. CRAIG. Mr. President, I come to the floor this afternoon to speak for three very important reasons. Of course, first is to recognize our Chief Justice who has just passed, William Rehnquist.

Today the Senate paid its respects to the late Justice Rehnquist, filing through the halls of the Supreme Court where he served this Nation with distinction for more than 33 years.

I could not help but remember a conversation I had with Chief Justice Rehnquist a couple of years ago. I was walking to work and happened to run into him on one of his legendary strolls around the Court. We talked a bit about what was happening in the judicial nomination process in the Senate. But the specifics of that conversation are probably less important than the style of the conversation. He was informal, approachable, genteel, but certainly direct. And regardless of his physical frailty, he had lost none of his interest or his ability to give a shrewd analysis of the events of the day. If you spent any time at all with this very important man, you would feel the force of his great personality.

Much has already been written about the legal legacy of Justice Rehnquist because he was one of the most influential jurists of our time. He anchored and presided over a shift to conservative principles, underscoring in particular the importance of federalism and limitations on Government. I know some in the conservative community were disappointed that the Supreme Court, on his watch, did not reverse more prior left-leaning precedents, but his strong hand was certainly obvious in a long series of history-making decisions. William Rehnquist's impact on jurisprudence was profound and will be felt for many years to come.

In his personal life, I know this engaging man had many friends, and to all of them, as well as his family, I extend my deepest condolences. The Court has lost a brilliant and fair leader. America has lost a great public servant. I consider myself fortunate to have had the chance to know and be inspired by William Rehnquist.

I thank the leader for this opportunity to add one more voice to the chorus of tributes from a grateful Nation.

## TRIBUTE TO DAMON TOBIAS AND GEORGE O'CONNOR

Mr. CRAIG. Mr. President, if you serve long enough in the Congress—I had the opportunity to serve 10 years in the House, and now I am into my third term in the Senate—you have a lot of very capable and wonderful people who work for you. If you serve long enough, as I have mentioned, they not only work for you but sometimes they decide to retire. In my situation, in my office, I have two people retiring this month, and I am going to miss them greatly. I want to speak a few moments about them.

First, I talk about Damon Tobias. Damon has been on my staff and handling my budget and tax issues and appropriations issues for a good number of years. I first met Damon in the House of Representatives when he was on the staff of Congressman Charlie Stenholm of Texas. Damon and I and Congressman Stenholm became involved in the balanced budget amendment movement at a time when deficits were totally out of control, and many of us worked to bring them under control. That is when Damon and I became friends. Through the 1980s we worked together on this most important issue.

I left the House to come to the Senate, and Damon left the Stenholm office to go to the U.S. Chamber of Commerce. Later on, 2 years after I came to the Senate, Damon joined my staff in March of 1992. Damon has continued to work for me over that time, dealing with the balanced budget amendment, dealing with taxes and budget and labor issues, immigration issues. Probably Damon has spent more time, along with me, trying to solve the immigration question for American agriculture and for workers in the American agricultural economy than nearly any other issue. Of course, that paramount bill he worked so much on now has majority support in this Senate and a vast coalition of Americans behind it, known as AgJOBS, and it is a legacy of which Damon can be truly proud. He worked on appropriations and small business and Hispanic issues.

He and his bride are going to return to his home State of New Mexico where Damon, I am sure, will proceed to do other things along with taking care of his aging mother. I and my staff are going to miss Damon Tobias, and I am convinced the Senate will also miss him.

Mr. President, I now wish to speak about George O'Connor. Many who are in the energy field not only here in the Senate but across the United States know George O'Connor. He has served with me as counsel, on the Energy and Natural Resources Committee for a good number of years. He came to this city as a lawyer in 1980, working for the Stein, Mitchell & Mezones law firm as a litigator. He specialized in administrative law litigation before the Federal Trade Commission. He became a trial attorney for the Federal Energy Regulatory Commission's Office of General Counsel in the Division of Hydroelectric Licensing in 1982.

He worked then as a legal advisor to FERC Commissioner Charles A. Trabandt from 1985 until 1993 and was responsible for environmental issues associated with energy projects. He returned to the FERC's Office of General Counsel until 1997.

In 1998, George joined my staff as a fellow, and it was not long before I realized I needed his talent on a full-time basis in the area of energy and natural resources. In the year 2000, he became directly involved with me and has worked in that capacity for a tremendous number of years. I must say that both George and I, at the close of the session for the August recess and the passage of the National Energy Policy Act, saw that as not only a culmination of a great career here in the Senate for George O'Connor but a substantial success for myself and other members of the Energy Committee who were much involved in that.

George has worked a total of 24 years in the Federal Government, and a total of 8 years in my office. I say, without question, I am going to miss George O'Connor. He is retiring to go downtown to do other things, and I am sure he will be back here when we need him helping us with his expertise and his talent. He is well known by all who associate with him as a tough but very fairminded and talented man.

I must say that George O'Connor has served my State of Idaho well, has served the Pacific Northwest well, where hydro is still a dominant producer of our electricity, and has served this Nation and the Senate well.

My hope for George O'Connor and Damon Tobias is that in their next life, which they are now about to assume, they will do well and be as successful in it as they have been as very talented and capable staffers here in the Senate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

#### HONORING CHIEF JUSTICE WILLIAM H. REHNQUIST

Mr. GREGG. Mr. President, I wish to join with all my colleagues and with America in expressing our condolences to the Rehnquist family and, obviously, our great appreciation for his extraordinary service to this Nation. I hope at a later date to put in a more

extensive statement. He was a man whose commitment to the law was exceptional, but his commitment to the country was even higher. We are very fortunate to have had him as our Chief Justice and as a Justice on the Supreme Court for so long.

#### RECONCILIATION INSTRUCTIONS

Mr. GREGG. I rise today basically to speak about another issue, and that is a letter which I have received as chairman of the Budget Committee and which was sent to the majority leader, the Speaker of the House, and the chairman of the Budget Committee on the House side by the leadership of the Democratic membership of the Senate and the House—Congresswoman PELOSI; JOHN SPRATT, who is ranking member on the House Budget Committee on the Democratic side; Senator REID, who, of course, is the Democratic leader; and KENT CONRAD, who is the ranking Democratic member of the Budget Committee.

The letter asks that we indefinitely postpone reconciliation, reconciliation being the mechanism by which we address the entitlement spending and tax policy here at the Federal level. It is an outgrowth, of course, of the budget process.

Now, the letter itself, if I can look at it, although I can hardly see it—I wish they would send these letters in larger fonts so those of us getting older would not have to take out our glasses to read them. But, in any event, the letter itself is structured in a way to assert a number of items, boldly assert items which essentially are inaccurate. In fact, the boldness of these inaccuracies is such that it would be humorous if they were not going to. I am sure, become part of the nomenclature of the left in the country and, indeed, be carried forth by the echo chambers, such as National Public Radio, which speaks for the left.

But their language says this:

Now is not the time to cut services for our most vulnerable, cut taxes for our most fortunate, and add \$35 billion to the deficit.

That is the basic theme of the letter.

If allowed to go forward, this bill—

They are talking about the reconciliation bill—would likely cut programs that many victims of Hurricane Katrina will be relying on, including Medicaid, food stamps, and student loans.

Those two statements are, as I said, boldly inaccurate and reflect a failure to accept history and a failure to look at the specifics of the reconciliation bill as it passed the Senate.

Now that does not surprise me. I have to admit, and the folks who signed this letter readily admit, they did not vote for the budget when it first passed 8 months ago or 7 months ago, however long ago, 6 months ago. When it first passed, these four individuals and their caucuses strongly opposed putting in place here in the Congress a budget

that had fiscal discipline, and they voted against it. So it should not come as a surprise and this letter should not come as a surprise that they are still against it and they still want to indefinitely postpone the key mechanisms which will make this budget effective.

But what is a little surprising is that they would assert such inaccuracies in their letter. Let's begin with the tax inaccuracy. They must be ignoring or they must not just look at history. They must not look at the history of the Kennedy tax cuts and the Reagan tax cuts, and most recently the George W. Bush tax cuts because one thing we proved beyond any reasonable doubt is that when you significantly cut taxes on the productive side of the American economy, you create economic activity, and as a result, you create jobs and you give people work and you create revenues for the Federal Government.

The numbers are incontrovertible. In the last 3 years, revenues have been jumping dramatically relative to the base we hit as a bottom as a result of the recession we experienced as a result of the bubble bursting, the Internet bubble of the 1990s, and the effects of 9/11. In fact, 2 years ago revenues jumped by 9 percent.

This year, revenues are literally going to jump by more than that. The revenue projections for the next few years are projected to increase by 7 percent, 6 percent, 7 percent. And the deficit has dropped by over \$150 billion from the original estimates purely as a result of economic activity that has been stimulated in large part because we have reduced the tax burden on the productive side of the ledger and created an incentive for people to go out and invest. As a result, there is an incentive for people to create jobs.

We had some of the best job creation in the history of this country over the last 2 years. As a result, people are paying taxes and revenues are going up. It is totally ignored and misrepresented in this letter. More specifically, and I think the thing that I find most unreasonable about the terms of this letter—or, as I say, most boldly inaccurate—is its representation that the reconciliation instructions, as they relate to the mandatory accounts, will somehow affect programs that benefit people relative to the problems which we have in the South today as a result of Hurricane Katrina. Nothing could be further from the truth, be more inaccurate, or be more of an attempt to use the trauma and tragedy of Katrina to assert a political agenda here in the Congress of the United States, which they have been trying to assert, as I said, since they voted against that budget 6 months ago. The two have no substantive relationship, but there is an attempt now to use the political arena to try to link them up.

The fact is that the reconciliation instructions in this bill will in no way reduce student loans. In fact, the committee which has jurisdiction over this issue, under the extraordinarily able



leadership of Senator ENZI, is proposing a bill which will expand rather aggressively student loans, while saving money for the Federal taxpayer by addressing excesses in the lending community.

In fact, the proposal from the HELP Committee will increase Pell grants, will increase the availability of loans to students, and will reduce the interest rates on those loans. If we do not go forward with reconciliation and use reconciliation as a vehicle to protect this higher education initiative that comes out of the HELP Committee, we will actually end up increasing the costs to students. This letter is totally and obscenely inaccurate on that point.

It is equally inaccurate on the issue of pensions. Without reconciliation instructions on pensions, we are going to see more and more companies thrown into bankruptcy. As a result, the taxpayers are going to have to pick up the pension obligations of those companies. The people who benefit from those pensions are going to see their pensions dramatically reduced because, under the bankruptcy rules, you can significantly cut your pension liability. But if we correct the pension laws and if we use reconciliation to increase the premium cost of the pensions, which will be paid primarily by the corporations, we will be able to save some of the pensions which are now in dire straits.

The only way we can do this is probably through reconciliation. So if you don't have reconciliation, you are going to see more companies going into bankruptcy. You are going to see more pensions being wiped out. And you are going to see more employees—who have worked their whole life, invested in their company—find that that pension, which they thought they had, is actually going to be cut, if you follow the thought process which is being proposed here by the Democratic leadership of the Senate and the House of Representatives and which is totally the opposite of what their language in this letter talks about.

It is a total inaccuracy; 180 degrees different from the actual language of this letter will occur. People will lose their pensions. The cost to the American taxpayer will go up if we do not have reconciliation dealing with pensions.

The third area which this language talks about is Medicaid. Let's talk about Medicaid. The reconciliation instructions suggest that we reduce the rate of growth in Medicaid over the next 5 years from 41 percent to 40 percent. It was originally going to be back to 39 percent, but we went from 41 percent to 40 percent, a \$10 billion reduction in the rate of growth—not in spending increases, in rate of growth, not a cut, on a \$1.3 trillion base. In other words, we are going to spend \$1.3 trillion on Medicaid over the next 5 years. What we asked in the budget was that we slow that rate of growth by 1 percent. We let it grow by 40 per-

cent over the next 5 years instead of 41 percent or \$10 billion.

And how was that going to be accomplished? It was going to be accomplished in concert with the Governors who are going to get much more flexibility in the way that they deliver the Medicaid services. Almost every Governor who came to us said: We will be able to deliver better services and cover more people if we get this flexibility than if we don't get the flexibility. As a result, we can certainly handle the 1-percent slowing of rate of growth of increase in exchange for getting the flexibility which will give us the capacity to cover more people. Dramatically more people will be covered if we use our reconciliation vehicle to change the law so that Governors don't have to go through all the hoops they have to go through today in order to address Medicaid, so that we don't have people defrauding the system as we have today but, rather, have a system that is honest and covers people who need to be covered. But you can't get there from here unless you use reconciliation because you can't pass a bill in this Senate with 60 votes. You can't get 60 votes because the party on the other side of the aisle simply refuses to do anything constructive in this area, and they have talked walked away from the table. So you need reconciliation protection. In fact, there will be no services cut.

To tie it into Katrina is so gross in its representation as to its inaccuracy as to be beyond blatant politics. The simple fact is, the reconciliation instructions assume no savings in Medicaid over the next year. All the savings come in years two, three, four, and five. Obviously, most all the spending for the Katrina situation is going to occur in the next year. To tie it into Katrina is absurd.

This letter is not surprising because it comes from people who oppose discipline in the budget to begin with, but its assertions are, even by the standards of politics in this body, bold in their inaccuracy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

#### HONORING CHIEF JUSTICE WILLIAM H. REHNQUIST

Mr. BROWNBACK. Mr. President, I rise to pay tribute to William Rehnquist, 16th Chief Justice of the United States. That is the title, Chief Justice of the United States. While the ceremony honoring him goes forward I think it is appropriate that we in this body recognize his incredible service to the Nation. His biography, where he came from and what he did, has been spoken of a great deal. What I wanted to speak about is not only that, but also his personal impact on me, one that he wouldn't have known or known about.

As a young law student in the early 1980s at the University of Kansas, I can

remember studying constitutional law and other areas where his opinions came forth. Frequently, in those days he was in the minority opinion role.

Many of my law school professors would say: Can you believe what this guy wrote? I remember reading his opinions and thinking his opinion seemed very logical. It seems to me, he believed in holding with the great traditions of being a nation of the rule of law, not the rule of man. The Constitution is a textual document. Chief Justice Rehnquist had a big impact on me in his writings and what he believed we stood for as a nation. He has had a big impact on this Nation, and he will be sorely missed.

He was genteel in all of his dealings. Even when he presided in the Senate over the impeachment trial for President Clinton, he did so in a very stately, gentle fashion. Just his presence was one of a man at peace with himself, who knew what he was about, and knew his role and his duty. He fulfilled his duty to the best of his abilities as Chief Justice, Associate Justice on the Supreme Court, as presiding over an impeachment trial, and working with clerks.

I think one of most telling things for an individual is what the people say that worked for you, and particularly those who worked for you perhaps in a lower capacity. It seems uniform that the clerks for Chief Justice Rehnquist admired the man while they worked for him. It is a tribute to him how well they worked together and how he helped form them. There is a great symmetry about this in John Roberts being nominated now, as a former clerk of Chief Justice Rehnquist, and now nominated to fill the vacancy on the Supreme Court left by his former boss. John Roberts is an outstanding nomination to the Chief Justice position. I hope we can move forward with in an expeditious fashion, certainly thorough, but in an expeditious fashion.

That is not what we are here today to talk about. Today it is to talk about and to reflect upon an amazing American in William Rehnquist. He grew up in the suburbs of Milwaukee, WI. His father was the son of Swedish immigrant parents, worked as a paper salesman. His mother was a multilingual professional translator. Shortly after graduation from high school, Chief Justice Rehnquist enlisted in the Air Force and during World War II served as a weather observer in North Africa. On completion of his service in the Air Force, the Chief Justice began his undergraduate work at Stanford University. Yes, he did it on the GI bill.

In 1952, Rehnquist graduated first in his class from Stanford Law School, certainly a monumental accomplishment, an accomplishment of great discipline. Following law school, he clerked for former Supreme Court Justice Robert Jackson. In 1953, he began work at a law firm in Phoenix, and his brilliance was noted by the Nixon Deputy Attorney General at that time,

Richard Kleindienst. On October 22, 1971 President Richard Nixon, nominated him to serve as an Associate Justice on the Supreme Court. He was confirmed less than 2 months later, which would be record speed for this body by today's standard.

During his time on the Supreme Court, Chief Justice Rehnquist has defended the original text of the Constitution. To a number of people that may seem like a simple task. After all, it is the Constitution. It is the basic law of the land. What is there to defend? The law speaks for itself. It is a set of plain words on a clear document that has such a significant historical place in our hearts and minds. Yet he comes along on a Court at a point in time when a number of people are saying: It is a living document, it can move with the culture, and we can interpret the words more broadly. We can interpret it not by what it says, but by what we would like it to say.

Chief Justice Rehnquist fought against that and fought for the original text of the Constitution and said it is as it is. This is a textual document. If we want to change it, that is fine, but it is changed by two-thirds of the House and two-thirds of the Senate and three-fourths of the States, not by five people on the Court. Those are not his words, but they are the principles he stood for.

The role of a Justice on the Supreme Court is to look at the plain meaning and the original text of the Constitution, not at your own cultural bias of the moment and what you believe America may need and therefore may be willing to move to.

The problem with a living document is that you don't have the rule of law. You are more of a rule of man. So he defended this proposition of the original text of the Constitution, the intent of the Framers.

Certainly, he was a promoter of life. It was in the 1973 dissent in *Roe v. Wade* that then-Associate Justice Rehnquist wrote, "To reach its result, the Court necessarily has had to find within the scope of the Fourteenth Amendment a right that was apparently completely unknown to the drafters of the Amendment."

These are the Associate Justice Rehnquist's words. In his early years of lonely dissents in cases like *Roe*, Rehnquist made his mark by standing for constitutional principle over the political preferences of an unelected judiciary. With the retirement of Chief Justice Warren Burger in 1986, President Reagan then elevated Associate Justice Rehnquist to the Court's top post, where he served with distinction until his death.

The last 19 years have shown that Chief Justice Rehnquist was a terrific choice to lead the Supreme Court. He authored countless landmark decisions and thought-provoking dissents. In carefully reasoned opinions, he insisted that the principle of federalism is an integral part of our nation's constitu-

tional structure. He recognized that our Government is one of enumerated rights and dual sovereignty, with certain functions and powers properly left to the States.

One example of Chief Justice Rehnquist's commitment to the laws is his opinion in *Dickerson v. United States*. Although a long-time critic of *Miranda v. Arizona*, Rehnquist nevertheless placed his past position aside and wrote the opinion in *Dickerson*, effectively affirming the holding of *Miranda*. He served well. He served nobly, and he served with courage. I might note that even during his recent sickness, he found the strength to do his duty and to serve in office. He found the strength to administer the oath of office to President Bush, to consider the challenging cases that came before the Court.

Peggy Noonan wrote of President Bush's inauguration, "the most poignant moment was the manful William Rehnquist, unable to wear a tie and making his way down the long marble steps to swear in the president. The continuation of democracy is made possible by such gallantry."

While some of his colleagues on the Court disagreed with him at times, there will there can be no doubt that they admired his strong leadership, his likable personality, and his ability to build consensus. That is the noteworthy quality of a gentleman. He served with distinction. He served us well. He carried his course out, and he is now at rest.

I yield the floor.

The PRESIDING OFFICER (Mr. COBURN). The Senator from North Dakota is recognized.

#### RECONCILIATION INSTRUCTIONS

Mr. CONRAD. Mr. President, I rise today to talk about the proposal that a number of us have made—Leader REID in the Senate, myself, the ranking member of the Budget Committee, Leader PELOSI in the House, Congressman SPRATT, the ranking member of the Budget Committee—to put off the reconciliation proposals that flow from the budget resolution.

We have just been hit by perhaps the greatest natural calamity in our Nation's history. We don't know yet how it will rank, but there is certainly a possibility this will be one of the greatest calamities in our Nation's history. And that is the reason we sent the letter this morning to Majority Leader FRIST and Speaker HASTERT, as well as the chairmen of the Budget Committees in both the House and the Senate recommending that we suspend those reconciliation instructions that are part of the budget resolution.

We did that because we don't think what was written then fits the facts now. We have just had a massive disaster. It makes no sense to pursue the priorities that were part of that budget resolution.

This is not a time to be cutting services to the most needy among us. This

is not the time to cut food stamps, to cut medical care for the indigent, to cut student loans. That is what is in the reconciliation process. Are we really going to cut Medicaid \$10 billion when we have hundreds of thousands of people homeless and don't have medical care and don't have a home? Are we really going to cut Medicaid in that context? Are we really going to cut food stamps when there are tens of thousands of people displaced, hundreds of thousands of people have had to leave their homes, and we are going to cut services for the most needy and, at the same time, cut taxes for the most fortunate among us?

Frankly, I did not think the budget resolution made much sense when we passed it. The budget resolution's reconciliation instructions cut spending \$35 billion and cut taxes \$70 billion, so it increased the deficit, on balance, \$35 billion when we are facing massive budget shortfalls—among the biggest in our history.

In fact, the budget that was passed here will increase the debt of the country every year by \$600 billion. That is stunning. It is going to increase the debt \$600 billion. That is before Katrina. Now are we really going to continue down that path? Are we going to continue down a path that says on an emergency basis cut services to the least among us, cut taxes for the wealthiest among us, and run up the debt even more? What sense does this make?

It makes no sense to consider those legislative proposals in light of this new reality. It seems to me very clear none of us can know yet the cost to the Federal budget of the response to Hurricane Katrina. We should not be rushing through a further reduction in resources the Federal Government has available to respond to our Nation's challenges.

Katrina is a body blow of stunning proportion. We already passed \$10 billion of aid, which we obviously should have done. We are told that we are going to be asked to immediately consider another \$51 billion of aid, which clearly we should do. But that is just the beginning.

I have been told that the cost of this disaster to the Federal Government may well reach \$150 billion. So for us to go forward with a budget plan that was written before this catastrophe, and for some to come to the floor of the Senate and say, Steady as she goes, just keep on with that plan, does not make a whole lot of sense.

We have just seen a dramatic disaster, a catastrophic disaster. You don't stick with the same old plan when something of this consequence occurs. We have to respond, and we do not just respond by doing what we were getting ready to do when we faced a totally different set of facts. Frankly, I don't think it made much sense before this disaster. It makes absolutely no sense after this disaster.

Again, let me say to my colleagues, are we really going to cut Medicaid

when we have hundreds of thousands of people displaced? Are we really going to cut student loans when we have a whole group of colleges that have been wiped out? Are we really going to cut food stamps when every night we can see on television what is happening to people who have lost everything? Are we going to say to them, Sorry, there is no help for you because we had a plan, a reconciliation plan up in Washington, and we had to stick to it? Is that really going to be the answer? I hope not because the facts have changed. The facts have changed, and the facts require that we change. The facts require that the plan changes, and the facts require we have a new plan and a new approach.

I submit to my colleagues this is not the time to cut assistance for those who are the least among us and to cut taxes for those who are the wealthiest among us. This is a time for all of us to come together as a nation and respond to this disaster with a generous heart. That is my belief of what is required of us at this moment. That is the moral imperative at this moment—to respond to this disaster, to help those in need, to assist in the rebuilding, to help the sick, to feed the hungry. Goodness knows, we can see on our television screens every moment of every day that there are tens of thousands of our fellow citizens who deserve a helping hand. The notion that we just go forward with the plan as written makes absolutely no sense.

Here are the images. We can all see them. Here are the homes flooded—an absolute unmitigated disaster.

I have been asked by the news media about an incident that occurred in 2002 before the Senate Budget Committee. I want a chance to review that for the record. I have been asked repeatedly about a series of questions that I asked in 2002 of Mr. Parker.

I asked a question in a Budget Committee hearing on February 26, 2002, of one of the witnesses, Mr. Mike Parker, the Assistant Secretary of the Army for Civil Works. He said at that hearing:

If the corps is limited in what it does for the American people, we will see a negative impact on the people of this country.

He was talking in testimony that he provided the Budget Committee and in response to a series of questions that I asked him.

Here is how that conversation went. Assistant Secretary Parker said: “That figure we came up with was around \$6.4 billion [for Army Corps funding] . . .”

I asked him:

That is what you requested?

Assistant Secretary PARKER: Yes.

My question back to him:

\$6.4 billion?

Assistant Secretary PARKER: Right.

Senator CONRAD: And you got, on a comparison basis, \$4 billion . . . Well, did you think \$4 billion was the right number to come to?

Assistant Secretary PARKER: No. I would have offered that number if I thought it was the right number.

In other words, what happened was I asked Assistant Secretary Parker if the amount of money being requested by the administration for the Army Corps of Engineers was sufficient to deal with the challenges they were facing. He told me, no, they were not sufficient, that they had estimated \$6.4 billion was needed, but the administration would only ask for \$4 billion. And that is after the previous year's budget was \$4.6 billion.

I also addressed questions to Lieutenant General Robert Flowers, Chief of Engineers for the Army Corps, who came to testify with Assistant Secretary Parker. Here is how that conversation went.

Let me ask you this. Last year, there was \$4.6 billion [in Army Corps funding]. The President cut that by \$600 million on a fair comparison basis to \$4 billion. What are the implications of those reductions? What will it mean? . . .

LTG Robert Flowers said:

With the budget as it stands, we would in fact have to terminate projects . . .

Senator CONRAD: So you would have no choice but to terminate contracts?

Lieutenant General FLOWERS: Yes, sir. That's correct . . .

Senator CONRAD: It doesn't sound like it makes much sense to me. Does it make much sense to you, General Flowers, knowing what those projects are? Would it make any sense to you to terminate these projects?

Lieutenant General FLOWERS: Sir, it doesn't.

Lieutenant General Flowers went on to say:

. . . I would submit that in combating the war on terrorism and providing homeland security, the work we do in maintaining strategic ports is very vital to the military effort as well as the economy, because 98 percent of our foreign commerce is seaborne.

My rejoinder:

. . . So this has got a security issue attached to it.

Lieutenant General Flowers:

Sir, I believe it does. We have traditionally, in the U.S. Army Corps of Engineers, I think, contributed to the national defense.

What happened in these exchanges is very clear. I asked Mr. Parker, the civilian head of the Corps of Engineers, if he was asking for enough money. He said he was not. He said the administration had sent up a request for \$4 billion. He determined what was needed was \$6.4 billion, but the administration would not allow him to make that request.

Because of that testimony, Mr. Parker was then fired by the administration. He lost his job.

Senator TRENT LOTT said:

“Mike Parker told the truth that the Corps of Engineers budget, as proposed, is insufficient,” said Senate Minority Leader Trent Lott.

Newspaper headlines on the firing of the Army Corps Chief in 2002 ran the gamut from the New York Times that said:

Official Forced to Step Down after Testifying on Budget Cut.

The Washington Post:

Corps of Engineers' Civilian Chief Ousted; Parker Resigns after Openly Questioning Bush's Proposed Spending Cuts.

The Wall Street Journal:

Head of Corps of Engineers is Forced Out after Criticizing Budget Cuts for Agency.

The Sun Herald of Biloxi, MS:

Parker Let Go as Army Corps Chief; Honesty Got Him Fired, Some Say.

The fact is, the funding for the Corps of Engineers was deficient to do the job necessary to protect New Orleans and other cities. It was clear at the time. It was testified to by the man who was the head of the Agency, and because he was honest and forthright in questions that I put to him, he was removed from his job.

That is the factual history of what occurred. And those who removed him because he was honest and forthright about the needs bear serious responsibility, I believe, for what has occurred.

All of us now have a special responsibility to reach out and assist those who have been devastated. It should never have happened. None of us can know if these funds had been forthcoming at the time that they were clearly needed, and that need was made clear by an appointee of this administration, who was then removed from his position because he said the funding was inadequate.

This calamity requires a response, and the notion that we stick with the plan I do not think will withstand much scrutiny. We are going to have to have a new plan, and as part of that plan we should not be cutting the least fortunate among us. We should not be cutting food stamps. We should not be cutting the other life lines, whether it is medical assistance or any of the other programs that are now in place to assist these people who have been so badly hurt.

I do not believe it makes any sense at this moment to cut the resources of the Federal Government when we already cannot come close to paying our bills.

The PRESIDING OFFICER. The Senator from Florida is recognized.

#### HURRICANE KATRINA

Mr. MARTINEZ. Mr. President, I rise today to reach out to my colleagues in the Gulf States and to all of the residents of Louisiana, Alabama, and Mississippi. The devastation and destruction experienced by Florida's neighbors is like nothing this country has ever experienced from a natural disaster.

The great State of Florida has had its own recent struggles to recover not only from the four hurricanes we experienced last year but from two already this year, Dennis, which hit Florida's panhandle, and Katrina, which first made landfall in Miami and Dade County before making its way over the Gulf of Mexico to continue on its path of destruction. As Floridians, we all know well the pain and destruction wrought by hurricanes, and we feel a special kinship for our brothers and sisters in Louisiana, Mississippi, and Alabama. We have a great sense of duty to help

our neighbors through this difficult time, just as they so selflessly helped us during our time of need last year.

We, as a nation, have all begun to appreciate how fragile our very existence is in the face of this incredible force of nature. The loss of life and the scope of the destruction are beyond our capacity to understand. The feeling of isolation, despair, desolation experienced by those in the wake of a storm, and their families, is beyond consolation.

Having only too recently been the recipient of our own neighbors' good will, comfort, and support in the wake of our own struggles, Floridians stand ready to respond in kind. Today the news reports that over 25,000 evacuees are expected in central Florida, bringing it close to the point of strain on the local resources because of that kind of activity. Thousands of Floridians are already helping. More are asking how they can help. Citizens have contributed to numerous nonprofit groups that in turn are sending truckloads of supplies to hurricane-damaged areas.

Our National Guard troops are now stationed in Mississippi, Louisiana, and Alabama, providing much needed manpower to the ongoing recovery efforts. Our law enforcement and fire department personnel have sacrificed time with their families so they can be in Louisiana, Alabama, and Mississippi providing emergency aid and security. Church groups have offered temporary housing, and schools in Florida have offered to take students displaced by the disaster.

I am proud of the way Floridians and all Americans have reached out in this great time of need for our country. We will continue to help our neighbors, continue to keep them in our prayers, and continue to mourn the loss of so many of our fellow Americans through such a powerful natural disaster.

While we certainly cannot avert our eyes and attention from the human suffering, we must also recognize the tremendous outpouring of love, support, and compassion directed to those who have lost so much. The American spirit of unity and survival is reflected in the response to the American Red Cross, the Office of Housing and Employment for the Displaced, the offer of neighboring public universities to accept students from Louisiana to avoid interruption in their education. These all serve to remind us that for all our differences, we are all one people, and we will take care of our own.

Many have raised legitimate concerns about the level of our preparedness as a nation for the disaster, but now is not the time for recrimination. The time for examination and for determining lessons learned will soon come, but for now we must not be distracted from the mission of delivering aid and comfort to those who so desperately are in need and we must begin the process of rebuilding.

The rise of rhetoric will not empty the flood waters, provide relief to the

living, bury the dead or rebuild our cities. Together we can begin to restore hope to those where hope has been lost. Together we must move forward in good faith as one nation.

As we look to the future, we have a responsibility to examine our disaster readiness at every level of Government. When lives are at stake, there is no room for territorial or jurisdictional turf wars. We must make certain no lives are lost that might otherwise be saved with proper planning, training, and cooperation among Government agencies at every level. I look forward to working with my colleagues in the Congress to be certain that that goal is achieved.

Our country has been through very challenging times. We have suffered through terrorist attacks on our homeland, wars in Afghanistan and Iraq, and most recently Hurricane Katrina and surging oil prices. Yet through all of this, the American people have moved forward with optimism and determination. It is our way. We are a resilient people. Because of the incredible resiliency of the American people, we will recover from Katrina and we will be stronger and we will be better.

#### HONORING CHIEF JUSTICE WILLIAM H. REHNQUIST

Mr. MARTINEZ. Mr. President, I would be remiss if I did not take a moment to say what a great loss our country has experienced with the passing of our Chief Justice William Rehnquist. William Rehnquist was a man of deep integrity and honor, a true public servant. He served our country well, always keeping an eye toward tradition and working to bring constitutional reason to the complex questions of our nation. Our country is better for the guiding hand he placed on the Court. His resolute spirit will be missed.

Chief Justice Rehnquist's leadership brought the Court through three decades of very tumultuous times. September 17 of this year would mark the 29th year of his tenure as Chief Justice. This term exceeds that of every other Chief Justice in our nation's history, with the exception of Chief Justice John Marshall, who served for 34 years.

He led the judiciary with resolve and a steady hand. He will be greatly missed by his family, his colleagues, the Court, and by a grateful nation.

As we turn our attention in the coming weeks to the confirmation process to consider the President's nominee to serve as the next Chief Justice, it would be appropriate to pause and reflect on the service to our country provided by this man of exceptional intellect who served his Nation long and faithfully.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I join with my colleague, the distinguished Senator from Florida, in expressing my personal condolences and those of my

fellow Minnesotans to the family and friends of the former Chief Justice, and I share the sentiments in regard to his distinguished service to our nation.

#### HURRICANE KATRINA AND SOARING GAS PRICES

Mr. DAYTON. Mr. President, I also want to join with others of my colleagues today who have expressed the concerns, condolences, and sympathies to the victims of Hurricane Katrina, which has so horribly claimed so many of our fellow Americans' lives, families and friends, homes, businesses, farms, schools, and entire communities that are the worst victims of this unprecedented disaster. Our hearts go out to all of them. Our helping hands are being extended and must continue to be extended to them.

There are millions of other victims of this disaster, Americans nationwide whose economic well-being has been harmed by price increases and supply or service disruptions.

In my State of Minnesota, probably the worst economic damage and financial hardships have been caused by the skyrocketing prices for gasoline and other essential energy supplies. Even before Hurricane Katrina, those prices had been increasing sharply. In the 3 months from May 28 to August 28 of this year, the average price of regular unleaded gasoline throughout Minnesota has risen from \$1.92 a gallon to \$2.55 a gallon. That is an increase of 63 cents a gallon, a one-third increase in just 3 months.

Then, in 3 days last week, from August 29 to September 1, the average gasoline prices in Minnesota jumped another 46 cents a gallon, according to one Web site that has spot check reports from throughout the State. So in 3 months and 3 days, the average gasoline prices, according to this Web site, in Minnesota, jumped from \$1.92 a gallon to \$3.01 a gallon, a 57-percent increase. That is not as bad as some other parts of the country, but it is sure worse than bad enough for Minnesota.

I know from direct personal experience driving around northern Minnesota last week that actual prices were much higher, as high as \$3.46 a gallon for regular unleaded gasoline, which was up almost \$1 a gallon from 2 weeks before. Unfortunately, that up-to-date, accurate information is not available from the Energy Information Administration Web site, and that is one of the defects that needs to be remedied.

Most of Minnesota's oil and gasoline supplies originate from Canada, come in either by gasoline or oil pipelines and then refined within our State. So almost all of our price increases for gasoline and other energy products were not directly the result of Katrina's supply disruptions. Rather, they were the result of other people taking advantage of that disaster to take advantage of the people of Minnesota.

Last week, President Bush called it "price gouging at the gasoline pump," and I agree with the President. President Bush also said that there should be zero tolerance for gasoline price gouging, similar to looting in New Orleans, and I agree with the President on that as well because price gouging has the same effect as looting or other kinds of stealing. It is robbing the people of Minnesota and elsewhere throughout this country by overcharging them for their essential energy needs.

Given the similarity of the gasoline price increases throughout Minnesota, I think there is a strong possibility of pricing collusion by the major oil suppliers and distributors that demands immediate investigation and, where called for, vigorous prosecution of violators. What they have done is not only immoral, it is also illegal under Federal law.

I have written the United States Attorney General and urged him to back up the President's strong words with his strong immediate action to investigate all indications of price gouging and/or pricing collusion of gasoline, diesel fuel, aviation fuel, farm fertilizers, natural gas, liquid petroleum gas, home heating oil, ethanol, and any and all other oil supplies.

At this time, I urge the President to release whatever supplies are necessary from our Nation's Strategic Petroleum Reserves to offset the loss of oil, gasoline, and other energy supplies resulting from Hurricane Katrina.

Last night, the Secretary of Energy told a number of us in the Senate, in a briefing, that gasoline prices have been stabilized. Well, with due respect, Mr. Secretary, I must say they have been stabilized far too high in Minnesota, if, in fact, they have been stabilized at all. Thus, whatever has been done so far is not enough. Gasoline prices are still unaffordably too high in Minnesota. Other energy prices are still unaffordably too high, and with the cold weather heating season soon upon Minnesotans and other Americans in the United States, it is imperative to act now and keep on doing whatever is necessary to get energy prices back down to pre-Katrina levels—which were still too high—and then deal with that continuing energy price crisis in Minnesota and other affected States and continue to do whatever is necessary to get those lower prices.

In the immediate term, we need to strive for lower energy prices, and we need executive action to prosecute price gouging, price collusion. We also, then, need, as a body of Congress, to do whatever is necessary to strengthen Federal legislation to prohibit and prevent this kind of economic looting of our fellow citizens.

A couple of my colleagues have announced, just in the last 2 days, their intentions to introduce legislation. Senator DORGAN of North Dakota intends to offer windfall profits tax legislation on U.S. oil companies and other

energy suppliers. Senator CANTWELL of Washington has indicated her intention to offer legislation that would give the President additional powers to mitigate price increases in times of crisis.

I intend to introduce in the next 2 days, as soon as it is complete, legislation that would prevent and prosecute price gouging in energy and other essential commodities. In a nutshell, this legislation would make it illegal in any emergency situation to take advantage of consumers by raising energy prices or other essential commodity prices. It would give the U.S. Attorney General further authority to prosecute retail gasoline stations, oil companies, distributors—whoever is found to be in violation of this provision. It would require the Energy Information Administration to provide current prices for major metropolitan areas for every State and for our entire Nation on a daily basis so that we can evaluate those price increases so that citizens can know, in perspective, what they are being charged and how it compares with other parts of the country. They can then be our eyes and ears to report evidence of these rising prices that constitute price gouging, as the President said, at the gasoline pump.

We have witnessed once again, in the midst of this disaster affecting Southern United States, that such disasters bring out both the best and the worst of human nature. They bring out the best, as we have seen the courageous men and women of the National Guard, the medical personnel, and many others who are literally risking their own lives to save the lives of others. We have seen the best of human nature in the response of millions of Americans from all over the country who have contributed whatever they can and are offering to do more to alleviate this suffering.

Here in the Senate last week, and also in the House, we provided an additional \$10.5 billion the President requested to continue emergency operations. All of us, including those at a meeting last night with a number of the Cabinet Secretaries, were asking the administration, What do you need us to do? Money? Authorizing legislation? Streamlining existing legislation? Tell us what we need to do in the Senate and House to expedite in the best possible ways the relief effort that must continue for months ahead.

This is not a Republican or Democratic disaster or Republican or Democratic response. It is an American disaster, and it is a response of all of us as Americans to our fellow citizens in need.

Unfortunately, there is another side to human nature, and that is what we must also address. It cannot be allowed. It certainly cannot be rewarded with profits to those who take advantage of the despair of their fellow citizens. Some cannot be allowed to cause even further economic hardship, even devastation, especially to those who can least afford the prices of energy es-

entials and other necessities of life. That is where our fellow citizens look to us to stand up on their behalf to prevent, prosecute, and to prohibit this kind of economic looting that the President called price gouging.

I support his statement. I urge the U.S. Attorney General to put action behind those words, and then I urge my colleagues to join with me in passing legislation to prohibit and prevent this from happening again and to prosecute those who are responsible for it.

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. REID. 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.

#### CONGRESSMAN JOHN LEWIS

Mr. REID. Mr. President, one of the pleasures I have as a Member of Congress, having served in the House and the Senate, is having the opportunity to meet people who are special, unique. During the time that I have had in Congress to meet some of these individuals, I have in my own frame of reference chosen a number of heroes. One of those heroes is a Congressman from the Fifth District of Georgia by the name of JOHN LEWIS.

At home last night, I read Newsweek magazine. I saw an opinion piece written by my hero, JOHN LEWIS. This appeared on page 52 of this week's Newsweek magazine, entitled "Opinion: A Civil-rights Leader Mourns an African-American Population Left Behind."

I will read what JOHN LEWIS said:

I was headed to New Orleans as a Freedom Rider in May of 1961. It would've been my first visit, but we were arrested in Jackson, Miss., and never made it. In happier times, though, I have been able to visit New Orleans over the years. It's one of my favorite cities, one of the great Southern cities. The people are friendly, warm, helpful. In the old part of the city, there's so much history when you walk down Canal Street or Royal. One of my favorite places is a shop on Royal where they have lots of art posters by African-American artists. After Katrina, there's a loss of the music, the restaurants and the character in addition to the unbelievable loss of lives. Maybe we will never know the number of people who have been lost.

It's very painful for me to watch and read about what is happening. I have a sense of righteous indignation. I think all Americans should rise up and speak out. It's not like 9/11 that just happened. We saw this in the making. The media told us for days this storm was coming and for years people have been telling us we need to do something to prepare. It took us so many days to make the full force of the government available afterwards.

In 1957, during the crisis in Little Rock and President Dwight Eisenhower—maybe he was reluctant, maybe he had some reservations—but he put the full force of the government behind the decision to desegregate Central High. During the Freedom Rides, President

John Kennedy didn't hesitate to federalize the National Guard and put the whole city of Montgomery under martial law. It's baffling to me that we didn't have the ability or the will to do something much earlier. We still haven't had the passionate statement that should be made by officials in this administration.

It's so glaring that the great majority of people crying out for help are poor, they're black. There's a whole segment of society that's being left behind. When you tell people to evacuate, these people didn't have any way to leave. They didn't have any cars, any SUVs.

It's so strange that when we have something like this happening, the president gets two ex-presidents—his father and Bill Clinton—to raise money. What they propose to do is good and I appreciate all the work the private sector and the faith-based community are doing. But when we get ready to go to war, we don't go around soliciting resources with a bucket or an offering plate. We have the courage to come before Congress and debate the issue, authorize money. That's what we need to do here. By next year we'll have spent \$400 to 500 billion in Afghanistan and Iraq. That money could be used to help rebuild the lives of people. If we fail to act as a nation, I don't think history will be kind to us.

We've got to do more than the \$10 billion that Congress appropriated. We need a massive Marshall-type plan to rebuild New Orleans. But in rebuilding we should see this as an opportunity to rebuild urban America. New Orleans could be a model. There must be a commitment of billions and billions of dollars—maybe \$50 to 100 billion. I think even in other urban centers, there are people who are just barely existing. We sing the song "hope is on the way," but it's taking a long time before hope arrives. It becomes very discouraging where you see people dying—children, the elderly, the sick—the lack of food and water. I've cried a lot of tears the past few days as I watched television—to see some body lying dead outside the convention center. I went to Somalia in 1992 and I saw little babies dying before my eyes. This reminded me of Somalia. But this is America. We're not a third-world country. This is an embarrassment. It's a shame. It's a national disgrace.

John Lewis is the U.S. Congressman from the 5th District of Georgia.

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. 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.

#### HONORING DAVE MATTIO

Mr. DURBIN. Mr. President, I rise today to honor Dave Mattio, Marian Catholic High School graduate and head coach of the Spartan football squad for 29 seasons.

The message that Coach Mattio instills in his players is "energy and ownership" and his accomplishments demonstrate the success of this motto.

Over the course of his 29 seasons with the Spartans, Coach Mattio has created a football program that remains among the most successful in the state of Illi-

nois. Among his many accomplishments, Coach Mattio has seen hundreds of his players go on to play football in college and three go on to the National Football League.

Coach Mattio has led the Marian Catholic Spartans to a state championship and a Chicagoland Prep Bowl championship. He has also shown consistency, with teams qualifying for the playoffs 16 times and compiling winning records 26 of the last 29 seasons.

Coach Mattio's successes have been recognized many times by his peers. He was inducted into the Illinois High School Football Coaches Association Hall of Fame in 1997 as well as the Marian Catholic Alumni Association Hall of Fame in 1994. He was also named the Frank Leahy Prep Coach of the Year in 1994.

I congratulate Dave Mattio on his accomplishments as head coach of the Marian Catholic Spartans and wish him many more years of happiness and accomplishment, both on and off the football field.

#### LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On August 15, 2004, Joel Robles was stabbed 20 times in Fresno, CA. The apparent motivation for the stabbing was that he was a transgendered woman. Robles' body was later found inside his apartment where he had died, according to police.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that are born 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.

#### A FORGOTTEN WAR

Mr. LEAHY. Mr. President, I rise to speak of Chechnya, a remote part of the world where horrific crimes and suffering are occurring every day, that has faded from the newspapers and the minds of many of us here.

Contrary to the myth perpetrated by the Russian Government that the conflict is over and life in Chechnya is returning to normal, the Russian military and the militias they support continue to use brutal, even barbaric tactics, including extra-judicial executions, arbitrary detention, kidnappings, rape, and torture. Armed opposition forces are also terrifying in-

nocent civilians with their indiscriminate attacks. There seems to be no end to this conflict or to the suffering of the Chechen people.

The Bush administration has been conspicuously silent about what is happening. One can only hope that President Bush has expressed alarm about the atrocities being committed by Russian soldiers in Chechnya in his meetings or conversations with President Putin, but there is no indication that if he has it has had any effect.

There is certainly no evidence that the administration has exerted any real pressure on President Putin to reign in the Russian military, presumably because it does not want to jeopardize Russia's support for U.S. operations in Iraq and combating international terrorism. But contrary to what the Russian Government and some in the Bush administration insist, the violence in Chechnya has far more to do with self-determination than with international terrorism. While acts of terrorism by all parties to the conflict remain common, most Chechen resistance fighters have taken up arms to seek revenge for the atrocities and impunity of Russian soldiers.

In each of the last 6 years, the Foreign Operations Appropriations Act has included a provision to withhold a portion of our assistance to the Russian Government unless the President certifies that international nongovernmental humanitarian organizations are provided full access to Chechnya. Every year, the Russian Government fails to comply.

In the Senate-passed version of the fiscal year 2006 Foreign Operations bill, we included \$5 million for humanitarian, conflict mitigation, relief and recovery assistance for Chechnya, Ingushetia, and elsewhere in the North Caucasus region. This funding, in addition to the \$5 million for this purpose in the fiscal year 2005 supplemental, will provide much needed relief and development assistance for civilians caught in the midst of this conflict.

But it is essential that this assistance be coupled with a strong message of concern and condemnation by the administration. The message should be loud and clear that war crimes by the Russian military, and by resistance fighters, must stop.

It is obvious that despite President Putin's rosy portrayal of the situation, there is no military solution to the Chechnyan conflict. The only hope for resolving it is through a process of demilitarization and political dialogue, and I suspect that will require the active and sustained participation of a credible third party, such as the United Nations. This is what the United States should be pressing for. It is long past time for the White House to stop giving the Russian Government a free pass on Chechnya.



# THE FEDERAL JUDICIARY EMERGENCY SPECIAL SESSIONS ACT OF 2005

Mr. CORNYN. Mr. President, I rise today as an original co-sponsor of the Federal Judiciary Emergency Special Sessions Act of 2005. I want to thank Chairman SPECTER, Ranking Member LEAHY and the other cosponsors for working on this legislation in an expedited fashion to respond to the unprecedented challenges facing the judiciary in Louisiana and Mississippi in the wake of Hurricane Katrina.

We have all witnessed over the past week the heart wrenching agony of those affected and displaced by Hurricane Katrina. An entire city has been devastated and will face an uphill battle to repair and replace the homes, buildings, and commerce that are so vital to New Orleans. Areas in Mississippi face similar challenges. I join all Americans in keeping those affected by this tragedy in our thoughts and prayers during these difficult times.

In times like these, the generosity of ordinary Americans emerges and shines bright. Once everyday working men and women learned of the plight of their Louisiana neighbors they set their lives on hold and committed themselves to helping those who are less fortunate. I have heard reports of citizens and churches from across the country organizing fundraising drives, collecting basic necessities for evacuees, and even renting U-Haul trucks to deliver those supplies to the needy.

I am especially proud of my friends and fellow citizens from Texas. Texas has opened its arms, as my State is known to do, and has taken in as many evacuees as it can handle. The Astro-dome has virtually become a satellite city of New Orleans evacuees. Additionally, Texas residents have opened their homes to take in evacuees to provide some semblance of a normal life during their displacement.

Congress too will have responsibility. Last week the Congress passed an emergency relief bill to provide some immediate assistance to the area. And today, with this bill, the Congress continues to identify discreet, but critical areas, that are affected by the hurricane. And one of the areas that needs to be addressed is how the judiciary,

from the prestigious Fifth Circuit Court of Appeals to the Federal district courts, bankruptcy courts and magistrate courts will function during this difficult time.

Our democracy depends on a functioning judiciary. The dedication of the men and women of the judiciary—from the trial courts to the appellate courts—who daily preside over important and difficult issues is essential to our democracy. Current law requires Federal courts to conduct business in a few select locations. This legislation makes sure that a Federal court, unable to hold proceedings in its normal location because of emergency circumstances, may hold court in another area.

It is important that as the rebuilding begins in New Orleans and other affected areas that our judicial system be open to anyone who may need its assistance. This legislation makes sure that the doors to the courthouse remain open even during catastrophic events.

I hope that the Senate and the House pass this legislation immediately and send it to the President as soon as possible.

I yield the floor.

## WATER RESOURCES DEVELOPMENT ACT

Mr. INHOFE. Mr. President, section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. At the time of filing of the report, the statement was unavailable. The statement has since been received by the committee. I ask unanimous consent that the statement be printed in the RECORD.

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

*S. 728, Water Resources Development Act of 2005, As reported by the Senate Committee on Environment and Public Works on April 26, 2005*

### Summary

S. 728 would authorize the Army Corps of Engineers (Corps) to conduct water resource studies and undertake specified projects and

programs for flood control, inland navigation, shoreline protection, and environmental restoration. The bill would authorize the agency to conduct studies on water resource needs, to complete feasibility studies for specified projects, and to convey ownership of certain Federal properties. Finally, the bill would extend, terminate, or modify existing authorizations for various water projects and would authorize new programs to develop water resources and protect the environment.

Assuming appropriation of the necessary amounts, including adjustments for increases in anticipated inflation, CBO estimates that implementing S. 728 would cost about \$4.1 billion over the 2006–2010 period and an additional \$7.6 billion over the 10 years after 2010. (Some construction costs and operations and maintenance would continue or occur after this period.)

S. 728 would allow the Corps to spend any proceeds that it collects from grazing fees, shoreline management permit fees, municipal and industrial water supply fees, recreational fees, and leases. In addition, the bill would allow the Federal Government's power marketing administrations (PMAs) to use proceeds from power sales to fund Corps expenses related to hydropower. S. 728 also would convey parcels of land to various non-Federal entities and would forgive the obligation of some local government agencies to pay certain project costs. Finally, the bill would allow the Corps to collect and spend fees collected for training courses and permit processing. CBO estimates that enacting those provisions would increase direct spending by \$212 million in 2006, \$1.1 billion over the 2006–2010 period, and \$2.3 billion over the 2006–2015 period. Pursuant to section 407 of H. Con. Res. 95 (the Concurrent Resolution on the Budget, Fiscal Year 2006), CBO estimates that enacting S. 728 would cause an increase in direct spending greater than \$5 billion in the 10-year period beginning in 2046. Enacting the bill would not affect revenues.

S. 728 contains no intergovernmental or private-sector mandates as defined in UMRA. Federal participation in water resources projects and programs authorized by this bill would benefit State, local, and tribal governments, and any costs to those governments to comply with the conditions of this Federal assistance would be incurred voluntarily. The bill also would benefit those governments by authorizing additional funds or reducing matching requirements for some specific projects.

### Estimated Cost to the Federal Government

The estimated budgetary impact of S. 728 is shown in the following table. The costs of this legislation fall within budget functions 300 (natural resources and the environment) and 270 (energy).

TABLE 1. ESTIMATED BUDGETARY IMPACT OF S. 728 OVER THE 2006–2010 PERIOD

[By fiscal year, in millions of dollars]

	2006	2007	2008	2009	2010
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level .....	902	864	861	857	884
Estimated Outlays .....	632	866	853	849	867
CHANGES IN DIRECT SPENDING					
Estimated Budget Authority .....	232	222	224	219	227
Estimated Outlays .....	212	218	223	219	227

### Basics of Estimate

For this estimate, CBO assumes that S. 728 will be enacted near the beginning of fiscal year 2006 and that the necessary amounts will be appropriated for each fiscal year.

### SPENDING SUBJECT TO APPROPRIATION

S. 728 would authorize new projects related to environmental restoration, shoreline pro-

tection, and navigation. This bill also would modify many existing Corps projects and programs by increasing the amounts authorized to be appropriated to construct or maintain them or by increasing the Federal share of project costs. Assuming appropriation of the necessary funds, CBO estimates that implementing this bill would cost \$4.1 billion

over the 2006–2010 period and an additional \$7.6 billion over the 10 years after 2010. For ongoing construction costs of previously authorized projects, the Corps received a 2005 appropriation of about \$1.8 billion, including funds from the Inland Waterway Trust Fund.

For new water projects specified in the bill, the Corps provided CBO with estimates

of annual budget authority needed to meet design and construction schedules. CBO adjusted those estimates to reflect the impact of anticipated inflation during the time between project authorization and appropriation of construction costs. Estimated outlays are based on historical spending rates for Corps projects.

**Significant New Authorizations.** S. 728 would authorize the Army Corps of Engineers to conduct water resource studies and undertake specified projects and programs for flood control, inland navigation, shoreline protection, and environmental restoration. For example, the bill includes authorizations for enhanced navigation improvements on the Upper Mississippi River at an estimated Federal cost of \$1.8 billion and an ecosystem restoration project, also on the Upper Mississippi River, at an estimated Federal cost of \$1.6 billion. Another large project authorized by this bill is the Indian River Lagoon project in the Florida Everglades at an estimated Federal cost of \$605 million. Construction of those projects would likely take more than 15 years.

**Deauthorizations.** Title VI would withdraw the authority for the Corps to build 58 projects authorized in previous legislation. Based on information from the Corps, however, CBO does not expect that the agency would begin any work (under current law) for most of those projects over the next 5 years. Some of those projects do not have a local sponsor to pay non-Federal costs, others do not pass certain tests for economic viability, and still others do not pass certain tests for environmental protection. Consequently, CBO estimates that canceling the authority to build those projects would provide no significant savings over the next several years.

**Future Corps Appropriations for Operations and Maintenance.** As discussed below under "Direct Spending," sections 2019 and

2020 would make about \$175 million a year available for operations and maintenance at Corps facilities without further appropriation. In fiscal year 2005, the Corps received an appropriation of about \$2 billion for operations and maintenance costs, including funds from the Harbor Maintenance Trust Fund. Enacting this bill could result in a reduction in future appropriations if the Congress chose to reduce total Corps spending below the level appropriated in 2005. In lieu of a reduction, however, the Congress could choose to continue Corps funding at current levels to provide funds for the backlog of the agency's maintenance needs. For this estimate, CBO assumes that future Corps appropriations would continue at current levels and that new spending authorized by the bill would be in addition to the current level of agency funding.

#### DIRECT SPENDING

Based on information from affected agencies, CBO estimates that enacting S. 728 would increase direct spending by about \$212 million in 2006 and \$2.3 billion over the 2006–2015 period. Table 2 presents the direct-spending components of the bill. Most of the direct spending under the bill would stem from provisions to allow for the spending of existing power revenues associated with Corps projects for facility planning, operation, maintenance, and upgrades without further appropriation. Under current law, those and other fees that would be made available for spending are deposited (as setting receipts) to the general fund of the Treasury.

**Improvement of Water Management at Corps of Engineers Reservoirs.** Section 2019 would allow the Corps to spend any proceeds collected from grazing fees, shoreline management permit fees, and municipal and industrial water supply fees. Under the bill,

the Corps could spend such funds for operations and maintenance at its facilities. Based on information from the agency, CBO estimates that spending of such receipts would total \$21 million in 2006 and 88 million over the 2006–2015 period.

**Direct Funding of Corps Operations and Maintenance for Hydropower.** Section 2020 would allow the Federal power marketing administrations to use proceeds from the sale of electricity to fund Corps expenses related to hydropower functions. Based on information from the PMAs, CBO expects that such direct funding would cost \$142 million in 2006 and \$1.5 billion over the 2006–2015 period, with additional costs after 2015. Currently, receipts collected by the PMAs for the sale of electricity and related services are deposited in the Treasury. Once such expenditures are directly funded, annual appropriations for the Corps could be reduced by a similar amount, or those funds could be spent on other unfunded Corps priorities.

The PMAs are required to set electricity rates at a level that recoups Federal costs. Such costs include expenses specific to maintaining hydropower facilities at Corps projects in addition to joint costs or those allocated between all functions at a project (recreation, environmental, flood control, etc.). This bill would specify that only costs allocated exclusively to electricity production could be funded with sales revenues.

**Recreational Areas and Project Sites.** Section 2004 would authorize spending of receipts from leases and fees at Corps recreational areas for operations and maintenance at recreation areas and project sites. Based on information from the Corps, CBO estimates that enacting this section would cost \$41 million in 2006 and \$507 million over the 2006–2015 period.

TABLE 2. CHANGES IN DIRECT SPENDING UNDER S. 728

[By fiscal year, in millions of dollars]

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
<b>CHANGES IN DIRECT SPENDING</b>										
<b>Improvement of Water Management at Corps Reservoirs:</b>										
Estimated Budget Authority .....	30	30	30	30	30	30	30	30	30	30
Estimated Outlays .....	21	27	30	30	30	30	30	30	30	30
<b>Direct Funding of Operations and Maintenance for Hydropower:</b>										
Estimated Budget Authority .....	142	140	142	144	145	148	149	152	154	159
Estimated Outlays .....	142	140	142	144	145	148	149	152	154	159
<b>Spending of Lease Receipts:</b>										
Estimated Budget Authority .....	10	10	10	10	10	10	10	10	10	10
Estimated Outlays .....	8	10	10	10	10	10	10	10	10	10
<b>Recreation Fees:</b>										
Estimated Budget Authority .....	42	42	42	42	42	42	42	42	42	42
Estimated Outlays .....	33	41	41	42	42	42	42	42	42	42
<b>Land Conveyances and Other Direct Spending:</b>										
Estimated Budget Authority .....	8	*	*	–7	*	*	*	*	*	*
Estimated Outlays .....	8	*	*	–7	*	*	*	*	*	*
<b>Total Changes:</b>										
Estimated Budget Authority .....	232	222	224	219	227	230	231	234	236	241
Estimated Outlays .....	212	218	223	219	227	230	231	234	236	241

NOTE: \* = less than \$500,000.

**Spending of Corps Lease Receipts.** This section would allow the Corps to spend money it collects from leases at recreational areas and project sites without further appropriation on operations and maintenance. Based on information from the Corps, CBO estimates that enacting this section would cost \$8 million in 2006 and \$98 million over the 2006–2015 period.

**Spending of Recreation Fees.** This section would direct the Corps to establish a new system of recreation fees, including charges for admission to Corps recreation sites and for the use of recreation facilities, visitor centers, equipment, and services. Under the bill, the new fees (which would be based on the value of the admission or service purchased) would replace charges authorized under more restrictive, existing laws. CBO estimates that, once the broader fee authority that would be provided by this section has been fully implemented, Corps offsetting

receipts would increase by \$12 million a year from the current annual level of about \$42 million. (We expect that increases would initially be less because of delays in determining the market value of similar local recreation opportunities and establishing appropriate fee schedules for some recreation sites.) Because all amounts collected under the fee system would be available to the Corps without further appropriation, however, CBO estimates that enacting this provision would have a net cost of \$33 million in 2006 and nearly \$200 million over the 2006–2010 period. Over the 2006–2015, the total increase in net direct spending would be just over \$400 million.

**Various Land Conveyances.** S. 728 would authorize the Corps to convey at fair market value 13 acres of land and the structures on the land, including a loading dock with mooring facilities, in Alabama. In addition,

S. 728 would authorize the conveyance at fair market value 650 acres of Federal land at the Richard B. Russell Lake in South Carolina to the State. Based on information from the Corps, CBO estimates that the Federal Government would receive about \$7 million in 2008 from those sales.

The bill also would convey certain Federal land in Alabama, Pennsylvania, Georgia, Oregon, Kansas, and Missouri. CBO estimates that those conveyances would have no significant impact on the Federal budget.

**Arcadia Lake, Oklahoma.** Section 3071 would eliminate the obligation of the city of Edmond, Oklahoma, to pay outstanding interest due on its water storage contract with the Corps. CBO estimates that this provision would result in a loss of receipts of about \$8 million in 2006.

**Waurika Lake Project.** Section 3073 would eliminate the obligation of the Waurika Project Master Conservancy District in

Oklahoma to pay its outstanding debt related to the construction of a water conveyance project. Because of an accounting error, the Corps inadvertently undercharged the district for costs associated with a land purchase related to the water project in the early 1980's. Under terms of the construction contract, the district is required to pay all costs associated with building the project, including the full cost of the land purchases. CBO estimates that enacting this section would cost less than \$200,000 a year over the 2006-2015 period.

**Funding to Process Permits.** Section 2017 would make permanent the Corps' current authority to accept and spend funds contributed by private firms to expedite the evaluation of permit applications submitted to the Corps. CBO estimates that the Corps would accept and spend less than \$500,000 during each year of this extension and that the net budgetary impact of this provision would be negligible.

**Training Funds.** Section 2003 would allow the Corps to collect and spend fees collected from the private sector for training courses. CBO estimates that the Corps would accept and spend less than \$500,000 annually and that the net budgetary impact would be negligible.

#### *Estimated Long-Term Direct Spending Effects*

Pursuant to section 407 of H. Con. Res. 95 (the Concurrent Resolution on the Budget, Fiscal Year 2006), CBO estimates that enacting S. 728 would cause an increase in direct spending greater than \$5 billion in the 10-year period beginning in 2046. That estimate assumes that the bill's estimated direct spending cost of \$241 million in 2015 would continue to increase over the next 40 years. Specifically, CBO assumes that the Corps' costs for operations and maintenance at PMA projects would increase at the rate of inflation projected for 2015 for this activity about 2.9 percent a year. That inflator reflects a weighted average of pay and nonpay components of Corps operations and maintenance activities. In addition, we assume that Corps collections from grazing, permit, water-use fees, and proceeds from the use of recreationsites would increase more slowly,

near the observed historical rates of growth for such collections.

#### *Intergovernmental and Private-Sector Impact*

S. 728 contains no intergovernmental or private-sector mandates as defined in UMRA. Federal participation in water resources projects and programs authorized by this bill would benefit State, local, and tribal governments, and any costs to those governments to comply with the conditions of this Federal assistance would be incurred voluntarily. The bill also would benefit those governments by authorizing additional funds or reducing matching requirements for some specific projects.

**Estimate Prepared By:** Federal Costs: Julie Middleton, Lisa Cash Driskill, Deborah Reis, and Mike Waters; Impact on State, Local, and Tribal Governments: Marjorie Miller; Impact on the Private Sector: Selena Caldera.

**Estimate Approved By:** Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

### NUCLEAR SECURITY ACT

Mr. INHOFE. Mr. President, section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. At the time of filing of the report, the statement was unavailable. The statement has since been received by the committee. I ask unanimous consent that the statement be printed in the RECORD.

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

*S. 864, Nuclear Security Act of 2005, As reported by the Senate Committee on Environment and Public Works on July 1, 2005*

#### *Summary*

S. 864 would amend the Atomic Energy Act of 1954 to establish several new programs de-

signed to protect the nation's nuclear infrastructure. Based on information from the Nuclear Regulatory Commission (NRC), CBO estimates that implementing S. 864 would have a gross cost of \$10 million in 2006 and \$64 million over the 2006-2010 period. Under current law, the NRC is authorized to collect fees to offset 90 percent of most of its budget authority provided from the general fund (a portion of funds are provided from the Nuclear Waste Fund) in 2005 and 33 percent for each year after 2005. After accounting for those collections, CBO estimates that S. 864 would have a net cost of \$5 million in 2006 and \$41 million over the 2006-2010 period.

S. 864 would impose both intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) by requiring expanded security procedures at certain nuclear facilities, new guidelines for tracking spent fuel rods and segments at nuclear power plants, and a mandatory tracking system for radiation sources in the United States. The bill also would impose a private-sector mandate on persons who import and export radiation sources by requiring them to meet new requirements. Finally, the bill would preempt State laws restricting the use and transport of certain firearms and may preempt State regulation of the disposal of certain types of byproduct material by transferring that authority to the NRC. CBO estimates that the aggregate cost of the mandates in the bill would be below the annual thresholds established in UMRA for intergovernmental mandates (\$62 million in 2005, adjusted annually for inflation) and for private-sector mandates (\$123 million in 2005, adjusted annually for inflation).

#### *Estimated Cost to the Federal Government*

The estimated budgetary impact of S. 864 is shown in the following table. The costs of this legislation fall within budget function 270 (energy).

[By fiscal year, in millions of dollars]

	2006	2007	2008	2009	2010
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Evaluation of Security-Response Plans:					
Estimated Authorization Level .....		6	6	6	67
Estimated Outlays .....	5	5	6	6	6
Radiation Source Tracking System:					
Estimated Authorization Level .....	5	6	4	4	4
Estimated Outlays .....	4	5	4	4	4
Treatment of Radioactive Byproduct:					
Estimated Authorization Level .....	1	6	3	3	3
Estimated Outlays .....	1	4	3	3	3
Firearms Use:					
Estimated Authorization Level .....	1	0	0	0	0
Estimated Outlays .....	1	0	0	0	0
Gross Changes:					
Estimated Authorization Level .....	14	17	12	12	13
Estimated Outlays .....	10	15	13	13	13
NRC Fee Collection Offset <sup>1</sup> :					
Estimated Authorization Level .....	-5	-6	-4	-4	-4
Estimated Outlays .....	-5	-6	-4	-4	-4
Net Changes Under S. 864:	10	12	8	8	8
Estimated Outlays .....	5	9	9	9	8

<sup>1</sup> Under current law, collections are authorized at declining percentages of the NRC's budget (90 percent in 2005 and 33 percent after 2005). To estimate the net change in NRC costs under S. 864, that 33 percent rate was applied to the estimated cost of the programs under S. 864.

NOTE: Details may not sum to totals because of rounding.

#### *Basis of Estimate*

For this estimate, CBO assumes that the bill will be enacted near the start of fiscal year 2006, that the necessary amounts will be appropriated for each year, and that outlays will occur at historical rates for similar programs.

S. 864 would require the NRC to update and adopt rulemakings and programs related to security at the nation's nuclear power plants. The bill would set new criteria for

preparing and evaluating security response plans at nuclear facilities, require a tracking system for radiation sources, and set requirements for the transport and disposal of radioactive byproduct material, firearms use by certain security personnel, background checks for certain security personnel, and guidelines for tracking the location of spent fuel rods. Under current law, the NRC is authorized to collect annual fees to offset 90 percent of most of its general fund appro-

priation. When this authority expires at the end of fiscal year 2005, the NRC will be authorized to collect annual user fees from its licensees of up to only 33 percent of its budget.

Based on information from the NRC, CBO estimates that implementing S. 864 would have a gross cost of \$64 million over the 2006-2010 period, assuming appropriation of the necessary amounts. After accounting for offsetting collections, CBO estimates that S.

864 would have a net cost of \$41 million over the 2006-2010 period.

#### EVALUATION OF SECURITY-RESPONSE PLANS

S. 864 would require the NRC to evaluate the security response plans at designated nuclear facilities at least once every 3 years. The evaluations would simulate the threats that nuclear facilities must be able to defend against. We expect that the NRC would use contractors to conduct mock exercises known as force-on-force. Under S. 864, the NRC also would revise its "design basis threats" or the attack scenario nuclear facilities must be capable of defeating. Based on information from the NRC, CBO estimates that the NRC would incur a gross cost of about \$5 million in 2006 and \$27 million over the 2006-2010 period to revise those requirements.

#### RADIATION SOURCE TRACKING SYSTEM

Under S. 864, the NRC would have to establish a system for tracking radiation sources in the United States that is compatible with the Secretary of Transportation's tracking system of radiation shipments. S. 864 also would establish a task force on radiation source protection and security to recommend measures to protect radiation sources from potential terrorist threats. The bill also would require the National Academy of Sciences to conduct a study on the industrial, research, and commercial uses for radiation sources. Based on information from the NRC, CBO estimates that this program would have a gross cost of \$4 million in 2006 and \$21 million over the 2006-2010 period.

#### TREATMENT OF RADIOACTIVE BYPRODUCT MATERIAL

S. 864 would establish regulations for the transport and disposal of radioactive byproduct material and expand the definition of radioactive byproduct material to include naturally occurring or accelerator-produced radioactive material (known as NARM). Under current law, 35 States have entered into agreements with the NRC that authorize them to treat and dispose of certain radioactive byproduct materials, including NARM. S. 864 would require the NRC to prepare a transition plan for States to transfer regulatory authority over NARM byproducts to the NRC. CBO estimates that the NRC would incur a gross cost of \$14 million over the 2006-2010 period to oversee disposal of NARM in the 15 States without waste disposal agreements with the NRC. Under the bill, those States may opt to obtain a waiver allowing them to retain oversight of NARM disposal. In that event, NRC costs would be lower.

#### FIREARMS USE AND BACKGROUND CHECKS

S. 864 would authorize the NRC to permit certain security employees at nuclear facilities to use several types of firearms and would establish guidelines for checking the background of those security personnel. Based on information from the NRC, CBO estimates that the one-time cost of establishing those procedures would be about \$1 million in 2006.

#### Intergovernmental and Private-Sector Impact

S. 864 would impose both intergovernmental and private-sector mandates as defined in UMRA by:

Increasing costs borne by licensees to pay for fingerprint checks by increasing the number of individuals requiring background checks;

Requiring certain nuclear sites to correct any security defects identified during NRC's force-on-force security evaluations;

Establishing new guidelines for tracking and controlling individual spent fuel rods and segments by nuclear power plants; and

Requiring NRC licensees that possess or transport certain radiation sources to iden-

tify those sources and report any loss or change in the location to the NRC.

The bill also would impose an additional private-sector mandate on individuals who import and export radiation sources by requiring them to meet new requirements. The bill would impose an additional intergovernmental mandate by preempting State laws restricting the use and transport of certain firearms, and may preempt State regulation of the disposal of certain types of byproduct material by transferring that authority to the NRC. CBO estimates that the aggregate cost of the mandates in the bill would be below the annual thresholds established in UMRA for intergovernmental mandates (\$62 million in 2005, adjusted annually for inflation) and for private-sector mandates (\$123 million in 2005, adjusted annually for inflation).

#### REQUIREMENTS ON NRC LICENSEES

**Additional Fee for Background Checks.** Section 103 would require fingerprinting of additional individuals connected with nuclear facilities (public and private) as part of criminal background checks done through the U.S. Attorney General's Office. The cost of the government background checks would be borne directly by licensees. The duty to pay the increased cost would be both a private-sector and intergovernmental mandate under UMRA, but because the cost of each background check is small and many persons associated with nuclear facilities have already undergone background checks, CBO estimates that the aggregate cost of the mandate would be small.

**Security Evaluations.** Section 104 would require the NRC to conduct security-response evaluations at certain nuclear facilities. Those evaluations would include force-on-force exercises and would require facilities to remedy any defects. Given that NRC is already conducting those evaluations, CBO estimates that the incremental costs of such legislated requirements would be minimal.

**New Tracking System for Spent Fuels Rods and Segments.** Section 109 would require NRC to establish uniform guidelines for tracking and controlling spent fuel rods and segments at nuclear power plants. Current NRC regulations include similar guidelines for tracking and controlling spent fuel rods and segments, and CBO estimates that any additional cost to NRC licensees resulting from this provision would be minimal.

**New Tracking System for Radiation Sources.** Section 201 would direct the NRC to establish a mandatory tracking system for category 1 and 2 radiation sources (as defined by the International Atomic Energy Agency) in the United States. Category 1 and 2 radiation sources are held by both public and private NRC licensees and are used for medical and industrial purposes. The tracking system would include identification by serial number, reporting of changes in ownership or location of radiation sources, reporting of lost sources, and reporting through a secure Internet connection. According to the NRC, identification of radiation sources already is being done to some extent, and the agency expects to take on most of the cost of creating the tracking system. Based on this information, CBO expects that, while there would be some personnel costs for certain NRC licensees to comply with the monitoring and reporting requirements of the new tracking system, any additional costs would be small.

#### REQUIREMENTS ON IMPORTERS AND EXPORTERS OF RADIATION SOURCES

Section 201 would prohibit the import and export of radiation sources in the United States unless certain requirements are met. The bill would require that exporters of radiation sources verify that the recipient coun-

try may receive and possess the radiation source and has the capability to securely manage the source; send notice to the recipient country prior to shipment; and obtain notification upon receipt of the shipment. Importers of radiation sources would be required to prove that they are lawfully authorized by the NRC to receive the radiation source. Those requirements would constitute private-sector mandates under UMRA. However, the costs of those mandates would be small. According to NRC, similar regulations already have been proposed by the agency. An analysis of those proposed regulations by the Office of Management and Budget indicates that the aggregate cost to all importers and exporters would be approximately \$130,000 annually.

#### PREEMPTIONS OF STATE LAWS AND REGULATIONS

**Authorization of Firearm Possession.** Section 102 would preempt State laws restricting the use and transport of certain firearms. That provision would expand existing NRC authority that allows the agency to authorize certain security employees to use and transport several types of firearms, regardless of State or local regulations. Such a preemption would not impose significant costs on State or local governments.

**Waste Disposal Provisions.** Depending on future action by the NRC, section 202 could preempt State regulation of the disposal of certain types of radioactive byproduct material. Specifically, this section of the bill would transfer regulatory authority for the disposal of naturally occurring and accelerator-produced radioactive byproduct material to the NRC. Currently, States have this authority by default because the NRC does not expressly regulate such material. For those States with direct agreements with the NRC (agreement States), the authority to regulate the disposal of NARM would be returned to the State per those agreements. However, in non-agreement States, that authority would remain with the NRC. NRC sources have expressed an intent to maintain the status quo across all States for the disposal of NARM, and therefore, CBO estimates that the costs of this potential preemption would be insignificant.

#### Previous CBO Estimate

On April 19, 2005, CBO transmitted a cost estimate for H.R. 1640, the Energy Policy Act of 2005, as ordered reported by the House Committee on Energy and Commerce on April 13, 2005. S. 864 includes provisions similar to sections 662 through 665 of H.R. 1640. The estimated costs for those similar provisions are identical.

Estimate Prepared By: Federal Costs: Lisa Cash Driskill and Jimin Chung; Impact on State, Local, and Tribal Governments: Lisa Ramirez-Branum and Ian Rudge; Impact on the Private Sector: Selena Caldera.

Estimate Approved By: Peter Fontaine, Deputy Assistant Director for Budget Analysis.

#### NUCLEAR FEES REAUTHORIZATION ACT

Mr. INHOFE. Mr. President, section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. At the time of filing of the report, the statement was unavailable. The statement has since been received by the committee. I ask unanimous consent that the statement be printed in the RECORD.

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

*S. 858, Nuclear Fees Reauthorization Act of 2005, As ordered reported by the Senate Committee on Environment and Public Works on June 8, 2005*

#### Summary

CBO estimates that the net cost of implementing S. 858 would be \$2 million in fiscal year 2006 and about \$10 million over the 2006–2010 period, assuming appropriation of the necessary amounts. Enacting the bill would not affect direct spending or revenues.

Under current law, the Nuclear Regulatory Commission (NRC) is authorized to collect annual fees to offset about 90 percent of its general fund appropriation. If that authority is allowed to expire at the end of fiscal year 2005, the NRC would be authorized to collect only 33 percent of its budget through user fees. S. 858 would extend the NRC's current authority to charge annual fees to offset 90 percent of most of its general fund appropriation through 2011 and also would prohibit amounts appropriated to the NRC for certain specified homeland security activities to be offset with user fees. The fees that NRC collects are classified as offsetting collections (a credit against discretionary spending) because they are explicitly tied to the level of annual discretionary appropriations for the agency.

S. 858 also would authorize the NRC to establish several new initiatives with higher education institutions to enhance employee recruitment. The programs would provide support, such as grants, loans, and equipment to higher education institutions for NRC-related curricula, and for scholarships and fellowships to students potentially seeking careers at NRC. S. 858 also would authorize funding for promotional items used in recruitment, reimbursement of travel expenses for students working with the NRC, medical costs of overseas NRC employees, and mentoring, training, and research programs at Hispanic-serving, historically black, and tribally controlled colleges or universities.

S. 858 contains both an intergovernmental and private-sector mandate as defined in the Unfunded Mandates Reform Act (UMRA). CBO estimates that the costs of the intergovernmental mandate would not exceed the threshold (\$62 million in 2005, adjusted annually for inflation) established in that act. CBO cannot determine whether the costs of the private-sector mandate would exceed the annual threshold established in UMRA (\$123 million in 2005, adjusted annually for inflation) because UMRA does not specify how CBO should measure the costs of extending an existing mandate. Depending on how they are measured, the costs to the private sector could exceed the threshold.

#### Estimated Cost to the Federal Government

The estimated budgetary impact of S. 858 is shown in the following table. The costs of this legislation fall within budget function 270 (energy).

(By fiscal year, in millions of dollars)

	2006	2007	2008	2009	2010
<b>CHANGES IN SPENDING SUBJECT TO APPROPRIATION</b>					
Higher Education and Recruitment Programs.					
Estimated Authorization					
Level .....	1	6	6	6	6
Estimated Outlays .....	1	4	5	6	6
NRC Fee Collection Offset <sup>1</sup> .					
Estimated Authorization					
Level .....					

(By fiscal year, in millions of dollars)

	2006	2007	2008	2009	2010
Estimated Outlays .....	-1	-5	-5	-5	-5
NRC Cost Recovery from Government Agencies.					
Estimated Authorization					
Level .....	2	2	2	2	2
Estimated Outlays .....	2	2	2	2	2
Total Net Change in Discretionary Spending Under S. 858.					
Estimated Authorization					
Level .....	2	3	3	3	3
Estimated Outlays .....	2	1	2	3	3

<sup>1</sup> Under current law, collections are authorized at declining percentages of the NRC's budget (90 percent in 2005 and 33 percent after 2005). S. 858 would authorize a 90 percent collection for 2006 to 2011. To estimate the net change in NRC costs under S. 858, 90 percent was applied to the estimated cost of higher education and recruitment programs as authorized by S. 858.

#### Basis of Estimate

For this estimate, CBO assumes that the bill will be enacted near the start of fiscal year 2006, that the necessary amounts will be appropriated for each year, and that outlays will occur at historical rates.

S. 858 would establish new initiatives with higher education institutions and recruitment efforts at the NRC. The bill would make changes to the NRC's authority to collect fees to offset its appropriations. Based on information from the NRC, CBO estimates that the net cost of implementing S. 858 would be \$2 million in 2006 and about \$10 million over the 2006–2010 period. All budget effects of the bill would be subject to appropriation action.

#### HIGHER EDUCATION AND RECRUITMENT PROGRAMS

S. 858 would establish new NRC programs with colleges and universities to enhance employee recruitment. The programs would provide grants, loans, and equipment to higher education institutions for NRC-related curriculum and scholarships and fellowships to students with prospects of future employment at NRC. S. 858 also would authorize funding for promotional items used in recruitment, travel expenses reimbursement for students working with the NRC, medical cost coverage of overseas NRC employees, and various mentoring, training, and research programs at Hispanic-serving, historically black, and tribally controlled colleges or universities. Based on information from the NRC, CBO estimates that implementing higher education and recruitment programs would have a gross cost of \$1 million in 2006 and \$22 million over the 2006–2010 period. Under S. 858, the NRC would recover 90 percent of these costs through fees that are credited against its annual appropriations.

#### NRC FEES

Under current law, the NRC is authorized to offset 90 percent of most of its budget authority in 2005 and 33 percent for each year after 2005. In 2005, the NRC received a gross appropriation from the general fund of \$601 million to be offset by an estimated \$541 million from the collection of fees. Such fees are classified as offsetting collections a form of discretionary spending. As is the case under current law for 2005, S. 858 would set fee collection at 90 percent of most of the agency's budget authority provided from the general fund (a portion of funds are provided from the Nuclear Waste Fund) for each year from 2006 through 2011. Under S. 858, the NRC also would be prohibited from recovering costs for certain homeland security activities. For example, for 2006, the NRC requested \$31 mil-

lion for homeland security activities that would no longer be offset by user fees under this bill.

By continuing to authorize fee collections at 90 percent of NRC's annual general fund appropriation, S. 858 would lead to the collection of approximately \$550 million in fees in 2006. In contrast, if that 90 percent fee-collection authority were not extended, the portion of spending recoverable through fees would drop to 33 percent, and the amount of fees collected would fall to about \$200 million in 2006. Those estimates assume that NRC funding in 2006 is equal to the amounts provided in 2005 with an adjustment for inflation.

#### NRC COST RECOVERY

Under current law, the NRC collects fees from its private licensees that offset its annual appropriation. Such fee collection includes the cost of issuing licenses to some government agencies. S. 858 would require that government agencies pay their licensing and regulatory activity fees, rather than the private sector.

Currently, the NRC charges private licensees about \$2 million per year for licenses issued to government agencies. Under S. 858, those license fees would come from appropriated funds rather than the private sector; thus, the government would incur a net cost relative to current law to pay them. We estimate that such additional costs would be \$2 million in 2006 and \$10 million over the 2006–2010 period.

#### Intergovernmental and Private-Sector Impact

Under current law, the NRC is authorized to collect annual fees from its licensees (public and private) to offset 90 percent of a major portion of its general fund appropriation. CBO estimates that those collections will amount to an estimated \$541 million in fiscal year 2005. Those fee collections include the cost of issuing licenses to some Federal agencies. The NRC's authority to collect that level of fees expires at the end of fiscal year 2005. When that authority expires, the NRC will be authorized to collect annual fees up to only 33 percent of its budget. S. 858 would extend the NRC's current authority to charge annual fees to offset 90 percent of its net appropriation through 2011. The duty to pay such fees would be a mandate as defined in UMRA.

The total amount of fees collected under this provision would depend on the level of future appropriations. Assuming appropriations in the amount authorized for 2005, CBO estimates that extending the fees would result in additional collections of more than \$300 million in 2006 from industries regulated by the NRC (primarily electric utilities) and similar amounts for fiscal years 2007 through 2010. CBO estimates that most of the annual fees would be paid by private, investor-owned nuclear utilities (less than 5 percent would be paid by nonFederal, publicly owned utilities).

In the case of a mandate that has not yet expired, UMRA does not specify whether CBO should measure the cost of the extension relative to the mandate's current costs or assume that the mandate will expire and that it must measure the costs of the mandate's extension as if the requirement were new. Measured against the costs that would

be incurred if current law remains in place and the annual fee declines, the total cost to the private sector of extending this mandate would be close to \$300 million annually, beginning in fiscal year 2006. Measured that way, the cost of the mandate would exceed the annual threshold for the private sector as defined in UMRA. By contrast, measured against the fees paid for fiscal year 2005, the mandate would impose no additional costs on the private sector because the fees under the bill would not differ much from those currently in effect. In any case, CBO estimates that the total costs to State, local, and tribal governments would be small relative to the threshold for intergovernmental mandates.

Estimate Prepared By: Federal Costs: Lisa Cash Driskill and Jimin Chung; Impact on State, Local, and Tribal Governments: Lisa Ramirez-Branun; Impact on the Private Sector: Selena Calera.

Estimate Approved By: Peter Fontaine, Deputy Assistant Director for Budget Analysis.

#### DEATH OF MO MOWLAM

Mr. KENNEDY. Mr. President, last month, sadly, Mo Mowlam, Great Britain's former Secretary of State for Northern Ireland, died after a long and courageous battle with cancer. Mo will long be remembered for her leadership at a critical moment in the history of Northern Ireland. I first met her when she was a member of the Labour Party and her party was in opposition in Parliament. I was delighted when Prime Minister Blair came to power and named her Secretary of State for Northern Ireland. She was a breath of fresh air and quickly won over nearly every Irish American she met. She was exceedingly effective and was the right person for the job at the right time in Northern Ireland. With her remarkable abilities, she created the conditions that led to the historic Good Friday Agreement in 1998. Mo was fair, intelligent, and willing to take risks for peace.

On a personal note, my wife, Vicki, and I will always warmly recall our visit with Mo, and her husband, Jon Norton, at Hillsborough in Northern Ireland in January 1998.

Irish Senator Martin Mansergh, himself a key player in the Northern Ireland peace process, recently wrote a well-deserved tribute to Mo in the Irish Times, and I ask unanimous consent that it be printed in the RECORD.

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

[From the Irish Times, Aug. 27, 2005]

MO WAS WILLING TO DIRTY HER HANDS FOR PEACE

(By Martin Mansergh)

A first memory of Mo Mowlam is of a young, newly elected MP accompanying, as deputy, the British Labour Party's Northern Ireland spokesman Kevin McNamara to an Anglo-Irish conference in Ditchley Park, Oxfordshire.

The British have an inexhaustible belief in country house diplomacy to solve problems like Northern Ireland in an atmosphere cut off from the modern world. Its efficacy was not evident on that occasion.

When John Smith died tragically in 1994, Mo Mowlam, a fellow north of England MP, was a principal lieutenant of Tony Blair in his leadership campaign. Her reward in being appointed Northern Ireland spokeswoman marked a shift away from the moderate pro-nationalist stance of McNamara and Labour's formal policy through the 1980s of Irish unity by consent.

Whether Labour would ever have been active persuaders for unity is doubtful. That policy was devised as a means of containing pressure from the Labour left for "troops out" and British withdrawal. By 1994, after the Downing Street Declaration, Labour adjusted its position to broad bipartisanship with the John Major government, both on constitutional principles and tactics.

Mo Mowlam did her homework while in opposition, studying the issues, attending conferences, meeting different parties, and acting as conduit to Tony Blair. Unwilling to open any flank for attack that might endanger election victory, Labour refrained from criticising the Tory mishandling of the peace process which contributed to, even if it was not responsible for, the breakdown of the first ceasefire. Labour kept its powder dry, and by the 1997 general election had become almost as acceptable to unionism as the outgoing Conservative administration.

Mo Mowlam became Northern Ireland Secretary of State, and held office during the crucial 12-month period that began with restoration of the IRA ceasefire in July 1997. With Irish help, Labour worked round the demand for immediate decommissioning that was a roadblock to progress at that stage.

She kept her cool in the conference room in July 1997 and gave nothing away when Conor Cruise O'Brien, sitting alongside Robert McCartney on the UKUP delegation, sought formal repudiation of more radical views she had once held on Ireland. Further negotiations at Stormont created conditions of engagement from late September in multi-party talks chaired by former U.S. Senator George Mitchell that included Ulster Unionists, loyalists and Sinn Féin, as well as the SDLP, Alliance and Women's Coalition.

As incoming Secretary of State, she made every attempt to be even-handed, and was prepared to be as sympathetic and receptive to unionist as to nationalist and republican views. Her eventual decision to let the Drumcree parade through in 1997 (for the last time) was evidence of that.

Much of the comment about her focuses more on style than substance. Her casual manner and outspoken language were something that not all British civil servants, used to the traditional patrician style exemplified by Sir Patrick Mayhew, appreciated. The Irish delegation had few problems on that front, though occasionally she made even Ray Burke look fastidious.

She was a culture shock to the Ulster Unionist Party, as to some extent was Liz O'Donnell. If Mo Mowlam ended up closer to nationalists, it was because unionists left her little choice, by increasingly refusing to deal substantively with her.

They bypassed her with impunity, by constant recourse to No 10 Downing Street—if not Tony Blair himself, his diplomatic adviser John Holmes, who provided reassuring continuity for them from John Major's time.

Nevertheless, with the help of minister of state Paul Murphy, and partnered on the Irish side by David Andrews, she kept the talks on the road over a difficult eight-month period, even if many strategic negotiations also took place between Downing Street, the NIO, the Taoiseach's Office, Foreign Affairs and Justice. Mo Mowlam made an important and courageous decision to go into the Maze to see loyalist prisoners, when

their ceasefire appeared to be collapsing in January 1998, following several murders.

Not only did she hold the ring, albeit with difficulty, but it was the moment the British system realised that agreement would only happen if it involved a radical programme to release paramilitary prisoners, however awful their convictions. She well understood that to obtain peace one had to be prepared to get one's hands dirty.

In the last hours of the Good Friday negotiations, she sat with the Taoiseach Bertie Ahern (and this columnist) listening intently to some 77 unsatisfied demands by Sinn Féin, all requiring answers, not least to satisfy large backroom teams.

While the Government had always striven for agreement bringing everyone present on board, the point had been reached, where, if necessary, continued Government credibility would have required agreement without Sinn Féin (already geared to campaign against changes to Articles 2 and 3).

Mo Mowlam, like the Taoiseach, favoured retaining a special electoral system, which would, most likely, have secured a place in the Assembly for both the Women's Coalition and the loyalists. The loyalist parties mistakenly believed they did not need such arrangements to stay out of the cold, creating problems to this day.

The Good Friday agreement is Britain's finest achievement so far in relation to Ireland. Mo Mowlam is entitled to full credit for her part in that, as the following Labour Party conference affirmed with thunderous applause. It is almost always a mistake for a minister to challenge the prime minister, and she was easily undermined by those who coveted her post for Peter Mandelson. His main positive contribution, in late 1999, was to persuade Ulster Unionists to let the institutions start, however temporarily.

Apart from her deserved place in British Labour Party folklore, Mo Mowlam's courage and down-to-earth approach will ensure that she long retains a warm place in the memory of most Irish people.

#### COMMEMORATION OF 50TH ANNIVERSARY OF THE GREAT LAKES COMMISSION

Mr. LEVIN. Mr. President, this year marks the 50th anniversary of the Great Lakes Commission. The Great Lakes Commission is a bi-national agency working to improve the Great Lakes and the region. The Commission promotes the orderly and comprehensive development, use and conservation of the Great Lakes basin, its tributaries and the St. Lawrence River. Its members include the eight Great Lakes States, Illinois, Indiana, Michigan, Minnesota, Ohio, New York, Pennsylvania and Wisconsin, with associate member status for the Canadian provinces of Quebec and Ontario.

Since its establishment in 1955, the Great Lakes Commission has been a pioneer in applying principles of sustainability to the natural resources of the Great Lakes basin and St. Lawrence River. The Commission promotes the paired goals of environmental protection and economic improvement and has built its reputation on an integrated and objective approach to public policy issues and opportunities.

When the Great Lakes Commission was founded in 1955, the Great Lakes region was about to gain greater regional and economic importance; St.



Lawrence Seaway was close to completion. With a greater influx of commercial activity along the waters, there was a collaborative desire in the region to form an organization whose task would be to promote the development, use and conservation of the Great Lakes Basin while making it possible for the States to derive maximum benefit from its resources. Additionally, the Commission was to serve as an advisory agency of the States and Federal Government. In 1954, at the Great Lakes Seaway and Water Resources Conference the notion of creating a State and provincial compact was discussed. In the following year, the eight Great Lakes States all passed legislation to establish the Commission.

Congressional ratification did not come until 1968 after jurisdiction over the type of consultation the Commission would be able to provide to both the U.S. and Canada had been addressed.

Over the years, the Great Lakes Commission has been responsible for providing a unified voice, quality research, and sound advice for the Great Lakes region. Among its accomplishments are the establishments the Great Lakes Regional Water Use Database, the Great Lakes Basin Program for Soil Erosion and Sediment Control, the Great Lakes Information Network, the Michigan Water Corps, and Great Lakes St. Lawrence Mayors' Conference. I would just like to share briefly with my colleagues a bit about these great programs.

In 1988, the Great Lakes Regional Water Use Database was one of the first compilations of its sort. It provides a comprehensive collection of information on the region's water use, including reports, charts and other publications. Today, it is just one of many database and monitoring programs initiated by the Great Lakes Commission.

The Great Lakes Basin Program for Soil Erosion and Sediment Control works in partnership with the U.S. Department of Agriculture, the EPA and the U.S. Army Corps of Engineers. It was created in 1991 to prevent further soil erosion and sedimentation from damaging the Great Lakes waters by using educational and financial tools. This program has already saved more than 650,000 tons of soil and prevented 487 tons of nitrogen and 674 tons of phosphorus from flowing into the waterways.

The Great Lakes Information Network is an online database that combines economic, environmental, travel, and educational information about the Great Lakes. It is a premier search engine on information regarding the region and has won numerous awards. The Commission's work to establish and maintain such a network is invaluable to those who need data and research on the Great Lakes.

Recently, the Michigan Clean Water Corps has also joined the long list of successful programs supported by the

Great Lakes Commission. The Clean Water Corps was established in 2003 by executive order from Governor Jennifer Granholm to work in partnership with the Huron River Watershed Council and the Michigan Department of Environmental Quality. The goal of the Corps is to provide volunteers with training to monitor and distribute information on the water quality of the waters around Michigan and to provide educational tools to assist in creating an informed public.

In 1987, the Commission brought together the regional mayors to meet about Great Lakes issues for the first time. The Commission helped promote the idea that the mayors in the Great Lakes region could unite and be a driving political force. This annual conference also provides a forum for the mayors of the Great Lakes region to share ideas to address the area's problems.

These are just a few of the programs that the Great Lakes Commission oversees and implements. As they continue these initiatives in the coming years, they will also focus more on sustainability and growth.

The Great Lakes Commission is vital for the health and future of the Great Lakes. I would like to thank the Great Lakes Commission for the wonderful work they have done over the past 50 years and congratulate them on reaching this milestone. I hope that my colleagues will join me in expressing that appreciation.

#### ADDITIONAL STATEMENTS

##### IN REMEMBRANCE OF BENJAMIN AARON BENJAMIN

• Mr. LEVIN. Mr. President, I would like to take this opportunity to pay tribute to Benjamin Aaron Benjamin, a great musician and teacher, who passed away at the age of 40 on May 22, 2005. Mr. Benjamin was well respected in the Detroit community and dedicated his life to sharing the gift of music with others. He will be sorely missed by those whose lives he has touched.

Benjamin Aaron Benjamin, who learned to play the piano at a very young age, was born in Stamford, CT on March 8, 1965, to James and Rebekah Benjamin. He attended the Hart School of Music and was a concert pianist who devoted much of his time to instilling in children his love of music. He founded the Benjamin Conservatory of Music in 2002 to provide music education to the people of the greater Detroit area.

He is mourned by his family, former students, and many people across my home State of Michigan. Benjamin is survived by his parents, his daughter, Yasmine, and his seven siblings: James, John, Mark, Richard, Chandler, Grace, and Myah.

This is, indeed, a great loss to all who knew him and to those who have benefitted from his talent and love of

music. I know my colleagues will join me in paying tribute to the life and work of Benjamin Aaron Benjamin. I hope his family takes comfort in knowing that his legacy will be passed on through the music he loved so much and by the many whose lives have been enriched by his efforts.●

##### TRIBUTE TO MR. J. GEORGE MITNICK

• Mr. SHELBY. Mr. President, I rise today to pay tribute to a good friend, George Mitnick, who I have known for more than a quarter-century. He passed away on August 6, 2005, at the age of 87, and I would like to take this opportunity to honor his life.

A devoted family man, George was married for 61 years to Willine Engel Mitnick. Together, they raised two daughters, Ronne Mitnick Hess and Karen Mitnick. He and his wife resided in Jasper, AL, until his passing.

George was born in Hartford, CT, on December 21, 1917, and attended college at the University of Connecticut. Upon graduation, he enlisted in the military and served in World War II. He was a captain in the 65th Infantry Division in the European Theatre and received two Bronze Stars for his service.

George Mitnick was very devoted to charitable efforts, making generous contributions in money, time and energy. Some of those organizations included United Cerebral Palsy and the United States Holocaust Memorial Museum in Washington, DC. In addition, much of his philanthropic work was aimed at young people. Both the Mitnick Fellowship Fund and the Mitnick Wilderness Boot Camp helped youth in Alabama.

Well known as a business leader, he was a co-founder of Top Dollar Stores in the 1950s. The company, which expanded to over 250 stores, was acquired by Sav-A-Stop Company, and George served on the company's board of directors and on its executive committee. He also served as a director of the First National Bank of Jasper and First Commercial Bankshares.

George was very active in civic, professional and political organizations. He was committed to making a difference across the State of Alabama, dedicating much of his time to community organizations. He served as president of the Alabama Retail Association, the Jasper Chamber of Commerce and the Jasper Rotary Club. He was instrumental in founding the Walker Area Community Foundation and the Walker College Civic Concert Association.

He served on a number of boards including the Northwest Alabama Mental Health Center, the Walker County Association of Retarded Citizens, Walker Junior College and Walker Regional Medical Center. He was also very involved in the political process, playing an integral role in Americans for Good Government.

Active in the Jewish community in Alabama and across the nation, George

served as president of the Temple Emanu-El in Jasper, AL and the Walker County Lodge of B'nai B'rith. In 2003, he was named "Man of the Year" by the American Israel Public Affairs Committee, where he also served as a member of the executive board.

George Mitnick gave of himself so selflessly to the Jasper community and the State of Alabama. We are better off for having him a part of our State and our country, and I am fortunate to have known him and called him a friend. My deepest sympathies are extended to his wife, Willine, and his daughters, Karen and Ronne. May this tribute, in a small way, honor his life and memory.●

#### TRIBUTE TO GENERAL JOHN W. HANDY

● Mr. CHAMBLISS. Mr. President, it is my honor and privilege today to pay tribute to a leader and warrior, General John W. Handy, Commander, United States Transportation Command, USTRANSCOM, and Commander, Air Mobility Command, AMC. General Handy is retiring after honorably serving this great Nation for over 38 years.

General Handy was commissioned in the U.S. Air Force in 1967 and received his pilot wings in 1968. He has accumulated over 5,000 hours piloting just about every mobility aircraft in the U.S. Air Force, to include the C-7A Caribou, the C-130 Hercules, the C-141 Starlifter, the C-37 Gulfstream V, the C-9 Nightingale, the KC-10 Extender, and the Nation's newest mobility airlifter, the C-17 Globemaster III. His hands-on performance, sound judgment, and expertise have made him an exceptional Air Force leader.

General Handy commanded the 21st Air Force at McGuire Air Force Base. He created and commanded AMC's Tanker Airlift Control Center. He also commanded two airlift wings and a maintenance squadron. He previously served as the Director of Operations and Logistics for USTRANSCOM; the Air Force's Director of Programs and Evaluations; the Deputy Chief of Staff, Installations and Logistics, Headquarters U.S. Air Force, Washington, DC; and Vice Chief of Staff, Headquarters U.S. Air Force, Washington, D.C. It is clear that General Handy is the preeminent mobility and logistics expert in the Department of Defense.

In November 2001, General Handy assumed command of USTRANSCOM at Scott Air Force Base, Illinois, responsible for executing mobility combat operations through three component commands: The Air Force's AMC, the Navy's Military Sealift Command, MSC, and the Army's Military Surface Deployment and Distribution Command, SDDC. General Handy has had the unique distinction of simultaneously commanding both USTRANSCOM and its air component command, AMC. USTRANSCOM provides the synchronized transportation,

distribution, and sustainment which projects and maintains our national power. As a global combatant commander, General Handy has made supporting the American warfighter his top priority.

Since the tragic events of 11 September 2001, USTRANSCOM, under General Handy's leadership, has moved over 2.4 million passengers, 6.4 million short tons of cargo, and 2.8 billion gallons of fuel in support of the Global War on Terrorism, including Operation Noble Eagle, Operation Enduring Freedom, and Operation Iraqi Freedom. To put this in perspective, the passenger movement is equivalent to moving the entire population of Kansas while the cargo movement is equivalent to moving over 70 Washington monuments halfway around the world. General Handy, an avid NASCAR racing fan, is fond of stating the amount of fuel moved could run the NEXTEL Cup Series for the next 19,473 years.

America truly has a military deployment and distribution system that is unmatched anywhere in the world. America's military might moves with USTRANSCOM, but so too does its heart. As quick as we are to defend this great Nation, Americans are just as quick to assist those in need; and when we do, we turn to the remarkable capabilities of USTRANSCOM. Under General Handy's command, USTRANSCOM has provided humanitarian relief to hurricane victims in the United States, earthquake victims in Iran, and tsunami victims in South Asia, just to name a few. The medicines, supplies, equipment, and personnel that USTRANSCOM delivered to these and other natural disasters ultimately saved lives and eased human suffering.

In addition to conducting the largest military movement since World War II and providing unparalleled humanitarian relief, General Handy has made it a priority to transform our Nation's deployment and distribution system, ensuring our ability to project national power where needed with the greatest speed and agility, the highest efficiency, and the most reliable level of trust and accuracy. As the USTRANSCOM commander, General Handy actively took on the role of the distribution process owner for DOD, charged with improving efficiency and interoperability across the entire DOD supply chain. His initiative to develop Joint Deployment and Distribution Operations Centers JDDOCs, in each of the regional combatant commands continues to improve combat capability and save valuable resources. Regional combatant commanders can now plug into the DOD supply chain system, track their requirements, and prioritize their actions. The net result is that troops and equipment are now arriving to the battlefield faster and at less cost. While meeting the needs of the warfighter, General Handy's distribution process owner improvements have saved almost one-half billion dollars in the global war on terror.

General Handy will be the first to tell you he did not accomplish these feats alone. General Handy has led the way in seeking collaborative joint solutions to today's complex combat issues. Those who worked for him and with him, military and civilians from every branch of Service, will miss his leadership and mentorship. They will miss the stories and humor he used to get his message across. In Congress, we will miss his straightforward approach and sound counsel. The Nation will miss his devotion to duty, ceaseless drive for improvement, and unwavering support to our warfighters.

General Handy will be remembered as the man who brilliantly led our Nation's mobility forces during the global war on terrorism. I know we speak on behalf of our colleagues and a grateful Nation in saying thank you to General Handy and his wife, Mickey, for their years of service and sacrifice. We wish General Handy and his wife, Mickey, all the best in future endeavors and pray that those who follow in your footsteps may continue the legacy of unprecedented support to our great Nation. Good luck and Godspeed.●

#### HONORING THE EMPLOYEES OF THE MOTHER'S COOKIE COMPANY AND WAMZ-FM RADIO IN LOUISVILLE, KY

● Mr. BUNNING. Mr. President, I wish to recognize the employees of the Mother's Cookie Company and WAMZ-FM Radio in Louisville, KY, for their commitment to philanthropy through their participation in a charity softball game to benefit St. Jude Children's Research Hospital.

The employees from Mother's Cookie Company assembled a team to take on the WAMZ-FM Hamz softball team. For the past 2 years, this Louisville radio station has assembled players to compete against area businesses willing to provide a location, umpires, and players to raise money to benefit the St. Jude Children's Hospital. While the team from Mother's Cookies lost a close game by a score of 7-8, they won big raising money for St. Jude's Children's hospital. Their donation of \$1,264.65 was the largest single game donation generated this season.

I believe the employees of these two companies in Louisville are examples of how every American can contribute to the care and maintenance of community by participating in activities that bring people together, and unselfishly dedicating their time and resources to a worthy cause. Companies that give back to the community and employees who share their time with others form the backbone of the American economy, and are the foundation of a strong neighborhood. The men and women who work at the Mother's Cookie Company not only took the time to raise money for medical research, but also bake more than 60 percent of the Girl Scout cookies in America throughout the year.

I commend the employees of Moth-er's Cookie Company and WAMZ-FM Radio in Louisville, KY, for their dedi-cation to community service. They are an inspiration to the citizens of Ken-tucky, and I thank them for their gen-erosity.●

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1265. A bill to make grants and loans available to States and other organizations to strengthen the economy, public health, and environment of the United States by reducing emissions from diesel engines (Rept. No. 109-133).

By Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1021. A bill to reauthorize the Workforce Investment Act of 1998, and for other purposes (Rept. No. 109-134).

#### 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 Ms. CANTWELL (for herself and Mr. BROWNBAC):

S. 1618. A bill to regulate international marriage broker activity in the United States, to provide for certain protections for individuals who utilize the services of international marriage brokers, and for other purposes; to the Committee on the Judiciary.

By Mr. LAUTENBERG:

S. 1619. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to require local educational agencies and schools to implement integrated pest management systems to minimize the use of pesticides in schools and to provide parents, guardians, and employees with notice of the use of pesticides in schools, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. REID (for Mr. CORZINE (for himself, Mr. REID, Mrs. CLINTON, Mr. BROWNBAC, Mr. DODD, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LIEBERMAN, and Mr. FEINGOLD):

S. 1620. A bill to provide the nonimmigrant spouses and children of nonimmigrant aliens who perished in the September 11, 2001, terrorist attacks an opportunity to adjust their status to that of an alien lawfully admitted for permanent residence, and for other purposes; to the Committee on the Judiciary.

By Ms. COLLINS (for herself, Mr. WARNER, and Ms. LANDRIEU):

S. 1621. A bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses; to the Committee on Finance.

By Mrs. CLINTON (for herself, Ms. MIKULSKI, Mr. HARKIN, Mr. LAUTENBERG, Mr. JEFFORDS, Mr. REED, Mr. SALAZAR, Mr. OBAMA, and Mrs. BOXER):

S. 1622. 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; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LAUTENBERG:

S. 1623. A bill to suspend temporarily the duty on Lewatit; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 1624. A bill to suspend temporarily the duty on certain chemicals; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 1625. A bill to extend the temporary suspension of duty on certain ion-exchange resins; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 1626. A bill to suspend temporarily the duty on certain vinyl chloride-vinyl acetate copolymers; to the Committee on Finance.

By Mr. CARPER (for himself and Mr. BIDEN):

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 System in Delaware; to the Committee on Energy and Natural Resources.

By Mr. MARTINEZ (for himself and Mr. VITTER):

S. 1628. A bill to provide the Secretary of Education with waiver authority for students who are eligible for Federal Pell Grants and are adversely affected by a natural disaster; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEVIN:

S. 1629. A bill to provide the President with authority to temporarily freeze the price of gasoline and other refined products; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. OBAMA:

S. 1630. A bill to direct the Secretary of Homeland Security to establish the National Emergency Family Locator System; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DORGAN (for himself, Mr. DODD, and Mrs. BOXER):

S. 1631. A bill to amend the Internal Revenue Code of 1986 to impose a temporary windfall profit tax on crude oil and to rebate the tax collected back to the American consumer, and for other purposes; 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. FRIST (for himself, Mr. REID, Mr. MCCONNELL, Mr. DURBIN, Mr. SPECTER, Mr. LEAHY, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBAC, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEMINT, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. ENSIGN, Mr. ENZI, Mr. FEIN-

GOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN):

S. Res. 234. A resolution relative to the death of William H. Rehnquist, Chief Justice of the United States; considered and agreed to.

By Mr. LOTT (for himself, Mr. DODD, Mr. COCHRAN, Ms. LANDRIEU, Mr. VITTER, Mr. SHELBY, Mr. SESSIONS, Mr. FRIST, Mr. REID, Mr. DOMENICI, Mr. ALLARD, Mr. KOHL, Mr. KYL, Mr. AKAKA, Mr. GREGG, Mr. KENNEDY, Mr. ALEXANDER, Mr. MARTINEZ, Ms. MURKOWSKI, Ms. COLLINS, Mr. ENZI, Mr. THOMAS, Mr. CHAMBLISS, Mr. CARPER, Mr. DORGAN, Mr. LAUTENBERG, Mr. CORZINE, Mr. REED, Mr. LIEBERMAN, Mr. DEWINE, Mrs. HUTCHISON, Mr. DAYTON, Mr. JEFFORDS, Mr. THUNE, Mr. ALLEN, Mr. DEMINT, Mr. COBURN, Mr. BURR, Ms. STABENOW, Mr. PRYOR, Mr. BINGAMAN, Mr. HAGEL, Mr. SANTORUM, Mr. SALAZAR, Mr. STEVENS, Mr. ROBERTS, Mr. TALENT, Mr. KERRY, Mrs. LINCOLN, Mr. HARKIN, Mr. COLEMAN, Mrs. DOLE, and Ms. CANTWELL):

S. Res. 235. A resolution to permit the solicitation of donations in Senate buildings for the relief of victims of Hurricane Katrina; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 103

At the request of Mrs. FEINSTEIN, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Connecticut (Mr. DODD) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 103, a bill to respond to the illegal production, distribution, and use of methamphetamine in the United States, and for other purposes.

S. 337

At the request of Mr. GRAHAM, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 337, a bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service, to expand certain authorities to provide health care benefits for Reserves and their families, and for other purposes.

S. 406

At the request of Ms. SNOWE, the name of the Senator from Kansas (Mr. BROWNBAC) was added as a cosponsor of S. 406, a bill to amend title I of the

Employee Retirement Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees.

S. 420

At the request of Mr. KYL, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 420, a bill to make the repeal of the estate tax permanent.

S. 511

At the request of Mr. DEMINT, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 511, a bill to provide that the approved application under the Federal Food, Drug, and Cosmetic Act for the drug commonly known as RU-486 is deemed to have been withdrawn, to provide for the review by the Comptroller General of the United States of the process by which the Food and Drug Administration approved such drug, and for other purposes.

S. 601

At the request of Mr. CONRAD, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 601, a bill to amend the Internal Revenue Code of 1986 to include combat pay in determining an allowable contribution to an individual retirement plan.

S. 738

At the request of Mr. SPECTER, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 738, a bill to provide relief for the cotton shirt industry.

S. 772

At the request of Mr. CORNYN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 772, a bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use.

S. 889

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 889, a bill to amend title 49, United States Code, to require phased increases in the fuel efficiency standards applicable to light trucks, to require fuel economy standards for automobiles up to 10,000 pounds gross vehicle weight, to increase the fuel economy of the Federal fleet of vehicles, and for other purposes.

S. 935

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 935, a bill to regulate .50 caliber sniper weapons designed for the taking of human life and the destruction of materiel, including armored vehicles and components of the Nation's critical infrastructure.

S. 958

At the request of Mr. SARBANES, the name of the Senator from Virginia (Mr.

ALLEN) was added as a cosponsor of S. 958, a bill to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail.

S. 970

At the request of Mrs. CLINTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 970, a bill to establish the African Burial Ground National Historic Site and the African Burial Ground International Memorial Museum in New York, New York, and for other purposes.

S. 1004

At the request of Mr. ALLEN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1004, a bill to provide the Federal Trade Commission with the resources necessary to protect users of the Internet from the unfair and deceptive acts and practices associated with spyware, and for other purposes.

S. 1014

At the request of Ms. SNOWE, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 1014, a bill to provide additional relief for small business owners ordered to active duty as members of reserve components of the Armed Forces, and for other purposes.

S. 1120

At the request of Mr. DURBIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1123

At the request of Mr. LEVIN, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 1123, a bill to suspend temporarily the duty on certain microphones used in automotive interiors.

S. 1244

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. BURNS) 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. 1272

At the request of Mr. NELSON of Nebraska, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1272, a bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 1367

At the request of Mr. ALEXANDER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1367, a bill to provide for recruiting, selecting, training, and supporting a national teacher corps in underserved communities.

S. 1388

At the request of Ms. SNOWE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1388, a bill to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes.

S. 1438

At the request of Mr. THOMAS, his name was added as a cosponsor of S. 1438, a bill to provide for immigration reform.

S. 1442

At the request of Mrs. CLINTON, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1442, a bill to amend the Public Health Service Act to establish a Coordinated Environmental Health Network, and for other purposes.

S. 1462

At the request of Mr. BROWNBACK, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1462, a bill to promote peace and accountability in Sudan, and for other purposes.

S. 1465

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1465, a bill to strengthen programs relating to ocean, coastal, and Great Lakes science training by providing coordination of efforts, greater interagency cooperation, and the strengthening and expansion of related programs administered by the National Oceanic and Atmospheric Administration, and to diversify the ocean, coastal, and Great Lakes science community by attracting underrepresented groups.

S. 1496

At the request of Mr. CRAPO, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1496, a bill to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps.

S. 1504

At the request of Mr. ENSIGN, the name of the Senator from South Carolina (Mr. DEMINT) was withdrawn as a cosponsor of S. 1504, a bill to establish a market driven telecommunications marketplace, to eliminate government managed competition of existing communication service, and to provide parity between functionally equivalent services.

S. 1580

At the request of Mr. AKAKA, the names of the Senator from Maryland



(Mr. SARBANES), the Senator from California (Mrs. BOXER) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1580, a bill to improve the health of minority individuals.

S. 1615

At the request of Mrs. CLINTON, the names of the Senator from Rhode Island (Mr. REED), the Senator from California (Mrs. BOXER) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1615, a bill to establish the Federal Emergency Management Agency as an independent agency, and for other purposes.

S. RES. 184

At the request of Mr. SANTORUM, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. Res. 184, a resolution expressing the sense of the Senate regarding manifestations of anti-Semitism by United Nations member states and urging action against anti-Semitism by United Nations officials, United Nations member states, and the Government of the United States, and for other purposes.

S. RES. 204

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 204, a resolution recognizing the 75th anniversary of the American Academy of Pediatrics and supporting the mission and goals of the organization.

S. RES. 225

At the request of Mrs. MURRAY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 225, a resolution designating the month of November 2005 as the "Month of Global Health".

S. RES. 227

At the request of Mr. DEWINE, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 227, a resolution pledging continued support for international hunger relief efforts and expressing the sense of the Senate that the United States Government should use resources and diplomatic leverage to secure food aid for countries that are in need of further assistance to prevent acute and chronic hunger.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG:

S. 1619. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to require local educational agencies and schools to implement integrated pest management systems to minimize the use of pesticides in schools and to provide parents, guardians, and employees with notice of the use of pesticides in schools, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. LAUTENBERG. Mr. President, I rise today to introduce legislation that will help protect our children from the harmful health effects of pesticides.

This legislation, a companion bill to Congressman RUSH HOLT's School Environment Protection Act, SEPA, addresses the need for States and local education agencies to protect schoolchildren and school staff from exposure to harmful chemicals in school buildings and on school grounds.

According to the Environmental Protection Agency, EPA, children face higher risks than adults from pesticides because their systems are still developing, and therefore not as capable of detoxification. Pesticide exposure can adversely affect a child's neurological, respiratory, immune, and endocrine systems and has been linked to exacerbated asthma symptoms.

In July of this year, the Journal of the American Medical Association released a study which confirmed that pesticide exposure at schools causes acute illnesses in school employees and students. The study recommends that integrated pest management programs, designed to require less, if any, chemical pesticide application, be used in schools to help keep our children safe and healthy.

Safe alternatives to the use of dangerous chemical pesticides exist. This bill would require all schools, local education agencies, and States to develop school pest management plans that emphasize these safe alternatives, minimizing health damage from pesticides and minimizing economic damage by pests at the same time. This legislation would encourage schools to use techniques that attempt to move away from chemical pesticides where possible, that are proven to be safe and effective, and that involve proper timing and notification of students, families, and school employees in cases when pesticides cannot be avoided.

This bill builds the foundation for a strong working relationship between the Environmental Protection Agency, EPA, and State and local agencies so that they may solve this problem together. The EPA is called upon to develop guidelines with State and local education agencies for school pest management plans. Local education agencies would be required to develop and implement school pest management plans that comply. The EPA would continue to offer program assistance after such plans are implemented.

The Senate passed a similar version of this bill in the 107th Congress, but the full Congress has been slow to act. I sincerely hope that Congress finally acts on this important issue. We must take the advice of scientists, especially considering the ever-growing body of knowledge concerning the effects of harmful chemicals on children, and pass the School Environment Protection Act. Children have the right to learn in a healthy atmosphere. Parents and guardians have the right to know whether their children are to be exposed to toxic chemicals and take mitigating steps. I urge all my colleagues to support the School Environmental Protection Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1619

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "School Environment Protection Act of 2005".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) in 1992, the National Parent Teacher Association passed a resolution calling for the reduced use of pesticides in schools and calling on policymakers to consider all possible alternatives before using any pesticides;

(2) the National Education Association and many other national public interest organizations have announced support for reducing or eliminating pesticide use in schools;

(3) childhood cancer is continuing to increase at the alarming rate of 1 percent per year;

(4) the overall incidence of childhood cancer increased 10 percent between 1974 and 1991, making cancer the leading cause of childhood death from disease;

(5) approximately 4,800,000 children in the United States under the age of 18 have asthma, the most common chronic illness in children, and the incidence of asthma is on the rise;

(6) children are more susceptible to hazardous impacts from pesticides than are adults;

(7) numerous scientific studies have linked both cancer and asthma to pesticide exposure;

(8) the Environmental Protection Agency has recommended the use of an integrated pest management system by local educational agencies, which emphasizes nonchemical ways of reducing pests, such as sanitation and maintenance;

(9) integrated pest management—

(A) promotes nonchemical methods of pest prevention and management using least toxic pesticides after all other methods have been exhausted; and

(B) requires a notification process by which each student, parent, guardian, staff member, and teacher shall be notified of a pesticide application;

(10) parents and guardians have a right to know that there is an integrated pest management system in their children's schools;

(11) an integrated pest management system provides long-term health and economic benefits; and

(12) parents and guardians wish to and have a right to be notified in advance of any use of a pesticide in their children's schools.

#### SEC. 3. INTEGRATED PEST MANAGEMENT SYSTEMS FOR SCHOOLS.

The Federal Insecticide, Fungicide, and Rodenticide Act is amended—

(1) by redesignating sections 34 and 35 (7 U.S.C. 136x, 136y) as sections 35 and 36, respectively; and

(2) by inserting after section 33 (7 U.S.C. 136w-8) the following:

#### "SEC. 34. INTEGRATED PEST MANAGEMENT SYSTEMS FOR SCHOOLS.

"(a) DEFINITIONS.—In this section:

"(1) BOARD.—The term 'Board' means the National School Integrated Pest Management Advisory Board established under subsection (c).

"(2) CONTACT PERSON.—The term 'contact person' means an individual who is—

"(A) knowledgeable about integrated pest management systems; and

“(B) designated by a local educational agency as the contact person under subsection (f).

“(3) CRACK AND CREVICE TREATMENT.—The term ‘crack and crevice treatment’ means the application of small quantities of a pesticide in a building into openings such as those commonly found at expansion joints, between levels of construction, and between equipment and floors.

“(4) EMERGENCY.—The term ‘emergency’ means an urgent need to mitigate or eliminate a pest that threatens the health or safety of a student or staff member.

“(5) FUND.—The term ‘Fund’ means the Integrated Pest Management Trust Fund established under subsection (m).

“(6) INTEGRATED PEST MANAGEMENT SYSTEM.—The term ‘integrated pest management system’ means a managed pest control system that—

“(A) eliminates or mitigates economic, health, and aesthetic damage caused by pests;

“(B) uses—

“(i) integrated methods;

“(ii) site or pest inspections;

“(iii) pest population monitoring;

“(iv) an evaluation of the need for pest control; and

“(v) 1 or more pest control methods, including sanitation, structural repair, mechanical and biological controls, other nonchemical methods, and (if nontoxic options are unreasonable and have been exhausted) least toxic pesticides; and

“(C) minimizes—

“(i) the use of pesticides; and

“(ii) the risk to human health and the environment associated with pesticide applications.

“(7) LEAST TOXIC PESTICIDES.—

“(A) IN GENERAL.—The term ‘least toxic pesticides’ means—

“(i) boric acid and disodium octoborate tetrahydrate;

“(ii) silica gels;

“(iii) diatomaceous earth;

“(iv) nonvolatile insect and rodent baits in tamper resistant containers or for crack and crevice treatment only;

“(v) microbe-based insecticides;

“(vi) botanical insecticides (not including synthetic pyrethroids) without toxic synergists;

“(vii) biological, living control agents; and

“(viii) materials for which the inert ingredients are nontoxic and disclosed.

“(B) EXCLUSIONS.—The term ‘least toxic pesticides’ does not include a pesticide that is determined by the Administrator to be an acutely or moderately toxic pesticide, carcinogen, mutagen, teratogen, reproductive toxin, developmental neurotoxin, endocrine disrupter, or immune system toxin, and any application of the pesticide using a broadcast spray, dust, tenting, fogging, or baseboard spray application.

“(8) LIST.—The term ‘list’ means the list of least toxic pesticides established under subsection (d).

“(9) LOCAL EDUCATIONAL AGENCY.—The term ‘local educational agency’ has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

“(10) PERSON.—The term ‘person’ means—

“(A) an individual that attends, has children enrolled in, works at, or uses a school;

“(B) a resident of a school district; and

“(C) any other individual that may be affected by pest management activities of a school.

“(11) OFFICIAL.—The term ‘official’ means the official appointed by the Administrator under subsection (e).

“(12) PESTICIDE.—

“(A) IN GENERAL.—The term ‘pesticide’ means any substance or mixture of substances, including herbicides and bait stations, intended for—

“(i) preventing, destroying, repelling, or mitigating any pest;

“(ii) use as a plant regulator, defoliant, or desiccant; or

“(iii) use as a spray adjuvant such as a wetting agent or adhesive.

“(B) EXCLUSION.—The term ‘pesticide’ does not include antimicrobial agents such as disinfectants or deodorizers used for cleaning products.

“(13) SCHOOL.—The term ‘school’ means a public—

“(A) elementary school (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801));

“(B) secondary school (as defined in section 14101 of that Act); or

“(C) kindergarten or nursery school.

“(14) SCHOOL GROUNDS.—

“(A) IN GENERAL.—The term ‘school grounds’ means the area outside of the school buildings controlled, managed, or owned by the school or school district.

“(B) INCLUSIONS.—The term ‘school grounds’ includes a lawn, playground, sports field, and any other property or facility controlled, managed, or owned by a school.

“(15) SPACE SPRAYING.—

“(A) IN GENERAL.—The term ‘space spraying’ means application of a pesticide by discharge into the air throughout an inside area.

“(B) INCLUSION.—The term ‘space spraying’ includes the application of a pesticide using a broadcast spray, dust, tenting, or fogging.

“(C) EXCLUSION.—The term ‘space spraying’ does not include crack and crevice treatment.

“(16) STAFF MEMBER.—

“(A) IN GENERAL.—The term ‘staff member’ means an employee of a school or local educational agency.

“(B) INCLUSIONS.—The term ‘staff member’ includes an administrator, teacher, and other person that is regularly employed by a school or local educational agency.

“(C) EXCLUSIONS.—The term ‘staff member’ does not include—

“(i) an employee hired by a school, local educational agency, or State to apply a pesticide; or

“(ii) a person assisting in the application of a pesticide.

“(17) STATE EDUCATIONAL AGENCY.—The term ‘State educational agency’ has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

“(18) UNIVERSAL NOTIFICATION.—The term ‘universal notification’ means notice provided by a local educational agency or school to—

“(A) all parents or guardians of children attending the school; and

“(B) staff members of the school or local educational agency.

“(b) INTEGRATED PEST MANAGEMENT SYSTEMS.—

“(1) IN GENERAL.—The Administrator, in consultation with the Secretary of Education, shall establish a National School Integrated Pest Management Advisory System to develop and update uniform standards and criteria for implementing integrated pest management systems in schools.

“(2) IMPLEMENTATION.—Not later than 18 months after the date of enactment of this subsection, each local educational agency of a school district shall develop and implement in each of the schools in the school district an integrated pest management system that complies with this section.

“(3) STATE PROGRAMS.—If, on the date of enactment of this section, a State maintains

an integrated pest management system that meets the standards and criteria established under paragraph (1) (as determined by the Board), a local educational agency in the State may continue to implement the system in a school or in the school district in accordance with paragraph (2).

“(4) APPLICATION TO SCHOOLS AND SCHOOL GROUNDS.—The requirements of this section that apply to a school, including the requirement to implement an integrated management system, apply to pesticide application in a school building and on the school grounds.

“(5) APPLICATION OF PESTICIDES WHEN SCHOOLS IN USE.—A school shall prohibit—

“(A) the application of a pesticide when a school or a school ground is occupied or in use; or

“(B) the use of an area or room treated by a pesticide, other than a least toxic pesticide, during the 24-hour period beginning at the end of the treatment.

“(c) NATIONAL SCHOOL INTEGRATED PEST MANAGEMENT ADVISORY BOARD.—

“(1) IN GENERAL.—The Administrator, in consultation with the Secretary of Education, shall establish a National School Integrated Pest Management Advisory Board to—

“(A) establish uniform standards and criteria for developing integrated pest management systems and policies in schools;

“(B) develop standards for the use of least toxic pesticides in schools; and

“(C) advise the Administrator on any other aspects of the implementation of this section.

“(2) COMPOSITION OF BOARD.—The Board shall be composed of 12 members and include 1 representative from each of the following groups:

“(A) Parents.

“(B) Public health care professionals.

“(C) Medical professionals.

“(D) State integrated pest management system coordinators.

“(E) Independent integrated pest management specialists that have carried out school integrated pest management programs.

“(F) Environmental advocacy groups.

“(G) Children’s health advocacy groups.

“(H) Trade organization for pest control operators.

“(I) Teachers and staff members.

“(J) School maintenance staff.

“(K) School administrators.

“(L) School board members.

“(3) APPOINTMENT.—Not later than 180 days after the date of enactment of this section, the Administrator shall appoint members of the Board from nominations received from Parent Teacher Associations, school districts, States, and other interested persons and organizations.

“(4) TERM.—

“(A) IN GENERAL.—A member of the Board shall serve for a term of 5 years, except that the Administrator may shorten the terms of the original members of the Board in order to provide for a staggered term of appointment for all members of the Board.

“(B) CONSECUTIVE TERMS.—Subject to subparagraph (C), a member of the Board shall not serve consecutive terms unless the term of the member has been reduced by the Administrator.

“(C) MAXIMUM TERM.—In no event may a member of the Board serve for more than 6 consecutive years.

“(5) MEETINGS.—The Administrator shall convene—

“(A) an initial meeting of the Board not later than 60 days after the appointment of the members; and

“(B) subsequent meetings on a periodic basis, but not less often than 2 times each year.



“(6) COMPENSATION.—A member of the Board shall serve without compensation, but may be reimbursed by the Administrator for expenses (in accordance with section 5703 of title 5, United States Code) incurred in performing duties as a member of the Board.

“(7) CHAIRPERSON.—The Board shall select a Chairperson for the Board.

“(8) QUORUM.—A majority of the members of the Board shall constitute a quorum for the purpose of conducting business.

“(9) DECISIVE VOTES.—Two-thirds of the votes cast at a meeting of the Board at which a quorum is present shall be decisive for any motion.

“(10) ADMINISTRATION.—The Administrator—

“(A) shall—

“(i) authorize the Board to hire a staff director; and

“(ii) detail staff of the Environmental Protection Agency, or allow for the hiring of staff for the Board; and

“(B) subject to the availability of appropriations, may pay necessary expenses incurred by the Board in carrying out this subtitle, as determined appropriate by the Administrator.

“(11) RESPONSIBILITIES OF THE BOARD.—

“(A) IN GENERAL.—The Board shall provide recommendations to the Administrator regarding the implementation of this section.

“(B) LIST OF LEAST TOXIC PESTICIDES.—Not later than 1 year after the initial meeting of the Board, the Board shall—

“(i) review implementation of this section (including use of least toxic pesticides); and

“(ii) review and make recommendations to the Administrator with respect to new proposed active and inert ingredients or proposed amendments to the list in accordance with subsection (d).

“(C) TECHNICAL ADVISORY PANELS.—

“(i) IN GENERAL.—The Board shall convene technical advisory panels to provide scientific evaluations of the materials considered for inclusion on the list.

“(ii) COMPOSITION.—A panel described in clause (i) shall include experts on integrated pest management, children's health, entomology, health sciences, and other relevant disciplines.

“(D) SPECIAL REVIEW.—

“(i) IN GENERAL.—Not later than 2 years after the initial meeting of the Board, the Board shall review, with the assistance of a technical advisory panel, pesticides used in school buildings and on school grounds for their acute toxicity and chronic effects, including cancer, mutations, birth defects, reproductive dysfunction, neurological and immune system effects, and endocrine system disruption.

“(ii) DETERMINATION.—The Board—

“(I) shall determine whether the use of pesticides described in clause (i) may endanger the health of children; and

“(II) may recommend to the Administrator restrictions on pesticide use in school buildings and on school grounds.

“(12) REQUIREMENTS.—In establishing the proposed list, the Board shall—

“(A) review available information from the Environmental Protection Agency, the National Institute of Environmental Health Studies, medical and scientific literature, and such other sources as appropriate, concerning the potential for adverse human and environmental effects of substances considered for inclusion in the proposed list; and

“(B) cooperate with manufacturers of substances considered for inclusion in the proposed list to obtain a complete list of ingredients and determine that such substances contain inert ingredients that are generally recognized as safe.

“(13) PETITIONS.—The Board shall establish procedures under which individuals may pe-

tition the Board for the purpose of evaluating substances for inclusion on the list.

“(14) PERIODIC REVIEW.—

“(A) IN GENERAL.—The Board shall review each substance included on the list at least once during each 5-year period beginning on—

“(i) the date that the substance was initially included on the list; or

“(ii) the date of the last review of the substance under this subsection.

“(B) SUBMISSION TO ADMINISTRATOR.—The Board shall submit the results of a review under subparagraph (A) to the Administrator with a recommendation as to whether the substance should continue to be included on the list.

“(15) CONFIDENTIALITY.—Any business sensitive material obtained by the Board in carrying out this section shall be treated as confidential business information by the Board and shall not be released to the public.

“(d) LIST OF LEAST TOXIC PESTICIDES; PESTICIDE REVIEW.—

“(1) IN GENERAL.—The Board shall recommend to the Administrator a list of least toxic pesticides (including the pesticides described in subsection (a)(7)) that may be used as least toxic pesticides, any restrictions on the use of the listed pesticides, and any recommendations regarding restrictions on all other pesticides, in accordance with this section.

“(2) PROCEDURE FOR EVALUATING PESTICIDE USE.—

“(A) LIST OF LEAST TOXIC PESTICIDES.—

“(i) IN GENERAL.—The Administrator shall establish a list of least toxic pesticides that may be used in school buildings and on school grounds, including any restrictions on the use of the pesticides, that is based on the list prepared by the Board.

“(ii) REGULATORY REVIEW.—The Administrator shall initiate regulatory review of all other pesticides recommended for restriction by the Board.

“(B) RECOMMENDATIONS.—Not later than 1 year after receiving the proposed list and restrictions, and recommended restrictions on all other pesticides from the Board, the Administrator shall—

“(i) publish the proposed list and restrictions and all other proposed pesticide restrictions in the Federal Register and seek public comment on the proposed proposals; and

“(ii) after evaluating all comments received concerning the proposed list and restrictions, but not later than 1 year after the close of the period during which public comments are accepted, publish the final list and restrictions in the Federal Register, together with a discussion of comments received.

“(C) FINDINGS.—Not later than 2 years after publication of the final list and restrictions, the Administrator shall make a determination and issue findings on whether use of registered pesticides in school buildings and on school grounds may endanger the health of children.

“(D) NOTICE AND COMMENT.—

“(i) IN GENERAL.—Prior to establishing or making amendments to the list, the Administrator shall publish the proposed list or any proposed amendments to the list in the Federal Register and seek public comment on the proposals.

“(ii) RECOMMENDATIONS.—The Administrator shall include in any publication described in clause (i) any changes or amendments to the proposed list that are recommended to and by the Administrator.

“(E) PUBLICATION OF LIST.—After evaluating all comments received concerning the proposed list or proposed amendments to the list, the Administrator shall publish the final list in the Federal Register, together with a description of comments received.

“(e) OFFICE OF PESTICIDE PROGRAMS.—

“(1) ESTABLISHMENT.—The Administrator shall appoint an official for school pest management within the Office of Pesticide Programs of the Environmental Protection Agency to coordinate the development and implementation of integrated pest management systems in schools.

“(2) DUTIES.—The official shall—

“(A) coordinate the development of school integrated pest management systems and policies;

“(B) consult with schools concerning—

“(i) issues related to the integrated pest management systems of schools;

“(ii) the use of least toxic pesticides; and

“(iii) the registration of pesticides, and amendments to the registrations, as the registrations and amendments relate to the use of integrated pest management systems in schools; and

“(C) support and provide technical assistance to the Board.

“(f) CONTACT PERSON.—

“(1) IN GENERAL.—Each local educational agency of a school district shall designate a contact person for carrying out an integrated pest management system in schools in the school district.

“(2) DUTIES.—The contact person of a school district shall—

“(A) maintain information about pesticide applications inside and outside schools within the school district, in school buildings, and on school grounds;

“(B) act as a contact for inquiries about the integrated pest management system;

“(C) maintain material safety data sheets and labels for all pesticides that may be used in the school district;

“(D) be informed of Federal and State chemical health and safety information and contact information;

“(E) maintain scheduling of all pesticide usage for schools in the school district;

“(F) maintain contact with Federal and State integrated pest management system experts; and

“(G) obtain periodic updates and training from State integrated pest management system experts.

“(3) PESTICIDE USE DATA.—A local educational agency of a school district shall—

“(A) maintain all pesticide use data for each school in the school district; and

“(B) on request, make the data available to the public for review.

“(g) NOTICE OF INTEGRATED PEST MANAGEMENT SYSTEM.—

“(1) IN GENERAL.—At the beginning of each school year, each local educational agency or school of a school district shall include a notice of the integrated pest management system of the school district in school calendars or other forms of universal notification.

“(2) CONTENTS.—The notice shall include a description of—

“(A) the integrated pest management system of the school district;

“(B) any pesticide (including any least toxic pesticide) or bait station that may be used in a school building or on a school ground as part of the integrated pest management system;

“(C) the name, address, and telephone number of the contact person of the school district;

“(D) a statement that—

“(i) the contact person maintains the product label and material safety data sheet of each pesticide (including each least toxic pesticide) and bait station that may be used by a school in buildings or on school grounds;

“(ii) the label and data sheet is available for review by a parent, guardian, staff member, or student attending the school; and

“(iii) the contact person is available to parents, guardians, and staff members for information and comment; and

“(E) the time and place of any meetings that will be held under subsection (g)(1).

“(3) USE OF PESTICIDES.—A local educational agency or school may use a pesticide during a school year only if the use of the pesticide has been disclosed in the notice required under paragraph (1) at the beginning of the school year.

“(4) NEW EMPLOYEES AND STUDENTS.—After the beginning of each school year, a local educational agency or school of a school district shall provide the notice required under this subsection to—

“(A) each new staff member who is employed during the school year; and

“(B) the parent or guardian of each new student enrolled during the school year.

“(h) USE OF PESTICIDES.—

“(1) IN GENERAL.—If a local educational agency or school determines that a pest in the school or on school grounds cannot be controlled after having used the integrated pest management system of the school or school district and least toxic pesticides, the school may use a pesticide (other than space spraying of the pesticide) to control the pest in accordance with this subsection.

“(2) PRIOR NOTIFICATION OF PARENTS, GUARDIANS, AND STAFF MEMBERS.—

“(A) IN GENERAL.—Subject to paragraphs (4) and (5), not less than 72 hours before a pesticide (other than a least toxic pesticide) is used by a school, the school shall provide to a parent or guardian of each student enrolled at the school and each staff member of the school, notice that includes—

“(i) the common name, trade name, and Environmental Protection Agency registration number of the pesticide;

“(ii) a description of the location of the application of the pesticide;

“(iii) a description of the date and time of application, except that, in the case of outdoor pesticide applications, 1 notice shall include 3 dates, in chronological order, that the outdoor pesticide applications may take place if the preceding date is canceled;

“(iv) a statement that The Office of Pesticide Programs of the United States Environmental Protection Agency has stated: ‘Where possible, persons who potentially are sensitive, such as pregnant women and infants (less than 2 years old), should avoid any unnecessary pesticide exposure.’;

“(v) a description of potential adverse effects of the pesticide based on the material safety data sheet of the pesticide;

“(vi) a description of the reasons for the application of the pesticide;

“(vii) the name and telephone number of the contact person of the school district; and

“(viii) any additional warning information related to the pesticide.

“(B) METHOD OF NOTIFICATION.—The school may provide the notice required by subparagraph (A) by—

“(i) written notice sent home with the student and provided to the staff member;

“(ii) a telephone call;

“(iii) direct contact; or

“(iv) written notice mailed at least 1 week before the application.

“(C) REISSUANCE.—If the date of the application of the pesticide needs to be extended beyond the period required for notice under this paragraph, the school shall reissue the notice under this paragraph for the new date of application.

“(3) POSTING OF SIGNS.—

“(A) IN GENERAL.—Subject to paragraphs (4) and (5), at least 72 hours before a pesticide (other than a least toxic pesticide) is used by a school, the school shall post a sign that provides notice of the application of the pesticide—

“(i) in a prominent place that is in or adjacent to the location to be treated; and

“(ii) at each entrance to the building or school ground to be treated.

“(B) ADMINISTRATION.—A sign required under subparagraph (A) for the application of a pesticide shall—

“(i) remain posted for at least 72 hours after the end of the treatment;

“(ii) be at least 8½ inches by 11 inches; and

“(iii) state the same information as that required for prior notification of the application under paragraph (2).

“(C) OUTDOOR PESTICIDE APPLICATIONS.—

“(i) IN GENERAL.—In the case of outdoor pesticide applications, each sign shall include 3 dates, in chronological order, that the outdoor pesticide application may take place if the preceding date is canceled due to weather.

“(ii) DURATION OF POSTING.—A sign described in clause (i) shall be posted after an outdoor pesticide application in accordance with subparagraph (B).

“(4) ADMINISTRATION.—

“(A) APPLICATORS.—Paragraphs (2) and (3) shall apply to any person that applies a pesticide in a school or on a school ground, including a custodian, staff member, or commercial applicator.

“(B) TIME OF YEAR.—Paragraphs (2) and (3) shall apply to a school—

“(i) during the school year; and

“(ii) during holidays and the summer months, if the school is in use, with notice provided to all staff members and the parents or guardians of the students that are using the school in an authorized manner.

“(5) EMERGENCIES.—

“(A) IN GENERAL.—A school may apply a pesticide (other than a least toxic pesticide) in the school or on school grounds without complying with paragraphs (2) and (3) in an emergency, subject to subparagraph (B).

“(B) SUBSEQUENT NOTIFICATION OF PARENTS, GUARDIANS, AND STAFF MEMBERS.—Not later than the earlier of the time that is 24 hours after a school applies a pesticide under this paragraph or on the morning of the next school day, the school shall provide to each parent or guardian of a student enrolled at the school, and staff member of the school, notice of the application of the pesticide for emergency pest control that includes—

“(i) the information required for a notice under paragraph (2)(A);

“(ii) a description of the problem and the factors that qualified the problem as an emergency that threatened the health or safety of a student or staff member; and

“(iii) a description of the steps the school will take in the future to avoid emergency application of a pesticide under this paragraph.

“(C) METHOD OF NOTIFICATION.—The school may provide the notice required by subparagraph (B) by—

“(i) written notice sent home with the student and provided to the staff member;

“(ii) a telephone call; or

“(iii) direct contact.

“(D) POSTING OF SIGNS.—A school applying a pesticide under this paragraph shall post a sign warning of the pesticide application in accordance with paragraph (3).

“(E) MODIFICATION OF INTEGRATED PEST MANAGEMENT PLANS.—If a school in a school district applies a pesticide under this paragraph, the local educational agency of the school district shall modify the integrated pest management plan of the school district to minimize the future applications of pesticides under this paragraph.

“(6) DRIFT OF PESTICIDES ONTO SCHOOL GROUND.—Each local educational agency, State pesticide lead agency, and the Administrator are encouraged to—

“(A) identify sources of pesticides that drift from treated land to school grounds of the educational agency; and

“(B) take steps necessary to create an indoor and outdoor school environment that are protected from pesticides described in subparagraph (A).

“(i) MEETINGS.—

“(1) IN GENERAL.—Before the beginning of a school year, at the beginning of each new calendar year, and at a regularly scheduled meeting of a school board, each local educational agency shall provide an opportunity for the contact person designated under subsection (d) to receive and address public comments regarding the integrated pest management system of the school district.

“(2) EMERGENCY MEETINGS.—An emergency meeting of a school board to address a pesticide application may be called under locally appropriate procedures for convening emergency meetings.

“(j) INVESTIGATIONS AND ORDERS.—

“(1) IN GENERAL.—Not later than 60 days after receiving a complaint of a violation of this section, the Administrator shall—

“(A) conduct an investigation of the complaint;

“(B) determine whether it is reasonable to believe the complaint has merit; and

“(C) notify the complainant and the person alleged to have committed the violation of the findings of the Administrator.

“(2) PRELIMINARY ORDER.—If the Administrator determines it is reasonable to believe a violation occurred, the Administrator shall issue a preliminary order (that includes findings) to impose the penalty described in subsection (j).

“(3) OBJECTIONS TO PRELIMINARY ORDER.—

“(A) IN GENERAL.—Not later than 30 days after the preliminary order is issued under paragraph (2), the complainant and the person alleged to have committed the violation may—

“(i) file objections to the preliminary order (including findings); and

“(ii) request a hearing on the record.

“(B) FINAL ORDER.—If a hearing is not requested within 30 days after the preliminary order is issued, the preliminary order shall be final and not subject to judicial review.

“(4) HEARING.—A hearing under this subsection shall be conducted expeditiously.

“(5) FINAL ORDER.—Not later than 120 days after the end of the hearing, the Administrator shall issue a final order.

“(6) SETTLEMENT AGREEMENT.—Before the final order is issued, the proceeding may be terminated by a settlement agreement, which shall remain open, entered into by the Administrator, the complainant, and the person alleged to have committed the violation.

“(7) COSTS.—

“(A) IN GENERAL.—If the Administrator issues a final order against a school or school district for violation of this section and the complainant requests, the Administrator may assess against the person against whom the order is issued the costs (including attorney’s fees) reasonably incurred by the complainant in bringing the complaint.

“(B) AMOUNT.—The Administrator shall determine the amount of the costs that were reasonably incurred by the complainant.

“(8) JUDICIAL REVIEW AND VENUE.—

“(A) IN GENERAL.—A person adversely affected by an order issued after a hearing under this subsection may file a petition for review not later than 60 days after the date that the order is issued, in a district court of the United States or other United States court for any district in which a local educational agency or school is found, resides, or transacts business.

“(B) TIMING.—The review shall be heard and decided expeditiously.

“(C) COLLATERAL REVIEW.—An order of the Administrator subject to review under this paragraph shall not be subject to judicial review in a criminal or other civil proceeding.

“(K) CIVIL PENALTY.—

“(1) IN GENERAL.—Any local educational agency, school, or person that violates this section may be assessed a civil penalty by the Administrator under subsections (h) and (i), respectively, of not more than \$10,000 for each offense.

“(2) TRANSFER TO TRUST FUND.—Except as provided in subsection (i)(4)(B), civil penalties collected under paragraph (1) shall be deposited in the Fund.

“(I) INTEGRATED PEST MANAGEMENT TRUST FUND.—

“(1) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the ‘Integrated Pest Management Trust Fund’, consisting of—

“(A) amounts deposited in the Fund under subsection (j)(2);

“(B) amounts transferred to the Secretary of the Treasury for deposit into the Fund under paragraph (5); and

“(C) any interest earned on investment of amounts in the Fund under paragraph (3).

“(2) EXPENDITURES FROM FUND.—

“(A) IN GENERAL.—Subject to subparagraph (B), on request by the Administrator, the Secretary of the Treasury shall transfer from the Fund to the Administrator, without further appropriation, such amounts as the Secretary determines are necessary to provide funds to each State educational agency of a State, in proportion to the amount of civil penalties collected in the State under subsection (j)(1), to carry out education, training, propagation, and development activities under integrated pest management systems of schools in the State to remedy the harmful effects of actions taken by the persons that paid the civil penalties.

“(B) ADMINISTRATIVE EXPENSES.—An amount not to exceed 6 percent of the amounts in the Fund shall be available for each fiscal year to pay the administrative expenses necessary to carry out this subsection.

“(3) INVESTMENT OF AMOUNTS.—

“(A) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

“(B) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under subparagraph (A), obligations may be acquired—

“(i) on original issue at the issue price; or

“(ii) by purchase of outstanding obligations at the market price.

“(C) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

“(D) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

“(4) TRANSFERS OF AMOUNTS.—

“(A) IN GENERAL.—The amounts required to be transferred to the Fund under this subsection shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

“(B) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

“(5) ACCEPTANCE AND USE OF DONATIONS.—The Secretary may accept and use donations to carry out paragraph (2)(A). Amounts received by the Secretary in the form of dona-

tions shall be transferred to the Secretary of the Treasury for deposit into the Fund.

“(M) EMPLOYEE PROTECTION.—

“(1) IN GENERAL.—No local educational agency, school, or person may harass, prosecute, hold liable, or discriminate against any employee or other person because the employee or other person—

“(A) is assisting or demonstrating an intent to assist in achieving compliance with this section (including any regulation);

“(B) is refusing to violate or assist in the violation of this section (including any regulation); or

“(C) has commenced, caused to be commenced, or is about to commence a proceeding, has testified or is about to testify at a proceeding, or has assisted or participated or is about to participate in any manner in such a proceeding or in any other action to carry out this section.

“(2) COMPLAINTS.—Not later than 1 year after an alleged violation occurred, an employee or other person alleging a violation of this section, or another person at the request of the employee, may file a complaint with the Administrator.

“(3) REMEDIAL ACTION.—If the Administrator decides, on the basis of a complaint, that a local educational agency, school, or person violated paragraph (1), the Administrator shall order the local educational agency, school, or person to—

“(A) take affirmative action to abate the violation;

“(B) reinstate the complainant to the former position with the same pay and terms and privileges of employment; and

“(C) pay compensatory damages, including back pay.

“(N) GRANTS.—

“(1) IN GENERAL.—The Administrator, in consultation with the Secretary of Education, shall provide grants to local educational agencies to develop and implement integrated pest management systems in schools in the school district of the local educational agencies.

“(2) AMOUNT.—The amount of a grant provided to a local educational agency of a school district under paragraph (1) shall be based on the ratio that the number of students enrolled in schools in the school district bears to the total number of students enrolled in schools in all school districts in the United States.

“(O) RELATIONSHIP TO STATE AND LOCAL REQUIREMENTS.—This section (including regulations promulgated under this section) shall not preempt requirements imposed on local educational agencies and schools related to the use of integrated pest management by State or local law (including regulations) that are more stringent than the requirements imposed under this section.

“(P) REGULATIONS.—Subject to subsection (m), the Administrator shall promulgate such regulations as are necessary to carry out this section.

“(Q) RESTRICTION ON PESTICIDE USE.—Not later than 6 years after the date of enactment of this section, no pesticide, other than a pesticide that is defined as a least toxic pesticide under this subsection, shall be used in a school or on school grounds unless the Administrator has met the deadlines and requirements of this section.

“(R) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$7,000,000 for each of fiscal years 2006 through 2010.”

**SEC. 4. CONFORMING AMENDMENT.**

The table of contents in section 1(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. prec. 121) is amended by striking the items relating to sections 34 and 35 and inserting the following:

“Sec. 34. Integrated pest management systems for schools.

“(a) Definitions.

“(1) Board.

“(2) Contact person.

“(3) Crack and crevice treatment.

“(4) Emergency.

“(5) Fund.

“(6) Integrated pest management system.

“(7) Least toxic pesticides.

“(8) List.

“(9) Local educational agency.

“(10) Official.

“(11) Person.

“(12) Pesticide.

“(13) School.

“(14) School ground.

“(15) Space spraying.

“(16) Staff member.

“(17) State educational agency.

“(18) Universal notification.

“(b) Integrated pest management systems.

“(1) In general.

“(2) Implementation.

“(3) State programs.

“(4) Application to schools and school grounds.

“(5) Application of pesticides when schools in use.

“(c) National School Integrated Pest Management Advisory Board

“(1) In general.

“(2) Composition of Board.

“(3) Appointment.

“(4) Term.

“(5) Meetings.

“(6) Compensation.

“(7) Chairperson.

“(8) Quorum.

“(9) Decisive votes.

“(10) Administration.

“(11) Responsibilities of the Board.

“(12) Requirements.

“(13) Petitions.

“(14) Periodic review.

“(15) Confidentiality.

“(d) List of Least Toxic Pesticides.

“(1) In general.

“(2) Procedure for evaluating pesticide use.

“(e) Office of Pesticide Programs.

“(1) Establishment.

“(2) Duties.

“(f) Contact person.

“(1) In general.

“(2) Duties.

“(3) Pesticide use data.

“(g) Notice of Integrated Pest Management System.

“(1) In general.

“(2) Contents.

“(3) Use of pesticides.

“(4) New employees and students.

“(h) Use of pesticides.

“(1) In general.

“(2) Prior notification of parents, guardians, and staff members.

“(3) Posting of signs.

“(4) Administration.

“(5) Emergencies.

“(6) Drift of pesticides onto school ground.

“(i) Meetings.

“(1) In general.

“(2) Emergency meetings.

“(j) Investigations and orders.

“(1) In general.

“(2) Preliminary order.

“(3) Objections to preliminary order.

“(4) Hearing.

“(5) Final order.

“(6) Settlement agreement.

“(7) Costs.

“(8) Judicial review and venue.

“(k) Civil penalty.

“(1) In general.

- “(2) Transfer to Trust Fund.
- “(1) Integrated Pest Management Trust Fund.
- “(1) Establishment.
- “(2) Expenditures from Fund.
- “(3) Investment of amounts.
- “(4) Transfers of amounts.
- “(5) Acceptance and use of donations.
- “(m) Employee protection.
- “(1) In general.
- “(2) Complaints.
- “(3) Remedial action.
- “(n) Grants.
- “(1) In general.
- “(2) Amount.
- “(o) Relationship to State and local requirements.
- “(p) Regulations.
- “(q) Restriction on pesticide use.
- “(r) Authorization of appropriations.
- “Sec. 35. Severability.
- “Sec. 36. Authorization of appropriations.”.

#### SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on October 1, 2005.

By Mr. REID (for Mr. CORZINE (for himself, Mr. REID, Mrs. CLINTON, Mr. BROWNBACK, Mr. DODD, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LIEBERMAN, and Mr. FEINGOLD)):

S. 1620. A bill to provide the non-immigrant spouses and children of non-immigrant aliens who perished in the September 11, 2001, terrorist attacks an opportunity to adjust their status to that of an alien lawfully admitted for permanent residence, and for other purposes; to the Committee on the Judiciary.

Mr. CORZINE. Mr. President, I rise today to introduce the September 11 Family Humanitarian Relief and Patriotism Act and to urge all of my colleagues to support this important legislation.

On September 11, 2001, the world we live in was torn apart. Each of us, no matter where we lived, shared in the overwhelming sense of loss and grief. We shared our grief with the victims, their loved ones, and their friends. And each of us joined together in the midst of the devastation to unite as Americans and to show the terrorists that we will not be divided.

At that time of grief, we stood together as families, as communities, and as one Nation. We were all personally touched by this outrageous crime. And we stood together to show the terrorists that although they might destroy our buildings, they could never destroy the foundation of our democracy.

Over the years our Nation has matured, and we have become a vast melting pot of cultures and of people, joining together to create the America of today that we love and cherish.

The terrorists sought to destroy our great Nation and the very values upon which our country was built. But they were sorely mistaken. No matter how hard they try, they will never force us to turn our back on our values.

And that means that we can never turn our back on the victims of the terrorist attacks or on their family members. On September 11, almost three

thousand people were killed. Many of the victims left behind husbands, wives, sons, and daughters. We cannot turn our back on them. We can not allow these attacks, and the terrorists who perpetrated them, to undercut the love of freedom, justice, and community that makes us who we are.

Terrorists did not distinguish non-documented immigrants from documented immigrants or natural born citizens on September 11. On that date, we were all Americans, attacked by a determined enemy who sought to break our spirit and destroy our way of life.

That is why I have joined with my colleagues to introduce this legislation, which will provide legal recognition and protection to family members of non-citizen victims of the September 11 terrorist attacks.

Many of our immigrant residents lost loved ones that day, and no person who has faced such personal heartache and hardship at the hands of terrorists should be forced to face deportation.

Moreover, these family members should be permitted to remain here to visit the memorials that are presently being built in New York and other locations to honor the victims who perished in the terrorist attacks. In many cases, these memorials will be all that husbands, wives, and children, have left to remember their loved ones.

This bipartisan bill will end deportation procedures, and allow husbands, wives, sons, and daughters of non-citizen victims killed in New York, Pennsylvania and Virginia nearly four years ago to apply for green cards that will allow them to become permanent legal residents. The act will apply to dependents of the deceased victims of the September 11, 2001 terrorist attacks as determined by the September 11 Victims Compensation Fund.

The USA Patriot Act initially allowed many of these individuals to stay in the country. However, that provision expired on September 10, 2002. Moreover, many others were never protected by the Patriot Act legislation. All of these individuals today face the prospect of deportation.

Although our government has not moved forward with deportation procedures, the status of these families, who have already been through so much, remains uncertain. This Act would provide the permanent relief these families need and deserve.

And so I ask all of my colleagues to join me in supporting this legislation and in demonstrating to the spouses and children of the non-citizen victims of September 11 that we are all Americans.

By Ms. COLLINS (for herself, Mr. WARNER, and Ms. LANDRIEU):

S. 1621. A bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses; to the Committee on Finance.

Ms. COLLINS. Mr. President, I am pleased to introduce today the teacher tax act of 2005, which I am offering along with my good friends, Senator WARNER and Senator LANDRIEU. Our bill increases to \$400, and makes permanent, the tax deduction available to teachers who incur out-of-pocket expenses to purchase classroom supplies. It would also allow this above-the-line deduction for expenses related to professional development.

This bill builds upon the \$250 tax deduction established by legislation we authored in 2001, which became law as part of that year's tax relief package. The Tax relief provided by that bill was later extended through the end of this year.

Increasing the deduction for teachers who buy classroom supplies is warranted by the facts. So often teachers in Maine, and throughout the country, spend their own money to improve the classroom experiences of their students. While many of us are familiar with the National Education Association's estimate that teachers spend, on average, \$400 a year on classroom supplies, other surveys show that they are spending even more than that. Indeed, I have spoken to dozens of teachers in my home State who tell me they routinely spend far in excess of the \$250 deduction limit—a few even as much as \$1,000—on materials they use in their classrooms. At every school I visit, I find teachers who are spending their own money to improve the educational experiences of their students by supplementing classroom supplies. One such teacher is Debra Walker, who teaches kindergarten and first grade in the town of Milo, ME. She has taught for more than 25 years. Year after year, she spends hundreds of dollars on books, bulletin boards, computer software, crayons, construction paper, tissue paper, stamps and inkpads. She even donated her own family computer for use by her class. She described it well by saying, “These are the extras that are needed to make learning fun for children and to create a stimulating learning environment.”

Another example is Tyler Nutter, a middle school math and reading teacher from North Berwick, ME. After teaching for just two years, Tyler incurred substantial “startup” fees as he built his own collection of needed teaching supplies. In his first years on the job, he spent well over \$500 out-of-pocket each year, purchasing books and other materials that are essential to his teaching program. This tax deduction is, in Tyler's words, “a nice recognition of the contributions that many teachers have made.”

It is important that this deduction also be available to teachers who incur expenses for professional development. While this tax relief provides modest assistance to educators, it is my view that students are its ultimate beneficiaries. Studies consistently show that well-qualified teachers, and involved parents, are the most important

contributors to student success. Educators themselves understand just how important professional development is to their ability to make a positive impact in the classroom. Teachers in Maine repeatedly tell me that they need, and want, more professional development. But tight school budgets often make funds to support this development impossible to get. By making professional development expenses deductible, this bill will help teachers take that additional course or pursue that advanced degree that will make them even better at what they love to do.

The teacher tax relief we have made available since 2001 is a step in the right direction. Increasing that deduction, and making it permanent, would be a small but appropriate means of recognizing our teachers for a job well done.

Mr. WARNER. Mr. President, I rise today in support, once again, of America's teachers by joining with Senator COLLINS in introducing the Teacher Tax Relief Act of 2005.

Senator COLLINS and I have worked closely for some time now in support of legislation to provide our teachers with tax relief in recognition of the many out-of-pocket expenses they incur as part of their profession. In the 107th Congress, we were successful in providing much needed tax relief for our Nations' teachers with passage of H.R. 3090, the Job Creation and Worker Assistance Act of 2002.

This legislation, which was signed into law by President Bush, included the Collins-Warner Teacher Tax Relief Act of 2001 provisions that provided a \$250 above the line deduction for educators who incur out-of-pocket expenses for supplies they bring into the classroom to better the education of their students. These important provisions provided almost half a billion dollars' worth of tax relief to teachers all across America in 2002 and 2003.

In the 108th Congress we were able to successfully extend the provisions of the Teacher Tax Relief Act for 2004 and 2005.

While these provisions will provide substantial relief to America's teachers, our work is not yet complete.

It is now estimated that the average teacher spends \$521 out of their own pocket each year on classroom materials—materials such as pens, pencils and books. First year teachers spend even more, averaging \$701 a year on classroom expenses.

Why do they do this? Simply because school budgets are not adequate to meet the costs of education. Our teachers dip into their own pocket to better the education of America's youth.

Moreover, in addition to spending substantial money on classroom supplies, many teachers spend even more money out of their own pocket on professional development. Such expenses include tuition, fees, books, and supplies associated with courses that help our teachers become even better instructors.

The fact is that these out-of-pocket costs place lasting financial burdens on our teachers. This is one reason our teachers are leaving the profession. Little wonder that our country is in the midst of a teacher shortage.

Without a doubt the Teacher Tax Relief Act of 2001 took a step forward in helping to alleviate the Nation's teaching shortage by providing a \$250 above the line deduction for classroom expenses.

However, it is clear that our teachers are spending much more than \$250 a year out of their own pocket to better the education of our children.

Accordingly, Senator COLLINS and I have joined together to take another step forward by introducing the Teacher Tax Relief Act of 2005.

This legislation will build upon current law in three ways. The legislation will: (1) Increase the above-the-line deduction, as President Bush has called for, from \$250 allowed under current law to \$400; (2) allow educators to include professional development costs within that \$400 deduction. Under current law, up to \$250 is deductible but only for classroom expenses; and (3) make the teacher tax relief provisions in the law permanent. Current law sunsets the Collins/Warner provisions after 2005.

Our teachers have made a personal commitment to educate the next generation and to strengthen America. And, in my view, the Federal Government should recognize the many sacrifices our teachers make in their career.

The Teacher Tax Relief Act of 2005 is another step forward in providing our educators with the recognition they deserve.

By Mr. CARPER (for himself and Mr. BIDEN):

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 System in Delaware; to the Committee on Environment and Public Works.

Mr. CARPER. Mr. President, some folks were looking for a place to go on summer vacation on the Internet. A lot of people go to national parks. A couple of summers ago, my family and I went to Alaska and visited Denali, a national park bigger than my State. We had a wonderful time in Alaska. But if you go to the national park Web site, you can find national parks to visit in 49 States. There is one State that has no national park. It is my State.

I am reintroducing legislation Senator BIDEN and I introduced at the end of the last Congress. We will reintroduce that so we get our State on the road to having our own national park and providing people around the country and the world the opportunity to learn about our coastal heritage, which

included the landing of the first Swedes and Finns when they came to America. They landed in Wilmington, DE, to establish the colony of New Sweden. I don't think the Finns called it that, but the Swedes did. We want to have a national park of our own that would include that discovery, commemorate that discovery.

Our bill authorizes the National Park Service to conduct a Special Resource Study of Delaware's coastal region. This study is the first step toward establishing the first national park in Delaware.

Delaware's coastal region is rich in historical sites, parks, and wildlife areas. This Special Resource Study will trace the various threads that make up the fabric of Delaware, which are an ideal microcosm for the tapestry of America. Together, these sites highlight the threads of history, heritage, commerce, and nature. The result would be a national park highlighting America's history, cultural heritage, commercial progress and natural beauty.

The study would be anchored on Fort Christina and the 7th Street Peninsula in Wilmington. It would extend south from there to include old New Castle and points along Delaware's coast in Kent and Sussex Counties, which have been the location of many significant events throughout America's history.

This proposed study will help encapsulate the human and natural activity that has occurred along our coast that has helped create the very fabric of our society.

I am confident this study will prove that a national park highlighting Delaware's rich coastal heritage would be a very appropriate and fitting addition to the National Park system. Our national park would demonstrate that coastal regions like those found in Delaware are a vital part of America's past, present, and future.

Delaware is first in so many ways, but it is the only state without a national park. Every year, millions of Americans plan their vacations around our nation's national park system. They log onto the Park Service web site and search for ideas for their family vacations. Right now, that search will turn up nothing for Delaware. With a national park unit here in Delaware, that will change.

In the future, those families will be considering a trip to Delaware to visit our national park. Those trips will be a significant boost to our economy and will teach new generations of Americans about Delaware's rich cultural heritage.

I have described to you today a vision resulting from the hard work of many dedicated Delawareans. Today, I take the next step in making their vision a reality.

I believe this is an exciting proposal and one that, when incorporated into the National Park System, will become an important element in preserving the wonderful human and natural history presented by our coastal region.

By Mr. LEVIN:

S. 1629. A bill to provide the President with authority to temporarily freeze the price of gasoline and other refined products; to the Committee on Banking, Housing, and Urban Affairs.

Mr. LEVIN. Mr. President, today I am introducing legislation to give the President the temporary authority to freeze the price of gasoline and other petroleum products at their levels just prior to the devastation wrought by Hurricane Katrina on the Gulf Coast of the United States. This authority would expire once supplies of these products have been restored to their pre-hurricane levels.

Our topmost priority, of course, must be to provide immediate aid directly to the victims of this immense tragedy. Hundreds of thousands of people have been driven from their homes. Thousands may have died. The destruction along the Gulf Coast is extensive, and much of New Orleans is still submerged. We must continue to place the highest priority on providing food, clothing, and shelter for the people displaced by the hurricane.

At the same time, we must start to take measures to address other consequences of the damage caused by Katrina. Katrina has damaged a number of oil refineries along the Gulf Coast, knocking out about ten percent of our daily gasoline production. Current estimates are that it will take several months before production is restored to pre-hurricane levels.

Gasoline prices have skyrocketed in the wake of Katrina. Last Friday, the average price for a gallon of regular gasoline in Michigan reached \$3.13. Today the national average is about \$3.05 per gallon. These prices are record highs in the United States. Even adjusted for inflation, these prices are higher than they were during the energy crises of the 1970s, when high energy prices helped push the economy into a recession.

For most people, driving the car each day is not a luxury but a necessity. Millions of Americans depend upon affordable gasoline and other petroleum products for essential goods and services, including transportation to and from work, schools, grocery stores, and medical care; home heating oil; jet fuel for the other airlines; and a host of other daily needs.

Most people cannot drive less to get to work, school, or to buy groceries, so they are forced to pay whatever the oil companies charge for gasoline. In the language of economics, demand for gasoline is largely inelastic. Higher prices will not lead to a reduction in demand, or an increase in speed of repairs, since pre-Katrina production and profits were already at record levels and were more than sufficient to provide a major incentive to speed up repairs.

Moreover, the massive and unjustified gasoline price increases of the last week will not bring on more supply—only more profits for oil companies, as well as severe hardships for millions of

Americans. Higher prices will not bring on additional supply, in the short term, only more profits for the oil companies and more pain for consumers.

I do not favor price controls when the market is working properly. In a properly functioning market, prices are set by the law of supply and demand.

However, in the current situation, we do not have a properly functioning market. Part of the market infrastructure has been physically destroyed by Hurricane Katrina. Price cannot play its normal role under the laws of supply and demand because increasing prices cannot produce either an increase in supply short-term or a significant reduction in demand. In a largely inelastic market, like our gasoline markets, where people depend upon gasoline for life's necessities, and cannot significantly reduce their consumption, increasing prices in the aftermath of a disaster serve no function other than to enrich the sellers at the expense of the buyers.

At a time of national crisis and tragedy, it is unseemly for a few to gain huge profits at the expense of everyone else. In the wake of the hurricane, millions of Americans are opening their hearts and homes to aid to the victims of the hurricane. It is unfair for a few to gain huge profits while many others are sacrificing.

A frequent comment in recent discussions about the effectiveness of price controls is "Price controls didn't work in the 1970s." However, price controls in the 1970s were imposed for long periods of time, several years in fact. In the current situation, we are talking about a much shorter period of freeze—indeed I am urging a temporary freeze until supplies are restored to pre-hurricane levels. Until then, the market cannot function properly: supply cannot be increased no matter how high the price. Hence, the experience of the 1970s is not relevant to the current situation.

Under the bill I am introducing, once the market is restored to its pre-hurricane condition, the authority in this bill to freeze prices would expire.

There is a recent precedent for this action. In 2001, the Federal Energy Regulatory Commission imposed price caps on the wholesale price of electricity in California and other western markets in times when demand outstripped supply. FERC found the market was "dysfunctional" under these circumstances and price controls were necessary to provide "just and reasonable" rates for consumers.

President Bush supported FERC's price controls in the California electricity market. In so doing, the President referred to FERC's action as a "market-based mitigation plan" rather than price controls. Whatever the name, however, the effect was the same: when supply was inadequate to meet demand, the FERC stepped in to cap prices to keep rates just and reasonable.

The legislation I am introducing would provide the President with the

authority to temporarily freeze the price of gasoline and other refined products at or below the levels that prevailed before Hurricane Katrina hit the Gulf Coast of the United States. This authority would terminate when the President determines that the domestic supply of refined petroleum products meets or exceeds the level of domestic supply before Hurricane Katrina.

I ask unanimous consent that the text of this bill be printed in the RECORD. I urge my colleagues to support this legislation.

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

S. 1629

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Hurricane Katrina Emergency Temporary Energy Price Freeze Act of 2005."

#### SEC. 2. FINDINGS.

(a) The Congress hereby finds that—

(1) Hurricane Katrina has caused extensive damage to petroleum production, refining and transportation facilities, and extensive damage to port facilities and electricity generation facilities, causing additional shutdowns of refineries and loss of transportation capacity for petroleum products;

(2) the shutdown of refineries and reduction in transportation capacity for petroleum products caused by Hurricane Katrina has led to massive price increases for petroleum products throughout the United States;

(3) these massive price increases have caused severe hardships for millions of Americans who depend upon affordable and adequate supplies of gasoline and petroleum products for transportation and other daily necessities; and

(4) these massive price increases threaten the availability and affordability of many products in interstate commerce.

(b) To address these problems caused by Hurricane Katrina, the President should temporarily freeze the price of gasoline and other petroleum products to reduce the burden on millions of Americans and interstate commerce from rapidly increasing prices of gasoline and other petroleum products.

#### SEC. 3. PRESIDENTIAL AUTHORITY TO FREEZE PRICES.

(a) The President is authorized to issue such orders and regulations to temporarily freeze wholesale and retail prices of gasoline and other petroleum products at or below the levels prevailing on August 27, 2005. Such orders and regulations may provide for the making of such adjustments as may be necessary to prevent any gross inequities.

(b) The President may delegate the performance of any function under this Act to such officers, departments, and agencies of the United States.

#### SEC. 4. ENFORCEMENT.

(a) Whoever willfully violates any order or regulation under this section shall be fined an amount up to three times the amount of the gain from such violation.

(b) The President, or any person delegated authority under this Act by the President, shall have authority to seek a temporary or permanent injunction in the proper United States district court to prevent or halt violations of orders or regulations issued under this Act.

#### SEC. 5. TERMINATION OF AUTHORITY.

The authority under this Act shall terminate upon a finding by the President that the



domestic supply of petroleum products meets or exceeds the level of domestic supply as of August 27, 2005.

By Mr. OBAMA:

S. 1630. A bill to direct the Secretary of Homeland Security to establish the National Emergency Family Locator System; to the Committee on Homeland Security and Governmental Affairs.

Mr. OBAMA. Mr. President, today I introduce a bill to provide some assistance to those tens of thousands of Americans who have found themselves in one of the worst nightmares I can imagine—they are separated from their spouses, their children, and their parents. These Americans are struggling to locate their loved ones displaced by the horrors of Hurricane Katrina. They are searching the Astrodome, combing the Internet, hoping that their family members have survived the storm and will get in touch with them. A similar plight is faced by those victims who have weathered the storm and want to tell their family and friends that they are okay.

I have received dozens of calls to my offices in Illinois from constituents asking my caseworkers to help them locate their relatives lost in the Gulf Coast. Greta from Chicago was looking for her Aunt Perra Lee. John from Romeoville was looking for his children and grandchildren in Biloxi. The calls kept coming, but my staff could only point these constituents to various nonprofit organizations doing their best to provide locator services. There was no centralized Federal Government system in place to deal with this issue. Such a system should be in place.

The government must provide these people with a means to let their families know that they are out of harm's way. Various non-profit organizations and news services have done a stellar job at using the Internet to connect displaced people with their families. Our government, through the Department of Homeland Security, should synthesize the best aspects of these services, so that after an emergency, displaced individuals can call one phone number or go to one website, and post their location and condition. Family members and law enforcement officials should be able use this same secure, centralized system to check the status of missing loved ones.

I am introducing a bill—the National Emergency Family Locator System Act that will instruct the Department of Homeland Security to create such a system. I hope that the next time our country experiences a disaster like Katrina, this system will provide worried families with some sense of relief.

I hope my colleagues will support this legislation and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection the bill was ordered to be printed in the RECORD, as follow:

S. 1630

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “National Emergency Family Locator Act”.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term “Department” means the Department of Homeland Security.

(2) EMERGENCY.—The term “emergency” has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(3) SECRETARY.—The term “Secretary” means the Secretary of Homeland Security.

(4) SYSTEM.—The term “System” means the National Emergency Family Locator System established under section 3(a).

#### SEC. 3. NATIONAL EMERGENCY FAMILY LOCATOR SYSTEM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish within the Department the National Family Locator System.

(b) PURPOSES.—The purposes of the System are—

(1) to enable individuals displaced by an emergency to provide to the Department the name and location of the displaced individuals and any other relevant information using the telephone, the Internet, and other means determined to be appropriate by the Secretary; and

(2) to enable the Department—

(A) to compile the information collected under paragraph (1); and

(B) to provide the information collected and compiled under the System to the family members of the displaced individuals and law enforcement officials.

(c) CONSIDERATIONS.—In establishing the System under subsection (a), the Secretary shall take into account and, to the maximum extent practicable, incorporate into the System—

(1) intermediary-based locator systems such as the National Next of Kin Registry; and

(2) information from existing family locator databases, such as the Family News Network of the International Committee of the Red Cross.

#### SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 234—RELATIVE TO THE DEATH OF WILLIAM H. REHNQUIST, CHIEF JUSTICE OF THE UNITED STATES

Mr. FRIST (for himself, Mr. REID, Mr. MCCONNELL, Mr. DURBIN, Mr. SPENCER, Mr. LEAHY, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CHAFFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mrs. DAYTON, Mr. DEMINT, Mr. DEWINE,

Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 234

Whereas William H. Rehnquist, the late Chief Justice of the United States, was born in Milwaukee, Wisconsin, to William Benjamin Rehnquist and Margery Peck Rehnquist and raised in Shorewood, Wisconsin;

Whereas a young William H. Rehnquist served our Nation during the Second World War in the United States Army Air Force at home and abroad from 1943 to 1946;

Whereas William H. Rehnquist enrolled in Stanford University, where he earned a bachelor's and master's degree in political science and was elected to Phi Beta Kappa;

Whereas William H. Rehnquist earned a second master's degree in government from Harvard University;

Whereas William H. Rehnquist graduated first in a very impressive class, including his future Supreme Court colleague, Sandra Day O'Connor, from Stanford University's School of Law;

Whereas William H. Rehnquist began his legal career by serving as a law clerk to Supreme Court Justice Robert Jackson;

Whereas William H. Rehnquist married the late Natalie Cornell, and they raised 3 children, James, Janet, and Nancy;

Whereas William H. Rehnquist was an accomplished attorney, having practiced law for 16 years in Phoenix, Arizona;

Whereas President Richard Nixon selected William H. Rehnquist to serve as Assistant Attorney General for the Office of Legal Counsel of the Department of Justice;

Whereas President Richard Nixon also nominated William H. Rehnquist to serve as an Associate Justice on the Supreme Court of the United States;

Whereas President Ronald Reagan nominated William H. Rehnquist to serve as the sixteenth Chief Justice of the United States;

Whereas William H. Rehnquist had a profound love for history and respect for the arts and served as Chancellor of the Smithsonian Institution for 19 years;

Whereas William H. Rehnquist was a skilled writer and avid historian and authored several books on Supreme Court history and the American legal system;

Whereas William H. Rehnquist was a man of enormous intellect and great common sense, a combination that was reflected in the clarity of his opinions;

Whereas William H. Rehnquist's record illustrates his unwavering commitment to judicial restraint, judicial independence, and the rule of law;

Whereas, under his firm leadership and superb managerial skills, William H. Rehnquist efficiently managed the Supreme Court of the United States for 19 years;

Whereas leaders of both political parties agree that William H. Rehnquist served with honor and integrity in his role as the second Chief Justice of the United States to preside over a presidential impeachment trial, respecting the institutional domain of the Senate and its processes, procedures, and traditions;

Whereas, as the leader of the Supreme Court, William H. Rehnquist was highly regarded by all of his colleagues, including those with differing judicial philosophies;

Whereas his former colleagues have described William H. Rehnquist as a "splendid administrator", "the most efficient manager", "a great Chief Justice", "meticulously fair", and the "most all-around successful" Chief Justice;

Whereas William H. Rehnquist served with distinction on the Supreme Court of the United States for over 14 years as an Associate Justice and 19 years as the Chief Justice, more than 33 years in all;

Whereas William H. Rehnquist was the fourth longest serving Chief Justice of the United States;

Whereas William H. Rehnquist was 1 of our Nation's most influential and memorable Chief Justices;

Whereas William H. Rehnquist was the embodiment of the ideal qualities of a judge, fair, impartial, open minded, and above all committed to the Constitution and the rule of law;

Whereas William H. Rehnquist will be remembered as 1 of the greatest Chief Justices of the United States;

Whereas William H. Rehnquist passed away on September 3, 2005, surrounded by his loving family; and

Whereas our Nation is deeply indebted to William H. Rehnquist, a truly distinguished American: Now, therefore, be it

*Resolved*, That the Senate—

(1) extends its heartfelt sympathy to the family and friends of William H. Rehnquist;

(2) acknowledges William H. Rehnquist's life-long service to the United States of America as a World War II veteran, a talented attorney, a dedicated public servant, a brilliant jurist, and one of our Nation's greatest Chief Justices; and

(3) commends William H. Rehnquist for his 33 year tenure on the Supreme Court of the United States and his many accomplishments as Chief Justice of the United States.

#### SENATE RESOLUTION 235—TO PERMIT THE SOLICITATION OF DONATIONS IN SENATE BUILDINGS FOR THE RELIEF OF VICTIMS OF HURRICANE KATRINA

Mr. LOTT (for himself, Mr. DODD, Mr. COCHRAN, Ms. LANDRIEU, Mr. VITTER, Mr. SHELBY, Mr. SESSIONS, Mr. FRIST, Mr. REID, Mr. DOMENICI, Mr. ALLARD, Mr. KOHL, Mr. KYL, Mr. AKAKA, Mr. GREGG, Mr. KENNEDY, Mr. ALEXANDER, Mr. MARTINEZ, Ms. MURKOWSKI, Ms. COLLINS, Mr. ENZI, Mr. THOMAS, Mr. CHAMBLISS, Mr. CARPER, Mr. DORGAN, Mr. LAUTENBERG, Mr. CORZINE, Mr. REED, Mr. LIEBERMAN, Mr. DEWINE, Mrs. HUTCHISON, Mr. DAYTON, Mr. JEFFORDS, Mr. THUNE, Mr. ALLEN, Mr. DEMINT, Mr. COBURN, Mr. BURR, Ms.

STABENOW, Mr. PRYOR, Mr. BINGAMAN, Mr. HAGEL, Mr. SANTORUM, Mr. SALAZAR, Mr. STEVENS, Mr. ROBERTS, Mr. TALENT, Mr. KERRY, Mrs. LINCOLN, Mr. HARKIN, Mr. COLEMAN, Mrs. DOLE, and Ms. CANTWELL) submitted the following resolution; which was considered and agreed to:

S. RES. 235

*Resolved*,

#### SECTION 1. SOLICITATION FOR HURRICANE KATRINA RELIEF.

Notwithstanding any other provision of the rules or regulations of the Senate—

(1) a Senator or employee of the Senate may solicit another Senator or employee of the Senate within Senate buildings for non-monetary donations for the relief of victims of Hurricane Katrina; and

(2) a Senator or employee of the Senate may work with a nonprofit organization with respect to the delivery of donations described in paragraph (1).

#### AUTHORITY FOR COMMITTEES TO MEET

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 7, 2005 at 1:30 p.m. to hold a briefing.

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

#### PERMITTING SOLICITATION OF DONATIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to consideration of S. Res. 235, 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. 235) to permit the solicitation of donations in Senate buildings for the relief of victims of Hurricane Katrina.

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

Mr. LOTT. Mr. President, the ranking member of the Senate Rules Committee, Senator DODD, and 47 other Senators and I today submitted a resolution that would allow Senators and Senate staff to make donations of food, clothing, medical supplies, and other needed materials for victims of Hurricane Katrina.

Current Senate regulations prohibit any soliciting within Senate buildings. This resolution suspends these regulations for noncash solicitations among the Senate family. It is my hope this resolution will demonstrate the generosity of Senators and staff and will help ease the suffering of the millions of people along the Gulf whose lives have been devastated by this unprecedented disaster.

But I think we can do more at this time of crisis. I believe Senators should be able to use Senate facilities to encourage all of our constituents and friends to donate to charities that are

working 24 hours a day to help alleviate the suffering caused by the hurricane, and I intend to introduce legislation that will facilitate that effort.

This is a modest effort at time of great suffering. We need to do more right now and not allow inflexible rules to prevent us from helping our citizens at a time of crisis.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution 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. 235) was agreed to, as follows:

S. RES. 235

*Resolved*,

#### SECTION 1. SOLICITATION FOR HURRICANE KATRINA RELIEF.

Notwithstanding any other provision of the rules or regulations of the Senate—

(1) a Senator or employee of the Senate may solicit another Senator or employee of the Senate within Senate buildings for non-monetary donations for the relief of victims of Hurricane Katrina; and

(2) a Senator or employee of the Senate may work with a nonprofit organization with respect to the delivery of donations described in paragraph (1).

#### UNANIMOUS CONSENT AGREEMENT—H.R. 2862

Mr. FRIST. Mr. President, I ask unanimous consent that following morning business on Thursday, September 8, the Senate proceed to the immediate consideration of Calendar No. 137, H.R. 2862. I further ask 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.

#### ORDERS FOR THURSDAY, SEPTEMBER 8, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, September 8. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved and the Senate proceed to a period for morning business for up to 60 minutes, with the first 30 minutes under the control of the minority leader or his designee and the final 30 minutes under the control of the majority leader or his designee; provided that following morning business, the Senate proceed to the consideration of H.R. 2862, the Commerce, Justice, Science appropriations bill as under the previous order.

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

#### PROGRAM

Mr. FRIST. Mr. President, tomorrow the Senate will turn to the Commerce,

Justice, Science appropriations bill. The managers will be ready to go through amendments and expedite consideration of this important bill. I encourage our colleagues who may have amendments to work with the managers tomorrow morning in order to schedule consideration.

In addition to that measure, we anticipate a further supplemental appropriations bill to arrive from the House. We will need to act quickly on that emergency funding to continue our ef-

forts in our Southern Gulf States. Therefore, there will be votes during Thursday's session of the Senate, and I will announce Friday's voting schedule tomorrow once we can gauge our progress.

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ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:01 p.m., adjourned until Thursday, September 8, 2005, at 9:30 a.m.

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CONFIRMATION

Executive nomination confirmed by the Senate Friday, July 29, 2005:

DEPARTMENT OF STATE

FRANCIS JOSEPH RICCIARDONE, JR., OF NEW HAMPSHIRE, TO BE AMBASSADOR TO THE ARAB REPUBLIC OF EGYPT.