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Senate

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

PRAYER

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

Let us pray.

Almighty God, the Giver and Lord of life, to You we lift our hearts and in You we put our trust. Keep us from doing less than our best. Show us your way and teach us Your path. Lead us to Your truth, Lord, and we will live with abundance.

Today, give our Senators words that will bring light, hope, and peace. Let their speech be seasoned with a humility that seeks first to understand before it is understood. As they strive to be forces for good, give them the contentment that comes from an earnest desire to please You. Give all of us the power to rule our spirits, so that we may bring glory to Your 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 leader time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with the first half of the time under the control of the majority leader or his designee and the second half of the time under the control of the Democratic leader or his designee.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will begin with a 1-hour period for morning business to allow Senators to begin to make statements. Following that time, we will return to consideration of the Commerce-Justice-Science appropriations bill. In order to finish that bill in the next day or two, we will need the cooperation of all Senators, and that is our objective. Senators SHELBY and MIKULSKI will be managing the bill and I expect a full day of consideration on that legislation. Rollcall votes will occur today and tonight on amendments, although we are making every effort to accommodate the Judiciary Committee over the course of the day in their hearings on the nomination of Judge Roberts.

At this time, we have one vote scheduled this afternoon and that vote will be at 12:30 on the passage of S.J. Res. 20, a resolution of disapproval regarding a set of EPA regulations. Following that vote, we will recess briefly until 2:15 for our weekly policy luncheons.

MEETING WITH IRAQI PRESIDENT JALAL TALABANI

Mr. FRIST. Mr. President, later today, several of our Senate colleagues and I will have the honor of hosting interim Iraqi President Jalal Talabani and members of his cabinet in the U.S. Capitol. President Talabani was elected in April of this year. Since then, we have seen the Iraqis form their first democratically elected Government in over half a century. We have also witnessed complex and painstaking negotiations to draft a permanent Iraqi constitution. That historic document, that hopeful document, will be put to the people October 15, which is one short month away.

The draft Iraqi constitution is a solid foundation for a democratic Iraq. It establishes a true democracy, a democratic system in which the voice of all Iraqis will be heard, human rights will be protected, the rule of law will be respected, and women will be full and equal political partners. It is a product of deliberate negotiations that included letters from all of Iraq's ethnic and religious groups. The process required enormous patience and flexibility—in other words, the tools of the democratic process—and it required great courage.

In the face of constant terrorist threats and violence, the Iraqi people showed once again their determination to secure their rights and their future as a free and democratic nation. Garnering support for the new constitution is now one of President Talabani's most pressing tasks. In our meeting today, I will urge President Talabani to continue his efforts to reach out to all segments of Iraq's diverse population. It is vital that Iraqis of all walks of life participate in this referendum next month.

It is also vital that the Sunni population rally behind this constitution and the framework of democracy and the governance it establishes. The Sunnis have raised concerns about federalism, about the role of Sharia law, and the allocation of oil revenues. These are all important issues that concern all of us as well.

I look forward to hearing President Talabani's response in our discussions today. I also look forward to learning more from the President about conditions on the ground, his views on the security situation, the training and equipping of Iraqi security forces, and the pace of economic reconstruction and revitalization. I will report back to this body either later today or tomorrow what I learned.

In the meantime, I urge my Senate colleagues to continue to support the democratic aspirations of the Iraqi

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



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people in their efforts to secure their liberty and to fulfill their democratic potential. This is an extraordinary opportunity to change the course of history and bring peace and stability to the heart of the Middle East. The challenge is great, but we must persevere. America's security will depend on it. We cannot allow the terrorists to achieve their twisted aims and we cannot allow Iraq to fall into chaos or sectarian violence or return to those days of brutal tyranny and support for the terrorists.

By the same token, Iraqis must continue to persevere as well. They must defeat the terrorists. They must deny them sanctuary in their communities. They must reject their heinous philosophy of murder.

Freedom for Iraq is essential for freedom at home, and that is why we must continue to stand alongside our Iraqi partners. Over time, we will step aside as they assume complete responsibility for their security and for their future.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. Could I inquire, is the leader prepared to speak or could I go ahead and make some remarks?

The PRESIDENT pro tempore. The Senate is in a period for morning business. The majority is in control of the first half of the time.

IN THE AFTERMATH OF HURRICANE KATRINA

Mr. LOTT. Mr. President, I observe that the President pro tempore of the Senate is looking quite spiffy this morning in his bow tie.

At this point in my life, any ray of light and happiness is welcomed. I will take a few minutes to sort of bring up to date my feelings about what is happening in the aftermath of Katrina.

I want my colleagues to know that there are some positive developments. It is hard to know that or decipher that if one listens to the media and the negative things. I admit it is not a perfect situation, but each day a little progress is being made.

My staff and I are staying in touch with mayors, supervisors, State officials, and volunteer organizations, and we do feel we are making some headway. I again want to emphasize, though, this is an overwhelming disaster that is in many ways too much for human beings to comprehend or contend with. It is going to take time, patience, diligence, effort, and, yes, money, that we must count on from voluntary contributions and the Federal Government.

I do think we are making some progress. Right now the biggest prob-

lem is probably temporary housing. After disasters, there are always stages. There is the immediate aftermath where people are trying to get into the devastated area, trying to save lives, then trying to get basics such as water, food, generators, and gasoline. Then there is the move into the early cleanup and the need for temporary housing. We are kind of in that phase.

It is very hard to deal with the logistics of moving temporary housing, whether it is ships or trailers, into the area to be staged to move individuals. That takes time. It is very difficult. It happens after every hurricane and probably after every disaster. If we are looking for a place where we need to find a way to move fast and do a better job, emergency housing is probably one of those we should focus on.

I want to thank my colleagues again on both sides of the aisle for their letters, their calls, their expressions of concern and sympathy. Beyond that, I want to thank Senators who have taken personal action, things one would never have dreamed of, such as the Senator from Alaska, who has made a very generous offer. We needed tetanus shots. The Senator from New Jersey, Mr. CORZINE, helped us get the tetanus shots we needed. I could go through the entire Chamber and name Republicans and Democrats, people from all over America, who have taken helpful actions.

At least once a week, I want to come to the floor and speak briefly about the good things. There will be plenty of time to try to find a way to make things better in the future. I do hope the Senate will not pass a series of rifleshoot pieces of legislation, well intentioned and needed quickly—we need that—but I hope we will look at a broader recovery effort, something that will make sure the area does not just recover and rebuild and get the economy growing but we do it in a way that will be magnificent for the people, the area, and the country. We can learn from this for other parts of the country when disasters hit.

We have the immediate problem, we have the short-term needs, and we have the long-term needs that we need to think about a little bit. It is hard to be patient when you are flat on your back. But I do think, before we start setting up commissions to do this, a czar to do that, rebuilding authority to supervise something else, let's think those through carefully first. I am counting on my colleagues in the Senate, the committee chairmen particularly, to think about that. But also we have to make sure our leadership pulls us together and we coordinate our efforts.

I want to focus on two areas without which we could not have made it. One is the military. We know how valuable our men and women in uniform are. But we couldn't have made it without the Coast Guard, without the National Guard, without the 82nd Airborne, without General Honore, and without

Thad Allen, Coast Guard Chief of Staff now in charge of recovery in Louisiana and Mississippi, without the thousands of troops who came in, restored order, and started cutting through the debris and providing help, the Seabees out of Gulfport, MS. By the time we got to the end of the first week, we had a battalion in every county in Mississippi.

They were doing their work. Nobody was directing them. They found a problem and they got it done. So let's not have any thought by Active-Duty military personnel, or anybody, that we should not think about our National Guard in terms of disaster assistance and to make sure they have the equipment to cut through and get through and deliver the supplies we need. When I flew over New Orleans 10 days ago, it was like a war zone. We had helicopters coming through with triaged patients. We had helicopters with water buckets. We had helicopters dropping food. We had helicopters picking up people. It was magnificent and marvelous.

Before this is over, I will have a long list of individual stories about the military and particular units that went beyond the call of duty.

Some people are saying the Federal Government has not done this or the Federal Government has not done that. Let me say when the National Guard and our military arrive on the scene, things change. We could not have made it without them, period. People would have died, many people would have died were it not for the Coast Guard and National Guard and our regular military. We have turned to our Navy, every one of our branches. Keesler Air Force Base has been a major staging center and helped thousands of people.

The other area I want to acknowledge, once again, is the incredible human kindness and initiative of individuals, volunteers, faith-based groups of all kinds, and charitable groups. I told the story last week about a group of men who came from Burke, FL, with a Bobcat and a front-end loader. They showed up at my yard and said: Can we help? I asked them where they were from. I think they were from a church in Burke, FL. I didn't get their names. There was too much going on. I said: Could you please clear the road in that area so we can get trucks and equipment in there? Can you help that lady get into her house because you couldn't even get in to see what was left.

They went to work. I saw them off and on all day. I never talked with them again. They just went to work. Through voluntarism, people have shown up with generators and chain saws and said: Where can I help? From all over the region—from all over America. I know personally of several churches. I will not start by denomination, but let me say groups of all faiths and denominations, Protestant, Catholic, Jewish, and probably Muslim, too. They all went to work.

One I am particularly aware of was Christ United Methodist in Jackson,

MS. They formed an organization, inspired, I think, by the wife of Congressman CHIP PICKERING. They started bringing in supplies. They got people organized from all different denominations. They sorted the gifts, they boxed them, they labeled them, and they sent out two 18-wheelers a day. Nobody told them where to go. They said: What do you need? And they sent it.

That story has been replicated over and over again. So there are heroes—individuals, first responders, military, people who just showed up and went to work, church-related groups. If it were not for the volunteers, the church-related groups, Red Cross and Salvation Army, I don't know where we would be.

Maybe that is the way it should be. This is still America. It is individual Americans who respond to every crisis and will do whatever needs to be done, will pay any price. I want the record to show there are a lot of people who have contributed so much personally. They have cried with us, they sweated with us, they bled with us, and they are doing it now on the ground in Pascagoula, MS, Biloxi, Gulfport, Pass Christian, Long Beach, Bay St. Louis and Waveland and towns in the hinterland throughout Louisiana.

I thank all those who have come to our aid. It is not over yet. Keep it coming.

Mr. President, I yield the floor.

Mr. WARNER. Mr. President, will the Senator yield for a question?

Mr. LOTT. I am happy to yield.

Mr. WARNER. I am going to follow on with some greater detail about, as you say, the extraordinary participation of the men and women of the Armed Forces and, indeed, the Coast Guard, which is separate from my report that will be included with others today.

It is very important that you addressed the Senate this morning. If I may say, I have been privileged to serve with you nearly a quarter of a century in this institution. I commend you for your personal courage. You have faced adversity such as few of us have ever experienced. Throughout this year, there has been personal tragedy—loss of your mother, loss of your house—yet we see the leadership you have provided, indeed, as has our President and this institution and others in the face of this hurricane.

The Armed Services Committee is starting its briefing this morning. Two reports come from the Department of Defense to the Congress everyday, giving a detailed analysis with regard to the deployment of our troops. I left the briefing to come speak to the Senate this morning. We will be changing the force structure to meet the needs. For example, in all probability, the carrier can now move out, if it has fulfilled its mission. Frankly, as distressing as it is, there are tremendous assets connected with mortuary responsibilities which are now being moved in by the Department.

I want to thank our colleague. I know the Presiding Officer, the Presi-

dent pro tempore of the Senate, shares these feelings with every Member of this body. We salute you and your family.

Mr. LOTT. If the Senator will yield, I do appreciate his very kind remarks. I hope he will convey for me and the people of my State, and I am sure Louisiana and Alabama, too, to the military officers with whom you will be speaking, how much we appreciate what they have done. I don't know the numbers but it is thousands, maybe as many as 40,000 National Guardsmen. I flew in a Blackhawk helicopter a week or so ago—they were from New York; and I know they are there from Nebraska and Arkansas and all over America, literally. And of course the Active-Duty personnel. But the Coast Guard is a separate story. The Coast Guard, before, during, and after the hurricane, saved thousands of lives. When it was over, they didn't quit. But there are so many other things they have done. Channels have been cleared so we can get ships in. My hometown, it is navigable into our industrial site where we have a water refinery.

The USS *Comfort* is providing now for our medical needs and providing a bed to sleep in for first responders and food for people who haven't had a good meal in quite some time. They came in early. I could go down the list.

Once again, we have learned that our military is not just about fighting, preserving peace, and our interests around the world. They are there in disasters, man made and natural, in a way that nobody else could be.

The attitude of our men and women and the professionalism of the officers I met with was so impressive. I flew into the command center at Gulfport, MS. The National Guard was in command there. A three-star General from Alabama was there. The Alabamians were there right after the Mississippians got there because it took 7 hours to get to the scene because you had to cut through the pine trees on Highway 49 to get there. It took them 7 hours to get less than 90 miles.

I could go on and on, but the record needs to reveal the tremendous job that has been done, how important they are, as they work with us as we transition into different needs.

I thank the Senator for his comments about my own personal situation. In life you get a lot of trials. It is very hard. But what is the hardest is to see how these people now are still suffering in heat and debris. There are so many needs, and we can't get the help there fast enough. This is the time to try men's souls, but will make you stronger and better in the end.

Mr. WARNER. Mr. President, our distinguished colleague has stood the test—

Mr. LOTT. Thank you.

Mr. WARNER.—you and your fellow Senators from the three States most grievously affected. If you wait a minute, I will give you the following figures. Today, more than 72,000 mem-

bers of the Armed Forces have been deployed to the Gulf Coast, including 22,439 Active-Duty and more than 45,871 members of the National Guard—of which over 400 come from my State, I say to the Senator. I went down Friday in my State to prepare one of the bases to receive the evacuees. But every single State in our Union, including the territories, has contributed their Guard in response to the needs of your community.

ARMED FORCES RESPONSE TO KATRINA

Mr. WARNER. I thank the distinguished Presiding Officer. Mr. President, I would first like to say, as I mentioned, we receive a report everyday in the Senate from the Department of Defense regarding specifically the Guard and Active-Duty. Then, in addition, we receive a report from the Corps of Engineers. Our committee is a repository of these reports, but I am happy to share them with any Senators who so desire. They need only contact the Armed Services Committee or me personally, and I will see they are provided with the reports.

I join Senator LOTT and others in expressing our profound gratitude and pride to the men and women of the Armed Forces and indeed their families who are left at home for their service, responding with courage and untiring professionalism and compassion to our fellow citizens who fell victim to this tragic disaster.

As you know, our military has a supporting role in the effort. I underline "supporting role" because in no way do we mean to displace the valiant efforts of those on the scene, the first responders, such that were able to muster their forces and respond.

I wish to pay tribute to the magnificent response of all. I have stated the numbers a minute ago.

Furthermore, I wish to highlight that the National Guard forces are meeting the challenge, as well as the national commitments—Afghanistan and Iraq. Once again, our Guard is—I don't like to use the word "stressed," but they are challenged. I have spoken with General Blum, who is the Commander of the National Guard. He never once flinched when he said we are doing the job and we are going to succeed. Our hats are off to the National Guard. The Navy deployed 20 ships, including the USS *Harry S Truman*—it is an aircraft carrier. I remember when that ship was named—the USS *Whidbey Island* and the USS *Iwo Jima* and the USNS *Comfort*, the hospital ship. More than 400 aircraft, including 373 helicopters and 93 airplanes, are in support of search and rescue, medical evacuation, and logistical supply missions.

The heroism of those who pilot those helicopters and the crews who go down and rescue the individuals—those chapters in our history will be recorded for

posterity. They are absolutely magnificent. We have seen a tremendous response from our rotary and fixed-wing pilots.

Again, to date, the Active-Duty Forces have flown more than 2,783 sorties and the National Guard has flown more than 9,240 sorties. These sorties resulted in the evacuation of more than 80,000 people and the rescue of more than 15,000 people.

Additionally, more than 1,200 beds are available in field hospitals, and seven military installations are providing support as transportation staging areas as ice, water, food, and medical supplies as they became available.

Stop and think. In our daily lives, we go to our refrigerators and there is ice. Ice is something that is badly needed in these high temperatures. I specifically put it in because I watched, as almost every American has watched, as these individuals in their own quiet way ask for certain things. I was particularly struck by the need for ice and fresh water.

The amount of humanitarian support provided to the region is astounding. More than 16 million meals-ready-to-eat—the old MRE or military meals—44 million liters of water, and more than 175 million pounds of ice have been delivered to date.

The Army Corps of Engineers has 39 of its 137 permanent pumps operating throughout New Orleans, with an additional 46 military pumps operating at a lower capacity.

I understand the water level in New Orleans is dropping more than 1 foot per day. They have removed 94,000 cubic yards of debris and opened the Mississippi River to shallow draft traffic and deep vessels less than 39 feet.

As indicated by the tremendous support I have outlined, it is clear that the deep magnitude and devastation of Hurricane Katrina has resulted in an unprecedented response from the Department of Defense.

I want to say first that I do not wish to take away anything from the DOD or the dedicated men and women who have responded to the devastation caused by Hurricane Katrina—as it is, without question, a catastrophe without parallel in modern American history, and of a magnitude not seen in my lifetime. However, as many of our colleagues know—and as chairman of the Armed Services Committee—I am deeply concerned that the Department of Defense and our President have authorities to correct standby authorities in permanent law which they need to manage disasters.

Shortly I will engage in a colloquy, hopefully, with my distinguished chairman of the Homeland Defense Committee on the subject of what we should do in the future to look at the framework of laws and standby authorities to determine how better—I repeat, how better—not to fault those who performed in this catastrophe, but how best the totality of all the resources of our Nation can be brought to

bear should we ever have the misfortune of another natural disaster or, indeed, a terrorist act of the magnitude that we witnessed.

When I was privileged to assume chairmanship of the Armed Services Committee—before 9/11, I point out—our committee established a subcommittee called Emerging Threats. The function of that subcommittee has, is, and will be to look into the future to determine how best to prepare, primarily in our case, for a terrorist attack against our Nation. But those preparations can easily be directed toward a natural disaster, should it occur. I am very proud of the accomplishments of that subcommittee in the years I have been privileged to be chairman. But I believe the time has come that we reflect on the Posse Comitatus Act and other statutes which have stood by and served this Nation quite well in years past.

Mr. President, I ask unanimous consent to have printed in the RECORD additional documentation.

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

DOD SUPPORT FOR HURRICANE KATRINA
RELIEF: EXECUTIVE SUMMARY
COMMAND AND CONTROL

U.S. Northern Command Commander is Admiral Keating in Colorado Springs, Colorado.

Joint Task Force Katrina East (Forward) is located at Camp Shelby, Mississippi—Lieutenant General Honore is on the USS *Iwo Jima* pier side in New Orleans, Louisiana.

Joint Task Force Commander for the Louisiana National Guard is Major General Landreneau, at New Orleans.

Joint Task Force Commander for the Mississippi National Guard is Major General, Cross, at Stennis Space Center, Mississippi

OPERATIONAL HIGHLIGHTS

72,614 Active Duty and National Guard personnel are on the ground or aboard ships supporting relief operations:

22,439 Active Duty
1,895 Reserves (573 Marine Corps, 53 Army, 450 Air Force, 819 Navy)
45,871 National Guard (2,409 outside area ready to assist)

19 U.S. Navy ships are in the area.

Total aviation support in area:

346 helicopters (Active Duty and National Guard).

68 airplanes (Active Duty and National Guard).

DoD has provided extensive search and rescue, evacuation, and medical support:

2,783 Active Duty sorties flown—123 in the past 24-hours.

9,240 National Guard sorties flown—136 in the past 24 hours.

Total DoD medical personnel in the area is 2,037 (1072 Active Duty and 965 National Guard). Lieutenant General Honore directed that no Federal military service member will perform or assist with any type of forced evacuation.

JTF-Katrina is executing strategy that focuses on recovery while continuing to support disaster relief operations.

82nd Airborne Division, 1st Cavalry Division, I and II Marine Expeditionary Force conducting humanitarian assistance, search and rescue, evacuation and security assessments.

Division soldiers will not recover remains of deceased persons; will only mark and record locations for mortuary teams.

FEMA requested DoD perform all aspects of the mortuary affairs mission until another contractor can be found. The Secretary of Defense approved the deployment of 9 teams from the 54th Quartermaster Company Ft. Lee, Virginia. He also directed that 9 additional teams from the 54th be placed in be prepared to deploy status.

Commander, U.S. Northern Command requested the deployment of two fire trucks to support airport operations at New Orleans International—Both fire trucks in-place.

Mosquito spraying operations approved. Two sorties were flown by the: 910th Air Wing. They sprayed 912,000 acres in St. Bernard and Jefferson Parish.

Seven installations are providing support as transportation staging areas for ice, water, food and medical supplies.

21 million Meals Ready to Eat have been ordered by FEMA to support Hurricane Katrina response. 16.7 million have been delivered. 1 million have been diverted to Virginia and Georgia to support Hurricane Ophelia response if required.

789 beds are available in field hospitals: New Orleans International Airport (25 beds), USS *Bataan* (360 beds), USS *Iwo Jima* (105 beds), USS *Tortuga* (35 beds), 14th Combat Support Hospital (204 beds), and the USS *Shreveport* (60 beds).

Little Rock Air Force Base, Arkansas is the central collection point for supplies donated by foreign countries—119 nations and 12 international organizations have offered assistance.

Force Adjustments: USS *Harry S Truman*, USS *Whidbey Island*, Army Unmanned Aerial Vehicle Platoon, Army Aviation Assets, and the 920th Rescue Wing, 4th Expeditionary Medical Support, and 11th Marine Expeditionary Unit—USNS *Comfort* redeployment pending coordination and agreement between the Secretary DHS, Principal Federal Official, and State Officials that ship and unit are no longer required.

U.S. ARMY CORPS OF ENGINEERS SUPPORT TO
HURRICANE KATRINA
AUTHORITIES

USACE conducts its emergency response activities under two basic authorities:

The Flood Control and Coastal Emergencies Act (P.L. 84-99).

The Stafford Disaster Relief and Emergency Assistance Act (P.L. 93-288).

COMMAND AND CONTROL

Commander, USACE is Lieutenant General Strock in Washington, D.C.

USACE Task Force Commander is Major General Don Riley in Baton Rouge, Louisiana.

Mississippi Valley Division (MVD) Commander is Brigadier General Crear in Vicksburg, Mississippi. His area of operations covers the States of Louisiana and Mississippi.

South Atlantic Division Commander is Brigadier General Walsh in Atlanta, Georgia. His area of operations covers the States of Alabama and Florida.

OPERATIONAL HIGHLIGHTS

1,765 USACE personnel are supporting relief operations. Current unwatering estimates:

Orleans (East Bank)—02 Oct, Orleans East—08 Oct, Chalmette and Chalmette Extension—08 Oct, and 18 Oct for both Plaquemines basins. These dates are contingent on normal seasonal rainfall amounts.

TF Unwater is now pumping 19,056 CFS out of the parishes of New Orleans and Plaquemines.

Hydrogen plant continues to be our highest priority. Progress was made on debris removal and closure of the channel near the RR Bridge to isolate the plant's subbasin.

Water levels are falling at a rate of 18 inches per day.

Dutch team arrived in New Orleans and was briefed on situation. They will begin to assist in unwatering mission later today.

The German team began working at PS #19 last night and is scheduled to move on to PS #3.

Continuing to use booms to assist in containment of hazardous materials and working with EPA on this issue.

Actions for next 24 hours: We expect to add an additional 1,000 CFS at pump stations #3 and #7 in Orleans East Bank and 1,000 CFS in Plaquemines. We have identified a total of 27 levee breaches to date. Nineteen are attributable to the hurricane; eight are deliberate. Twelve interim repairs have been completed.

Water and Ice: 52,848,000 liters of water and 188,160,000 lbs of ice delivered to date:

Moving excess ice to prepare for Hurricane Ophelia.

Debris:

Total tonnage of debris removed and projected: 390,487 CY removed; 77.5M CY estimated.

Plaquemine Parish declined USACE assistance as of Sept. 10th.

Roofing:

Total temp roofs projected and completed: 51,000 projected and 262 completed.

Continuing to collect "Rights of Entry" in both MS and LA.

Power: 30 Prime Power soldiers working in the area:

Last 24 hours: Continued working assessments and generator installs in Mississippi and Louisiana:

We are experiencing problems with local personnel moving installed generators without coordination. This makes it difficult to properly maintain, refuel, and ultimately recover them.

Have completed 669 assessments and 159 generator installs to date.

Next 24 hours: Continue working to install power to permanent pumping stations, health facilities and to pumping stations around the hydrogen plant.

Navigation:

Mississippi River is completely opened all the way to the Gulf to shallow and deep draft vessels less than 39' (daylight only).

Inner Harbor Navigation Canal (IHNC) remains non operational due to bridge closures and sunken barges. Contractor expects to remove barges and open bridges by mid-week.

Housing:

We have completed the design review mission for FEMA Housing Area Command and are ready to perform quality assurance (QA).

We have completed dredging slips in Galveston for two cruise ships to dock and begin receiving evacuees.

Mr. WARNER. Mr. President, as we face an uncertain future as it relates to terrorism and the use of weapons of mass destruction, I have some thoughts with regard to this law which was passed in 1878 which restricts in certain ways—and the predicate for doing so is wise—men and women of the Armed Forces—that is, a permanent U.S. military as opposed to National Guard—in matters relating to law enforcement.

Traditionally, that has always been left to the local authorities, and that is the way it should be. But sometimes there may be one—I will have to examine the facts—that becomes so overwhelming or so incapacitated by a natural disaster, or perhaps a terrorist attack, that the Armed Forces may have to perform some of those duties. We

want to make sure the President has that capability.

Also, there are other permanent laws on the books called the Insurrection Statutes. At a very minimum, I would like to see the name changed that we put on this for reasons quite different than the threats and challenges that face this Nation today. But that statute also might be reviewed, along with the Posse Comitatus Act, to see whether other permanent pieces of law should be modified to meet the contingencies we face here in the future.

I see the distinguished chairman of the Homeland Defense Committee. I wonder if I might direct a question to her.

In the briefings we have had before our committee by members of various departments and agencies who had authorities to deal with this, I came away with an impression that we have to, in a very quiet and careful manner, look at the totality of the permanent law and regulations to determine what changes should be made to meet a contingency of the nature we have experienced—indeed, whether it is a natural disaster or military terrorist attack in the future. I wonder if our distinguished chairman has progressed in her thinking on this point.

The PRESIDING OFFICER. (Mr. VITTER). The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, if I may respond to the Senator from Virginia, the distinguished chairman of the Armed Services Committee, first, let me commend the chairman of the Armed Services Committee for his thoughtful approach to the issue of whether our laws and authorities are adequate to deal with a disaster of the magnitude of Katrina.

He has indicated his interest in taking a hard look at the Posse Comitatus law and also the Insurrection Act, both of which put certain restrictions on the ability of Active-Duty Forces to be used for law enforcement purposes and in other ways. I commend him for raising these very important issues.

It was evident from the briefing we had with FEMA and Coast Guard officials last week before the Homeland Security Committee that those on the front lines believe the current structures are inadequate to deal with a catastrophe of this magnitude. We talked directly to FEMA's Director of Operations as well as to a Coast Guard admiral who has been in charge of the search-and-rescue operation. Each of them, in response to questions from both of us, indicated this catastrophe has overwhelmed the organizational structures and requires a new way of thinking. Both of them indicated interest in our taking a look, a close examination, at the two acts which the distinguished chairman has mentioned. I commend him for following up on this issue.

I think it is important that we look at that, as well as a host of other issues related to our preparedness and our response.

Mr. WARNER. Mr. President, I thank the distinguished chairman. I am privileged to serve on her committee.

As a consequence of the close relationship between the Department of Defense and the various departments our committee—and I sit on a few—has over situations such as this—I might note for the RECORD the person from FEMA who appeared before your committee for the briefing was a career employee. I found him to be very qualified. He has some 30 years of experience. I think he shared with our committee some of his most profound thoughts based on some, I believe, 30 years experience. Am I correct?

Ms. COLLINS. The Senator is correct. He is a career employee, a member of the Senior Executive Service, with extensive experience.

Mr. WARNER. I thank the distinguished chairman.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I ask unanimous consent to speak in morning business for 10 minutes and that the allocated time be extended accordingly.

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

(The remarks of Ms. COLLINS pertaining to the introduction of S. 1690 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. COLLINS. Mr. President, I ask unanimous consent Senator BYRD be recognized at 11 a.m. and Senator VITTER be recognized at 11:30 a.m. in order to address the Senate.

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

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

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

CONCLUSION OF MORNING BUSINESS

Mr. DORGAN. Mr. President, let me ask that morning business be closed.

The PRESIDING OFFICER. Morning business is closed.

MAKING APPROPRIATIONS FOR SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES FOR FISCAL YEAR 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2862, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2862) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for

the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Lincoln amendment No. 1652, to provide for temporary medicaid disaster relief for survivors of Hurricane Katrina.

Dayton amendment No. 1654, to increase funding for Justice Assistance Grants.

Biden amendment No. 1661, to provide emergency funding for victims of Hurricane Katrina.

Sarbanes amendment No. 1662, to assist the victims of Hurricane Katrina with finding new housing.

Dorgan amendment No. 1665, to prohibit weakening any law that provides safeguards from unfair foreign trade practices.

Sununu amendment No. 1669, to increase funding for the State Criminal Alien Assistance Program, the Southwest Border Prosecutors Initiative, and transitional housing for women subjected to domestic violence.

Lieberman amendment No. 1678, to provide financial relief for individuals and entities affected by Hurricane Katrina.

DeWine amendment No. 1671, to make available, from amounts otherwise available for the National Aeronautics and Space Administration, \$906,200,000 for aeronautics research and development programs of the National Aeronautics and Space Administration.

Clinton amendment No. 1660, 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.

Coburn amendment No. 1648, to eliminate the funding for the Advanced Technology Program and increase the funding available for the National Oceanic and Atmospheric Administration, community oriented policing services, and State and local law enforcement assistance.

AMENDMENT SPONSORSHIP

Mr. DORGAN. Mr. President, with respect to the list of amendments that has been filed to the pending bill, the amendment that Senator SALAZAR has filed dealing with the hurricane, I ask unanimous consent that amendment be attributed to Senator BINGAMAN.

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

AMENDMENT NO. 1670

(Purpose: To establish a special committee of the Senate to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight the war on terrorism)

Mr. DORGAN. Mr. President, I call up amendment No. 1670, which I have filed at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 1670.

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

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

(The amendment is printed in the RECORD of September 8, 2005, under "Text of Amendments.")

Mr. DORGAN. Mr. President, I will describe very briefly this amendment—I shall come to the floor and talk about it more later—and then I will use the remaining minutes that are available to talk about an amendment I have previously offered to the bill.

This amendment, very simply, deals with the contracting that our country is paying for, particularly with respect to Iraq and Afghanistan. It especially deals with establishment of a special committee to investigate waste, fraud, and abuse.

Now, I indicated yesterday that whenever you speak of the company Halliburton, people think you are coming to the floor to criticize the Vice President. Let me say that is not the case. The Vice President was the president of Halliburton but not during any of the time that any of this has happened. But Halliburton has been, I believe, the largest contractor in Iraq. Halliburton and some other companies have been cited in ways that make my blood boil, and I believe it has the same reaction with the rest of the American people.

Let me read some headlines, if I might. Nobody, by the way, seems to want to investigate this, and nobody seems to care much about it.

"Halliburton Has Failed to Account for \$1.8 billion in Charges" for work performed in Iraq and Kuwait. That is from the Wall Street Journal of August 11, 2004.

"Pentagon Auditors Have Recommended Withholding 15% of Payments to Halliburton." That is from the Wall Street Journal of December 10, 2003.

... the [Pentagon's] top financial officer ... alerted [Secretary] Rumsfeld of "significant issues regarding the timeliness and adequacy of KBR price proposals" and "deficiencies" in its billing, purchasing, and estimating systems.

"Whistleblowers Have Documented Halliburton Waste, Fraud, and Abuse."

"Halliburton Overcharged \$186 Million for Meals." That is from the Federal Times of June 21, 2004.

"Halliburton Overcharged \$212 Million for Oil Deliveries."

I could go through this. I have a sheet that is eight pages long. And, yes, it talks about \$85,000 new trucks that are dumped on the side of the road because they have a flat tire or a fuel pump that is plugged. What do they do with it? Well, this is direct testimony from people who worked for Halliburton who drove the trucks, abandoned the trucks, let them torch the trucks for a flat tire. The list is unbelievable when you hear what has happened.

A contractor pays \$45 for a case of soda, \$100 for cleaning a 15-pound bag of laundry. We had one fellow who was buying towels—towels—for our soldiers. He held up two towels: This is a towel we would normally purchase, but we were asked by Halliburton subsidiary, Kellogg, Brown, & Root, KBR, to buy towels with their logo on it. So

you doubled the price of the towel to ship to the soldiers because it has the logo of the company on the towel.

In 1941, Harry Truman was in this Chamber. We had a Democrat in the White House. A Democratic Senator demanded an investigation of waste, fraud, and abuse, and a special committee was established called the Truman Committee. They went after waste, fraud, and abuse. I am sure it was not very pleasant for Franklin Delano Roosevelt down at the White House with a Democrat in the Senate demanding an investigation of waste, fraud, and abuse. The fact is, the Truman Committee uncovered massive waste, fraud, and abuse.

Now we have a President and a Congress controlled by one party. We do not even have oversight hearings on these things. I am the only one who has been holding hearings in the Democratic Policy Committee and having the whistleblowers come forward and talk about the massive waste, fraud, and abuse that exists. No oversight hearings. No accountability. Nobody seems to care.

My amendment, very simply, says there ought to be established a special committee to investigate this kind of waste, fraud, and abuse. Let me say to those who say, Well, you are trying to legislate on an appropriations bill, yes, I am. I am. I tried to offer this on the Defense authorization bill, which is where it belongs. I did offer it to the Defense authorization bill, and the Defense authorization bill was taken off the floor of the Senate; we are told never to reappear again. So the only option we have is to offer this kind of amendment on this appropriations bill.

So I wanted to describe what this amendment is. It would establish a type of Truman Committee to investigate waste, fraud, and abuse. It is not about politics. It is about, on behalf of the American people, asking the tough questions about waste, fraud, and abuse. We are shoveling money out the door, shoveling money—billions and billions, tens of billions of dollars—to be spent in the country of Iraq for rebuilding Iraq. Then we hear stories about the American taxpayer paying for the air-conditioning of a building in Iraq, and then it goes to a contractor and a subcontractor and somebody else who subcontracts from that, and by the time it gets installed, it is a ceiling fan, and the American taxpayer paid for air-conditioning.

Guess what. It is going on all over. The company orders 50,000 pounds of nails, 25 tons of nails, and they order the wrong size, so Halliburton's nails are lying in the sand somewhere in Iraq. Does anybody care about that?

We are talking about billions of dollars of no-bid contracts. I am going to hold a hearing on Friday with the woman who rose to the highest rank—the highest civilian employee in the Corps of Engineers, Bunnatine Greenhouse. And what is happening to her? Well, she had the guts to speak up and

speak out, saying these no-bid contracts were being awarded to Halliburton in an inappropriate way without following the rules.

Well, guess what happened to Bunnatine Greenhouse for raising those questions. She is losing her career over in the Pentagon at the Corps of Engineers. She is being demoted. She always had excellent, sterling evaluations—until she said: You can't do this. This isn't a buddy system. You can't be awarding contracts this way.

For her honesty and for her courage, she is told she is either going to be fired or going to be demoted, against, I might say, the wishes of the inspector general who is investigating it.

AMENDMENT NO. 1665

Mr. President, let me talk for a moment about the other amendment I have offered to this bill. As you know, today's trade announcement is we had a \$58 billion—\$58 billion—trade deficit in the last month; about \$700 billion a year, we are going to see. That is \$700 billion a year more than we send out in exports that we purchase in imports. So let me talk about this.

Here is what is happening in American trade. We are drowning in trade deficits. As you know, attendant to that, we are sending jobs overseas at a rapid rate.

Fruit of the Loom—you all remember the people dressed up as grapes, singing their little Fruit of the Loom songs. It used to be American underwear. But American underwear is no longer American. If you are wearing Fruit of the Loom somewhere in America today, you are wearing Mexican shorts or probably Chinese shorts and T-shirts. So Fruit of the Loom is gone, and 3,200 people who used to work for Fruit of the Loom are no longer employed.

PalmPilot—if anybody has worked on a PalmPilot, here is the last message from a young woman—I have her name, and I will not go through it, but I will at some other time when I have the time to do that. Here is the last message from a woman who worked for PalmPilot. By the way, she was forced to train her replacement, who is a worker from India, because those jobs went to India. Here is her last message on her PalmPilot: "My job's gone to India!!"

I have spoken at length about Huffy bicycles. I will not speak longer about them today, but all the folks in Ohio were fired. They used to make Huffies. Incidentally, this little thing between the handle bars and the front fender, that used to be an American flag decal. They cleverly changed it to a globe once the jobs went to China, and all the American workers were fired. Oh, it is still an American brand, it is just that Americans do not get a chance to make them any more because the American workers were paid \$11 an hour, plus benefits, and now they are made in China, but with workers who make 33 cents an hour and work 7 days a week, 12 to 14 hours a day. They are

still sold in Wal-Mart, Kmart, and Sears. They are called an American bicycle. They are not. They are not an American bicycle.

And the Maytag repairman—all those television commercials about this old bloke having nothing to do. Well, 1,600 U.S. Maytag jobs went to Mexico and Korea.

I could do this for a long time.

Even as it proceeds to lay off up to 13,000 workers in Europe and the United States, IBM plans to increase its payroll in India by more than 14,000 workers.

That was 2 months ago in the New York Times.

Now, what does all this mean for our country?

It means our country is losing economic strength, losing jobs. We are hollowing out America's manufacturing base. In the last 20 years, our manufacturing base has shrunk by half. We are told it is all right, and it is going to be fine in the long run if those who produce, yes, American companies that produce, search for the lowest cost production anywhere in the world and then they land in Sri Lanka, Bangladesh, Indonesia, China or somewhere else and hire someone else for 16 cents an hour. And, yes, they do. They will hire 12-year-old kids for 12 cents an hour and work them 12 hours a day. If you doubt it, I will show you where it happens.

People say: Well, that is all right because all those jobs, they are going to go elsewhere, but we will have higher wage, higher skilled jobs in this country. They are all wrong. It does not work that way. This country is losing economic strength and losing economic opportunity. The people who are losing their jobs because American jobs are moving elsewhere, in search of lower wages, those are people who are not able to find jobs that are equivalent jobs. In almost all cases, they find the next job at a lower wage rate.

This is a race to the bottom. Rather than aspiring to lift other countries up, it is driving down wage rates and opportunities in our country.

There is a man named James Fyler. James Fyler died of lead poisoning. He was shot 54 times. I suppose that is acute lead poisoning. He was shot 54 times long ago because he had the temerity to stand up for the ability and the right of workers to organize. So he lost his life. I could cite many others who lost their lives standing up for the right of people to organize as workers. Apparently, there are companies who have decided to pole-vault all over that and produce elsewhere where workers cannot organize; produce in China, where if a worker tries to organize, he or she can be sent to prison. If you want names, I will give you names of at least a dozen people—and there are hundreds more—who are sitting in prisons in China because they wanted to organize workers.

Producing in China is easier, producing in other countries is easier because you don't have to worry about

child labor, about dumping chemicals into the air and water. You don't have to worry about workers organizing.

What is going wrong in trade is going to dramatically injure this country and its future and opportunities. I am offering an amendment because we have trade negotiators now negotiating in the Doha round who have indicated it is all right and we will consider negotiating away our opportunity to protect ourselves against the dumping of products into this country, into our marketplace at below their cost of acquisition, which is an opportunity to ruin the domestic industry and drive domestic industry out of business.

We protect ourselves with anti-dumping laws. We protect ourselves against deep subsidies of products that are dumped into our marketplace with countervailing duties. Our trade negotiators have signalled that that which our trade partners want, to get rid of our countervailing duties or anti-dumping laws, basic provisions that protect American workers, protect American jobs against the unfairness of trade, our trade negotiators have said: It is on the table. We are willing to consider that.

My amendment says no money will be used by the folks in the Commerce Department and the U.S. trade ambassador's office negotiating these trade agreements to weaken trade protections for American workers and businesses. It is a simple amendment but important in terms of the future.

I notice my colleague from West Virginia has arrived. I know he is set to assume his address to the Senate. Let me, in courtesy to him, close my remarks and simply say, I intend to come to the floor later this afternoon to speak again about both of these amendments which are important, the addition of which will add significantly to this appropriations bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from West Virginia is recognized.

A NATIONAL DEBATE: OUR COUNTRY'S FUTURE

Mr. BYRD. Mr. President, chapter 3, verses 1 through 8, of the Book of Ecclesiastes in the Holy Bible begins:

To everything there is a season and a time for every purpose under heaven.

Let's read that again:

To everything there is a season and a time for every purpose under heaven.

It is time for a national debate, and its purpose is our country's future. Sometimes it takes a catastrophe to put events into perspective, to shake us and to sharpen our clarity of vision. The wrath of Katrina, tragic and devastating for thousands, must certainly

has caused many thinking Americans to consider anew the proper priorities for our country.

Who among us has not wondered if the efforts to rescue and evacuate Gulf Coast residents suffered because too many National Guardsmen have been detailed and detained in Iraq? What thinking American has not pondered why we had such a painfully slow response to a behemoth storm which we knew for days would likely turn New Orleans into a caldron of despair? Is there anyone in our great country—anyone—who did not feel the painful outrage of the citizens of New Orleans and Louisiana and Mississippi, as they waited for days without food, without water, without knowledge about loved ones? Who among us did not shrink in dread from the specter of our fellow citizens' bodies floating in the murky flood waters or stacked in hospital stairwells for want of anyone anywhere else to house them? Could this be happening in a major American city? Can you believe it? Could we be so inept at dealing with this tragedy?

The events of the past several days seem to have reduced our much touted American know-how and technology to little more than children's toys, strangely impotent in a real crisis.

I know many Americans cringed, as I did, at the vision of the callous neglect of our poorest and most vulnerable citizens which flashed around the world, making the United States appear to be a nation unmindful of its own, a nation unable to handle a disaster about which it had ample notice, a country loudly touting our form of government to the world while failing to provide even the most basic protections to our own citizens. What a shame.

If Katrina has any redeeming impact, it must be to cause us to see ourselves as others must surely see us. I regret to say that the picture cannot be a pretty one. That image is certainly not one that reflects the humanitarian goodness and morality of the vast majority of the American people. The perception of the United States in these troubled times should be a cause of major concern for everyone who holds public office—did you hear me?—for everyone who holds public office, regardless of political party. It is time to look at where we are and where we are going.

Few would now argue that the war in Iraq has improved the world's view of the United States. Again, what a shame. What a terrible shame. What a terrible mistake. It was an unnecessary and ill-conceived conflict which distracted us from our proper course of bombing the terrorist training grounds of Afghanistan. I have never bought the absurd claim by some that we are fighting terrorists in Iraq so we will not have to fight them here at home. Who believes that? That claim is a non-sequitur at best and, at worst, a patent distortion of what has happened in Iraq. The war in Iraq created a hot bed of terrorism where none existed before,

and it ensured Osama bin Laden an endless supply of recruits, now even more fanatic in their hatred after scandals at Abu Ghraib and the destruction of so many innocent lives in Iraq as a result of our unprovoked invasion.

I said it then. It was a mistake. We were being misled. I said it then, that Hussein did not pose a threat to our national security. I didn't believe the stories that were told. And as it turned out, the stories were wrong.

For everything there is a season, saith the Bible. The season has come for Americans to look homeward instead of continuing to spend billions of dollars in Iraq. Let us husband our hard-earned tax dollars and spend them here at home. Look homeward. The Iraqi people must slowly find their own way now.

Further, U.S. dictated deadlines are counterproductive. We cannot force-feed democracy in Iraq. To keep large numbers of American soldiers in Iraq much longer only earns the United States more enmity, reinforcing our unfortunate global image as conqueror, not liberator.

Haven't we learned that? The Iraqi people must begin to take it from here. In fact, there is no longer a war in Iraq. The President says we are a nation at war. We are not a nation at war. The U.S. military is at war. The Nation pays little attention to it. The newspapers seldom mention it. The administration is deaf, dumb, and mute on the war.

A national war? Guardsmen know about it. They know there is a war, and their families know there is a war. We started that conflict. We started that conflict, and we met the goals established at its outset. Now there is a slow, festering, internal political struggle pitting Shiite against Sunni against Kurd which will play itself out perhaps for decades until it either devolves into outright civil war or resolves into some sort of compromise which suits those who live in the country of Iraq.

We cannot resolve Iraq's internal issues. It is time for the United States to begin to bring our troops home. What are we waiting on?

There are those who say if we were to leave, we would not be honoring those who gave their lives in vain. That is an argument that is eternal. We continue to feed lives into the slaughterhouse.

The invasion of Iraq was never supposed to be an open-ended peace-keeping mission with our troops mired amid the chaos of continuing urban warfare, the most dangerous place in the world. How would you like for your son to go? How would you like for your daughter to go? How would you like for your grandson to go? For what?

We need to bring them home with a hearty "job well done"—a hearty "job well done." We should begin with the National Guard. Praise God, the National Guard. Obviously, they are needed here. They were needed in New Orleans. They were needed in Mississippi.

They were needed in Alabama. They are an integral part of our first responder team in the event of a terrorist attack, God forbid, or if another national disaster were to strike.

It is time to come home—come home, America—time to come home; time to come home, America; time to look within our own borders and within our own souls. There are many questions to be answered and many missions to accomplish right here on our own soil. We have neglected too much for too long in our own backyard. Come on, wake up, wake up, America.

To everything there is a season—a time to break down and a time to build up. If we had spent the money a few years back to rebuild those levees on the Gulf Coast, thousands would be alive today. Perhaps we can finally see the value of that budgetary stepchild called public works.

All across this country, there are years of neglect of the basic infrastructure of the United States that cry out for attention. Years of neglect—years of neglect—of the basic infrastructure of the United States that have been crying out for attention, cry out today for attention, and we have delayed for decades, and the needs are only growing.

There are antiquated sewer and water systems built a century ago in our major cities. Take a look here in Washington, DC, right here in the Nation's Capital. Washington, DC, has water not always safe to drink. There are rural communities in America that live with black mud coming out of their faucets. There are unsafe bridges. There are aging reservoirs. There are schools without adequate heat or modern learning tools all around our land. Homeland security needs are underfunded. I have time and again, time and again offered amendments to more appropriately fund homeland security. My amendments were defeated because the White House and the leadership of the party that controls this House and the other House oppose those amendments. Yet we continue to commit billions of dollars to rebuild Iraq while our own needs go begging. Can't we see? How long, how long, how long will we close our eyes to these needs?

Is it not now painfully evident to everyone that we must make basic investment in our own country a national and urgent priority? Imagine a terrorist attack on the heels of a catastrophe such as Katrina. Can you imagine the horror, the chaos, the utter confusion? I have to believe that Osama or one of his henchmen is taking notes as we struggle with the devastation left in Katrina's wake.

Our economic resources are stretched dangerously, dangerously thin, and so is our military might—you better believe that—so is our military might.

We have taken on too much. We have turned our backs on cooperation with the international community, decided to go it alone, and pursue some grandiose scheme of remaking the world in our own image. How silly.

By now it should be clear to all that grand experiments are very costly. It is time for a national epiphany. The sound of Katrina's bugle must be heeded. We cannot continue to commit billions of dollars in Iraq when our own people are so much in need—not only now in New Orleans, but all across America—for everything from education to health care to homeland security to securing our own borders. We need to stop making excuses, stop spinning the facts, and come to grips with the unpleasant truth. The Government of the United States is failing the American people. Failing. That is the catastrophe.

Where is the national debate about our priorities which Katrina should prompt? What does it take to wake us up? Hey, listen, hear me: It is a debate that must begin, if not on this Senate floor, then in the barber shops and in the grocery stores of America and in the print and broadcast media of this great Nation.

It is past time for that debate and high time for all of us to realize that there is nothing more patriotic than taking a good, hard, honest look at our national priorities. We, the people—we, the people—always have that right. A strong republic depends upon just that kind of periodic soul-searching. Does our moral sense of ourselves translate into Government policies? I believe that. Presently, it does not. We have a disconnect in Government policy in everything from a tarnished U.S. image abroad to a failure to address gasoline shortages and skyrocketing prices that will certainly slow our economic engine and take their toll on working people.

Instead of asking the public not to buy more gas than needed, I wish somebody would ask the giant oil companies to pass up some profits and help hold down gas prices as a patriotic gesture for our country. Would that be so outrageous? What do you think?

Why have we not had the vision to invest in alternative energy sources on a grand scale to free us from the addiction to foreign oil? For too long—for too long—our great land has been allowed to drift toward balkanization, a separation between the haves and the have-nots, with the lower end of the income scale at risk from a tattered safety net and a neglected infrastructure, lacking the jobs and housing they need, the health care to stay well, the insurance to cover hospital stays, or the educational opportunities to prepare for the future.

I remember, yes, I remember an America that used to feel more like one country—one country, an America that shared the sacrifice of war and tightened its belt so we could pay for it now. But now we borrow to go to war, and we cut taxes to spare those in the high brackets from sacrifice.

Where is the sense of shared destiny? It has taken nature's own weapon of mass destruction, a category 4 hurricane, to remind us that we are all

American and that our Government has a moral obligation to serve and protect us all.

This country is on the wrong track, and the course needs correcting. Continued denial serves no good purpose. Further loss of American life in Iraq may permanently sour the American people on future military action and damage the recruitment for our all-voluntary force.

To everything there is a season—a time to kill and a time to heal. We have seen the fallacy of sending too many members of the National Guard to the Middle East. What folly.

As I speak, we have lost 1,886 sons and daughters in Iraq. And for what? And there seems to be no end in sight, no plan. We have 137,000 troops still serving in Iraq with 2,000 more scheduled to go in October. We are building at least—now get this—we are building at least four semipermanent bases in Iraq structured to hold 18,000 troops each. Why? That does not sound like “staying not one day longer than needed” to me. In truth, most Americans no longer support a massive deployment in Iraq. Nor do they understand the mission of that continued deployment. Despite repeated directives by the Congress, the “powers that be” refuse to actually budget for Iraq, so that a total picture of our fiscal situation and the cost of the war is deliberately obscured. We are driving our country ever deeper into debt and stretching every resource that we possess to the breaking point. How much longer can it last? Prudence demands that we reassess our posture. Our inept and pathetic, pitiful response to Katrina has underlined our vulnerabilities and writ them large before the world. The American people deserve better than this.

I call upon the leaders of this country to come together and to work together to repair our storm-ravaged Gulf Coast and help salvage the lives of its victims. But more than that, I call upon the Congress to inventory our homeland with an eye to the future. Let us look around, America, and target our deficiencies. Let us work with State and local communities to shore up our weaknesses. We must react in a crisis, of course, but for God's sake, let us finally understand that we must also anticipate the future and be unafraid to commit the resources to make us strong at home. The lesson of Katrina most surely is that an ounce of prevention is worth several tons of cure.

We need to also learn that we cannot long remain a world power if we continue to let America crumble from within. The alarm bells are sounding—listen. The alarm bells are sounding and we must answer the call. This is no time to play for partisan advantage. This is certainly not the season to circle the wagons and hunker down. We need not stretch our brains to write new talking points or invent new excuses. And please, oh, please, please,

let us not resort to the trusty bureaucratic ruse of simply reorganizing Government agencies once again.

It is time for real leadership. It is the season for true humility. The Bible says:

Pride goeth before destruction, and an haughty spirit before a fall.

For years we have been getting it wrong here in Washington. But if we have the will, we can begin to get it right. The American people deserve leaders with the honesty to take responsibility for failures—quit making excuses, quit spinning the facts—and the wisdom to change when change is obviously and so urgently needed. And may God, may almighty God, grant us the grace.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). Under the previous order, the Senator from Louisiana is recognized.

HURRICANE KATRINA

Mr. VITTER. Mr. President, I thank my colleagues, especially the senior Senator from Louisiana, Senator LANDRIEU, and the distinguished Senators from Mississippi and Alabama for all of their leadership during this Hurricane Katrina crisis. I thank all of my colleagues who have offered their heartfelt thoughts and prayers and very concrete help over these past 2 very difficult weeks.

I arrived back yesterday from the battlefields of the other gulf war. I stand before you to offer my firsthand report. I don't mean to be overly dramatic in my use of the analogy to war. I mean to be accurate. I mean to effectively convey the magnitude of the destruction, the enormity and complexity of the ongoing human impacts, and, perhaps most important, the level of national resolve and commitment that we need to win the recovery effort.

We have all seen very powerful and destructive storms come ashore. We have seen them cause enormous damage, create short-term flooding, even take lives. And then the next day we respond and the residents of the stricken area walk through their community and try to begin picking up the pieces.

This is different. It is not just fiercer or bigger, it is wholly different.

Yes, Katrina was one of the most powerful hurricanes ever. When it hit Louisiana's coast, it did so with sustained winds of 140 miles per hour. Its low pressure reading of 920 at landfall made it one of the three most ferocious storms ever to hit the United States, along with Camille in 1969 and the Labor Day Storm of 1935. But it was much more than that. Yes, Katrina was also one of the largest hurricanes ever geographically. Those ferocious winds extended 100 miles from the eye of the storm, which means they pounded the stricken area for hour upon hour upon hour, a devastated area roughly the size of Great Britain; roughly 2½ times larger than the area hit by Hurricane Andrew in 1992.

But it was even more than that. You see, Katrina was a ferocious, huge hurricane that hit a treasured coastline, an entire region, including a major American metropolitan area, and that population center is one of the poorest in the country, and it is the only one that sits largely under sea level, protected by levees until some of the levees broke.

What does that mean? Storm surges of up to 25 feet; large portions of southeast Louisiana with long-term flooding of up to 20 feet; tens of thousands of people who had not evacuated, most in one-story wooden houses, driven to their attics and roofs, many to be trapped there.

The crisis did not stop or stabilize there. In the ensuing days, it meant the breakdown of basic institutions: the failure of all communication systems; lawlessness, which began spiraling out of control; thousands of evacuees collecting in safe havens such as the Louisiana Superdome and the New Orleans Convention Center, which quickly became some of the most unsafe hellholes imaginable.

What does it all mean now? It means a major American metropolitan area evacuated. This is the first time this has happened since the Civil War. There is that war theme again. But the difference is, American cities have grown quite a bit since then. This metro area is home to 1.3 million people. It means hundreds of thousands of evacuees from southeast Louisiana. These are numbers comparable to some of the historic dislocations during World War II, but the difference is it is right here in America.

During all of this I was in southeast Louisiana. My wife Wendy and I packed up our minivan and our four kids and drove to Memphis the Saturday before the storm. After leaving them safely with family, I returned to Baton Rouge that Sunday, where I slept in a true safe haven, the State Police compound, and began traveling into all of the devastated areas beginning that Tuesday morning.

Much like in war, what I saw covered the whole spectrum of human activity. Indeed, it tended to concentrate on the two ends of the spectrum: great acts of personal heroism followed by a truly awesome military operation beginning on day five on one end of the spectrum; looting and worse and bureaucratic incompetence on the other end.

Let me be very clear and precise about this because some reports of my critique of the early relief effort have caused some consternation. I was quoted after the first few days as saying that the early government relief effort was a failure. I was quoted correctly and this was clearly, unequivocally, indisputably true. In that initial relief effort, FEMA failed us miserably and Louisiana's hurricane preparation and emergency bureaucracy failed us miserably, too.

Don't take my word for it. Talk to the mother with her young daughter

whom I left at the Lafayette shelter. They were still in shock, not from the storm but from the hell on Earth that they had been placed into at the Louisiana Superdome. Or talk to nurse Jody Lopez, who was holed up in Lindsey Boggs Memorial Hospital, or Dr. Tom Kiernan, trapped at Tulane Hospital, who struggled to keep critical care patients alive for days with no sign of help in sight.

Thank God that while the bureaucrats failed, others succeeded. The first group of heroes who held on and overcame amazing challenges in those first few days were local leaders and citizens on the ground. This was true in every community I visited—New Orleans, St. Bernard, Slidell, Bogalusa, Amite, Kenner, to name a few. Sheriff's deputies in St. Bernard were living on a small riverboat so they could continue their vital work. Eight days after the storm most had not seen their homes or talked to their families, but they were committed to keeping St. Bernard safe and putting their duty above their families and property.

There were hundreds of private citizens such as David Fakaouri of Baton Rouge, who pulled his boat down to New Orleans and spent days combing the city for survivors, saving more than 60 people personally. These private citizen rescuers slept in their boats and trucks, using their own fuel, and witnessed suffering at a level we cannot imagine.

Local leaders such as State Senator Ben Nevers of Washington Parish worked tirelessly to secure police reinforcements, water, food, gasoline, even chain saws to cut out of isolated areas.

There was the lunch crew at Belle Chasse High School in Plaquemines Parish who, operating on emergency power only, fed hundreds of relief workers every day. When I left them, they were working to feed the Army Rangers who had arrived to provide support and security.

These local leaders and private citizens were also aided by counterparts from around Louisiana and around the country. These counterparts collected food, water, ice, generators, fuel and other necessities, and with no plan and with no budget they got it to devastated areas, in many cases over a week ahead of the bureaucrats.

Local police units from communities in Kentucky and Illinois were among the first to show up and offer assistance to our local police forces. Similar dispatches from communities in California and Ohio sent security reinforcements to their comrades in Gretna.

Wal-Mart voluntarily offered its Kenner store as the food supply and distribution center for the entire city of Kenner the day after the storm and then, after the Kenner store was depleted, Wal-Mart National continued to send two truckloads of relief per day to keep that effort going.

Members of the Young President's Organization raised millions in essential supplies to turn over to their fel-

low YPO member, State Senator Walter Boasso. Walter used his company barges and worked with other leaders to set up their own dock operation and get supplies to St. Bernard. Acadian Ambulance is a private Lafayette-based ambulance service whose people not only inundated the area with ambulances to evacuate hospitals and nursing homes, but who actually created and implemented an ad hoc but effective evacuation plan while the State Department of Health and Hospitals dithered.

These local leaders and private citizens, heroes both from throughout the devastated area and around the country, got us through those first crucial days. And then another group of heroes helicoptered in, the men and women of our military. In fact, we turned a corner in our relief efforts the Friday after the storm, day five, because it became a full-scale military operation. And with that came a completely different mindset, a completely different culture than the bureaucratic one we had been fighting for 5 days. "We can't do that," and "That's not our job exactly," was replaced with, not "Yes," but "Yes, sir." Members of the Coast Guard who were out saving lives Monday afternoon, before the storm's winds even died down, rescued more than 33,000 people.

U.S. Army LTG Russell Honore from Pointe Coupee Parish, LA, assumed command of the Active-Duty military effort in our State and personally took charge to establish that can-do attitude.

The 82nd Airborne, which took charge of New Orleans Airport that Saturday, organized the operation overnight and evacuated thousands. This same organization that landed in Normandy, where the Higgins boats made in New Orleans were key to victory on D-Day, also helped in the rescue efforts by dropping in food, water, and supplies to thousands in need.

Coast Guard VADM Thad Allen is now in charge of relief efforts and now finally pushing that same can-do attitude onto the bureaucracies of FEMA and the State bureaucracies that floundered in the early response.

These groups of heroes—local leaders partnered with private citizens and the military—have stabilized efforts in the devastated areas, but enormous challenges remain. In the areas hardest hit by Katrina, these challenges include reinstituting the necessities of a modern, civil society, such as a full-fledged New Orleans police force and criminal justice system, replacing countless miles of electricity and phone lines, establishing huge communities of temporary housing, bulldozing and rebuilding entire neighborhoods and parts of the metropolitan area, and bringing businesses and jobs back.

Beyond the devastated area, the radius of our challenges has expanded to wherever there are large numbers of evacuees—Houston, San Antonio, Charlotte, Salt Lake City, Milwaukee—and

every town and city across the rest of Louisiana. You see, so many of the evacuees lived their lives paycheck to paycheck. So many others depended on Social Security or other programs. They need immediate help in all of those areas—well beyond Louisiana. Unfortunately, the bureaucrats are still in charge of this.

As we tackle these challenges, let us remember what worked in the initial relief effort and what didn't work. As we investigate—and we must—let us focus on that central question: what worked and what didn't work.

I have heard many Washington talking heads say that heads must roll. I am all for that, and I have my own personal list. But that alone isn't enough. We need to look at the big picture—not just which people failed but which institutes and models failed, and, just as importantly, which others worked against all odds. A new head bureaucrat is not the solution to a failed bureaucracy. We need to look at the successful can-do military culture and the startling success of people-power and private initiative. Government outlays alone will not rebuild a great American metropolitan area and repopulate it with jobs. We need mega-enterprise zones to harness private sector investment power and to recreate jobs. Returning to the same routine of begging and scraping for flood and hurricane protection will ensure that this happens again.

We need energy royalty sharing as a stable source of revenue for Corps of Engineers hurricane protection projects, and we need the same to use and to invest in coastal restoration to protect Louisiana and our Nation's oil and gas supply.

Second, the tens of billions of dollars in government relief money through FEMA and the State OEP—the very same agencies which failed us—will lead to more failure. We need a Katrina reconstruction commission headed by a no-nonsense, nonpolitical businessman manager so that we will all have something lasting to show for this enormous spending.

I am working with my colleagues in the Louisiana delegation, Senator LANDRIEU, and all of our House Members, to introduce a comprehensive legislative package for implementing these ideas, and we will be outlining our specific proposals in the very near future.

In closing, let me make one final plea; that is, as we do all of this, let us do it together in a sincere spirit of bipartisanship.

I saw horrific scenes in the days after the storm. I smelled sweltering stench. But what I sometimes heard coming out of Washington was more sickening—ridiculous arguments tying the suffering to the war in Iraq and the Reagan deficit, talk of boycotting bipartisan hearings and stonewalling independent commissions. Nobody in the stricken area is talking that nonsense. They are rebuilding lives.

So perhaps the best thing we can do as leaders is to follow—follow the basic goodness and common sense of Louisianians and Americans. If we don't, if we allow this matter to become just another partisan political football, then we will have done one thing; that is, to victimize the victims of Hurricane Katrina all over again.

Two of Louisiana's beloved football teams—the New Orleans Saints and the LSU Tigers—lifted our spirit with victories this past weekend. The Saints beat the odds, and the Tigers won in the game's last second with a pass verging on a Hail Mary. It reinforced for us what we already knew: that even in dark times, hope springs eternal, prayers are answered, and a can-do attitude pays dividends. I have no doubt that Louisiana's resolve and spirit will be demonstrated in the coming months as our families rebuild their lives and their communities. America is joining us in that same spirit. Let us all follow their example.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I was pleased to be in the Chamber to hear the remarks of the junior Senator from Louisiana and want to sincerely say to all of our colleagues who are here that Senator VITTER and I offer our views about the conditions in Louisiana and the gulf coast having been there, as Senator VITTER said, through almost every day of this horrific and devastating tragedy, a tragedy not just for our city of New Orleans and the parish of Jefferson but the region of the gulf coast.

I thank Senator VITTER for his words to our colleagues about the way we have urged our delegation to work in a bipartisan spirit, with commonsense solutions and out-of-the-box thinking to put together a framework of a plan for rebuilding that calls on the best from our National Government, the best from our State government, the best from our local government, the best from our private sector, individual citizens, and nonprofit communities to rebuild this region and rebuild our cities and our towns, our counties and our parishes, in a way that honors the spirit of the great Americans who have called this place home for over 250 years.

I thank the Senator for his remarks. He has been a steady voice of outstanding confidence for the people of our State, and his views and his wisdom that he shared with all of us today truly is inspirational to us all. I thank him very much for the personal invitation to be with him as he spoke today.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

Mr. PRYOR. Mr. President, I ask the current business be set aside.

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

AMENDMENT NO. 1703

Mr. PRYOR. Mr. President, I have an amendment to send to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. PRYOR], for himself and Ms. MIKULSKI, proposes an amendment numbered 1703.

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

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

The amendment is as follows:

(Purpose: To require the FTC to conduct an immediate investigation into gasoline price-gouging, and for other purposes)

On page 190, between lines 14 and 155, insert the following:

SEC. 522. Of the funds appropriated to the Federal Trade Commission by this Act, not less than \$1,000,000 shall be used by the Commission to conduct an immediate investigation into nationwide gasoline prices in the aftermath of Hurricane Katrina; *Provided*, That the investigation shall include (1) any evidence of price-gouging by companies with total United States wholesale sales of gasoline and petroleum distillates for calendar 2004 in excess of \$500,000,000 and by any retail distributor of gasoline and petroleum distillates for use as motor vehicle fuel against which multiple formal complaints (that identify the location of a particular retail distributor and provide contact information for the complainant) of price-gouging were filed in August or September, 2005, with a Federal or State consumer protection agency, (2) a comparison of, and an explanation of the reasons for changes in, profit levels of such companies for gasoline and petroleum distillates for use as motor vehicle fuel during the 12-month period ending on August 31, 2005, and their profit levels for the month of September, 2005, including information for particular companies on a basis that does not permit the identification of any company to which the information relates, (3) a summary of tax expenditures (as defined in section 3(3) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(3))) for such companies, (4) the effects of increased gasoline prices and gasoline price-gouging on economic activity in the United States, and (5) the overall cost of increased gasoline prices and gasoline price-gouging to the economy, including the impact on consumers' purchasing power in both declared State and National disaster areas and elsewhere; *Provided further*, That, in conducting its investigation, the Commission shall treat as prima facie evidence of price-gouging any finding that the average price of gasoline available for sale to the public in September, 2005, or thereafter in a market area located in an area designated as a State or National disaster area because of Hurricane Katrina, or in any other area where price-gouging complaints have been filed because of Hurricane Katrina with a Federal or State consumer protection agency, exceeded the average price of such gasoline in that area for the month of August, 2005, unless the Commission finds substantial evidence that the increase is substantially attributable to additional costs in connection with the production, transportation, delivery, and sale of gasoline in that area or to national or international market trends; *Provided further*,

That the Commission shall provide information on the progress of the investigation to the Senate and House Appropriations Committees, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Energy and Commerce every 30 days after the date of enactment of this Act, shall provide those Committees a written report 90 days after such date, and shall transmit a final report to those Committees, together with its findings and recommendations, no later than 180 days after the date of enactment of this Act; *Provided further*, That the Commission shall transmit recommendations, based on its findings, to the Congress for any legislation necessary to protect consumers from gasoline price-gouging in both State and National disaster areas and elsewhere; *Provided further*, That chapter 35 of title 44, United States Code, does not apply to the collection of information for the investigation required by this section; *Provided further*, That if, during the investigation, the Commission obtains evidence that a person may have violated a criminal law, the Commission may transmit that evidence to appropriate Federal or State authorities; and *Provided further*, That nothing in this section affects any other authority of the Commission to disclose information.

Mr. PRYOR. Mr. President, I will visit with my colleagues today about a problem this Nation is facing, something very critical to our economy and critical to every section of this great land. It is something I was reminded of time and time again when I was at home in Arkansas during the August recess: It is the high price of gasoline.

The price of gas in the last month has risen across the Nation anywhere from 30 to 70 cents per gallon. In Arkansas and throughout the country gas prices are at an unprecedented high. Unfortunately, Hurricane Katrina made a bad situation worse. The Gulf of Mexico and the State of Louisiana are absolutely essential in our Nation's production of crude oil and gasoline. Hurricane Katrina has caused major disruptions in the supply of these crucial commodities. This is one reason for the recent spike in the retail price of gasoline, but I am certain it is not the sole cause.

As I traveled my home State last month, I heard from countless citizens who believe the oil companies are taking advantage of them. Can you blame them? It is hard for the people in my State, as I am sure it is for the people in other Members' home States, to fill up their gas tanks and pay record high prices at the pump while, at the same time, opening up the business page and seeing the oil companies are making record profits. That does not sit well with people.

I believe the consumers have a legitimate concern, a legitimate question about why prices are so high, why they have been trending up in the last year or so. We should have an investigation. If price gouging is occurring, we need to know that. If it is occurring—I am not saying it is—if it is occurring, we need to stop that activity dead in its tracks.

This is why I offer this amendment to the Commerce, Justice, and State

appropriations bill that directs the Federal Trade Commission to conduct an immediate investigation into nationwide gasoline prices in the aftermath of Hurricane Katrina. We must find out—when I say “find out,” I do not mean speculate, not accuse, not assume but find out whether gas price gouging is occurring through the supply chain or distribution markets. And if price gouging is occurring, we must punish those who take advantage of this national tragedy.

I thank my colleague from Maryland, Senator MIKULSKI, who has been a leader on this issue and who has helped shape this amendment and is one of the cosponsors of this amendment. I thank her for her leadership. She has done a great job not just on this legislation but many others as we all know.

In the aftermath of Hurricane Katrina, we have seen this country come together. It has been very heartwarming. Today I have been on the phone with people all over my State who are operating these camps for people who have been evacuated from the gulf coast area. It is encouraging to see communities, to see people come out of the woodwork to help. It has been very encouraging to see churches in my State go the extra mile for people who need it the most. I am very encouraged by that.

We also need to be mindful of what high gas prices do to this Nation's economy. We need to know who the honest brokers are. We need to know when gas stations raise their prices, are they doing it because they need to, because they are being charged, or are they doing it to make a quick buck? Those are legitimate questions.

We also need to know what companies sold their gas at a higher price because they needed to and what companies sold their gas at a higher price with greed as their motivation.

The people in my State and the people in your State and the people in all of our States have a right to know why gas prices are so high right now. This will cause a great hardship for the economy, for every sector of this country. Everything we buy, everything we pay for, has a fuel component built into it. We understand that.

As I wind down, we have had complaints from all over my State. We had one guy write in and say the price jumped 60 cents in 1 day. I know other Members have had complaints. I appreciate consideration of this amendment and appreciate my colleagues looking at it. It is important for this country. It is important for the Senate to take up this issue.

Ms. MIKULSKI. Mr. President, may I make a request of the Senator from Vermont, the ranking member of the Judiciary Committee? I want to be able to speak on the Pryor amendment. I wonder, given what the Senator needs to do and, of course, the responsibilities that are pressing, should we do that after this?

Mr. LEAHY. Mr. President, we have 20 minutes.

The PRESIDING OFFICER. Twenty minutes equally divided and under the previous order.

Mr. LEAHY. I ask the Senator from Maryland how much time does the Senator seek.

Ms. MIKULSKI. It was 5, but I could get it to 3.

Mr. LEAHY. Could we start ours later?

Mr. INHOFE. Mr. President, reserving the right to object, let me suggest it has been the request of some of the people on the Judiciary Committee that we delay about 10 to 12, maybe 15 minutes, and that gives the Senator from Maryland an opportunity to be heard. Is that acceptable?

Mr. LEAHY. Mr. President, why don't we begin debate on mercury, and I ask unanimous consent we begin it at 12:17. That gives us time for the Senator from Maryland. I know we are going to break in the Judiciary Committee, and that would give plenty of time.

Mr. INHOFE. We will say 20 after.

Mr. LEAHY. Twenty after.

The PRESIDING OFFICER. Is there objection to the unanimous consent request that we proceed to S.J. Res. 20 at 12:20?

Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I rise as a cosponsor of the Pryor amendment. Why? Because American people believe there is gasoline price gouging. We have to find out if there is. What this amendment does is add \$1 million for the Federal Trade Commission to investigate whether there is price gouging.

There seems to be evidence of price gouging throughout the supply chain and in the distribution markets. The impact of gasoline price spikes on our country is severe. They impact people's day-to-day lives at the family level, at the small business level, and at the macro level. And the American people believe deep down there is gouging.

All of America knows that Hurricane Katrina had a terrible impact on our country, that the storm had a significant impact on oil production and oil refining capacity in the gulf. We understand refineries were down and badly damaged, distribution pipelines were affected, shipping channels were blocked due to obstructive deposits and, of course, we have seen offshore drilling impacted. But these disruptions happened over a 3 week period. Why were the gas prices being spiked an hour and a half after Katrina happened? We saw price spikes in Maryland even before that. Marylanders are hot about this and so is this Senator.

Now, my cost of commuting from Baltimore to Washington has already gone up \$30 a week. I can afford it; I am a Senator. But I saw on a local Baltimore TV station a woman who filled up her minivan—a soccer mom—and it was \$90. She put her head on the windshield and wept about how her family was going to afford filling the family vehicle with gas.

My Governor is also deeply concerned. He brought in the gasoline station operators to find out why prices were the third highest in the Nation. Little Maryland, behind California. And who are the other two highest? New York and the District of Columbia, our neighbor.

What are we saying? The average price in Maryland is over \$3, compared to \$2.46 just a month ago. Throughout the Baltimore-Washington corridor, gas is selling at \$3.49, \$3.39. But do you know what. We think there is some kind of deal going on because it can vary within a 3-mile radius. Over where I live, gas has been selling for \$3.63 a gallon. If you go into another neighborhood, just 5 miles away, it is selling for \$3.03—a 60-cent-a-gallon difference.

Tell me, who is pulling the strings? Who is setting these prices? Well, right now, we could end up just with finger-pointing. I want to pinpoint the problem.

First of all, I salute Governor Ehrlich for convening the meetings he had. His meetings broke up, and he was not satisfied. He is going the next step. I want us to now operate on facts because we see how gasoline prices are affecting families, such as the cost of commuting to work, and Maryland is a commuter State.

The price of gasoline is skyrocketing. It is affecting small businesses, from the florists who deliver flowers, to the pharmacies that deliver prescription drugs, and so on.

Then, you look at our businesses. So much of our food supply comes to our communities, our wonderful supermarkets, by truck. Also, you go out along the Chesapeake Bay where people love our crabs, but my watermen are just aghast at what it costs to take their boats out to harvest seafood.

So I could give story after story. But Marylanders want to know, is there price gouging? If there is, we have to go after it and stop it. We know there are record high profits in the oil and gas industry. We know there is price variance with the oil companies. We know there is price variance even block by block as to how much consumers are being charged for gasoline.

But, most of all, we know there is going to have to be shared sacrifice because of Katrina. We are going to have to examine how we build refineries in our country. We have to have an oil conservation strategy; conservation could be our next North Slope. We should focus on those things.

But right now I am worried about what is being charged at the pump. We want to make sure there is not price gouging, and that there is not price fixing. We are asking the Federal Trade Commission to investigate. I want to advocate an amendment to put money in the Federal checkbook to do so.

Mr. President, know that we Marylanders want to move ahead, we want to cooperate, but we want to know why gasoline is so expensive and what is behind the price spikes and price fluctuations?

And hello, oil companies out there, if you are listening, if you want to respond to me, I am right there at 503, in the Senate Hart Building. I have an open line to listen to what you have to say because I am getting an earful in Maryland.

Mr. President, I yield the floor.

DISAPPROVING A RULE PROMULGATED BY THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

The PRESIDING OFFICER. Under the previous order, the hour of 12:10 having arrived, the Senate will proceed to the consideration of S.J. Res. 20, which the clerk will report.

The legislative clerk read as follows:

A resolution (S.J. Res. 20) disapproving a rule promulgated by the Administrator of the Environmental Protection Agency to delist coal and oil-direct utility users from the source category under the Clean Air Act.

The PRESIDING OFFICER. Under the previous order, there will be 20 minutes equally divided for debate between the Senator from Oklahoma, Mr. INHOFE, and the Senator from Vermont, Mr. LEAHY, or their designees.

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I think we have now agreed by UC that we will begin our equally divided 20 minutes at 20 minutes past the hour.

The PRESIDING OFFICER. The Senator is correct.

Mr. INHOFE. That being the case, 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 rescinded.

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

Mr. REID. Mr. President, I would ask Senator INHOFE and Senator LEAHY if we could start the 20 minutes now.

Mr. INHOFE. I have no objection.

Mr. LEAHY. I have no objection.

The PRESIDING OFFICER. Under the previous order, there will be 20 minutes evenly divided for debate between the Senator from Oklahoma, Mr. INHOFE, and the Senator from Vermont, Mr. LEAHY, or their designees.

Who yields time?

The Senator from Vermont.

Mr. LEAHY. Mr. President, I discussed this with the distinguished Senator from Oklahoma. I yield 3 minutes, first, to the distinguished Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 3 minutes.

Mr. LAUTENBERG. Mr. President, very quickly, we are about to vote on an issue that really has to touch every one of us in some form or fashion, if one is a parent or one is a grandparent or if one has any contact with children, as to the kind of issue we are discussing.

I will start off by seeking unanimous consent that letters and other material in support of this resolution from environmental, sportsmen, fishing, and religious groups be printed in the RECORD following my remarks.

The list is long. They talk about the health community having grave concerns about the threat of mercury pollution to the public health, about potent neurotoxins that can affect the brain, heart, and immune system. There are almost 40 organizations cited in this one letter. They include organizations such as the American Academy of Child and Adolescent Psychiatry, the American Association on Mental Retardation. A lot of these groups are focused on the thought process—Cure Autism Now, Learning Disabilities Association, the National Autism Association, the Society of Pediatric Nurses, and United Cerebral Palsy.

Mr. President, I ask unanimous consent that these materials be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. LAUTENBERG. Mr. President, I suspect most Americans are going to be shocked to learn the administration wants to allow more poisonous mercury into the environment. But that is exactly what they are trying to do. We should not permit this vote to take place as it is.

I hear the arguments that are being made that reducing toxic emissions from coal-fired plants may in fact increase the cost of energy, that it would be terrible. People are being shocked by the cost of fuel and energy generally.

But if you want to look at a bunch of children and say, "No, we are going to risk these children having learning disabilities and to not be able to function properly, not be able to be an integral part of their school body as would be planned," as opposed to perhaps—perhaps—the energy we use costing a couple more cents, there cannot be any justification for this resolution not to pass.

I hope our colleagues in the Senate will look very closely at the decision they are making, between children and a little extra cost for energy.

JULY 27, 2005.

EXHIBIT 1

DEAR SENATOR: As leading national health organizations, we are writing to ask that you vote to protect the public's health, especially children's health, from the threat of mercury pollution. The upcoming vote on the Collins-Leahy joint resolution to stop EPA from implementing its new Mercury Clean Air Rule is an opportunity to put children's health first. Since EPA unfortunately ignored the calls from health professionals, scientists, a number of states, our organizations and the public when it finalized the mercury rule earlier this year, we now turn to Congress to ask for your intervention.

The health community has grave concerns about the threat of mercury pollution to public health. Mercury is a potent

neurotoxin that can affect the brain, heart, and immune system. Developing fetuses and children are especially at risk; even low-level exposure to mercury can cause learning disabilities, developmental delays, lowered IQ, and problems with attention and memory. EPA scientists estimate that one in six women of child-bearing age has enough mercury in her body to put her child at risk should she become pregnant. Mounting evidence also indicates that mercury increases the risk of cardiovascular diseases in adult men.

As organizations representing medical, nursing and public health professionals, women, and advocates of children and families, we are concerned that the American public is not adequately protected from exposure to mercury in the environment. Many of our members (most notably physicians, nurses, and health scientists) contributed their clinical and research expertise in commenting on the EPA's rule; nearly 700,000 comments, including the attached mercury health consensus statement, were submitted to the EPA docket in overwhelming opposition to this flawed proposal. Of particular note:

The EPA's own Children's Health Protection Advisory Committee (CHPAC) advised the Agency that the rule "does not go as far as is feasible to reduce mercury emissions from power plants and thereby does not sufficiently protect our nation's children," writing four letters to the Agency raising significant children's health concerns about the rule;

Important new research that EPA failed to consider from the Harvard Center for Risk Analysis and the Mount Sinai School of Medicine reinforces the National Academy of Sciences' (NAS) determination that methylmercury exacts serious, adverse effects on public health, and provides new evidence that mercury pollution inflicts neurocognitive impacts on developing children that affect our nation's economic productivity;

Both the Government Accountability Office (GAO) and EPA's own Inspector General documented widespread discounting of scientific and public health evidence as EPA developed and finalized the mercury rule.

As a nation we can do better. EPA articulated a sound scientific basis for its decision in 2000 to list mercury emissions from power plants as a "hazardous air pollutant," ensuring regulation under the maximum achievable control technology (MACT) section of the Clean Air Act. The scientific evidence of harm has only grown in the last 5 years, adding significant additional weight to EPA's earlier determination. Moreover, substantial evidence exists that power plants can affordably install the necessary technologies by 2008. Yet remarkably, the mercury rule finalized in March 2005 is even weaker than the rule initially proposed by EPA in 2003.

We urge you to protect women and children from toxic mercury by supporting the joint resolution, sponsored by Senators Patrick Leahy and Susan Collins under the Congressional Review Act (S.J. Res. 20), to disallow the EPA's flawed mercury rule. In some important respects, mercury pollution is the lead of our generation and it deserves to be treated as a serious threat to public health. We strongly urge you to protect Americans from mercury pollution by supporting the Leahy-Collins resolution.

Sincerely,

American Academy of Child and Adolescent Psychiatry.

American Academy of Pediatrics.

American Association on Mental Retardation.

American College of Nurse-Midwives.

American College of Preventive Medicine.

American Federation of State, County and Municipal Employees.

American Nurses Association.

American Psychiatric Association.

American Public Health Association.

Association of Reproductive Health Professionals.

Association of Universities on Disabilities.

Breast Cancer Fund.

Center for Children's Health and the Environment, Mount Sinai School of Medicine.

Children's Environmental Health Network.

Commonweal.

Cure Autism Now.

Easter Seals.

Families USA.

Healthcare Without Harm.

Institute for Children's Environmental Health.

Learning Disabilities Association.

March of Dimes.

National Association of Nurse Practitioners in Women's Health.

National Association of Pediatric Nurse Practitioners.

National Association of School Nurses.

National Autism Association.

National Latina Institute for Reproductive Health.

National Organization of Nurse Practitioner Faculties.

National Partnership for Women and Families.

National Research Center for Women & Families.

NoMercury.

Parents for Nontoxic Alternatives.

Physicians for Social Responsibility.

SafeMinds.

Saratoga Foundation for Women Worldwide, Inc.

Science and Environmental Health Network.

Society of Pediatric Nurses.

The Arc of the United States.

United Cerebral Palsy.

SEPTEMBER 9, 2005.

DEAR SENATORS: As organizations that represent millions of sportsmen and women nationwide, we write to ask for your support of an effort underway in the U.S. Senate to require the U.S. Environmental Protection Agency to revisit its recently finalized mercury rule for coal-fired power plants.

Hunting and fishing is more than a pastime in the United States. It is a way of life, a tradition that is passed down from one generation to the next. It's what shapes young children's relationship and connection to their natural world. Fishing also is a big contributor to our local economies, contributing \$116 billion annually to the national economy.

Last year, many of our members expressed concern about mercury's impacts on people and wildlife and urged then Administrator Leavitt to strengthen its mercury rule for coal-fired power plants. Unfortunately, the final rule fails to adequately protect people and wildlife and delays mercury controls for another decade.

Mercury pollution poses a threat to fisheries and to the people, wildlife, and businesses that depend on clean water and safe fish. Recently published research found that mercury's impact on wildlife is greater than initially believed. The reproduction of fish, birds, and fish-eating mammals are all harmed due to mercury's toxic properties.

You have a unique opportunity under the Congressional Review Act to send the mercury power plant rule back to the EPA for a thorough review. Our members want to share the experience of hunting and fishing in our nation's waters for generations to come. Your leadership in reversing mercury contamination in the U.S. will make this pos-

sible and help ensure that our natural resources are protected for our children.

Sincerely,

JIM LYON,
Senior Vice President
for Conservation,
National Wildlife
Federation.

TOM FRANKLIN,
Conservation Director,
Izaak Walton
League of America.

STEVE MOYER,
Vice President for
Government Affairs
& Volunteer Oper-
ations, Trout Unlim-
ited.

JULY 21, 2005.

DEAR SENATOR: We urge you to protect women and children from toxic mercury by supporting a joint resolution, sponsored by Senators Patrick Leahy and Susan Collins under the Congressional Review Act (S.J. Res. 20), to reject the Environmental Protection Agency's (EPA) recent rule to delay reductions in mercury emissions from power plants for years to come. In particular, the resolution would disapprove a rule that removes power plants from the sources required by law to install strict controls to reduce their toxic pollution, including mercury.

Mercury is a potent neurotoxin that can affect the brain, heart, and immune system. Developing fetuses and children are especially at risk; even low-level exposure to mercury can cause learning disabilities, developmental delays, lowered IQ, and problems with attention and memory. EPA scientists estimate that one in six women has enough mercury in her body to put her child at risk should she become pregnant. Mounting evidence also indicates that mercury increases the risk of heart attacks in adult men. People of color are particularly at risk from the effects of mercury pollution. Research shows minorities consume fish more frequently than other populations and are less likely to be aware of fish consumption advisories.

Mercury pollution is so pervasive that 44 states have posted fish consumption advisories due to mercury contamination. In half of these states, the advisories cover every lake and/or river in the state.

In addition to human impacts, mercury also significantly threatens wildlife. For instance, recent studies have revealed widespread contamination of aquatic ecosystems. New research also shows that many animals—including forest songbirds and salamanders in national parks—have elevated mercury burdens.

Power plants are the largest U.S. source of mercury emissions. Yet, rather than enforce the Clean Air Act, which requires each power plant to achieve the maximum degree of reduction in mercury pollution (on the order of 90 percent) by 2008, EPA has finalized new rules that allow significantly more mercury pollution from power plants and even then delay the weaker required reductions until after 2026.

The Leahy-Collins resolution would reject EPA's categorical exemption of power plants from the highly protective emission standards mandated by the Clean Air Act's hazardous air pollution control program and would instead require EPA to establish clean air standards that comply with the law and protect public health. We strongly urge you

to protect Americans from mercury pollution by supporting the Leahy-Collins resolution.

Sincerely,

Andy Imparato, President & CEO, American Association of People with Disabilities; S. Elizabeth Birnbaum, Vice President for Government Affairs, American Rivers; Wendi Hammond, Executive Director, Blue Skies Alliance; Glenn Wiser, Senior Attorney, Center for International Environmental Law; Kim Coble, Maryland Executive Director, Chesapeake Bay Foundation; Conrad G. Schneider, Advocacy Director, Clean Air Task Force; Lynn Thorp, National Campaigns Coordinator, Clean Water Action; Linda Sherry, Director of National Priorities, Consumer Action; Marty Hayden, Legislative Director, Earthjustice; Josh Irwin, Director, Environmental Action; Elizabeth Thompson, Legislative Director, Environmental Defense; Ilan Levin, Counsel, Environmental Integrity Project; John Passacantando, Executive Director, Greenpeace USA; Gabriela Lemus, Director of Policy and Legislation, League of United Latin American Citizens; Kay J. Maxwell, President, League of Women Voters of the United States; Hilary Shelton, Director of Washington Bureau, National Association for the Advancement of Colored People;

Betsy Loyless, Senior Vice President, National Audubon Society; John Stanton, Vice President, National Environmental Trust; Roger Rivera, President & Founder, National Hispanic Environmental Council; Mark Wenzler, Director, Clean Air Program, National Parks Conservation Association; Kimberly Barnes-O'Connor, Deputy Executive Director, National PTA; Manuel Mirabal, President & CEO, National Puerto Rican Coalition; Karen Wayland, Legislative Director, Natural Resources Defense Council; Debbie Sease, Legislative, Director Sierra Club; Stephen Smith, Executive Director, Southern Alliance for Clean Energy; Anna Aurilio, Legislative Director, U.S. Public Interest Research Group (PIRG); Roxanne D. Brown, Legislative Representative, United Steelworkers; and Tom Z. Collina, Executive Director, 20/20 Vision.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I yield 2 minutes to the distinguished Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I will be brief but concise.

This is not a vote about reducing mercury by 90 percent by 2009 or even 70 percent by the year 2030. That is a red herring.

This is not a vote about the opponents' wildly outdated claims on the potential cost or the availability of mercury controls.

This is not even a vote about the well-documented and devastating effects of toxic mercury on future generations of children or the Nation's environmental health.

Mr. President and Senators, this is a vote about whether the administration failed to comply with the law. We can-

not afford to get it wrong now. There will be no going back.

After careful review, I have concluded that there was such a failure that this was an intentional and illegal effort to circumvent the law, and that it was designed to benefit big energy companies at the expense of the public health.

This failure has been documented in reports by GAO, the Inspector General, in the press, and in testimony before the Environment Committee and the Democratic Policy Committee.

Our resolution sends the agency back to the drawing board to get it right and to comply with the law.

Mr. President and Senators, it is this simple: Should the administration comply with the Clean Air Act? I think so and will vote yes. If you think so, vote yes on this resolution.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first of all, let me make 10 points and make them very succinctly and very quickly. I timed myself, and I can do it in this time.

So I start off with, in reality, this is a political exercise in futility. Every Senator in this Chamber knows it. Who in this Chamber would truly believe the President would sign legislation to repeal his own administration's rule? It is not going to happen. Yesterday, the President said he would veto it. That is a done deal. That is a no-brainer. We understand that.

Now, if you want political points with some of the far left environmentalist groups, sure, this might be your opportunity to get it. But you know it is not going to happen.

Secondly, overturning this rule would delay the rule that is already in effect right now. This President has a good rule. It is a cap-and-trade rule. Prior to this, nobody else was able to do it. But he is doing it.

Third—this is very important—the Senator from Vermont was commenting about some people giving false financial information. I think we know from the Energy Information Administration that the cap-and-trade rule—this approach to it—would cost about \$2 billion. This is what is in place right now. This is what the President has done.

In the event they should substitute that for a MACT rule, the Energy Information Administration said it would cost \$358 billion. Now, that is how much it would cost. But I think there is a lot more than that. You have to keep in mind if you pass this rule, if this were to take place today, that would have the effect of shutting down coal-fired plants. You would have to replace them with natural gas. That natural gas has already gone up in price.

I have here today, from Oklahoma, the Oklahoma Farmers Union. They can tell you, the cost of fertilizer has gone up 70 percent just in the last short

period of time. If you start using natural gas in the plants, there is going to be far less of it available. We have driven 90,000 chemical manufacturing jobs overseas because of the problems they have been having with natural gas right now. So it would be that much worse.

The fourth thing is, they say this is not going to work. It has already been said. It was said yesterday and this morning that the cap and trade does not work. This is patterned after the Acid Rain Program. The Acid Rain Program is considered to be a success. Many Senators—and I do not blame them—have resisted the idea of a cap-and-trade program. They said all kinds of things were going to happen with acid rain, and it did not happen. Even the senior Senator from Vermont said—this is in 1999 when we had the acid rain proposal—

When we were debating controls for acid rain we heard a lot about the enormous cost of eliminating sulfur dioxide. But what we learned from the acid rain program is that when you give industry a financial incentive to clean up its act, they will find the cheapest way [to do it].

That is exactly what happened. That is what is going to happen in this case.

The fifth thing is that the sponsors of this resolution talk about the fact that a MACT program would give a 90-percent reduction in 3 years. I think it might be very interesting for these people to go back and research that 2 years ago, when we were developing the cap-and-trade proposal for mercury, they considered at the same time a MACT approach. Their modeling showed they could only cut mercury by 29 percent, not the 90 percent we are talking about now. It is all in the record. It is all there in the EPA. They have that information.

So it is not 90 percent. Even if you were to take this, it would be 29 percent as opposed to the mandated 70-percent reduction that is in the cap-and-trade proposal by the President.

The sixth thing is that U.S. powerplants contribute but 1 percent to the global total of mercury emissions. This is kind of interesting. Everyone is talking about powerplants now, that we have to do something about powerplants, when in fact powerplants are not the contributors. The U.S. Environmental Protection Agency and the Norwegian Institute of Air Research did a long, involved study on this issue. They said, of all the release—you can see it in this chart right here—only 1 percent comes from U.S. powerplants. So we are talking about 1 percent of the mercury that is released. That is all, just 1 percent.

The next thing I would like to mention—I will use two charts for this—if we were to use, right now, the computer modeling, the first map shows the mercury deposits from all sources in 2001. That is where it is right now. We can see it over here in this area, I say to my good friends, Senator JEFFORDS and Senator LEAHY. It is over 20

micrograms per square meter. That is what is happening today.

Now, the next chart shows what would happen if you did away with all powerplants by the year 2020. You can see it really is not that different. So it gets right back to that chart that only 1 percent is affected to begin with.

The seventh reason is that repealing the rule would be a rollback in the first ever mercury regulation to control powerplants. I hope everybody understands that powerplants have never been regulated for mercury.

It hasn't happened. It has never happened. They tried it in the Carter administration. Many of us wanted that to happen. I wasn't here at that time, but the Carter administration punted it to the Reagan administration. The Reagan administration didn't do it. They didn't regulate mercury. They punted it to the Bush 1 administration. He didn't do it. He punted it to President Clinton. The Clinton administration did nothing toward regulation of mercury. He punted it to the current administration and they are doing it. We are now regulating mercury for the first time in the history of this country. It is this administration that is doing it.

The eighth reason is, of the 144 tons of mercury deposited yearly in the United States, only 11 tons come from U.S. powerplants. With the new rule, that amount will drop down to 3.4 tons.

Then, No. 9, it is easy to scare people. We are really good at that, talking about how many people are going to die. It is very interesting. I want people who are scared because they have heard politicians talking about the doom and gloom of this thing to look at the NHANES study which shows that not a single woman or child has a blood mercury level approaching the level at which even the smallest effect was observed by the study.

Lastly, even if it worked, the technology is not there. If we should adopt this, the technology is not there.

I retain the remainder of my time and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Vermont has 5 minutes remaining. The Senator from Oklahoma has 2 minutes 37 seconds remaining.

Mr. LEAHY. I yield 2 minutes to the distinguished Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Let me be clear: Similar to everybody else, I want to minimize fuel switching which could drive up the cost of natural gas even further. I, too, want coal to continue to be the backbone of our electricity-generating sector. Adopting a strong mercury rule is not inconsistent with either of those goals. It is consistent with protecting the health of pregnant women and children, among the most vulnerable members of our society.

The fears about the impacts of a strong mercury rule on coal and natural gas are unfounded. I am not aware of credible evidence that shows that powerplants will switch from coal to natural gas in order to comply with a more stringent mercury rule. The Energy Information Administration tried to say that fuel switching will occur. But listen to some of the assumptions they adopted to reach that conclusion.

First, they had to assume that natural gas prices would fall to \$3.50 per thousand cubic feet 5 years from now in order to show that it would make economic sense for powerplants to switch from coal to natural gas. Let me tell you how much natural gas cost last week: \$12. The week before Katrina hit, it was \$9.50. I don't think there is any way natural gas prices are going to be \$3.50 5 years from now. I hope I am wrong, but the odds are I am not.

Second, the Energy Information Administration had to assume that technology to control mercury does not exist. It does exist. There are already powerplants in the Northeast that have been reducing their mercury pollution by more than 80 percent for the last 5 years. Last month, Colorado-based ADA-Environmental Solutions was awarded another contract to install new mercury control technologies on two new powerplants being built in the Midwest.

The technology has been developed. The technology is being implemented. We can do better than the Bush rule. We can do better than that and we should. We have an obligation to our constituents, and we can do it in a way that balances our needs to preserve coal and to protect the most vulnerable among us.

S.J. RES 20

Mr. KENNEDY. Mr. President, I strongly support S.J. Res. 20, and I commend Senator LEAHY for sponsoring the resolution to block the EPA's mercury cap and trade rule.

The mercury rule is a rule that only an administration bought and paid for by big energy could love. It's a shameful rollback of the Clean Air Act to allow owners of fossil fuel power plants to avoid the expense of installing new technology to reduce dangerous emissions.

Mercury is an extremely dangerous neurotoxin that accumulates in the environment. It is particularly harmful to pregnant women, and puts the fetus at risk of serious developmental disorders.

The Centers for Disease Control has reported that 630,000 of the 4 million infants born in the United States each year—16 percent—are at risk for mercury-related brain damage. In the Northeast, this figure translates into over such 84,000 newborns per year.

Last week, the Mount Sinai School of Medicine Center for Children's Health and the Environment reported that the cost to the Nation of the impact of

mercury on children's brain development is \$2 billion a year.

These newborns are being poisoned by the mercury which coal-fired power plants spew into the air and eventually pollutes the water, and enters the food chain. Mercury advisories now apply to nearly a third of the area of America's lakes and 22 percent of the length of our rivers.

Incredible as it seems, however, EPA—the agency charged with protecting the environment—has issued a rule that would actually lead to more of this toxin in the water we drink and the air we breathe.

Obviously, it's important to have adequate power to keep the lights on. But we also need to protect our children's health. We can do both by requiring that power plants use the best technology to control mercury emissions.

I urge my colleagues to vote for passage on this needed resolution to restore a sensible anti-mercury policy for the Nation.

Mr. SPECTER. Mr. President, I have sought recognition to give my reasons for voting against the so-called Leahy-Collins resolution.

I believe mercury pollution is a real problem, particularly for vulnerable populations, including children. Given these concerns, I support efforts to reduce mercury emissions from coal-fired power plants, which account for 42 percent of U.S. emissions. This is in line with my support for many years for clean coal technologies, which will allow our Nation to utilize our most abundant natural resource in a cleaner, more efficient manner.

Debate on this resolution has revolved around two regulatory approaches—a maximum available control technology, MACT, rule or a cap-and-trade rule. I suggest that there is a third option that combines elements of both. A MACT system is enormously expensive on its own, costing up to \$358 billion according to the Energy Information Administration, compared to \$2 billion estimated by EPA for a cap-and-trade approach. However, a cap-and-trade-only system is inadequate on reducing pollution levels around specific plants, referred to as "hot spots." The Leahy-Collins resolution would tie EPA's hands by restricting it to a MACT-only approach.

Under a third option, EPA could set a national emissions level, based on the best available science to protect public health and the environment, and implement a cap-and-trade system to meet this goal with the addition of measures to take care of hot spots. EPA could require reductions at specific plants. To this end, I have written the Administrator of the EPA urging this hybrid approach, which would meet environmental goals while balancing the implementation costs faced by consumers.

I ask unanimous consent that my letter to EPA Administrator Johnson be printed in the RECORD.

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

U.S. SENATE,

Washington, DC, September 13, 2005.

Hon. STEPHEN L. JOHNSON,
Administrator, Environmental Protection Agency,
Washington, DC.

DEAR ADMINISTRATOR JOHNSON: I am writing regarding the Clean Air Mercury Rule announced by the Environmental Protection Agency (EPA) on March 29, 2005 and urge that you reconsider this rule.

Mercury pollution is of great concern to me. The Commonwealth of Pennsylvania is party to a suit in the U.S. Court of Appeals for the DC Circuit, which seeks to overturn the mercury rule.

As you reconsider this rule, I propose that the most reasonable approach to reducing U.S. mercury emissions from power plants would include a national cap with plant-specific reductions for those facilities found to be responsible for high levels of local mercury deposition, as some call "hot spots." This would provide the flexibility needed by utility companies to make decisions on the appropriate mercury reductions at their plants, while avoiding the potentially inevitable problem of fuel switching to natural gas under a Maximum Achievable Control Technology (MACT) standard.

Reducing mercury pollution is extremely important to the nation. Beyond that, there are specific concerns the Commonwealth of Pennsylvania has, which concern this rule and the problems Pennsylvania faces with mercury-contamination fish advisories for every water body in the state.

Thank you for your attention to this matter. I look forward to your response to these concerns.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. I assure my colleagues and my constituents that I will be monitoring this situation as the current mercury rule is litigated in the court system and as EPA considers further mercury emission control options.

Mr. BYRD. Mr. President, today I will vote against S.J. Res. 20, the joint resolution of disapproval concerning the mercury emissions rules that were promulgated by the Administrator of the Environmental Protection Agency, EPA, on March 15, 2005. At the same time, I have some significant reservations about the sometimes questionable decisions that the administration made to revise the regulations and achieve the final result. In short, I cannot condone this rule making process; I remain very concerned about the possible impacts these new regulations could have on eastern coal; and I urge the administration to increase its commitment to funding important mercury control technology programs.

On one hand, coal, electric utility, and other industry interests are concerned that returning to the more stringent mercury control standards proposed by the Clinton administration would lead to negative economic impacts, including fuel switching to natural gas. They believe that the intent of S.J. Res. 20 would be to force the EPA to require a 90 percent reduction in mercury emissions from each coal-fired powerplant, and this would also directly impact West Virginia's chem-

ical, agricultural, and industrial uses of natural gas. I am therefore concerned that a vote for S.J. Res. 20 would support regulations that are more draconian and costly than could be borne by the economy at this time.

However, like the United Mine Workers, I remain concerned about the potential impacts that the clean air mercury rule could have on eastern coal. Time and again, eastern coals have sustained the brunt of the clean air regulations at the expense of western coals. Since the passage of the 1990 Clean Air Act amendments, western coal production has continued to climb at a steady pace while eastern and interior basin coal production, and important union mining jobs, have suffered significantly. I am troubled by evidence that, in making changes to these regulations, the Bush EPA was swayed by and, in some cases, simply copied recommendations by western coal industry interests.

Furthermore, it is important to bring to light several important reviews of these regulations by the Government Accountability Office, GAO, and the EPA inspector general. The GAO as well as the EPA inspector general criticized the EPA for ignoring critical information. Based on these reviews, the administration did a very poor job of analyzing the mercury emissions data, the economic analysis, and other critical health-based factors. It appears that the administration already had reached a predetermined answer and then worked backwards to achieve that end.

Finally, I have been very concerned about this administration's commitment to funding fossil energy research. The industry argues that there is not a sufficient, reliable suite of technologies to meet these mercury emissions standards for some years to come. Because I believe that there are negative health impacts to pregnant mothers and young children from exposure to mercury, we should take economically and environmentally sound actions to achieve these reductions. However, this administration has not increased the critical funding required to find the mercury control technologies that would enable the U.S. to meet these emission reductions sooner. The administration could do a lot more to get these technologies in place by increasing funding for these important programs.

Mr. DODD. Mr. President, today the Senate will be voting on a measure that has a direct impact on the lives of thousands of people in Connecticut and around the country. By voting yes today on the bipartisan S.J. Res. 20, Congress can reverse the EPA decision to not regulate mercury emissions under section 112 of the Clean Air Act. Under Section 112, powerplants would be required to reduce emissions of mercury and other pollutants by the maximum achievable level of control by installing stringent pollution control equipment. In March 2005, EPA issued a

rule rescinding an earlier 2000 finding that it is appropriate and necessary to regulate mercury from power plants. Instead, EPA advocates a cap-and-trade system over plant-specific controls.

Mercury is a potent neurotoxin that affects the heart, brain, and immune system. By putting forth this irresponsible rule, EPA is putting the lives of millions of people at risk, especially those of children and pregnant women. Scientists have well-documented evidence of mercury toxicity. In the Northeast, a public health crisis is looming as there are estimates that over 84,000 newborns each year will be at-risk for irreversible neurological problems and cardiovascular abnormalities.

While mercury is prevalent in many household, medical, and industrial products, the largest U.S. source of mercury emissions are powerplants. The mercury is carried by the wind from powerplants and settles in the lakes and rivers hundreds of miles from the source of pollution. The pollution knows no boundary and that is the problem facing Connecticut. We do have a few less-than-perfect powerplants, but the majority of our mercury pollution comes from sources outside the State and region.

So prevalent is the pollution that 44 States have issued fish consumption advisories. In some States, no lake or river is habitable. In Connecticut, pregnant women and small children are advised to eat no more than one meal of freshwater fish per month. All others are advised to eat no more than one meal of fish per week. With statistics like this, it is clear to see that in addition to the public health consequences, there are clear economic challenges as well. Fishing is a big contributor to our local economies, contributing nearly \$116 billion to the national economy.

In 2002, Connecticut took the first step in reducing mercury from the waste stream and by prohibiting the sale of many mercury products. Further, the State has implemented a comprehensive public education, outreach and assistance program. But individual States cannot address the problem of mercury emissions on their own because emissions travel far and wide. The EPA has dropped the ball and we will all suffer for it.

The EPA had a chance to take a stand for the public health and economic well-being of citizens across this country. Under Section 112 of the Clean Air Act, a nearly 90 percent reduction in mercury emissions by 2008 could have been achieved. Instead, the EPA chose to pursue an emissions cap-and-trade program that will likely achieve only a 70 percent reduction in emissions by 2018—ten years later. Because the cap-and-trade system does not require plant-specific controls, there are even some estimates that the reductions may not occur until 20 years out. We can simply not afford the delay. The Northeast States for Coordinated

Air Use Management, NESCAUM, have determined that cost-effective technologies to reduce mercury emissions by 90 percent or greater are already commercially available.

Today, we have a chance to undo what the EPA is championing and stand up for the people of this country. There is widespread opposition to the EPA rule from states, localities, health professionals, groups of faith, and many sportsmen and women. I urge my colleagues to vote for S.J. Res. 20.

Mr. LIEBERMAN. Mr. President, I offer my full support of the resolution and wish to thank Senator LEAHY, Senator COLLINS and the other cosponsors of this resolution who joined Senator LEAHY, Senator COLLINS and me in bringing it forward.

One in 12 American women of child-bearing age have mercury blood levels that put their fetuses at risk for developmental delays. Developmental delays are a human tragedy, often denying children their full intellectual and psychological potential. This human tragedy means that our schools and educational system face costs and burdens borne in meeting the special needs of these children, burdens that make it that much harder for our schools to achieve their overall mission of delivering the highest quality education to all Americans. At a time of increasing global economic competition in which human capital may be our most precious resource, we simply cannot afford to squander our people or divert the resources of our schools when we can prevent the problem in the first place.

That is why in 1990, Congress passed and President George H.W. Bush signed, comprehensive clean air legislation that, among other things, put in place a mechanism for dealing with power plant mercury emissions aggressively.

Unfortunately, the EPA's Clean Air Mercury Rule defies that clear intent of Congress and the first President Bush by failing to achieve anywhere near the full level of cost-effective and timely reductions in the emission of mercury from power plants, one of the critical sources of mercury in the environment.

The EPA's mercury rule depends on the agency's decision to undercut the Clean Air Act's mechanism for addressing mercury emissions from power plants. This resolution explicitly disapproves that undercutting decision.

The resolution should be adopted because the EPA must engage in a new rulemaking that is sound and that yields the proper level of reductions that the Clean Air Act contemplates and public health and economics demand.

Findings from both the Government Accountability Office and the EPA's Inspector General suggest that the EPA has much to repair in the rulemaking that led to the current rule. The GAO found that the EPA did not adequately evaluate the health benefits that would be achieved from re-

quiring more aggressive mercury reductions than called for under the current rule. The EPA Inspector General determined that the agency did not evaluate what level of emissions reductions were technologically achievable, as required by the Clean Air Act. In addition, the EPA ignored an EPA-funded study by the Harvard Center for Risk Analysis pointing to substantial additional cardiovascular-related health benefits associated with mercury reduction.

The Clean Air Mercury Rule was developed and promulgated at the same time that the Clean Air Interstate Rule was. The levels of mercury reduction expected to occur as a collateral result of reductions in sulfur dioxide and oxides of nitrogen under the Interstate Rule are almost exactly those required by the Mercury Rule. This seeming coincidence raises the strong suspicion the EPA suborned its entire analysis of the Mercury Rule to the preordained goal of requiring under the Mercury Rule to effect no additional reductions in mercury than would be achieved as a collateral effect of the Interstate Rule. The flagrant flaws in the EPA's Mercury Rule rulemaking that both the GAO and the Inspector General exposed only reinforce that suspicion.

In contrast, the Clean Air Act requires the EPA to make a determination, after careful economic, technological, environmental, and public health analysis whether it was "necessary and appropriate" to regulate utilities' mercury emissions as a hazardous air pollutant under section 112. In December of 2000, the EPA, following the Clean Air Act's requirements, determined that power plant mercury indeed was a hazardous air pollutant, meaning that regulations under Section 112 of the Clean Air Act were "necessary and appropriate." Once that determination was made EPA was required to put in place new technology-based regulations of mercury emissions from power plants, regulations that would call on each electric generating unit in the country to take technologically feasible actions to reduce its harmful emissions.

In contrast to the clear letter and spirit of the law, the new mercury rule leaves hundreds of large coal-fired power plants with absolutely no mercury controls until after 2020—if ever. In fact, the Congressional Research Service estimated that only 4 percent of installed power plant capacity is projected to require control by 2020 under this rule.

In addition, overall reduction levels under the new rule would be far below what can be achieved cost-effectively. In June, the GAO reported that the technologies exist for capturing 30-95 percent of mercury from coal. Recent tests have shown average removal rates of 70-95 percent for all coals, with those technologies applicable to the coals that account for 90 percent of power production showing mercury capture in excess of 90 percent. Cur-

rently, drastic reductions are underway in the State of Massachusetts, with mercury technology vendors working to meet a State-mandated 85 percent control level. Many, including vendors, state that 70-90 percent control can be achieved by the end of this decade. Associated costs to electricity consumers would increase by a mere 1-5 percent, according to the GAO report. These findings strongly suggest that the technology to control mercury is available now. By turning its back on a regulatory program that would achieve this level of control, the current EPA mercury rule turns its back on tens of thousands of children who will continue to be exposed unnecessarily to the development risks of mercury.

The EPA puts great stock in the use of cap-and-trade in its rule, and, as my colleagues in the Senate know, I, too, believe that cap-and-trade is a valuable tool for emissions control programs. In this case, I believe that cap-and-trade is the wrong tool to use, at least without specific technology requirements and much more stringent reduction requirements. Connecticut suffers from deposition of mercury emitted from upwind sources, and many highly populated areas within range of power plants are seeing significant deposition. To deal with mercury emissions, the case is strong, and the Clean Air Act reflects this, for requiring plant-by-plant controls.

At the same time, the EPA did next to nothing in its rulemaking to refute this case and to demonstrate that power plants' mercury emissions were only widely dispersed and yielded no local deposition. Instead, the EPA used an atmospheric model that masked, rather than revealed, whether mercury emissions have local deposition impacts. The EPA's model divided the Nation's atmosphere into a hypothetical grid of individual parcels that, at 500 square miles each, were so big that the model simply could not detect local emissions plumes and deposition even if it were occurring. When the model is run, the emissions of any large power plant within any of the model's grids are immediately dispersed by the model throughout the entire volume of that 500 square mile grid; the model simply cannot detect localized deposition occurring in any area smaller than 500 square miles! Thus, this technique cannot possibly reveal local effects occurring downwind of a large source. In effect, the model design itself created a self-fulfilling prophecy, which could only show the result that EPA wanted—that power plants emissions were dispersed, with no local deposition. In these circumstances, EPA has failed to make its case that cap and trade is the right tool to achieve both overall reductions and prevent harmful local effects.

Lastly, there is reason to believe that EPA overstated the role of global mercury emissions in high-deposition areas. If so, the case for plant-specific reduction requirements is even stronger. At the same time, even if one of the

keys to addressing mercury deposition in the U.S. is inducing other countries to reduce their emissions, there can be no more effective way to accomplish that than if the U.S. itself adopts stringent controls on its own power plants and thus stimulates the development and widespread use of the technologies to achieve those reductions. If we want other Nations to follow our policies and use our technologies then we must act first.

For these reasons, Congress must adopt this resolution and the EPA must go back to the drawing board and produce a mercury program that will truly protect the American people.

Mr. HATCH. Mr. President, earlier today I was necessarily detained from voting on S.J. Res. 20, "A Joint Resolution disapproving a rule promulgated by the Administrator of the Environmental Protection Agency to delist coal and oil-direct utility units from the source category list under the Clean Air Act."

Mercury emissions and rulings by Federal agencies concerning the environment are extremely important. Although my vote would not have changed the outcome, I respectfully request that the RECORD show that had I been able to cast my vote, I would have joined with the majority of Senators who voted to uphold the administration's rulings and against the resolution of disapproval.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, how much time remains?

The PRESIDING OFFICER. Three minutes.

Mr. LEAHY. Mr. President, we make a mistake when we say this is a matter of cap and trade. It is not. We are talking about a toxic waste, one that causes birth defects, IQ loss, mental retardation, and continues to poison children and pregnant women. One-sixth of pregnant women are affected. That is not cap and trade. This idea that we are only talking about 1 percent, of course, is not the case. Forty percent of the mercury comes from the United States. We are talking about the 40 percent that is affecting our rivers, our streams, our children. Do we simply ignore the proliferation of warnings all over the country that fish caught in our streams and lakes and rivers are unsafe to eat? Do we allow this rule to move forward when it has been harshly criticized by the Bush administration's own EPA inspector general? When the Government Accountability Office has said there are major shortcomings in the analysis? Or do we uphold the bipartisan work that produced the Clean Air Act that protects the health of pregnant women and children and try and clean this up now?

Every one of us will give speeches about how family friendly we are. We are talking about children. We are talking about pregnant women. I can't think of anything more family friendly than to remove this threat of mercury

from them. If we vote this down, we are telling a whole generation of women and children their health is less important than energy company profits. We are going to tell them, rather than go to the scientists, rather than go with what the Bush administration's own inspector general said, instead we will take the regulations that were written, in many parts, verbatim by the industry.

What are we going to say to the families who live in the hotspots of today or tomorrow? This rule is a danger to America's women and children. It is time to do it over and do it right. I hope my colleagues will support the resolution. This is not a moot point. If we pass this resolution, maybe it will be enough of a signal to have people go back and do what the inspector general of the EPA said, what the Government Accountability Office has said, and actually do it right, actually follow their own procedures.

I thank the Chair.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, let me address a couple things that were stated. First, let me inquire as to the time remaining.

The PRESIDING OFFICER. The Senator has 2 minutes 30 seconds remaining. The Senator from Vermont has no time remaining.

Mr. INHOFE. First, it is the Energy Information Administration that came out and did the study on this. They said that there would be fuel switching. I only have to ask the question, if you are not able to use coal-fired plants, what are you going to switch to? Is it going to be windmills? There would be fuel switching, and it would have a devastating effect in terms of the problems that already exist in terms of the cost of natural gas.

The Senator from Vermont is passionate on this subject, and I don't want to be critical. But in talking about hotspots, that is the same thing that they said about acid rain—there are going to be hotspots—and it didn't happen. Thirdly, the point that was brought up on being family friendly. When you look at the fact that they say studies show that not a single woman or child has a blood mercury level approaching the level at which even the smallest affect was observed in any study, where is the real problem there? If you want to be family friendly, let's be a little concerned about the cost of fertilizer, about the cost of heating our homes when winter comes.

This is an exercise in futility. The President has already announced if this thing should pass—they will feel good and rejoice—he will veto it, and you can't override a veto. It is a done deal. The current rule regulates mercury for the first time. The current rule's cost is \$2 billion, as opposed to \$358 billion, a huge difference. A vote for this rule is a vote to drive the remaining chemical plants overseas. A vote for this

rule is going to be a vote to increase the cost of fertilizer for every farmer in America. The cap and trade worked on acid rain, and it will work accurately now. All the talk about U.S. powerplants. They only contribute 1 percent of the mercury that is in the system now globally.

I thank the Chair.

The PRESIDING OFFICER. The time of the Senator has expired. All time has expired.

Under the previous order, the Senate will proceed to a vote on passage of the joint resolution.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

Mr. INHOFE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The joint resolution having been read the third time, the question is, Shall it pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Utah (Mr. HATCH).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

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

The result was announced—yeas 47, nays 51, as follows:

[Rollcall Vote No. 225 Leg.]

YEAS—47

Akaka	Feingold	McCain
Alexander	Feinstein	Mikulski
Bayh	Gregg	Murray
Biden	Harkin	Nelson (FL)
Bingaman	Inouye	Obama
Boxer	Jeffords	Reed
Cantwell	Johnson	Reid
Carper	Kennedy	Salazar
Chafee	Kerry	Sarbanes
Clinton	Kohl	Schumer
Coleman	Landrieu	Smith
Collins	Lautenberg	Snowe
Corzine	Leahy	Stabenow
Dayton	Levin	Sununu
Dodd	Lieberman	Wyden
Durbin	Lincoln	

NAYS—51

Allard	DeMint	Martinez
Allen	DeWine	McConnell
Baucus	Dole	Murkowski
Bennett	Domenici	Nelson (NE)
Bond	Dorgan	Pryor
Brownback	Ensign	Roberts
Bunning	Enzi	Santorum
Burns	Frisk	Sessions
Burr	Graham	Shelby
Byrd	Grassley	Specter
Chambliss	Hagel	Stevens
Coburn	Hutchison	Talent
Cochran	Inhofe	Thomas
Conrad	Isakson	Thune
Cornyn	Kyl	Vitter
Craig	Lott	Voinovich
Crapo	Lugar	Warner

NOT VOTING—2

Hatch Rockefeller

The joint resolution was rejected.

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

The motion to lay on the table was agreed to.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 1:14 p.m., recessed until 2:18 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

The PRESIDING OFFICER. In my capacity as a Senator from the State of Ohio, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SHELBY. 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.

MAKING APPROPRIATIONS FOR SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES FOR FISCAL YEAR 2006—Continued

AMENDMENTS NOS. 1650, AS MODIFIED, 1653, AND 1704

Mr. SHELBY. Mr. President, I ask unanimous consent that the managers' amendments that I now send to the desk be considered and agreed to, en bloc. These noncontroversial amendments have been cleared on both sides of the aisle.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to, en bloc, as follows:

AMENDMENT NO. 1650, AS MODIFIED

(Purpose: To make funds available to implement the Harmful Algal Bloom and Hypoxia Amendments Act of 2004)

On page 170, between lines 9 and 10, insert the following:

SEC. 304. Of the amounts made available under the heading "NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION" and the subheading "OPERATIONS, RESEARCH, AND FACILITIES", sufficient funds may be provided to implement the Harmful Algal Bloom and Hypoxia Amendments Act of 2004 (title I of Public Law 108-456; 16 U.S.C. 1451 note).

AMENDMENT NO. 1653

(Purpose: To increase funding for child abuse training programs for judicial personnel and practitioners)

On page 133, line 11, strike "\$2,287,000" and insert "\$5,287,000".

AMENDMENT NO. 1704

(Purpose: To extend the term of the National Prison Rape Elimination Commission)

On page 142, after line 3, insert the following:

SEC. _____. Section 7(d)(3)(A) of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15606) is amended by striking "2 years" and inserting "3 years".

The PRESIDING OFFICER. The Senator from Michigan is recognized.

AMENDMENT NO. 1687, AS MODIFIED

Ms. STABENOW. Mr. President, I ask unanimous consent the pending amendments be set aside. I call up amendment No. 1687, and I send a modification to the desk for immediate consideration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 1687), as modified, is as follows:

(Purpose: To provide funding for interoperable communications equipment grants)

On page 190, between lines 14 and 15, insert the following:

Sec. 522. (a) There are appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2006, \$5,000,000,000 for interoperable communications equipment grants under State and local programs administered by the Office of State and Local Government Coordination and Preparedness of the Department of Homeland Security.

Ms. STABENOW. Mr. President, I ask unanimous consent that Senators LEVIN, SCHUMER, OBAMA, CLINTON, and BOXER be added as cosponsors of this amendment.

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

Ms. STABENOW. Mr. President, all of America is hurting with the Katrina victims and their families. We are finding ways to help, to reach out, to make a difference in these critical weeks following the hurricane and the horrible disaster. Americans are donating record amounts of money, time, and supplies to help those displaced by the hurricane. The most important thing to do now is to save life, to provide shelter, food, and medical care for the people affected by this tragedy.

As is happening in many States, last week two jetliners arrived in Michigan with the first group of 289 hurricane evacuees. Troops and volunteers at our Battle Creek Air National Guard base are providing clean shelter, food, and clothing to all of these Americans. Last Friday, 46 more Americans were welcomed into Michigan, and we expect many more in the coming weeks.

We also have several Michigan State police teams, and more than 500 members of the Michigan National Guard in Louisiana and Mississippi assisting with relief efforts.

There are stories about people all across our great Nation who are answering the call to help the men and women who have been displaced and hurt by the hurricane. In Michigan, families and businesses are working together to help the victims. Michigan-based Whirlpool, for example, is donating \$1 million in cash and products for Hurricane Katrina relief efforts.

On Friday, the State of Michigan held a statewide on-air fundraiser where Michiganders generously donated time and dollars for Red Cross hurricane relief efforts.

There are so many individual stories of heroism and generosity rising from

the depth of this catastrophe, both in the States affected by the hurricane and in communities such as mine all across America. These are important stories right now—saving lives, finding shelter, food, and medical care, and raising money to help hurricane victims. But there is another story to tell here as well. It is about the Federal Government and our responsibility to all Americans to be prepared not only for this kind of disaster but for a coordinated response to help save lives and prevent chaos.

We all watched in horror the images of families trapped in New Orleans after the hurricane; mothers with babies and young children stranded on highway overpasses, making their desperate pleas for help; families clinging to the roof of their flooded home, waving the shirts off their backs for help; senior citizens trapped in flooded nursing homes without food, water, and medical care. An estimated 55,000 people were stranded in the New Orleans Superdome and convention center, left for days—left for days—without food, water, and working bathrooms, waiting to be rescued. Thousands of people sat outside the Superdome in the heat and the filth for days waiting for convoys of buses which were slow to arrive because of FEMA's lack of planning and poor communication.

How could this happen in the United States of America, the greatest country on Earth? How could this happen? How could we allow stranded people to die without getting them water and food and medical care?

In this time immediately following this disaster, we have an obligation to correct the mistakes on crisis response. We need to address how the Federal Government could have better handled the response to Hurricane Katrina and what should have been done to prevent the disorder and death that followed this tragedy. It is absolutely critical that local communities have the tools they need to communicate, coordinate, and respond effectively when disaster hits. They did not have that in New Orleans and the other places that were hit, where the police departments in three nearby parishes were on different radio systems. They did not have enough satellite phones. They had ground and cell phone lines that were taken out with this storm. The communications systems they did have, like most in local communities across the Nation, were not interoperable. They were not connected. They didn't work together. Police officers called Senator LANDRIEU's office, and I am sure Senator VITTER's office as well, because they could not reach commanders on the ground in New Orleans.

In the absence of communication with other emergency responders due to the lack of interoperability, power, or dying batteries, responders shared satellite phones that were in short supply.

According to Aaron Broussard, president of the Jefferson Parish, FEMA

came in, and, without warning, cut the emergency communication lines for local law enforcement and hooked up their own. Local law enforcement and first responders were left without any way to communicate with each other.

This collapse in communications was not just a local and State problem. FEMA, who is supposed to be coordinating the Federal response and helping rescue evacuees, was working in the dark. In several interviews, former FEMA Director Brown admitted that FEMA learned about 25,000 hungry, and in some cases dying, people trapped in the New Orleans convention center from listening to news reports. Even he conceded that emergency assistance and delivery problems were caused by "the total lack of communication"—the inability to hear and have good intelligence on the ground. We knew before Katrina hit that too many of our police and fire and emergency medical services and transportation officials cannot communicate with each other, and our local departments are not able to link their communications with State and Federal emergency response agencies.

The September 11 attack highlighted the interoperability crisis when New York police and firefighters, while on different radio systems, couldn't communicate when we had police officers and firefighters running in the buildings that they should have been running out of because they weren't able to communicate with the others on floors above them to know what was happening. Over 50 different public safety organizations from Maryland, Virginia, and the District of Columbia reported to the Pentagon, but they could not talk to each other. The result of this lack of connectedness in communications is nothing short of chaos.

This past Sunday, Thomas Kean, the former Republican Governor of New Jersey, an esteemed cochair of the 9/11 Commission, said that the Federal Government's response was similar to September 11, including first responders not being able to talk to each other and a lack of command and control. The Commission's cochair, Lee Hamilton, also told CNN that "he has had an uneasy feeling for a long time that the government simply was not acting with a sense of crisis, with a sense of urgency." Now I hope and pray we have that sense of urgency.

A June 2004 U.S. Conference of Mayors survey found that 94 percent of our cities do not have interoperable capability between police, fire, and emergency medical services, and 60 percent of our cities do not have that same capability with the State emergency operations centers. Majority Leader FRIST spoke in the Senate last week about seeing this problem firsthand in the gulf coast, how people were working without functioning radios and could not communicate from one end of the airport terminal to the other, much less to another building or another part of town.

Almost half of the cities surveyed said that a lack of interoperable communications had made response to an incident within the last year difficult. The most startling finding was that over 80 percent of cities do not have interoperable communications with the Department of Homeland Security or the Department of Justice. Heaven forbid, if there is another natural disaster or terrorist attack soon, our communities will not be able to communicate with FEMA or the Department of Homeland Security.

Michigan first responders have told me, as I have said before in the Senate, that they have to watch the cable news to get notifications of raised alert levels because they are not able to be contacted by the Department of Homeland Security. As I mentioned before, FEMA found out about the 25,000 people trapped in the New Orleans convention center from watching the news reports.

Last Sunday was the fourth anniversary, as we all know, of the horrendous attacks on September 11, and this is the State of our Federal communications and emergency response system? We can do better. It is time to have a sense of urgency and do better.

They are only beginning the process of recovering the bodies of the Katrina victims in the gulf coast. Some of these victims lost their lives because of the hurricane. How many lost their lives because of the poor disaster response and the total lack of communications? How many lost their lives because they were left without food or water for days, without any hope of aid, and no ability to communicate? How many lost their lives because they were trapped in their homes, in churches, and highway overpasses waiting to be rescued? How many lost their lives because they were elderly and sick or dying and stranded without medical care or medicine? How many of these lives would have been saved if FEMA had been able to communicate with local first responders and hospitals and get good information on where to send help first, what was most urgent? FEMA failed these victim and their families. There is a wide understanding of that. This is unconscionable in terms of the lack of infrastructure and communications. The lack of communications is a crisis, and we are putting our communities in danger. We need to address this now. We all need to address it, together.

Two months ago in the Senate, I offered an amendment to provide \$5 billion for interoperable communications equipment grants for first responders to the Homeland Security appropriations bill. The amendment, unfortunately, was defeated. Why? Many stated it was a local responsibility to pay for this equipment. But how is communication, connecting all across the country—local, State, and Federal—to respond to a national emergency or regional emergency, how is this a local responsibility when we have seen what happened?

I know none of my colleagues believe rebuilding from the devastation of Hurricane Katrina is a local responsibility alone or that somehow helping those who have lost their homes, lost so much, that somehow that is a local responsibility alone. We understand we have a responsibility, together, to help these Americans, and everyone is coming together to do that. No one in the Senate is saying it is a local responsibility to rebuild the gulf coast.

After September 11, we came together. The terrorists did not just attack New York and Washington, DC; they attacked the entire country. We responded by coming together and having a Federal response. Why is it, then, that communications equipment that would allow local, State, and Federal first responders to coordinate and work as a team has been considered a local responsibility? I hope that will no longer be the case. Coordinated communications would decrease the loss of life and the devastation of a natural disaster such as Hurricane Katrina and in the case of terrorism could very well prevent an attack.

That is why I am again offering my amendment. My amendment provides \$5 billion for interoperable communications grants for America's first responders to provide a strong Federal commitment to address this problem.

Estimates from the GAO and the Congressional Budget Office place the cost of equipping America's first responders with interoperable communication in excess of \$15 billion. In November 2003, the CBO testified before Congress that there is insufficient funding in place to solve the Nation's interoperability problem and that it would cost over \$15 billion to move us in the direction of solving the problem. This \$5 billion provides a strong Federal commitment toward the goal. I hope we will make that commitment to do that investment this year, next year, and the year after, and complete this issue and get it right, solve this problem. There is no time to wait. We need to act now. We should have acted before. I am hopeful we will come together now and act.

The Federal Government has not made a significant commitment to solve this problem up to this point. In previous years, tiny amounts of money have been allocated to interoperability projects on a very small scale. Obviously, it has been not enough to get the job done. According to the Department of Homeland Security, since September 11 the Department of Homeland Security has spent only \$280 million directly on interoperable communications. None of these funds have been provided to help State and local emergency responders purchase the equipment they need so they can talk with each other.

Nearly 4 years after September 11, 2001, the top request for support I receive each year from communities in Michigan is for communications equipment and connectedness, the ability to

talk with each other. In Michigan, we still have police departments that cannot talk to the fire department, the sheriff who cannot talk to the local community, and those who are not able to talk with Homeland Security or State authorities.

We in government failed the people of the gulf coast because we did not address this sooner. Now we need to provide the resources to make sure the communications equipment works, it is interoperable, and that they can get the job done in the future to save lives and respond—whether it is a terrorist attack or a natural disaster.

This shock and horror of the aftermath of Hurricane Katrina will live with us forever. We salute the heroes of this disaster, and our prayers are with the victims.

The American people, as they always do, rose to the challenge and are helping out all across this great country. I again am so proud of all we are doing in the great State of Michigan. We have to step up and show leadership and do our part, do what we can and should do but only we can do, and that is to make sure that across the country we have done the job to put together the communications infrastructure to make sure in case of emergency all of our citizens—State, local, Federal officials—can talk to each other, can respond with efficiency and effectiveness, and can do what needs to be done to save lives and save communities. We have the power to do that.

I ask support for my amendment and urge all of my colleagues to support this effort to get this done. We need a sense of urgency. If we do not feel it now, I don't know when we will. I hope we will get this done.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. LINCOLN. Mr. President, I rise to lend my support to amending the Commerce-State-Justice appropriations bill for the purposes of providing additional grant money to fund interoperable communications for our first responders.

I compliment my colleague from Michigan, Senator STABENOW, for bringing this up and helping us to address, in an expeditious fashion, some very dire needs that exist out there among those on whom we depend the most.

In many instances, whether it is a natural disaster or any kind of an emergency circumstance, we find our first responders, without a doubt, are those who come to our aid first and foremost.

Without a doubt, in this age of technology and advanced communications, there is no excuse for us, as a nation,

to not be able to provide to our first responders and to all of our Government assistance agencies the kind of communication that keeps us connected.

This past week, I visited some evacuees from Katrina in my home State of Arkansas. Our people in Arkansas are our greatest asset. I have always said that. Watching the Governor, he moved quickly to put people into place and to put systems into place to find available beds at everything from church camps to gymnasiums and other places, to move quickly to put into place something the Red Cross could respond to and so that evacuees could get to a place where they could begin to find some comfort and to be able to relax a little bit from the unbelievable experiences they have been going through.

I found, in one of these evacuee camps, the Red Cross had gone in and had taken a lot of the registry information of individuals so they could help reconnect them with their families and make sure they could make available the information that they were safe and where they were located. They did this for a tremendous number of evacuees, only to find that when FEMA finally arrived in Arkansas, several days later, their communication systems were not compatible. So we had to get volunteers from the local school to come in and reenter all of the information about these evacuees so they could also get their presence, through the FEMA modes of communication, out to all the different outlets where, hopefully, they could reconnect with their families.

We are in a day and age where communication should be easier than we are making it. There is no doubt there is technology that is more advanced than what we are providing in cases of emergency and particularly to our first responders.

A little over 4 years ago, this Nation confronted an attack like no other. We remembered, on September 11 of this year, September 11 of 2001. It was a day none of us will ever forget. That day showed us our weaknesses as well as our strengths. We vowed, at that time, to learn from our mistakes, great and small. One of the issues we learned we needed to address was the ability of our first responders, whether they be Federal, State, or local, to communicate with one another in an emergency situation in order that they all may do the best job possible for those whom they are trying to serve.

Four years have passed since we, as a nation, became painfully aware of the need to address this deficiency in our communication systems.

With twin boys who are 9 years old, who are quickly getting into lots of different types of activities—whether it is baseball or soccer, whether it is the chess club or learning how to play a musical instrument—I continually tell them: Just do your best. Just do your best. All anyone can ask of you is to do your best. Then you can be confident you have given your all and that you

have done your best. And as you continue to try to do your best, you will always improve.

Think of how our first responders must feel when they know, with a little bit of today's technology, they could be doing better, they could be doing their best. They could be doing their best saving lives, reuniting families, bringing to people the kind of help and aid they have been trained to bring. There is no greater, more horrific feeling than to know you are capable of providing something such as that and yet are handicapped in being able to do your very best.

We recently had our first wide-scale test of what progress we have made with respect to this problem in communication. The results have been less than stellar. It is painfully clear we have not made the strides we must if we are to have the American people's confidence that their Government maintains a basic level of competence in times of emergency.

Emergency responders from my home State, the State of Arkansas, rushed to Louisiana after Hurricane Katrina hit. Being a neighbor to the north, we wanted to do all we possibly could do to help our neighbors in their time of need. When they arrived, they found they could not communicate properly with officials in the area. They lost precious time which could have been better spent getting help to victims, saving lives, rescuing individuals, doing their very best.

In considering whether to support this amendment, I asked myself a simple question: Are the communications tools that our brave first responders have at their disposal the best we have to offer? The answer is clearly no. We as a nation, we as a people, we, as a human race, with the good minds that God has given us, have produced technology that can assist them in doing their very best as responders in emergency situations. We can do better. With this amendment, we will give our first responders the ability to respond, using the skills, using the talents they have developed, using the very courage that is in their hearts and in their minds to help their fellow man.

I have seen what happens when we put our minds to correcting similar communications problems. We have an example in our own State of Arkansas called Justice Exchange. It is an innovative program that allows law enforcement officials to check the records of people they have arrested from around the country. It started with a small grant we were able to get for our Sheriffs' Association in the State of Arkansas. Working with computer operators and technology, we were able to design a system that was compatible, Web-based, so we could, in turn, share it with other States, other law enforcement agencies across the Nation.

A great example: A deputy in one of our counties southwest of Little Rock picked up a man on a traffic violation,

but he had a little bit of a suspicion. He held him, detained him for a while, and tried to look him up on the computer. The name did not produce anything. So he asked one of the other deputies to go back and see if he could get a real name from this gentleman. In building that trust, he got a real name. He put it in the computer and found out that individual was wanted for two counts of murder—two counts of murder—in New Jersey or one of the other east coast States.

The fact is, in communicating, in building a system where people can share information and work together, such as in our law enforcement, we can solve so many of these problems.

This is not technology that is brand new. Much of it has been here for the last decade, to be able to connect and to use compatible software and compatible technology so these groups can communicate.

I think this amendment represents a very important step toward helping our first responders save lives. I believe it is the best reason to support this amendment. I encourage my colleagues to recognize the opportunity we have to say, after the horrific natural disaster that occurred in the Gulf Coast, we have learned enough to know our first responders need our help. They need current-day technology to be able to do the very best they are trained to do.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COLEMAN). The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1665

Mr. DORGAN. Mr. President, I have offered an amendment that is pending on this appropriations bill, and I wanted to speak to that amendment in the hope that we will be able to get a vote on that amendment at some point soon.

The amendment deals with trade, and because this appropriations bill deals with funding for the Department of Commerce and also the U.S. Trade Representative, this is the right place to propose that amendment.

Let me begin by talking for a moment about what is happening in trade. As you know, we have the largest trade deficit in the history of our country by far. It continues to grow and grow and grow and grow. This trade deficit is dangerous. It is irresponsible for us to continue to run these kinds of trade deficits. Yet nearly every day in this country, 7 days a week, all year long, we are importing about \$2 billion more than we are exporting. We are importing a substantial amount of product—yes, energy and food but shirts and shoes and trinkets and trousers—from every part of the world, and the fact is we are exporting American jobs.

Let me describe a couple of those jobs, and then I am going to describe what my amendment does.

A young woman named Natasha Humphries did what we are supposed to do in this country. She did everything American workers are supposed to do to compete in this global economy. She got a degree from Stanford University in 1996. She went to work for Apple Computer. She continued to acquire all kinds of new skills in high tech through classes and seminars. And she moved down to become a senior software testing engineer at palmOne, the company that makes the well-known hand held computing device called Palm Pilot. I want to show you the last message that this young woman left on her Palm Pilot. Natasha Humphries left this message on her Palm Pilot:

My job has gone to India.

She lost her job. Natasha Humphries got fired and the company moved all those jobs to India. Oh, there is one more thing. Natasha was required by her company to train the Indian workers who took her job. And so the company, searching for lower priced labor, fires American workers and moves their jobs to India. That was 2002 that palmOne's management decided to move all their product testing to India and China where they can pay \$2 an hour and less. They learned that some of those workers were not quite as productive as the American workers, but they decided to make a change, so that the workers in India were more productive, by sending American engineers to India. And so they sent American workers to India, trained the Indian engineers and then came back and fired the American workers. And so Natasha was laid off August 2003, along with 40 percent of her U.S. coworkers. She sued palmOne for wrongful termination. She also filed a reverse discrimination case.

Then she found herself on the unemployment line struggling to cover health care costs for her 6-year-old son who has sickle cell anemia. So this is a message from this Stanford graduate, this engineer:

My job has gone to India.

It could have been a message repeated 1.5 million times. Oh, not by anybody who wears a blue suit, though, who is in the Senate; nobody who wears suspenders and smokes cigars and wears blue suits and in big business or politics ever loses their jobs. It is the other folks who lose their jobs.

Let me describe a few. You recognize this. Fruit of the Loom. You know Fruit of the Loom; they had advertised with the folks who wear grape outfits, red grapes, apples, the fruit folks, catchy little commercials on television, except that Fruit of the Loom has now left America. If you are wearing Fruit of the Loom shorts today, you are wearing Chinese shorts or Mexican shorts. Or you are wearing Chinese T-shirts or Mexican T-shirts. Yes, it is clever and cute, except that 3,200 people who worked for Fruit of

the Loom in the United States of America don't work for them anymore because these shirts and shorts and the things that Fruit of the Loom makes are gone. They are gone in search of 30-cent-an-hour labor.

I will not speak at great length about Huffy bicycles because I have spoken at great length about Huffy bicycles so often, except to say this. This is a new decal between the handlebars and the fenders, and you will see it is a decal of the globe. That used to be an American flag when American workers produced them, but the American workers made 11 dollars an hour plus, so all those jobs went to China.

Now Huffy pays its workers 33 cents an hour, 7 days a week, 12 to 14 hours a day and, by the way, there is no more American flag on this bike. It is a globe. Oh, they still call Huffy an American brand. It is just not made in America, and all the American workers who used to make it lost their jobs.

You remember the television commercials about the Maytag repairman really struggling to stay awake because you don't repair a Maytag. Well, 1,600 Maytag U.S. jobs have gone to Mexico and Korea.

Big Blue, IBM. It is interesting, the paper trail from IBM; 13,000 IBM workers in Europe and the United States went to India where they hired more than 14,000 workers, and if you look at the internal documents, IBM said, Oh, by the way, we do not want to suggest to our employees this is offshoring or outsourcing; never use those words.

The last thing they wrote to their employees was: This has nothing to do with your performance. Oh, no, it is never personal, is it? It has nothing to do with your performance that you are losing your job.

Trade deal after trade deal, trade agreement after trade agreement, through Democratic and Republican administrations, have been incompetent, fundamentally incompetent in standing up for the economic interests of this country. Who on Earth is going to stand up for the interests of American workers?

People say: But you don't understand, Senator DORGAN, this is the way of the future; this is a global economy. It is global all right. We galloped along toward the global economy, but the rules have not kept pace. So we are now able to go to the big box stores and buy products that were made by sweat labor of people who all too often are earning 20, 30, 40 cents an hour, maybe \$1 an hour, and no benefits, working 6 days a week, 7 days a week. And we say to the American workers, that is what you should compete with?

We have been through a trade agreement called GATT, a trade agreement with the United States and Canada, one with the United States and Canada and Mexico called NAFTA, a trade agreement called CAFTA, the Central American Free Trade Agreement. We have been through all these free-trade agreements. Every trade agreement we

approved—I should say without my vote in support—has resulted in a larger trade deficit for this country.

Why is that the case? They are negotiated incompetently by American negotiators who do not stand up for the economic interests of this country. They feel they have nothing to protect.

Right now we have something called the Doha round. Have you been to Doha recently? I suspect not. There is a reason they do these trade rounds in far, out of the way places. In Doha, they are negotiating new trade agreements behind closed doors, in secret. Does anybody here know what those trade agreements are, what might be in them? We know this: There are 100 separate proposals in this round of trade negotiations, 100 separate proposals by other countries that would weaken the remedies in American trade law to protect our interests.

We also know our trade negotiators have said everything is on the table, meaning they are willing to negotiate away, if necessary, the protections in our trade laws. These are the laws that allow us to impose countervailing duties on other countries that wish to sell unfairly subsidized products into our marketplace and destroy a domestic industry. They are willing to negotiate away our antidumping laws that would allow another country to dump products into our country at below cost and destroy an American industry or business and jobs.

Why would American negotiators be willing to put that on the table? Are they not willing to stand up for this country's economic interests, for this country's jobs, good jobs?

The amendment I have offered is very simple, painfully simple. Interestingly enough, the White House has issued a veto warning should my amendment prevail in the Senate today.

My amendment is very simple. My amendment says no funds in this act funding the U.S. Trade Representative's office and the Commerce Department may be used to be involved in negotiations that will weaken America's protections in trade law, the protections that exist—countervailing duties, antidumping—nothing shall be done or can be done using these funds in this act to weaken America's trade laws to protect our economic interests.

For that, we get a letter from Secretary Gutierrez and Rob Portman, the U.S. Trade Representative, saying they strongly oppose this amendment. We heard all morning the administration will recommend a veto if this is adopted.

Let me give a bit of background. On May 14, 2002, 61 Senators voted for an amendment that Senators DAYTON, CRAIG, and I cosponsored. That amendment said that any trade agreement that weakened U.S. trade laws, especially remedies that protect our country against unfair trade, could not be considered by the Senate under fast-track rules. Sixty-one Senators voted for that amendment. It is essentially

the same as the amendment I am offering today.

The question is, Are you going to stand up for the economic interests of this country?

I don't even know where to start or stop when I talk about trade because the pain of bad trade agreements is not a pain inflicted on those who are privileged, and that includes all of us because we have not lost our jobs. But no country will long remain a world economic power if it does not have a strong, vibrant manufacturing base. The manufacturing jobs traditionally and historically in this country have been the jobs that pay well, the jobs that have good benefits.

It is interesting, when we take a look at the changes from 30, 35, 40 years ago, the largest corporation in our country was General Motors. They paid good wages, they paid very substantial benefits, and most people who went to work for General Motors worked there for a lifetime. Now the largest American corporation, I am told, is Wal-Mart. Their wages are not so hot, do not have many benefits for a lot of their workers, the average wage is \$17,000 a year, and their turnover is about 70 percent. If those figures are wrong, perhaps someone can correct me.

The point I am making simply is this: Times have changed. Those who control the economic levers in this country—bigger and bigger enterprises—have decided that it is in their interest to find the lowest cost labor in the world with the least nuisance attached to that labor. That is the nuisance of not being able to hire children, the nuisance of not being able to pollute the rivers or pollute the air. If they can find labor under those circumstances, employ it, and then produce the shirts, socks, shoes, trinkets, and toys, and ship them to the American marketplace, have them sit on the store shelf in Los Angeles, Fargo, Denver, Tampa, or New York and have the consumers buy those products, that somehow everyone will be better off. That is as flawed a set of economic assumptions as I have seen in my studies of economics. This is not working, and yet everyone insists it is.

Let me put up the chart that shows our trade deficits. I went to a small school, I told my colleagues before, a high school senior class of nine in a small farming community. I was in the top five, and that qualified me for the Senate from back home. But I was smart enough coming from that school to understand what this is. This is a barrel full of trouble—deep, deep, and deeper Federal trade deficits every single year. This is running in the wrong direction and hurting our country.

Does anybody seem to care much at all? Is the President paying any attention to this? Does Congress pay much attention to this? Nobody. No, we all have to pretend this is working well, like this is good for our country. We put on our pressed blue suits every morning and talk about how wonderful all of this is.

Maybe if the politicians' jobs were at stake, maybe if some CEOs' jobs were at stake they would have a different view.

Let me give a couple examples of what concerns me. I have talked at great length about unfair trade. I could give you a good many examples. One example: We are now negotiating with Korea. Let me talk about automobile trade with Korea.

Last year, we took from Korea about 680,000 automobiles into our marketplace for the American consumer to purchase; 680,000 Korean cars came here from Korea. Guess how many American cars we sold in Korea—3,800. That is right, 680,000 coming in this direction, and we sold 3,800 cars in Korea. Is that because they don't want American cars in Korea? No, it is because the Koreans don't want cars sold in Korea coming from the United States, and they have all kinds of policies and interesting devices to try to shut down the sale of U.S. automobiles to Korea; otherwise, what would explain that dramatic imbalance?

That is how out of whack our trade policy is. Let me describe to you another example of this incompetence. This country did a bilateral trade agreement with China just a few years ago. The agreement said that after a phase-in, any U.S. cars we would sell in China would bear a tariff of 25 percent. Any Chinese cars they would sell in America would bear a tariff of 2.5 percent. So our negotiators sat down with a country with whom we had a trade deficit of somewhere around \$100 billion a year and said: With respect to automobiles, you can charge a tariff that is 10 times higher than that which we will charge on bilateral automobile trade.

That is just incompetence, in my judgment, and a failure to stand up for this country's economic interests.

Oh, yes, this is a footnote: China is ramping up a very significant automobile industry. General Motors, as a matter of fact, has sued an enterprise in China called Chery, C-h-e-r-y, one letter away from "Chevy." By the way, General Motors sued them for stealing production line blueprints for a car called QQ. And China is moving very rapidly to develop an automobile industry, a robust industry, and one that will be an export industry.

Mark my words, Chinese cars will be sold in this country because our negotiators agreed to a proposition that they could impose a tariff 10 times higher on U.S. cars sold in China than we would impose on Chinese cars sold in the United States.

I would like to find the name of the negotiator who agreed to that because that person was not standing up for American workers, American business, or America's economic future.

I talked about cars from Korea, and a bilateral agreement on automobile trade from China. I could talk about dozens and dozens of similar circumstances. The list goes on and on.

The letter I received from the White House with respect to this amendment is a letter that says:

By taking off the negotiating table any agreements that would lead to changes in U.S. trade remedy law, the amendment would prevent us from negotiating agreements to improve protections against foreign unfair trade practices.

What a lot of rubbish. Does anybody really think that they are going to negotiate an improvement to protections for this country in trade? I don't think so. They don't intend to negotiate improvements. What is going to happen is, they will put the antidumping and countervailing duty laws on the table for negotiating. They have said they are willing to put them on the table, and they will get negotiated away.

These negotiations are not about any strengthening of our trade protections. I know "protection" is a dirty word among those who stand on the street corners in robes and chant free trade, but we do have to protect our interests when another company decides to dump into our country products that are produced at a much higher cost than they are willing to be sold in this country because they want to destroy a domestic industry. We have to protect ourselves in that circumstance.

The Commerce Secretary and Mr. Portman, the trade ambassador, are saying this amendment would prevent them from improving protections. Please. Our foreign trading partners don't come to the negotiating table looking to strengthen America's trade protections. They come to weaken them. And our negotiators are all too willing to trade away our trade laws.

No one wants to address this trade crisis. The President has been busy gassing up Air Force One trying to privatize Social Security the last 9 months or so.

What I think we ought to do is stare this problem straight in the eye, just stare this problem straight in the eye and say: This is a problem for our country. This is about America's future. It is about economic growth. It is about opportunity and jobs for our kids. But nobody wants to do much of that anymore.

Oh, we can compete, they say. Go to school, get a little better educational resume, and we can compete. I just described the circumstance of a young woman who competed, and her last message on her Palm Pilot, as that young engineer from Stanford lost her job was: My job is going to China.

This is not a tough choice, it seems to me. This amendment I have offered is very straightforward. It will, I am sure, not be the subject of substantial debate. I would love to have a debate on the floor of the Senate about this issue. I do not expect to have much of a debate because those who support all of this trade strategy that has begun to weaken this country, the trade strategy that has produced choking trade deficits, they don't talk much about it publicly; they just vote for all of this nonsense.

My hope is we will have a vote on this.

My guess is that at some point in the future, we are going to look back and we are going to say, What on Earth happened in this country? It is not as if we didn't have notice. There has been a lot of discussion these days: Did we have notice? Were we prepared? Did we take action?

Let me talk about this crisis, about the loss of American jobs, a lot of them. Ask yourself, Did we have notice about this? In the last 10 years, did we have notice that company after company after company did not say the Pledge of Allegiance in the boardroom anymore because they are not American companies, they are international enterprises responsible to their stockholders, believing if they can find 30-cent-an-hour labor in Indonesia or India or Sri Lanka or China or Bangladesh, that is where they ought to produce and they ought to do that at the expense of American jobs? My guess is somebody is going to look back at some point soon and say, What on Earth were we thinking, sleeping through this problem, deciding that once we had lifted ourselves up as a country, once we had lifted America up as a country, with minimum wage, safe workplaces, the right to organize, the right to understand you should not pollute the air and the water as you produce, all of those things we did that made this a better place in which to live and all those things we did that grew a middle class in America—that once we decided that, that we ought not to protect it? We are going to say, Why didn't we decide to protect that? Instead of pushing us down, that our goal would have been to pull the others up? Yet that has not been the case. That has not been the strategy. Our strategy is, if companies can find cheaper labor, then you just get rid of American workers.

I wish to make this point. We have a century of history about these issues that many people, especially those who debate this trade issue, want to forget. I mentioned this morning, and I probably should not have, a man named James Fyler. I said James Fyler died of lead poisoning—he was shot 55 times. I should not make light of that at all. James Fyler was a hero. He died being shot 55 times because on April 20, 1914, he was out demonstrating with other workers in coal mines, demanding fairness for workers, demanding the right for workers to organize, demanding to lift themselves up for that. He gave his life for that. Think of what people have given of themselves in a century to build what we built in this country: an understanding that workers have rights, an understanding that we have obligations to each other.

James Fyler is dead. But what he and others built is an understanding about the freedom to organize—something very important. I could give you names of people who are sitting in prison right now in China who decided to or-

ganize their workforce. They were prosecuted, and they are sitting in prison in China because you can't organize a workforce there. It doesn't matter what they do to you as a workforce, they have a right to do that to you, and if you try to organize, you go to prison. First you get fired, and if you are lucky that is all that happens. Otherwise you go to prison. All of this somehow seems forgotten when you pole-vault over all these issues.

Because no one else is here to speak, I wish to make this point a little differently. I know it is somewhat off of this specific topic, but it relates to it. I was asked some while ago by a young high school kid: What is the best speech you have ever heard?

You know, I heard a lot of great speeches at various venues, but one of the memorable speeches I told him about was a speech in the House of Representatives to a joint session of the Congress, a speech at which the House and Senate are seated and they normally receive a message from the President, in most cases the State of the Union. On this date, perhaps 15 years ago now, I was seated in the House Chamber when the Speaker was announced by the doorkeeper to the joint session of Congress. He walked to the front of the room. He was kind of a chubby fellow, about 5 foot 8, handlebar mustache, and the applause waved over him for a long period of time. And then he began to speak. His speech was so unbelievably powerful.

He described something we knew from our history books at that moment. He described a Saturday morning in a shipyard in Gdansk, Poland. He said he had been an unemployed electrician and had been fired from the job because he was leading a strike against the Communist government for the right of laborers to be free to organize. On that Saturday morning, he was beaten severely with clubs and fists and, bleeding, he was taken to the edge of the shipyard, hoisted to the top of the barbed-wire fence, and thrown over the shipyard fence into the dirt. He told us he lay in the dirt facedown, bleeding, wondering what to do next.

Our history books tell us what he did next. He pulled himself back up, and he climbed right back over the fence into that shipyard. Ten years later, this unemployed electrician was introduced to a joint session of Congress as the President of his country. His name was Lech Walesa.

He said to us this. He said: The Communists in Poland had all the guns. We had none. The Communists had all the bullets. We had none. We were armed only with an idea—that people ought to be in control of their own destiny. Workers ought to have the right to organize. He said: Ideas are more powerful than guns.

This common man with uncommon courage—no diplomat, no scholar, no military general, no politician, an unemployed electrician—became President of his country on the power of an

idea, an idea that this country has embraced for well over a century, an idea that seems somehow to be diminished these days by those who believe it doesn't matter what workers are used. Workers are like wrenches—use them, discard them when you are done. Find a wrench on the other side of the globe that is this much less expensive and somehow it will benefit a consumer on this side of the globe, that somehow none of this matters because it is not interconnected. They are dead wrong in a manner that is hurting this country and will hurt this country's future. I want things to be better in other countries, but I want our country to take care of things here at home first and then aspire to help others to lift themselves up. But it is important that our first obligation is to take care of things here in this country. These trade negotiators and these trade agreements are trade agreements that I believe have undermined the economic strength of our country.

Once again, I would love to spend 2 hours someday on the floor debating trade issues with my colleagues, but that likely will not happen. That is because while there are plenty of votes for fast track and plenty of votes for trade agreements, and it doesn't matter what they contain, there are not many people who want to debate specifics of bilateral trade with China or Korea or Europe or Japan. I would love to talk about beef and Japan. I would love to talk about trade sanctions we have taken against the Europeans. Oh man, are we tough. I talk about our trade negotiators having no backbone or spine or willingness to stand up. We took action against the Europeans when we got upset. We decided to slap duties on truffles, Roquefort cheese, and goose liver. That is going to make our trade partners quake in their boots. My God, you are going to put tariffs on truffles and goose liver.

When will this country's trade negotiators and its politicians have the backbone to stand up for the economic interests of that which we have built—a country that produces good jobs that pay well and have benefits, a country that produces that without having to apologize for it but that decides it is good for our country to have good jobs that pay well with good benefits?

Mr. President, I spoke far longer than I intended. This amendment is an amendment that I have offered. It is germane. It will require a vote. My hope is that enough of my colleagues, sufficient numbers of my colleagues will vote to support this and we will send another very strong message to our trade negotiators.

I have said earlier that this has happened through Democrat and Republican administrations. Nothing has changed. I would like to see it changed, and I would like to see it changed now. Perhaps with this amendment we can take a first step in making that change.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I wish to speak briefly. Later on, we are going to have a vote on the amendment offered by Senator BIDEN for a billion-dollar expansion of the COPS Program. That proposal is put in the context of Katrina and the effects of Katrina on the Gulf States.

I have come to the Chamber a number of times in the last days, talking about how we put forward an orderly process in addressing the issue of trying to restore and rehabilitate and help the people who have been impacted by Katrina. The leader, much to his credit, has begun and initiated that process, using the strength of the authorizing committees that have jurisdiction.

What I do not think we want to do is end up with a haphazard, rifleshoot "I have a good idea; let's come to the floor and offer an amendment" approach to this because we are talking literally of tens, potentially hundreds of billions of dollars. We have already spent \$60 billion and aggressively stepped forward as a Congress to do that. It was appropriate, and the leader again needs to be congratulated for his initiative when he moved \$10 billion when we were essentially on break as a Senate and then got up the additional \$50 billion last week.

But as we move down the road, we need to put coherence and thoughtfulness into the money we are spending so the American people know those dollars are going to the people who need them and that they are going to help a region that has been dramatically impacted in a way that is effective so the American people can feel their tax dollars are being used aggressively to support these folks who have been so overwhelmed by this catastrophe and that their tax dollars are not being wasted or misdirected or put into another program or some program that just happens to be a project of interest to a Member of the Congress but is not necessarily an immediate issue relative to Katrina.

Regrettably, the proposal by Senator BIDEN falls into that second category. It is an idea which the Senator has come to the floor with many times. In fact, every time this appropriations bill comes to the floor, the Senator from Delaware proposes an expansion of the COPS Program.

I had the good fortune to chair the subcommittee for many years. I dealt with the Senator on this issue for many years. For many years, he made the same proposal, and there was no Katrina, there was no disaster, but the proposal was brought forward. Once again, the proposal is being brought forward to continue a program, the COPS Program. When President Clinton set it up, he said: We are going to have a COPS Program. We are going to put 100,000 cops on the street, and then the program is going to end. That is exactly what he said when he set it up. I was here then, too.

We set it up and we funded it, myself and Senator Hollings at the time—Senator Hollings was chairman; I was chairman. He was chairman and I was chairman. We funded it until we got to 100,000—in fact, until we got to 110,000 police officers on the street. Then we said: All right, we have met the goals of this program. Let's, in a unique act, at least a unique act for the Federal Government, agree we have done what we said we would do and stop the program, phase it out. We have come close to doing that. Now we have a program focusing on putting police officers in school systems that need assistance. That is what is left of the COPS Program to the extent it is initiated.

But to restart this program and say we need to put another \$1 billion into it in the name of Katrina is simply not the best way to legislate. It is arbitrary, probably haphazard. Who knows whether that will be a decision that is tied into what the final needs are of the region. Yes, there will be needs, obviously, for assistance to law enforcement in that region, but the original \$60 billion put in there—plus, a lot of that is clearly going to flow to first responders—police, fire, medical—because that is what FEMA does. So to suddenly throw this out—this is an idea we have to throw into the Katrina mix—is not a good way to legislate. It is especially not a good way to legislate in the context of what we know is going to be a huge effort by us as a Congress to address Katrina and where we know under the leadership of Senator FRIST we are developing a process where the authorizing committees take a look at what should be done and could be done and they put forward those ideas in an orderly way and prompt way, that should be enforced, and then we can get relief out to these people who have been impacted so dramatically. But it isn't just some idea of some Senator who happens to have a project which he has always supported and which he feels is a good project.

At some point, as chairman of the Budget Committee or maybe some other Senator as a member of the Appropriations Committee, a point of order will lie against this amendment because it is outside the budget and it is outside the appropriations bill. It should not be brought forward in this manner.

What we need to do in addressing the issue of what police needs are in that region and law enforcement needs are in that region is do it in the context of an overall solution, which is moving through this Senate rather rapidly—already \$60 billion in the pipeline—but which is done in concert with the authorizing committee, in concert with the leadership, and in concert, obviously, with the administration.

At the correct time, I think we will have some more discussion on this bill.

I wanted to lay down at least a few guidelines here because if we continue on this course, we are going to be waking up 2 or 3 months from now and we

will have probably 10, 15, 20, 30, or 40 new programs or programs which have been expanded with no orderly, constructive, thoughtful process behind them other than the fact that somebody had a good idea and came to the floor and said: Let's spend money on that. That isn't going to help people in that region. That will not make sense to them. What will make sense to them will be to get money to them through an orderly manner, with effective leadership. That is being done—granted, not as quickly as it should have been, but it is being done now.

We should continue the process of making sure we set priorities and do this in a manner which allows for the money to go where it can be most effectively used, where the American taxpayers know their dollars are being used to help the people who have been impacted by this hurricane and not simply assist in setting up a program which some Senator feels is a nice idea or a good idea or wants to continue.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GREGG. Mr. President, I ask unanimous consent that a vote occur at 4:30 today on the motion to waive with respect to the Biden amendment, No. 161, with no amendments in order to the amendment prior to the vote; provided further that there be 15 minutes equally divided for debate prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

Mr. FRIST. Mr. President, in a few minutes we will begin voting. As most people know, we are on a very important piece of legislation, the Commerce-Science-Justice appropriations bill. We have been on it for several days.

As I look through the amendments coming forward, indeed, the amendments we are considering over the course of the afternoon and evening, it is clear we have a challenge. The challenge is to be able to comprehensively address the bill with debate and amendments but at the same time not open up the bill to lots of legislation which in many ways are rifleshots that are related to Katrina or that people are attempting to relate to Katrina.

I say that in part because it is important we address the underlying legislation which does have some Katrina-related aspects to it. Looking at our response to Katrina, I believe there is a right and wrong way to address that natural disaster. We have tried to act and I believe we have acted in this Senate in a very responsive way in terms of having an emergency session with the initial \$10 billion, having another supplemental for \$51.8 billion from two nights ago, authorizing the affected courts to meet appropriately outside their jurisdiction, announcing a joint committee we are still working on in terms of the composition to look at what went right and what went wrong, passing legislation last night on the national flood insurance program. We are working very aggressively to respond in an appropriate way.

What I fear and what simply cannot happen is to have individuals focus on the underlying bill and bring in Katrina-related responses when we are doing our very best and in a bipartisan way using the committee structure, using the authorizing committees to address comprehensively, rapidly, the emergency that is playing out before us. Once we complete the Commerce-Justice-Science bill, we will move it immediately to conference with the House and get the bill to the President for his signature prior to the beginning of the new fiscal year, which is 17 days away. That is why I want to stay on the appropriations process and do the appropriations related to the underlying bills and not use Katrina to try to pull in other amendments.

Pending to this bill are a whole bunch of amendments. There is a whole long list of amendments the manager and ranking member are working with, offered by my colleagues, many from both sides of the aisle, but from the other side of the aisle predominantly, that ostensibly are for Katrina but which increase funding and authorize new major governmental programs. This is not the place for that.

I pledge to work with both sides of the aisle, with the leadership on the other side, to have that appropriate authorizing language addressed but through the appropriate committees and not on these appropriations bills. I observe that while Katrina is the reason that is given for a lot of these amendments, as we look through them, in many instances they simply increase funding for an existing program, regardless of whether it provides assistance or help directly or even indirectly to the victims of Katrina. I argue that the Biden amendment falls under that category by increasing the COPS Program another \$1 billion with no specific targeting to those who are directly affected.

I say this after having over the last 10 days directed this Senate, directed and signed by law over \$60 billion in immediate assistance to those who are affected by Katrina. In conjunction with the administration and those di-

rectly involved in the recovery and rebuilding effort in the United States, we have a lot more we are going to have to do in the coming days, weeks, and months. But this is not the appropriate bill to be adding spending that has not been vetted through the various committees of jurisdiction.

In our leadership office we have set up an assessment team and look forward to working with the Democratic leadership in doing the same thing so we can give focus to consider the emergency responses we need to consider and also the longer rebuilding and reconstruction responses that have arisen and which we will respond to in a comprehensive, expeditious way with regard to Katrina. That sort of mechanism will facilitate and will better coordinate, rather than having individual amendments come to the Senate that are in many cases authorizing or increasing spending for preexisting programs, without looking at it in a more comprehensive way.

We owe that to the people affected by the tragedy as well as allowing a reasonable, efficient operation in the Senate. I will oppose amendments on the bill that have not gone through a vetting of the issues. I promise we will be moving forward on a whole range of these issues that are targeted and an appropriate response to Katrina.

The manager has spoken directly to this, as well, and I believe the chairman of the Committee on the Budget has.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. REID. Parliamentary inquiry: Do we have a vote set?

The PRESIDING OFFICER. We have a vote at 4:40.

Mr. REID. I ask unanimous consent I be able to speak—I hope to finish in 5 minutes, but if I don't, I ask consent I be allowed to complete my statement before the vote.

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

Mr. REID. Mr. President, I understand the consternation of the distinguished majority leader. I spend a lot of time with him. It is hard to manage this unwieldy body. I understand that. I try to help as I can. Sometimes I am not as much help as he would like.

Take, for example, this bill. We have been working on this bill and I am convinced the end is in sight for this bill. I don't know the exact number. There are probably five or six Katrina-related amendments on this bill. They are good amendments if they relate to spending on Katrina for the victims, education, housing, medical. We should vote on those. If there is a problem with them, work with our managers.

For example, we tried to accept the amendment related to medical that came over from the House. We cannot do that. Even on Public Radio this morning—not actually a bastion of democratic liberality—Public Radio had an example of what the bill passed

in the House would do or not do. They give an example of a woman who is from Louisiana who was sent to the Astrodome, 55 years old, heart condition, diabetes. Under the House provision we have now, she could not get help. Under our provision, she could. We are trying to help the people who got hurt, and there are a lot of people who got hurt.

I agree we need to do more on these appropriations bills. We should not have a big omnibus bill. I was happy to see the distinguished Senator from Mississippi, the senior Senator from Mississippi, the chairman of the Committee on Appropriations, say he did not want an omnibus bill. I congratulate him.

However, I say to my friend, and I have said this privately and I will say it publicly to the distinguished majority leader, we have to get conferences done on the appropriations bills. I, along with Senator DOMENICI, have done the Energy and Water Appropriations Subcommittee for many years. We have never had figures like this. We cannot go to conference. The House refuses to sit down and talk to us. We have to work this out. Among other things in the Energy and Water appropriations bill, we fund the Corps of Engineers. We are going to go this year on some kind of a continuing resolution and not take care of the Corps of Engineers and the other matters within the confines of that subcommittee? We should not do that.

We have not done anything with Homeland Security. If there was ever a time in the history of this country where we could have a civilized conference between the House and the Senate and take care of the Homeland Security appropriations bills, this should be the time. Let's get that done. That should not be an omnibus.

Foreign operations bill, my Energy and Water Subcommittee, July, August—it has been there for 60 days and we have not done anything. I spoke to the distinguished majority leader a few minutes ago and he suggested three of his top staff people and my top staff people see what we can do to focus on some of the things on Katrina. We can never get to the victims of Katrina unless we have floor time to do it—whether they come from committees or amendments offered by Members from the floor.

So I would hope we could finish the bill before us, the Commerce bill. We should do that. There is an amendment dealing with COPS. We would have to waive the budget on that one. We know it takes 60 votes to do that. I understand there is one on small business they are about ready to work out. There is a possibility that can be worked out. So I would hope there wouldn't be a cloture motion filed on this bill. I think we are about to finish it. But I cannot control that.

I want the RECORD to be spread with this: We are willing to work late, early—it does not matter—toward

what we think needs to be done to help the gulf victims.

I would also say we have lived up to our bargain on Judge Roberts. We made a commitment to those involved that we would do our utmost to finish this by the beginning of the October term in the Court. I think we are along the road to doing that. We have not in any way thrown up any roadblocks. We have tried to cooperate.

We realize we are in the minority, but we realize we are also in the Senate that is a body governed by rules that give the minority the power to do a lot of things. We are going to continue to do a lot of things to see if we can move this along.

But I say to the distinguished majority leader, we will be as helpful as we can. Hopefully, we can work more together than apart. I think that would be good for the country. I think the country is looking for some good bipartisanship.

Ms. MIKULSKI. Mr. President, will the distinguished Democratic leader yield for a question?

Mr. REID. Mr. President, I yield to the distinguished floor manager of the bill.

Ms. MIKULSKI. Mr. President, is the distinguished Democratic leader aware we have amendments that require votes—and that would help us—but we have seven that are not Katrina related? So while the negotiations are going on, on Katrina, is the distinguished Democratic leader aware that we do have seven votes, but we do not have a time for those votes? Also, we have about five votes on Katrina. So if we could dispose of the non-Katrina amendments, is the Democratic leader aware of the number of amendments?

Mr. REID. I am aware of the non-Katrina amendments. As I indicated, some of those I think, with the two managers, can be worked out. The others will not be able to be worked out. They will go the way of amendments that are not able to be brought before the Senate.

I think the point of the distinguished Senator is we can finish this bill fairly quickly.

Ms. MIKULSKI. If we have votes.

Mr. REID. Yes.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I appreciate the importance of ensuring that the gulf region has all of the resources necessary to fully recover. My home State of Alabama was directly affected by Hurricane Katrina, perhaps not to the extent of a lot of areas in Mississippi and Louisiana, but still affected. So I can safely say I have more than a passing interest in ensuring that all response and recovery missions are fully funded here in the Senate.

In the last few weeks, I have spent considerable time viewing the damage in the region, in Alabama and Mississippi. I plan to go to Louisiana this weekend. While I believe it is critical the Congress act swiftly to ensure

emergency funding is available for hurricane-related recovery efforts, I do not believe the Commerce-Justice-Science bill, which is before the Senate now, is the appropriate place to do that.

I believe it will be some time before we have a true understanding of the actual damages and recovery needs in the region. We have already acted, and we will continue to act in the Senate on both sides of the aisle to make sure the victims have everything they need to be made whole, to be back on their feet, make no mistake about it.

But I believe it is important we maintain our current track and allow the recovery effort to continue, step by step, which it is doing. The funding we approved last week will allow the effort to move forward. I believe we must monitor that effort closely to ensure we have the necessary resources we keep talking about. At the same time, I believe we must allow the damage assessments to move forward to truly address the needs of those in the gulf region, including my people in Alabama, the people in Mississippi, and the people in Louisiana.

Adding emergency funding to a regular spending bill, such as this CJS bill, frankly, is not the way I believe we should do business. We need to approach the hurricane funding needs in a coordinated manner—I believe we have been doing a lot of this—not in an ad hoc way, throwing add-ons on a bill that is not even the main disaster recovery bill.

I am going to be standing on the floor making sure, the best I can, we pass the necessary funding for these victims, including, as I said, the people of Louisiana, Mississippi, and Alabama, you can be sure of that, but not on this bill today.

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, I say to my dear friend, the senior Senator from Alabama, I agree that we need to make sure that money goes to the people who need it. That is what we are trying to do. We have not had the ability to bring Katrina amendments to the floor and act on them. That is what we need to do.

It is not as if we were working in a vacuum. We have a model we know works. After 9/11, we worked in a bipartisan fashion and created legislation that was unique. But most important to the families of the 3,000-plus people who got killed, plus the fact there were billions of dollars in damages, we did \$20 billion worth within a matter of days to get relief to the people of New York, the people of Virginia.

So we know how to effectively address issues of concern. We have done that in the past. We relied then on committees to produce legislation through the regular process. I believe that is what I heard the majority leader say. We are willing to do that. But in following through on that, we have to be able to have some time on the floor to debate and vote on those issues. That is what we need to do.

Although there are a few exceptions to this, for the most part, the majority has not followed this process, and we have not been permitted an opportunity to address these issues on the Senate floor. We have been trying for 2 weeks to do that.

So let's empower every one of our chairmen and ranking members to sit down together and see what the committees can produce to address the needs of the survivors in the communities hit by this catastrophe. And then let's commit to give them the floor time to deal with their legislation. We badly need to do that.

Yes, we have had two emergency supplemental appropriations bills for more than \$60 billion, but a lot of that money cannot go to the people who need it because it is illegal. We want to refine the law so we can get people the money they need.

I apologize to everyone. I know there is a vote pending. I have said enough. I hope I made my point.

AMENDMENT NO. 1661

The PRESIDING OFFICER. The time for debate has expired.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, the Senator from Delaware has not had a chance to speak on his amendment. I think we agreed he would get some wrap-up time. I ask unanimous consent the Senator from Delaware be granted 2 minutes and I be granted 2 minutes in response and to make a point of order on his amendment.

Is that agreeable?

Mr. BIDEN. I thank the Senator.

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

The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, let me begin by asking unanimous consent that Senator LANDRIEU be added as a cosponsor of this amendment.

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

Mr. BIDEN. Mr. President, we are decimating the COPS program. Chairman SENSENBRENNER, in the House, is no fan of the program. He asked for a study to be done by GAO. It concluded: Use of the COPS grants resulted in less crime, use of COPS grants resulted in more community policing, use of COPS grants resulted in more officers on the streets. This is a time when we need more officers on the streets, not fewer officers on the streets.

The idea we are going to deal with natural disasters as well as terrorist attacks by using special forces soldiers and not cops on the street seems to me to be a little silly. We need more cops on the streets.

There are 8,000 applications pending. The bill would allow for 25 of those applications to be filled. This is a mistake.

One of my colleagues—it may be the chairman of the committee; I am not sure—said we have to prove we can end a program. Why do we end a program that is working, and working so well, in the interests of the country?

My time is probably up. I thank my friend from New Hampshire for the courtesy of allowing me to take a few minutes to speak to my amendment.

I urge my colleagues to support the amendment.

Mr. GRASSLEY. Mr. President, I rise to speak on Senator BIDEN's amendment to add over \$1 billion to the COPS Program. I am troubled by this amendment because it would declare these funds an emergency, siphoning away much needed funds that should go directly to the hurricane effort. The definition of an emergency includes situations that are necessary, or vital, sudden, urgent, and unforeseen. This amendment does not fit those characteristics.

I must also oppose this amendment because it lacks an offset. As a senior member of the Budget Committee and the chairman of the Finance Committee, I believe that we owe it to the taxpayers to be fiscally responsible with their tax dollars. Congress passed a budget, and we should stick by it.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, this amendment has been offered in the past, and it is a reflection of the support of the Senator from Delaware for this program. But we have to remember this program was created in 1994 by President Clinton, with a clear statement it would end after 100,000 police officers were put on the streets.

Under this program, we have already spent over \$12 billion. We put have put 118,000 police officers on the streets. This amendment would simply continue the program. Quite honestly, this is a program that should be phased out or just focused on police officers in schools. It is not a program that should be continued, and it certainly should not be continued in the context of the hurricane and the disaster in the Gulf States because it would have a marginal impact on that region.

So, Mr. President, pursuant to section 402(b)(5) of House Concurrent Resolution 95, the fiscal year 2006 budget resolution, I raise a point of order against the emergency designation provisions contained in the pending amendment.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, pursuant to section 402 of House Concurrent Resolution 95, the concurrent resolution on the budget for fiscal year 2006, I move to waive section 402 of that concurrent resolution for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Louisiana (Mr. VITTER).

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

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

The yeas and nays resulted—yeas 41, nays 56, as follows:

[Rollcall Vote No. 226 Leg.]

YEAS—41

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

NAYS—56

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

NOT VOTING—3

Corzine	Rockefeller	Vitter
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The PRESIDING OFFICER. On this vote the yeas are 41, the nays are 56. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. The point of order is sustained. The emergency designation is removed.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, the spending in this amendment would cause the underlying bill to exceed the subcommittee's section 302(b) allocation. Therefore, I raise a point of order against the amendment pursuant to section 302(f) of the Budget Act.

The PRESIDING OFFICER. The point of order is well taken and sustained. The amendment falls.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. TALENT. Mr. President, I rise for a few moments to speak in favor of an amendment offered by Senator DAYTON, which I am pleased to cosponsor along with many others, that would increase funding for Justice assistance grants by \$275,000.

Justice assistance grants, as the Senate knows, incorporate what used to be called the Byrne grants and the Local Law Enforcement Program grants and are used to fund a number of important law enforcement initiatives, among which include multijurisdictional task forces.

I wish to speak briefly about that side of this important amendment because as the Senate may know, I have done a lot of work on the subject of fighting methamphetamine. Earlier in the debate on this bill, the Senate adopted an amendment which consisted of legislation that Senator FEINSTEIN and I have introduced, the Combat Meth Act, which was a comprehensive antimethamphetamine program designed to put the Federal Government squarely and aggressively on the side of local law enforcement which is fighting this terrible drug. And it is a terrible drug. It is the worst single drug threat that I have confronted in my 20 years in public life.

Methamphetamine is seriously addictive, maybe more so than any other drug of which I am aware. It is almost instantly addictive for a lot of people. It changes the physical nature of the brain. Even if you get off methamphetamine, which is difficult, and I will speak more on that in a moment, that will not necessarily fix the damage because it can change the structure of the brain. It tends to make the people using it more aggressive rather than less aggressive. Some drugs tend to make people more passive, and as bad as they are, at least it doesn't cause them to go out and attack other people, but methamphetamine does.

In addition, there is no known treatment for methamphetamine. There is no methadone for methamphetamine. So we sponsored, and the Senate adopted, a measure which had been cosponsored by more than 40 other Senators to help the Federal Government get aggressively into the business of fighting methamphetamine. It was a series of grant programs along with legislation that would put pseudoephedrine, the precursor drug for methamphetamine, behind pharmacy counters. I think that was very important, and I said at the time I was grateful to the bill managers for working with us on that issue.

One of the worst things about methamphetamine is that the drug is not just used in our neighborhoods and sold in our neighborhoods, it is made in our neighborhoods. It is made in local labs that can operate out of a cabin, out of a house, in a kitchen, in a van while it is being driven around, on the side of a road, or in the woods in a country area.

The process by which methamphetamine is made is literally toxic. The

chemicals in it are chemicals that should not go anywhere near the human body, but they do.

These labs have cropped up all over States such as Missouri. It is like a cancer that spread throughout our States in the Midwest and now in other States as well. It is a terrible problem in the South and in the West and the Southwest. I do not think there is a State in the country which is not experiencing growing problems with it.

The National Association of Counties surveyed its members. The No. 1 problem reported more often than any others was methamphetamine. Not the No. 1 law enforcement problem, the No. 1 problem because the drug causes terrible social service problems and health care problems, and it is also overwhelming local budgets, in particular law enforcement budgets.

Think of the situation when you have a sheriff's department in a county with maybe 6 or 10 deputies, or a bigger county with 20 or 25 deputies: With all the jobs that local law enforcement has to do—security for the county fair, domestic violence issues, all the typical work they have to perform—and then you superimpose on that 10 or 15 or 20 methamphetamine labs in the county, it is very difficult to track down those labs. It is difficult to break them down. These deputies have to get trained in environmental chemistry to break these labs down.

It is an enormous burden on local budgets. One of the ways we can help our sheriffs, our local law enforcement officers in dealing with these meth labs is multijurisdictional task forces where they are able to get grants from the Federal Government, band together in regional task forces, and use that manpower efficiently to help go after labs. That is what the Dayton amendment is designed to support, and that is the big reason I am so strongly supportive of it.

The amendment would move funding for these programs back to where they were in fiscal year 2003. It is a substantial increase, but I can assure you, Mr. President, based on my experience with this issue, it certainly is no more than is needed. If we don't get ahead of this methamphetamine problem, if we don't start winning it—I would not say we are winning it now. We have heroic efforts by local law enforcement, but they are telling us we are not gaining yet—if we don't start winning, we will have increasing costs in terms of effect on kids, neighborhoods, jobs, costs that would dwarf what this amendment would add to the bill.

This amendment is offset. This drug is destroying lives all over States such as Missouri, all over the country. We can do something about it—not by the Federal Government taking this over but by the Government assisting local law enforcement in efforts that they are telling us are going to work. That is why this amendment is so important.

I appreciate the managers working with Senator DAYTON and the other co-

sponsors, and I hope the Senate will adopt it.

I yield the floor.

Mr. ALEXANDER. Mr. President, I rise today to express my support for a provision in the Commerce, Justice, Science appropriations act that will make significant headway in the fight against methamphetamine or meth manufacture and use.

The Talent-Feinstein amendment incorporating the provisions of the Combat Meth Act into this bill is the culmination of several months of bipartisan collaboration. The provision takes aim at the biggest problem faced by law enforcement in dealing with meth choking off the supply of essential materials needed to manufacture the drug.

Meth is of particular concern to me and to the entire Tennessee delegation because Tennessee has been plagued by a growing number of meth labs—ad hoc laboratories in backwoods shacks, out-of-the-way hotel rooms, and just about anywhere else you can cram in a supply of hot plates, glassware, and noxious chemicals necessary to make meth. In 2004, Tennessee ranked second in the Nation in the number of meth lab seizures, according to data from the Office of National Drug Control Policy. The Drug Enforcement Agency calculates that Tennessee accounts for 75 percent of the meth lab seizures in the Southeast. My colleagues in Missouri, Kentucky, Oklahoma, and many other States can cite related alarming statistics.

What is of particular concern about these meth labs is that they are appearing in places where drug production and abuse has not been a significant problem. In Tennessee, the largest numbers of seizures of meth labs have occurred in rural counties such as Monroe, Marion, Warren, and Coffee. These areas are often not fully prepared to cope with the demands of seizing such labs and cleaning up the aftermath.

The Talent-Feinstein amendment is a critical step in dealing with the meth problem. Others will have already praised various aspects of this bill, but I would like to particularly congratulate the Judiciary Committee for producing a bill that does not undermine State and local efforts to combat this problem. Law enforcement begins at home, and by crafting legislation that directs a Federal response that supports State and local law enforcement rather than preempt it, the Senate has upheld the principles of federalism that are at the core of our system of government.

This legislative step is only one part of a comprehensive strategy to combat this addictive drug. The problems presented by meth are myriad and many are unique. Meth production and use targets a different demographic of users than other drugs. Production of meth creates a toxic stew of chemical byproducts that can contaminate a lab site for years to come. Precursor chemicals used in meth production can

come from a wide variety of sources. Hospitals and child welfare agencies are overwhelmed by burn victims and abuse cases from homes where meth is made. The court system is inundated with cases involving drug crime, and the inability to provide more individual attention prevents people from getting treatment that might discourage recidivism.

We also need to remember that while combating meth has risen to the top of the agenda thanks to media and government attention, this country is still threatened by the illegal use of a variety of drugs. According to the National Household Survey on Drug Abuse, 15.9 million Americans ages 12 and older reported using an illicit drug the month before the survey was conducted. Of those, 12.1 million reported using marijuana in the past month; 1.7 million reported using cocaine; and 1.3 million reported using hallucinogens such as LSD, PCP, and Ecstasy. Meth use has not yet risen to these levels, but if left unchecked the meth problem could soon rise to similar levels.

So as we focus on meth, we must also recognize that even if we are successful in our efforts to curb meth use and production, millions of Americans are threatened by addiction to other, just as dangerous drugs, and the next big drug is probably simmering in a beaker or growing in a field right now.

The Bush administration is confronting the drug problem head on in this country. In 2005, the Office of National Drug Control Policy reported that there has been a 17-percent reduction in youth drug use in the last 3 years thanks in part to Federal and State efforts to bolster enforcement and increase awareness of the dangers of drugs. Attorney General Gonzales recently visited Nashville with HHS Secretary Mike Leavitt and Office of National Drug Control Policy Director John Walters to announce new measures to support State and local governments in combating the meth problem.

I commend my colleagues for their work on the Combat Meth Act, and I look forward to more such efforts in our mission to eliminate the scourge of illegal drugs from our communities.

The PRESIDING OFFICER. The Senator from Arizona.

INTEROPERABLE COMMUNICATIONS FOR PUBLIC SAFETY OFFICIALS

Mr. McCAIN. Mr. President, I have watched the news coverage, along with so many Americans, during these past 2 weeks and have been shocked and saddened by the devastation in the gulf coast region. It continues to amaze me that an act of nature can bring about such destruction and ruin the lives of so many.

My deepest sympathies and prayers go out to the residents of Alabama, Louisiana, and Mississippi, and I know that as a country we will come together, as we are, to assist these residents and help them rebuild their lives. In my home State of Arizona, I am proud to report that valley residents

have welcomed over 1,000 residents of New Orleans.

This was a tragedy of great proportions that caught local, State, and Federal officials unprepared. Like many Americans, I, too, have been concerned about the local, State, and Federal initial response to this disaster. It was unacceptable and inadequate. I know there will be an appropriate time for a comprehensive review of the local, State, and Federal response efforts to determine what went wrong and what went right. The oversight investigations being held by Senators COLLINS and LIEBERMAN are a very important undertaking. I believe Congress and the Nation have a lot to learn from Hurricane Katrina.

One thing already evident is that the country's local, State, and Federal first responders remain unable to communicate with each other during an emergency response. We saw the horrors brought on by the lack of communication on 9/11 when New York's fire, police, and port authority officers were unable to talk with one another when responding to the collapse of the Twin Towers. I have now been told that the first responders in Louisiana experienced similar problems because New Orleans and the three nearby parishes all use different radio equipment and frequencies. In addition, Federal officials use entirely different communications systems than localities, which hindered relief efforts.

I read that New Orleans officials had purchased equipment that would allow some patching between local and Federal radio systems, but that the equipment was rendered useless by flooding. Nonetheless, short-term solutions to link incompatible systems are not the right approach to this critical problem. The better approach is for this Nation to get serious about public safety communications by developing and funding an interoperable communications system for all local, State, and Federal first responders.

The Federal Government needs to, one, develop a comprehensive interoperable communications plan and set equipment standards; two, fund the purchase of interoperable communications equipment; and three, provide public safety with additional spectrum so first responders can communicate using the same radio frequencies and equipment in the event of an emergency.

Congress has taken some steps toward achieving an interoperable communications system for local, State, and Federal first responders. Last year, I offered an amendment that was enacted as part of the intelligence reform bill that authorized the Department of Homeland Security's Office for Interoperability and Compatibility, otherwise known as SAFECOM. SAFECOM assists local, regional, State, and Federal agencies in developing interoperable communications plans and accelerating interoperable communications equipment standards. They are in the

process of doing so, and I urge them to move forward expeditiously.

Congress has also begun to fund the purchase of interoperable communications equipment for localities. Some 50,000 local, State, and Federal agencies make independent decisions about communications systems and use various frequencies. This is unacceptable and a waste of Government resources. The Department of Homeland Security has already spent over \$280 million for the purchase of interoperable communications equipment. The Senate-passed Department of Homeland Security fiscal year 2006 appropriations bill would provide over \$2.6 billion for localities to purchase interoperable communications equipment. This bill is currently in conference with the House.

Obviously, interoperability will come with a cost. Some estimate as much as \$15 billion. But even this may be a small price to pay in order to save thousands of lives in the event of another disaster.

Let's remember that Congress also provided additional spectrum for first responders in the Telecommunications Act of 1996. So after spending millions of dollars in funding in additional spectrum for our Nation's first responders, why are we not better off than we were on 9/11 when it comes to interoperable communications? Because the spectrum Congress provided to first responders in 1996 is being held hostage by television broadcasters, even though broadcasters have now been given new spectrum.

It was almost 20 years ago that broadcasters began their journey toward becoming spectrum squatters. In 1987, broadcasters first asked the FCC to look into the potential of digital television technology and whether additional spectrum would be necessary. Upon the broadcasters' request, Congress provided new spectrum in 1996 to the broadcasters for free. I have often referred to this as the great \$70 billion taxpayer giveaway. In return, broadcasters promised to give back their current spectrum by December 31, 2006, and make it available to first responders for interoperable communications.

But before the ink was dry on the Telecommunications Act of 1996, broadcasters persuaded certain Members of Congress to include an exception to the December 31, 2006, date in the 1997 Balanced Budget Act. Last year, during a Commerce Committee hearing, then-FCC Chairman Michael Powell testified that this exception could result in the first responders not receiving this spectrum for "decades or multiple decades." As evidenced by the tragedies from Hurricane Katrina, we cannot wait decades. Broadcasters are blocking access to spectrum for first responders who serve over 50 percent of the country.

Providing first responders access to this spectrum is one of the key recommendations of the 9/11 Commission

and remains a top priority for Chairman Kean and Vice Chairman Hamilton. I introduced legislation last year to implement this recommendation, and it was voted out of the Commerce Committee. I then added the provisions, an amendment to the intelligence reform bill last fall, to provide this spectrum to first responders. Unfortunately, this language was removed in conference and replaced with a "sense of Congress" that such legislation be voted on during the first session of the 109th Congress.

Senator LIEBERMAN and I reintroduced our legislation to provide spectrum to first responders. Yet Congress has yet to act this year as envisioned by the sense of Congress. S. 1268, the Spectrum Availability for Emergency Response and Law Enforcement to Improve Vital Emergency Services Act, otherwise known as the SAVE LIVES Act, would provide first responders with the spectrum by January 1, 2009. Upon introduction, I suggested this date is a compromise between public safety organizations, equipment manufacturers, localities, and broadcasters. However, after watching citizens suffer during recovery efforts in New Orleans, I believe this date should be moved up to January 1, 2007, as originally contemplated by Congress in the Telecommunications Act of 1996.

Yet here we are 9 months into the first session with another horrible disaster having taken place, and Congress has yet to take up the SAVE LIVES Act or any other legislation providing first responders their promised spectrum.

To what level of crisis must this country endure before we act? Is the devastation from Hurricane Katrina still not enough to bring action? Chairman STEVENS has stated his intention to include such legislation in the Commerce Committee's response to budget reconciliation. I will be watching to see if the broadcasters find a way to once again delay the hand off of this spectrum to first responders. I will do all I can to move our legislation.

In 1997, the President of the National Association of Broadcasters stated on "The News Hour with Jim Lehrer" that broadcasters' use of spectrum allocated to first responders was merely a "loan to facilitate an orderly transition." Mr. Fritts, this "loan" has gone on long enough. Congress must now call in your "loan." You got your spectrum, now give the first responders their spectrum.

I will conclude by sharing 9/11 Commission Chairman Kean's comments as stated on CNN's Late Edition this past Sunday:

[w]hat's frustrating is it's the same thing over again. I mean, how many people have to lose their lives? It's lack of communication, our first responders not being able to talk to each other. . . . Basically it's many of the things that, frankly, if some of our recommendations had been passed by the United States Congress . . . could have been avoided. But on the ground, the people that get there first can't talk to each other be-

cause the radio communications don't work. They haven't got enough what's called spectrum. So there is a bill in Congress to provide first responders spectrum. The bill has been sitting in Congress, nothing has been happening, and again, people on the ground—police, fire, medical personnel—couldn't talk to each other. That's outrageous and it's a scandal and I think it cost lives.

I couldn't agree more.

I want to end by thanking all of the first responders who are assisting in rescue efforts in Alabama, Louisiana and Mississippi. They are heroes and make me proud to be an American. For over 2 weeks now, they have slept very little and eaten very little, but done so much for a region in need. In appreciation, we owe them better communications systems so that when they are called upon to assist in the next disaster, they have the tools necessary to protect themselves and those they are working to protect.

Mr. GREGG, Mr. President, the pending Commerce, Justice, Science and Related Agencies Appropriations Bill for FY 2006, H.R. 2862, as reported by the Senate Committee on Appropriations provides \$48.875 billion in budget authority and \$49.495 billion in outlays in fiscal year 2006 for the Departments of Commerce, Justice and related agencies. Of these totals, \$229 million in budget authority and \$241 million in outlays are for mandatory programs in fiscal year 2006.

The bill provides total discretionary budget authority in fiscal year 2006 of \$48.646 billion. This amount is \$2 billion less than the President's request, equal to the 302(b) allocations adopted by the Senate, and \$36 million more than fiscal year 2005 enacted levels.

Mr. President, I commend the distinguished chairman of the Appropriations Committee for bringing this legislation before the Senate, and I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

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

H.R. 2862, 2006 COMMERCE, JUSTICE, SCIENCE APPROPRIATIONS—SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 2006, \$ millions]

	General Purpose	Mandatory	Total
Senate-reported bill:			
Budget authority	48,646	229	48,875
Outlays	49,254	241	49,495
Senate 302(b) allocation:			
Budget authority	48,646	229	48,875
Outlays	49,254	241	49,495
2005 Enacted:			
Budget authority	48,610	242	48,852
Outlays	48,376	228	48,604
President's request:			
Budget authority	50,655	229	50,884
Outlays	49,185	241	49,426
House-passed bill.*			
Budget authority	57,452	361	57,813
Outlays	58,563	373	58,936
Senate-Reported Bill Compared To:			
Senate 302(b) allocation:			
Budget authority	0	0	0
Outlays	0	0	0
2005 Enacted:			
Budget authority	36	-13	23
Outlays	878	13	891
President's request:			
Budget authority	-2,009	0	-2,009

H.R. 2862, 2006 COMMERCE, JUSTICE, SCIENCE APPROPRIATIONS—SPENDING COMPARISONS—SENATE-REPORTED BILL—Continued

[Fiscal year 2006, \$ millions]

	General Purpose	Mandatory	Total
Outlays	69	0	69
House-passed bill.*			
Budget authority	-8,806	-132	-8,938
Outlays	-9,309	-132	-9,441

* House and Senate subcommittees have differing jurisdictions.
NOTE: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

NOTICE OF INTENT

Mr. REID, Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill, H.R. 2862, the Science, State, Justice, Commerce appropriations bill, the following amendment:

AMENDMENT NO. 1652

At the appropriate place, insert the following:

TITLE —TEMPORARY MEDICAID DISASTER RELIEF

SEC. 01. SHORT TITLE OF TITLE; PURPOSE.

(a) SHORT TITLE OF TITLE.—This title may be cited as the "Temporary Medicaid Disaster Relief Act of 2005".

(b) PURPOSE.—The purpose of this title is to ensure all those affected by Hurricane Katrina have access to health coverage and medical care through the medicaid program and to authorize temporary changes in such program to guarantee and expedite that coverage and access to care.

SEC. 02. DISASTER RELIEF PERIOD.

(a) IN GENERAL.—For purposes of this title, the term "disaster relief period" means the period beginning on August 29, 2005, and, subject to subsection (b), ending on February 28, 2006.

(b) PRESIDENTIAL AUTHORITY TO EXTEND DISASTER RELIEF PERIOD.—

(1) IN GENERAL.—The President shall extend the application of section 03 and paragraphs (1) and (2) of section 04(a) until September 30, 2006, unless the President determines that all Katrina Survivors would have sufficient access to health care without such an extension. In the case of such an extension, the reference to "February 28, 2006" in subsection (a) shall be considered to be a reference to "September 30, 2006".

(2) NOTICE TO CONGRESS.—The President shall notify the Majority and Minority Leaders of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, and the Chairs and Ranking Members of the Committee on Finance of the Senate and the Committees on Energy and Commerce and Ways and Means of the House of Representatives at least 30 days prior to—

(A) extending the application of such sections; or

(B) if the President determines not to extend the application of such sections, February 28, 2006.

SEC. 03. TEMPORARY MEDICAID COVERAGE FOR KATRINA SURVIVORS.

(a) DEFINITIONS.—In this title:

(1) KATRINA SURVIVOR.—

(A) IN GENERAL.—The term "Katrina Survivor" means an individual who is described in subparagraph (B) or (C).

(B) RESIDENTS OF DISASTER LOCALITIES.—

(i) IN GENERAL.—An individual who, on any day during the week preceding the declaration of a public health emergency on August 29, 2005, had a residence in—

(I) a parish in the State of Louisiana that is among the parishes that the Federal Emergency Management Agency of the Emergency Preparedness and Response Directorate of the Department of Homeland Security declared on September 4, 2005, to be Federal Disaster Parishes; or

(II) a county in the State of Alabama or Mississippi that is among the counties such Agency declared Federal Disaster Counties on September 4, 2005.

(ii) **AUTHORITY TO RELY ON WEBSITE POSTED DESIGNATIONS.**—The Secretary of Health and Human Services shall post on the Internet website for the Centers for Medicare & Medicaid Services a list of parishes and counties identified as Federal Disaster Parishes or Counties. Any State which provides medical assistance to Katrina Survivors on the basis of such posting and in accordance with this title shall be held harmless if it is subsequently determined that the provision of such assistance was in error.

(C) **INDIVIDUALS WHO LOST EMPLOYMENT.**—An individual who, on any day during the week preceding the declaration of a public health emergency on August 29, 2005, had a residence in a direct impact State and lost their employment since Hurricane Katrina.

(D) **CONSTRUCTION.**—A Katrina Survivor shall be treated as being “from” the State of residence described in subparagraph (B)(i) or (C), as the case may be.

(E) **TREATMENT OF CURRENT MEDICAID BENEFICIARIES.**—Nothing in this title shall be construed as preventing an individual who is otherwise entitled to medical assistance under title XIX of the Social Security Act from being treated as a Katrina Survivor under this title.

(F) **TREATMENT OF HOMELESS PERSONS.**—For purposes of this title, in the case of an individual who was homeless on any day during the week described in subparagraph (B)(i), the individual’s “residence” shall be deemed to be the place of residence as otherwise determined for such an individual under title XIX of the Social Security Act.

(2) **DIRECT IMPACT STATE.**—The term “direct impact State” means the State of Louisiana, Alabama, and Mississippi.

(b) **RULES FOR PROVIDING TEMPORARY MEDICAL ASSISTANCE TO KATRINA SURVIVORS.**—During the disaster relief period, any State may provide medical assistance to Katrina Survivors under a State medicaid plan established under title XIX of the Social Security Act in accordance with the following:

(1) **UNIFORM ELIGIBILITY RULES.**—

(A) **NO INCOME, RESOURCES, RESIDENCY, OR CATEGORICAL ELIGIBILITY REQUIREMENTS.**—Such assistance shall be provided without application of any income or resources test, State residency, or categorical eligibility requirements.

(B) **STREAMLINED ELIGIBILITY PROCEDURES.**—The State shall use the following streamlined procedures in processing applications and determining eligibility for medical assistance for Katrina Survivors:

(i) A common 1-page application form developed by the Secretary of Health and Human Services in consultation with the National Association of State Medicaid Directors. Such form shall include notice regarding the penalties for making a fraudulent application under paragraph (4) and shall require the applicant to assign to the State any rights of the applicant (or any other person who is a Katrina Survivor and on whose behalf the applicant has the legal authority to execute an assignment of such rights) under any group health plan or other third-party coverage for health care.

(ii) Self-attestation by the applicant that the applicant is a Katrina Survivor.

(iii) No requirement for documentation evidencing the basis on which the applicant qualifies to be a Katrina Survivor.

(iv) Issuance of a Medicaid eligibility card to an applicant who completes such application, including the self-attestation required under clause (ii). Such card shall be valid during the disaster relief period.

(v) If an applicant completes the application and presents it to a provider or facility participating in the State medicaid plan that is qualified to make presumptive eligibility determinations under such plan (which at a minimum shall consist of facilities identified in section 1902(a)(55) of the Social Security Act (42 U.S.C. 1396a(a)(55)) and it appears to the provider that the applicant is a Katrina Survivor based on the information in the application, the applicant will be deemed to be a Katrina Survivor eligible for medical assistance in accordance with this section, subject to paragraph (3).

(vi) Continuous eligibility, without the need for any redetermination of eligibility, for the duration of the disaster relief period.

(C) **DETERMINATION OF ELIGIBILITY FOR COVERAGE AFTER THE TERMINATION OF THE DISASTER RELIEF PERIOD.**—In the case of a Katrina Survivor who is receiving medical assistance from a State, prior to the termination of the disaster relief period, the State providing such assistance shall determine whether the Katrina Survivor is eligible for continued medical assistance under the State’s eligibility rules otherwise applicable under the State medicaid plan. If a State determines that the individual is so eligible, the State shall provide the individual with written notice of the determination and provide the individual with continued coverage for such medical assistance for so long as the individual remains eligible under such otherwise applicable eligibility rules. If a State determines that the individual is not so eligible, the State shall provide the individual with written notice of the determination, including the reasons for such determination.

(2) **SCOPE OF COVERAGE SAME AS CATEGORICALLY NEEDY.**—The State shall treat Katrina Survivors as individuals eligible for medical assistance under the State plan under title XIX of the Social Security Act on the basis of section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)), with coverage for such assistance retroactive to August 29, 2005.

(3) **VERIFICATION OF STATUS AS A KATRINA SURVIVOR.**—

(A) **IN GENERAL.**—The State shall make a good faith effort to verify the status of a Katrina Survivor enrolled in the State Medicaid plan under the provisions of this section after the determination of the eligibility of the Survivor for medical assistance under such plan.

(B) **EVIDENCE OF VERIFICATION.**—A State may satisfy the verification requirement under subparagraph (A) with respect to a Katrina Survivor by showing that the State providing medical assistance obtained information from the Social Security Administration, the Internal Revenue Service, or the State Medicaid Agency for the direct impact State.

(C) **DISALLOWANCE OF PAYMENTS FOR FAILURE TO MAKE GOOD FAITH EFFORT.**—If, with respect to the status of a Katrina Survivor enrolled in a State Medicaid plan, the State fails to make the good faith effort required under subparagraph (A), and the Secretary determines that the individual so enrolled is not a Katrina Survivor, the Secretary shall disallow all Federal payments made to the State that are directly attributable to medical assistance provided or administrative costs incurred with respect to the individual during the disaster relief period.

(4) **PENALTY FOR FRAUDULENT APPLICATIONS.**—

(A) **INDIVIDUAL LIABLE FOR COSTS.**—If a State, as the result of verification activities conducted under paragraph (3), determines after a fair hearing that an individual has knowingly made a false self-attestation described in paragraph (1)(B)(ii), the State may, subject to subparagraph (B), seek recovery from the individual for the full amount of the cost of medical assistance provided to the individual under this section.

(B) **EXCEPTION.**—The Secretary shall exempt a State from seeking recovery under subparagraph (A) if the Secretary determines that it would not be cost-effective for the State to do so.

(C) **REIMBURSEMENT TO THE FEDERAL GOVERNMENT.**—Any amounts recovered by a State in accordance with this paragraph shall be returned to the Federal government, except that a State’s administrative costs attributable to obtaining such recovery shall be reimbursed by the Federal government in accordance with section 404(a)(2).

(5) **EXEMPTION FROM ERROR RATE PENALTIES.**—All payments attributable to providing medical assistance to Katrina Survivors in accordance with this section shall be disregarded for purposes of section 1903(u) of the Social Security Act.

SEC. 404. TEMPORARY DISASTER RELIEF FOR STATES UNDER MEDICAID.

(a) **INCREASE IN FEDERAL MATCHING RATE.**—

(1) **100 PERCENT FMAP FOR MEDICAL ASSISTANCE.**—Notwithstanding section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), the Federal medical assistance percentage for providing medical assistance under a State medicaid plan under title XIX of such Act to Katrina Survivors or, in the case of a direct impact State, to any individual who is provided medical assistance under the State medicaid plan during the disaster relief period, shall be 100 percent.

(2) **100 PERCENT FEDERAL MATCH FOR CERTAIN ADMINISTRATIVE COSTS.**—Notwithstanding paragraph (7) of section 1903(a) of such Act (42 U.S.C. 1396b(a)), or any other paragraph of such section, the Federal matching rate for costs directly attributable to all administrative activities that relate to the enrollment of Katrina Survivors under section 403 in a State medicaid plan, verification of the status of such Survivors, processing of claims for payment for medical assistance provided to such Survivors under such section, and recovery costs under section 403(b)(4)(C), shall be 100 percent. The Secretary shall issue guidance not later 30 days after the date of enactment of this Act on the implementation of this paragraph.

(b) **LIMITATION ON REDUCTION OF FMAP FOR FISCAL YEAR 2006 FOR ANY STATE.**—If the Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act) determined for a State for fiscal year 2006 is less than the Federal medical assistance percentage determined for the State for fiscal year 2005, the Federal medical assistance percentage for the State for fiscal year 2006 shall apply to the State for fiscal year 2006 only for purposes of title XIX of the Social Security Act.

(c) **TEMPORARY SUSPENSION OF MEDICARE “CLAWBACK” AND POSTPONEMENT OF CUT-OFF OF MEDICAID PRESCRIPTION DRUG FUNDING IN AFFECTED STATES.**—

(1) **SUSPENSION IN APPLICATION OF “CLAWBACK.”**—Section 1935(c) of the Social Security Act (42 U.S.C. 1396u-5(c)) shall not apply, subject to paragraph (3), before January 2007 to a direct impact State or to a State that experiences a significant influx of Katrina Survivors.

(2) **CONTINUATION OF MEDICAID DRUG COVERAGE FOR DUAL ELIGIBLES.**—Section 1935(d)(1) of such Act shall also not apply,

subject to paragraph (3), before January 2007 to a part D eligible individual who is a Katrina Survivor.

(3) **TERMINATION OF APPLICATION OF SUBSECTION.**—Paragraphs (1) and (2) shall no longer apply to a State or a Katrina Survivor, respectively, if the Secretary determines, after consultation with the State, that enrollment of all part D eligible individuals in the State under part D of title XVIII of the Social Security Act who are described in section 1935(c)(6)(A)(ii) of such Act can be achieved without a discontinuation in prescription drug coverage for any such individual.

(4) **DEFINITION.**—For purposes of this subsection, the term “State that experiences a significant influx of Katrina Survivors” means those States, including Arkansas, Florida, Oklahoma, and Texas, that the Secretary of Health and Human Services identifies as having a significant in-migration of Katrina Survivors.

SEC. 105. ACCOMMODATION OF SPECIAL NEEDS OF KATRINA SURVIVORS UNDER MEDICARE PROGRAM.

(a) **EXCLUSION OF DISASTER RELIEF PERIOD IN COMPUTING PART B LATE ENROLLMENT PENALTY.**—In applying the first sentence of section 1839(b) of the Social Security Act (42 U.S.C. 1395r(b)) in the case of a Katrina Survivor, there shall not be taken into account any month any part of which is within the disaster relief period or within the 2-month period following the end of such disaster relief period.

(b) **PART D.**—

(1) **EXTENSION OF INITIAL ENROLLMENT PERIOD.**—In the case of a Katrina Survivor, the initial enrollment period under section 1860D-1(b)(2) of the Social Security Act (42 U.S.C. 1395w-101(b)(2)) shall in no case end before May 15, 2007.

(2) **FLEXIBILITY IN DOCUMENTATION FOR LOW-INCOME SUBSIDIES.**—For purposes of carrying out section 1860D-14 of the Social Security Act (42 U.S.C. 1395w-114), with respect to Katrina Survivors, the Secretary of Health and Human Services shall establish documentation rules for Katrina Survivors which take into account the loss and unavailability of documents due to Hurricane Katrina.

NOTICE OF INTENT

Mr. REID. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill, H.R. 2862, the Science, State, Justice, Commerce appropriations bill, the following amendment:

AMENDMENT NO. 1662

On page 190, after line 14, insert the following:

SECTION 522. HURRICANE KATRINA EMERGENCY ASSISTANCE VOUCHERS.

(a) **SHORT TITLE.**—This section may be cited as the “Helping to House the Victims of Hurricane Katrina Act of 2005”.

(b) **HURRICANE KATRINA EMERGENCY ASSISTANCE VOUCHERS.**—Section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) is amended by adding at the end the following:

“(20) **HURRICANE KATRINA EMERGENCY ASSISTANCE VOUCHERS.**—

“(A) **IN GENERAL.**—During the 6-month period beginning on the date of enactment of the Helping to House the Victims of Hurricane Katrina Act of 2005, the Secretary shall provide temporary rental assistance to any individual or family, if—

“(i) the individual or family resides, or resided on August 29, 2005, in any area that is subject to a declaration by the President of

a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina; and

“(ii) the residence of the individual or family became uninhabitable or inaccessible as result of that major disaster or emergency.

“(B) **REGULATIONS.**—Not later than 30 days after the date of enactment of the Helping to House the Victims of Hurricane Katrina Act of 2005, the Secretary shall issue final rules to establish the procedures applicable to the issuance of assistance under subparagraph (A).

“(C) **NOTICE.**—The Secretary, in consultation with the Director of the Federal Emergency Management Agency and such other agencies as the Secretary determines appropriate, shall establish procedures for providing notice of the availability of assistance under this paragraph to individuals or families that may be eligible for such assistance.

“(D) **AUTHORITY TO CONTRACT WITH PHA’S AND OTHERS.**—The Secretary may contract with any State or local government agency or public housing agency, or in consultation with any State or local government agency, with any other entity, to ensure that assistance payments under this paragraph are provided in an efficient and expeditious manner.

“(E) **WAIVER OF ELIGIBILITY REQUIREMENTS.**—In providing assistance under this paragraph, the Secretary shall waive the requirements under—

“(i) paragraph (2), relating to tenant contributions towards rent, except that any such waiver shall expire on an individual’s return to work;

“(ii) paragraph (4), relating to the eligibility of individuals to receive assistance;

“(iii) subsection (k) and paragraph (5) of this subsection, relating to verification of income;

“(iv) paragraph (7)(A), relating to the requirement that leases shall be for a term of 1 year;

“(v) paragraph (8), relating to initial inspection of housing units by a public housing agency; and

“(vi) subsection (r)(1)(B), relating to restrictions on portability.

“(F) **USE OF FUNDS.**—Notwithstanding any other provision of law, funds available for assistance under this paragraph—

“(i) shall be made available by the Secretary to individuals to cover the cost of —

“(I) rent;

“(II) security and utility deposits;

“(III) relocation expenses, including expenses incurred in relocating back to the major disaster area when such relocation is permitted; and

“(IV) such additional expenses as the Secretary determines necessary; and

“(ii) shall be used by the Secretary—

“(I) for payments to public housing agencies, State or local government agencies, or other voucher administrators for vouchers used to assist individuals or families affected by the major disaster or emergency described in this paragraph up to their authorized level of vouchers, if any such vouchers are not otherwise funded; and

“(II) to provide operating subsidies to public housing agencies for public housing units provided to individuals or families affected by the major disaster or emergency described in this paragraph, if such a subsidy was not previously provided for those units.

“(G) **PAYMENT STANDARD.**—For purposes of this paragraph, the payment standard for each size of dwelling unit in a market area may not exceed 150 percent, or higher if the Secretary approves of such increase, of the fair market rental established under subsection (c) for the same size dwelling unit in the same market area, and shall be not less than 90 percent of that fair market rental.

“(H) **NONDISCRIMINATION.**—In selecting individuals or families for tenancy, a landlord or owner may not exclude or penalize an individual or family solely because any portion of the rental payment of that individual or family is provided under this paragraph.

“(I) **TERMINATION OF ASSISTANCE.**—Assistance provided under this paragraph shall—

“(i) terminate 6 months after the date on which such assistance was received; and

“(ii) extend for an additional 6 months unless at that time the Secretary makes a determination that assistance under this paragraph is no longer needed.

“(21) **ASSISTANCE FOR CURRENT VOUCHER RECIPIENTS AFFECTED BY HURRICANE KATRINA.**—

“(A) **IN GENERAL.**—The Secretary shall waive any of the requirements described in clauses (i) through (vi) of paragraph (20)(E) for any individual or family receiving assistance under this section on August 29, 2005, if—

“(i) the individual or family resides, or resided on August 29, 2005, in any area that is subject to a declaration by the President of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina; and

“(ii) the residence of the individual or family became uninhabitable or inaccessible as result of that major disaster or emergency.

“(B) **ADDITIONAL USES OF FUNDS.**—Notwithstanding any other provision of law, the Secretary shall provide, as the Secretary determines appropriate, supplemental assistance to an individual or family receiving assistance under this section on August 29, 2005, and meeting the requirements described in subparagraph (A), to assist the individual or family with the additional costs of relocating to new housing, including to cover—

“(i) the additional cost of rent and utilities;

“(ii) security and utility deposits;

“(iii) relocation expenses, including expenses incurred in relocating back to the major disaster area when such relocation is permitted; and

“(iv) such additional expenses as the Secretary determines necessary.

“(C) **PAYMENT STANDARD.**—For purposes of this paragraph, the payment standard for each size of dwelling unit in a market area may not exceed 150 percent, or higher if the Secretary approves of such increase, of the fair market rental established under subsection (c) for the same size dwelling unit in the same market area, and shall be not less than 90 percent of that fair market rental.

“(D) **NONDISCRIMINATION.**—A landlord or owner may not exclude or penalize an individual or family solely because that individual or family is eligible for any waivers or benefits provided under this paragraph.

“(E) **TERMINATION OF AUTHORITY.**—The authority of the Secretary to provide assistance under this paragraph shall—

“(i) apply during the 6-month period beginning on the date of enactment of the Helping to House the Victims of Hurricane Katrina Act of 2005; and

“(ii) extend for an additional 6 months after that period, unless if at that time the Secretary makes a determination that assistance under this paragraph is no longer needed.

“(22) **AUTHORITY OF THE SECRETARY TO DIRECTLY ADMINISTER VOUCHERS WHEN PHA’S ARE UNABLE TO DO SO.**—If the Secretary determines that a public housing agency is unable to implement the provisions of this subsection due to the effects of Hurricane Katrina, the Secretary may—

“(A) directly administer any voucher program described in paragraphs (1) through (20); and

“(B) perform the functions assigned to a public housing agency by this subsection.”.

(c) **REPORT ON INVENTORY OF AVAILABILITY OF TEMPORARY HOUSING.**—Not later than 10 days after the date of enactment of this Act, the Secretary of Defense, the Administrator of the General Services Administration, the Secretary of Agriculture, and such other agency heads as the Secretary determines appropriate, shall compile and report to the Secretary an inventory of Federal civilian and defense facilities that can be used—

- (1) to provide emergency housing; or
- (2) as locations for the construction or deployment of temporary housing units.

(d) **APPROPRIATION OF FUNDING.**—

(1) **IN GENERAL.**—There are authorized to be appropriated and are appropriated \$3,500,000,000 to provide assistance under this Act.

(2) **EMERGENCY DESIGNATION.**—The amount appropriated under paragraph (1) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

NOTICE OF INTENT

Mr. REID. Mr. President, In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill, H.R. 2862, the Science, State, Justice, Commerce appropriations bill, the following statement:

AMENDMENT NO. 1678

On page 191, between lines 9 and 10, insert the following:

TITLE VII—FINANCIAL RELIEF

Subtitle A—Limitation on Payments

SEC. 701. SHORT TITLE.

This subtitle may be cited as the “Hurricane Emergency Limitation on Payments (HELP) Act of 2005”.

SEC. 702. DEFINITIONS.

In this subtitle:

(1) **DISASTER.**—The term “Disaster” means the major disasters declared by the President on August 29, 2005, relating to damage caused by Hurricane Katrina.

(2) **INJURED PERSON.**—The term “injured person” means any individual or entity that suffers harm resulting from the Disaster that makes the individual or entity eligible to receive, and the individual or entity submits an application in good faith to receive—

(A) housing assistance under section 408(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(b));

(B) financial assistance to address other needs under section 408(e) of that Act (42 U.S.C. 5174(e));

(C) unemployment assistance under section 410 of that Act (42 U.S.C. 5177) (as amended by subtitle C);

(D) a disaster loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b)); or

(E) an emergency loan made under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.).

SEC. 703. MORATORIUM ON PAYMENTS.

(a) **IN GENERAL.**—Except as otherwise provided in this subtitle, no injured person shall be subject to a penalty or a requirement to pay interest for a failure of the injured person, as a result of the Disaster, to make timely payment of a financial obligation for any loan made, subsidized, or guaranteed by the United States.

(b) **APPLICABILITY TO LOANS.**—The moratorium under subsection (a) shall not apply to any loan made to or assumed by an injured person on or after August 29, 2005.

(c) **PERIOD OF EFFECTIVENESS.**—The moratorium under subsection (a) shall apply in

accordance with section 761 to the failure of an injured person to make timely payments.

(d) **ELIGIBILITY.**—If a Federal agency responsible for administering a benefit program referred to in section 702(2) determines that an individual or entity that has applied to receive a benefit under the program is not eligible to receive the benefit, the individual or entity, for purposes of the moratorium under subsection (a), shall cease to be considered an injured person as of the date on which the individual or entity receives notice of the determination of the Federal agency.

(e) **FEDERAL RESPONSIBILITY.**—In the case of a moratorium on payments on a loan subsidized or guaranteed by the United States, nothing in this section excuses the United States from any liability of the United States to the lender under the terms of the agreement between the United States and the lender.

(f) **EFFECT OF OTHER LAW.**—The moratorium under subsection (a) shall apply to an injured person only if, and to the extent that, the injured person is not excused from, or eligible to be excused from, the obligation under other applicable law.

Subtitle B—Individual and Household Assistance

SEC. 711. INDIVIDUAL AND HOUSEHOLD ASSISTANCE.

(a) **MAXIMUM AMOUNTS.**—Notwithstanding section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174), in providing assistance to individuals and households affected by Hurricane Katrina, the President may waive the limitation on total assistance under subsection (h) of that section.

(b) **MORTGAGE AND RENTAL ASSISTANCE.**—

(1) **IN GENERAL.**—During the 18-month period beginning on the date of enactment of this Act, the President may provide assistance in the form of mortgage or rental payments for persons described in paragraph (2).

(2) **ELIGIBLE PERSONS.**—Assistance under paragraph (1) may be provided to any individual or household that—

(A) resided on August 29, 2005, in an area that is subject to a declaration by the President of a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina; and

(B) as a result of financial hardship caused by a major disaster described in subparagraph (A), is subject to dispossession or eviction from a residence due to foreclosure of a mortgage or lien or termination of a lease entered into before the date on which the major disaster is declared.

(c) **TYPES OF HOUSING ASSISTANCE.**—No limitation relating to the maximum amount of assistance under paragraph (2) or (3) of section 408(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)) shall apply with respect to major disaster FEMA-1603-DR-Louisiana, FEMA-1604-DR-Mississippi, or FEMA-1605-DR-Alabama.

(d) **FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.**—Notwithstanding section 408(g)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(g)(2)), in the case of financial assistance provided under subsection (e) of that section to any individual or household in response to a major disaster referred to in subsection (c), the Federal share shall be 100 percent.

Subtitle C—Unemployment Assistance

SEC. 721. UNEMPLOYMENT ASSISTANCE.

Section 410 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5177) is amended by striking the section heading and all that follows through

the end of subsection (a) and inserting the following:

“SEC. 410. UNEMPLOYMENT ASSISTANCE.

“(a) **PROVISION OF UNEMPLOYMENT ASSISTANCE.**—

“(1) **ASSISTANCE.**—

“(A) **IN GENERAL.**—The President shall provide to any individual unemployed as a result of a major disaster such benefit assistance as the President determines to be appropriate.

“(B) **LOCATION OF EMPLOYMENT.**—An individual that is unemployed as a result of a major disaster as determined under subparagraph (A) may receive assistance under this subsection regardless of whether the individual was employed at a location within the declared disaster area.

“(C) **REASON FOR UNEMPLOYMENT.**—For purposes of this subsection, an individual who is unemployed because a loss of business resulting from a major disaster contributed importantly to the employer's decision to reduce or terminate employment shall be considered to be an individual unemployed as a result of a major disaster.

“(D) **ELIGIBILITY.**—An individual shall be eligible to receive assistance under this subsection regardless of whether the individual is eligible to receive, or has exhausted eligibility for, State unemployment compensation.

“(2) **AVAILABILITY.**—Assistance provided to an unemployed individual under paragraph (1) shall be available as long as the unemployment of the individual caused by the major disaster continues, or until the individual is reemployed in at least a comparable position, but not longer than 52 weeks after the date on which the unemployed individual first receives assistance.

“(3) **MAXIMUM AND MINIMUM WEEKLY AMOUNTS.**—The amount of assistance provided to an unemployed individual under this subsection for each week of unemployment shall be—

“(A) unless the amount is less than the amount described in subparagraph (B), not more than the maximum weekly amount authorized under the unemployment compensation law of the State in which the disaster occurred; and

“(B) not less than the national average weekly unemployment benefit provided to an individual as of the date of the major disaster for which unemployment assistance is provided.

“(4) **PERIOD FOR APPLICATION.**—The President shall accept applications for assistance under this subsection for—

“(A) the 90-day period beginning on the date on which the applicable major disaster is declared; or

“(B) such longer period as may be established by the President.

“(5) **COOPERATION WITH STATES.**—The President shall provide assistance under this subsection through agreements with States that, in the judgment of the President, have an adequate system for administering the assistance through existing State agencies.”.

Subtitle D—Tax Relief

SEC. 731. REQUIRED EXERCISE OF AUTHORITY UNDER SECTION 7508A FOR TAX RELIEF FOR VICTIMS OF HURRICANE KATRINA.

In the case of any taxpayer determined by the Secretary of the Treasury to be affected by the Presidentially declared disaster relating to Hurricane Katrina, the Secretary of the Treasury shall specify a period under section 7508A of the Internal Revenue Code of 1986 of not less than 6 months beginning on August 29, 2005, that may be disregarded with respect to all of the acts described in section 7508(a)(1) of such Code and amounts described in paragraph (2) of section 7508A(a)

of such Code relating to any employment tax liability of the taxpayer.

SEC. 732. PENALTY FREE WITHDRAWALS FROM RETIREMENT PLANS FOR VICTIMS OF HURRICANE KATRINA.

(a) EXCLUSION FROM INCOME OF CERTAIN DISTRIBUTIONS WHICH ARE REPAYED.—Section 72 of the Internal Revenue Code of 1986 (relating to individual retirement accounts) is amended by redesignating subsection (x) as subsection (y) and by inserting after subsection (w) the following new subsection:

“(x) REPAYABLE DISTRIBUTIONS FROM QUALIFIED RETIREMENT PLANS FOR VICTIMS OF HURRICANE KATRINA.—

“(1) IN GENERAL.—Notwithstanding any other provision of this section, gross income shall not include any qualified distribution.

“(2) REPAYMENT REQUIREMENT.—

“(A) ADDITION TO TAX.—If the required recontributions made by the taxpayer during the repayment period are less than the qualified distribution, the tax imposed by this chapter for the last taxable year in the repayment period shall be increased by the amount determined under subparagraph (B).

“(B) DETERMINATION OF AMOUNT.—The amount determined under this subparagraph shall be an amount which bears the same ratio to the tax benefit amount as—

“(i) the excess (if any) of the qualified distribution over required recontributions made during the repayment period, bears to

“(ii) the qualified distribution.

“(C) REPAYMENT PERIOD.—For purposes of this subsection, the term ‘repayment period’ means, with respect to any qualified distribution, the 5-taxable year period beginning after the taxable year in which such distribution is received.

“(D) TAX BENEFIT AMOUNT.—For purposes of this subsection, the term ‘tax benefit amount’ means, with respect to any qualified distribution, the aggregate reduction in the tax imposed by this chapter for the taxable year in which such distribution is received by reason of the exclusion under paragraph (1).

“(3) QUALIFIED DISTRIBUTION.—For purposes of this subsection, the term ‘qualified distribution’ means any distribution to an individual who has a principal place of abode within the area designated as a disaster area by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in connection with Hurricane Katrina—

“(A) if such distribution is made during the 6-month period beginning on the date such declaration is made, and

“(B) to the extent such distribution does not exceed the excess of—

“(i) the amount of expenses incurred as a result of such disaster, over

“(ii) the amount of such expenses which are compensated for by insurance or otherwise.

“(4) RECONTRIBUTION OF QUALIFIED DISTRIBUTIONS.—

“(A) IN GENERAL.—If an individual received a qualified distribution, such individual shall make required recontributions in the manner provided in this paragraph to an individual retirement plan maintained for the benefit of such individual.

“(B) METHOD OF MAKING RECONTRIBUTION.—Any required recontribution—

“(i) shall be made during the repayment period for the qualified distribution,

“(ii) shall not exceed the qualified distribution reduced by any prior recontribution under this paragraph with respect to such distribution, and

“(iii) shall be made by making a payment in cash to the qualified retirement plan from which the qualified distribution was made. An individual making a required recontribution under this paragraph shall designate (in

the manner prescribed by the Secretary) such contribution as a required recontribution under this paragraph and shall specify the qualified distribution with respect to which such recontribution is being made.

“(C) TREATMENT OF CONTRIBUTION.—For purposes of this title, any required recontribution under this paragraph shall not be taken into account for purposes of any limitation on contributions to a qualified retirement plan (as so defined).

“(5) OTHER SPECIAL RULES.—

“(A) BASIS RULES NOT AFFECTED.—The tax treatment under this chapter of any distribution (other than a qualified distribution) shall be determined as if this subsection had not been enacted.

“(B) AGGREGATION RULE.—For purposes of this subsection, all qualified distributions received by an individual during a taxable year shall be treated as a single distribution.”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions received after the date of the enactment of this Act, in taxable years ending after such date.

Subtitle D—Hurricane Katrina Food Assistance Relief

SEC. 741. SHORT TITLE.

This subtitle may be cited as the “Hurricane Katrina Food Assistance Relief Act of 2005”.

SEC. 742. DEFINITION OF SECRETARY.

In this subtitle, the term “Secretary” means the Secretary of Agriculture.

SEC. 743. FOOD STAMP PROGRAM DISASTER AUTHORITY.

(a) IN GENERAL.—Section 5(h) of the Food Stamp Act of 1977 (7 U.S.C. 2014(h)) is amended by adding at the end the following:

“(4) RESPONSE TO HURRICANE KATRINA.—

“(A) DEFINITIONS.—In this paragraph:

“(i) AFFECTED AREA.—

“(I) IN GENERAL.—The term ‘affected area’ means an area of a State that the Secretary determines was affected by Hurricane Katrina or a related condition.

“(II) INCLUSION.—The term ‘affected area’ includes any area that, as a result of Hurricane Katrina or a related condition, was covered by—

“(aa) a natural disaster declaration under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)); or

“(bb) a major disaster or emergency designation under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

“(i) AFFECTED HOUSEHOLD.—

“(I) IN GENERAL.—The term ‘affected household’ means a household—

“(aa) in an affected area;

“(bb) in which a member worked immediately prior to August 29, 2005, in an affected area; or

“(cc) that was displaced as a result of Hurricane Katrina or a related condition to other areas of the same or another State.

“(II) INCLUSION.—The term ‘affected household’ includes a household containing 1 or more individuals that were displaced as a result of Hurricane Katrina or a related condition, as determined by the Secretary.

“(iii) DISASTER RECOVERY PERIOD.—

“(I) IN GENERAL.—The term ‘disaster recovery period’ means the period of 180 days beginning on the date of enactment of this paragraph.

“(II) EXTENSION.—The disaster recovery period shall be extended for another 180 days unless the President determines that the extension is not necessary to fully meet the needs of affected households.

“(B) DISASTER RECOVERY PERIOD.—During the disaster recovery period—

“(i) clauses (iv) and (v) of subsection (g)(2)(B), subsections (d) and (o) of section 6,

and section 8(c)(1) shall not apply to affected households;

“(ii) the application of an affected household shall be processed under the procedures established under section 11(e)(9);

“(iii) at the option of the State agency, the State agency may increase the value to the affected household of the thrifty food plan determined under section 3(o) by 6 percent when calculating the value of the allotment for an affected household under section 8(a), in lieu of making the adjustment otherwise required by clause (iv);

“(iv) except in the case of a household to which clause (iii) applies, the State agency shall calculate the income of an affected household using a standard deduction of \$323 in lieu of the deduction provided under subsection (e)(1);

“(v) the Secretary shall pay each State agency an amount equal to 100 percent of administrative costs allowable under section 16(a) related to serving affected households in lieu of the payments section 16(a) would otherwise require for those costs;

“(vi) an affected household shall be considered to meet the requirements of subsection (c)(2) if the income of the affected household, as calculated under subsection (c)(2), does not exceed the level permitted under subsection (c)(1) by more than 50 percent;

“(vii) any funds designated for rebuilding or relocation (including payments from Federal, State, or local governments, charitable organizations, employers, or insurance companies) shall be excluded from consideration under subsection (g) in determining the eligibility of an affected household; and

“(viii) an affected household may not be considered to customarily purchase food and prepare meals together with other individuals if the affected household did not customarily purchase food and prepare meals for home consumption with those individuals immediately prior to August 29, 2005.

“(C) DUPLICATE PARTICIPATION.—

“(i) IN GENERAL.—The Secretary shall take such actions as are prudent and reasonable under the circumstances to identify affected households that are participating in more than 1 State and to terminate the duplicate participation of those households.

“(ii) NO ACTION TAKEN.—Except in the case of deliberate falsehoods, no action may be taken against any affected household relating to any duplicate participation during the disaster recovery period that takes place prior to termination under clause (i).

“(D) CLAIMS RELATING TO BENEFITS.—Except in the case of intentional program violations as determined under section 6(b), no claim may be established under section 13(b) relating to benefits issued under this subsection.

“(E) PAYMENT ERROR RATE.—For purposes of determining the payment error rate of a State agency under section 16(c), the Secretary shall disregard any errors resulting from the application of this paragraph to an affected household during the disaster recovery period.

“(F) SAVINGS CLAUSE.—This paragraph shall not apply in any area of a State to the extent that there is in effect in the area an emergency food stamp plan approved by the Secretary that is more generous than the assistance provided under this paragraph.”

(b) PROGRAM INFORMATION ACTIVITIES.—

(1) IN GENERAL.—From funds otherwise appropriated for the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary may use not more than \$5,000,000 for the period of fiscal year 2005 through 2006 to enter into contracts with nonprofit organizations to provide affected households (as defined in section 5(h)(4)(A)(i) of the Food Stamp Act of

1977 (as added by subsection (a)) with information about and assistance in completing the application process for any food assistance programs for which the Secretary provides funds or commodities.

(2) **EXPEDITING PROVISIONS.**—Notwithstanding any other provision of law, the Secretary shall not be required—

(A) to provide public notice of the availability of funds described in paragraph (1); or

(B) to accept competitive bids for contracts under this subsection.

SEC. 744. EMERGENCY FOOD ASSISTANCE PROGRAM AND SECTION 32 ASSISTANCE.

(a) **DEFINITION OF ELIGIBLE RECIPIENT.**—In this section, the term “eligible recipient” means an individual or household that, as determined by the Secretary in consultation with the Secretary of Homeland Security—

(1) is a victim of Hurricane Katrina or a related condition;

(2) has been displaced by Hurricane Katrina or a related condition; or

(3) is temporarily housing 1 or more individuals displaced by Hurricane Katrina or a related condition.

(b) **ASSISTANCE.**—

(1) **IN GENERAL.**—In addition to funds already obligated to carry out the emergency food assistance program established under the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.), the Secretary, in consultation with the Secretary of Homeland Security, shall use not more than \$200,000,000 of funds made available under that Act to provide a variety of food to eligible recipient agencies for providing food assistance to eligible recipients, including—

(A) special supplemental foods for pregnant women and infants or for other individuals with special needs;

(B) infant formula;

(C) bottled water; and

(D) fruit juices.

(2) **USE OF FUNDS.**—Funds made available under paragraph (1) may be used to provide commodities in accordance with—

(A) section 27 of the Food Stamp Act of 1977 (7 U.S.C. 2036);

(B) section 203A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7504); and

(C) section 204 of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508).

(c) **SECTION 32 FUNDING.**—In addition to funds obligated for fiscal years 2005 and 2006 under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), the Secretary shall use not more than \$200,000,000 of funds made available under that section to provide food assistance to eligible recipients, including food described in subparagraphs (A) through (D) of subsection (b)(1).

SEC. 745. WIC FUNDING.

(a) **IN GENERAL.**—In addition to other funds made available to the Secretary for fiscal year 2005 or 2006 to carry out the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), there is authorized to be appropriated \$200,000,000, to remain available until September 30, 2007.

(b) **EMERGENCY DESIGNATION.**—The amounts made available by the transfer of funds in or pursuant to subsection (a) are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

(c) **ALLOCATION OF FUNDS.**—Notwithstanding section 17(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(i)), the Secretary may allocate funds made available under subsection (a) as the Secretary determines to be necessary to provide assistance to women, infants, and children who, as determined by the Secretary in consultation with the Secretary of Homeland Security—

(1) are victims of Hurricane Katrina or a related condition; or

(2) have been displaced by Hurricane Katrina or a related condition.

SEC. 746. REPORT.

Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Homeland Security, shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

(1) describes whether additional funding or authority is needed to continue to address the food needs of eligible recipients; and

(2) includes any determination by the President under section 5(h)(4)(A)(iii)(II) of the Food Stamp Act of 1977 (as added by section 743(a)) that an extension of the disaster recovery period is not necessary to fully meet the needs of affected households.

SEC. 747. REGULATIONS.

(a) **IN GENERAL.**—The Secretary may promulgate such regulations as are necessary to implement this subtitle.

(b) **PROCEDURE.**—The promulgation of the regulations and administration of this subtitle shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(c) **CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.**—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

Subtitle E—Bankruptcy Relief

SEC. 751. BANKRUPTCY RELIEF FOR VICTIMS OF HURRICANE KATRINA.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the provisions of title 11, United States Code, as in effect on August 29, 2005, shall apply to any case described in subsection (b).

(b) **ELIGIBILITY.**—A case described in this subsection is a case commenced during the 12-month period beginning on the effective date of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, under title 11, United States Code (other than under chapter 12 of that title 11), by or on behalf of a debtor—

(1) who resides, or who resided on August 29, 2005, in any area that is subject to a declaration by the President of a major disaster, as defined under section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) in connection with Hurricane Katrina; and

(2) whose financial condition is materially adversely affected by the major disaster.

Subtitle F—Administrative Matters

SEC. 761. PERIOD OF AVAILABILITY OF BENEFITS.

(a) **IN GENERAL.**—Except as otherwise provided by this title or an amendment made by this title, a benefit or assistance provided by any provision of this title or an amendment made by this title shall be available through the date that is 180 days after the date of enactment of this Act.

(b) **AUTOMATIC EXTENSION.**—The period during which a benefit or assistance described in subsection (a) is available shall be automatically extended for an additional 180 days, beginning on the date that is 181 days after the date of enactment of this Act (or any earlier date on which such period expires under a provision of this title or an amendment

made by this title), unless the President determines that the extension of the availability of the benefit or assistance is not necessary to fully meet the needs of individuals and households affected by Hurricane Katrina or a related condition.

(c) **REPORT.**—If the President determines that an extension is not necessary under subsection (b), the President shall submit to Congress a report describing the determination.

SEC. 762. NONDISCRIMINATION.

Each recipient of Federal funds made available pursuant to this title or an amendment made by this title, in carrying out programs and activities with those funds, shall comply with all Federal laws (including regulations) prohibiting discrimination on the basis of race, color, religion, sex, national origin, age, or disability, including title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.). Each recipient of Federal funds made available pursuant to this Act or an amendment made by this Act, in carrying out programs and activities with those funds, shall comply with all Federal laws (including regulations) prohibiting discrimination on the basis of race, color, religion, sex, national origin, age, or disability, including title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

WAIVING MATCHING REQUIREMENTS FOR CERTAIN FEMA PROGRAMS

Mr. REID. Mr. President, I want to bring to the administration's attention an issue of vital importance to the victims of Hurricane Katrina.

As you know, FEMA provides crucial financial assistance to eligible individuals, households and to local and State governments following a disaster. Many of FEMA's programs require local governments or States to provide a 25-percent match.

I commend President Bush's decision to waive the matching requirements for certain FEMA programs for 60 days. Given the unprecedented destruction resulting from Hurricane Katrina, however, I call on President Bush to immediately direct FEMA to reimburse all eligible recipients the full 100 percent of costs eligible under FEMA's various relief programs for as long as necessary. This waiver should apply to all entities that are providing assistance in the entire gulf coast area impacted by Hurricane Katrina.

As seems obvious to all, 60 days will simply not provide enough time for local and State governments to get back on their feet. Leaders from the municipalities and States devastated by Katrina should not be concerned with finding revenue to match Federal funding during this time of crisis. Federal aid should flow unimpeded.

Does the majority leader agree with me?

Mr. FRIST. I, too, commend the President for his quick action on a waiver for FEMA. I as well believe the President should consider waiving this cost-sharing requirement for as long as necessary for entities and areas in Louisiana where it is necessary. I am aware that the Louisiana delegation has sent a letter to the President to this effect, and I am supportive of what we can do to ease the burden for those impacted by Katrina.

Mr. REID. I thank the majority leader.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

IRAQ

Mr. LEVIN. Mr. President, I will spend a few minutes talking about Iraq this afternoon. I start with my conclusion and then go into the body of my remarks after I state what that conclusion is.

The administration's position that we will stay as long as the Iraqis need us to is too open-ended and sends the wrong message to Iraqis that their failure to make the necessary political compromises will not affect how long we stay, and it makes it less likely that those compromises will be reached.

Our military commanders have repeatedly stated there is no purely military solution in Iraq and that a political settlement is a necessary element for success. In view of that, I believe, unless the Iraqis achieve a political settlement by the end of this year, we must consider a timetable for the withdrawal of U.S. forces from Iraq, and we must make that point clearly to the Iraqis now while they are in the process of deciding whether to come together through consensus.

The Iraqi National Assembly approved a draft Constitution on August 28, despite objections from the Sunni Arabs over provisions relating to federalism that most Sunnis believe will disadvantage the areas of Sunni concentration. Those provisions essentially would enable the Kurds in the North and the Shiites in the South to establish autonomous regions in which most of the country's oil reserves are located. Sunni Arab voters who chose to boycott the last election, and thus were underrepresented in the National Assembly and on the constitutional drafting committee, registered in large numbers for the referendum on the Constitution scheduled for October 15, with the apparent objective of rejecting the existing draft. If two-thirds of the voters in 3 or more of Iraq's 18 provinces vote no, the Constitution will be rejected, and the elections scheduled for December will elect a new National Assembly, which will start the constitutional drafting process anew.

Additionally, there are reports that firebrand Shiite cleric Muqtada al-Sadr will exhort his followers to reject the Constitution because he favors a unified Iraq, and he sees the existing draft leading to the dissolution of Iraq as a single State. Muqtada al-Sadr has a huge following in Baghdad, which lacks

oil resources, and thus is disadvantaged in a manner similar to the predominantly Sunni Arab provinces.

Meanwhile, the administration is urging the American people to "stay the course." That is a bumper sticker slogan not a strategy.

Secretary Rice, among others, has stated we will be in Iraq as long as we are needed, adding no incentive, therefore, to Iraqis to reach a political settlement. An open-ended commitment to keep our troops in Iraq, even in the absence of a political settlement by the Iraqis, flies in the face of our military commander's assessment that there can be no military success in the absence of an Iraqi political coming together.

U.S. forces, particularly the U.S. Army, are stretched thin, despite the unprecedented use of a large segment of our National Guard in Iraq. Their lengthy and repeated deployments mean that much of a unit's time is devoted to recovery from a previous deployment and preparation for the next one, thus leaving little time for training to develop war-fighting capabilities or sustaining readiness for other contingencies. These actions, in turn, mean less time at home for soldiers with their families and lower morale, which threatens recruiting and retention.

The level of participation of the Armed Forces of other countries has been disappointing, leaving the United States to bear most of the burden. The absence of forces from Muslim countries is deeply disappointing, since the outcome in Iraq has effects throughout the world and also impacts the future direction of Islam. While it would likely be unwise for Iraq's neighbors to supply any forces, the failure of the Arab states to express their condolences over the recent stampede, in which almost 1,000 Iraqis were killed, was noted angrily by Iraq's President and Prime Minister, as was the lack of Arab diplomatic representation in Baghdad.

The administration should take advantage of the presence of so many national leaders at the United Nations later this week to press nations with substantial Muslim populations, other than those neighboring Iraq, to send forces to Iraq. The President should also make clear to the Iraqi leaders that we expect them to extend invitations to such nations.

Speaking as a Senator, I delivered that message to President Talabani this afternoon in Senator FRIST's office. It is a message that I delivered on a number of occasions and directly in the past to Iraqi's leaders in Iraq.

U.S. Ambassador Zalmay Khalilzad wrote in the Washington Post that one of the two standards to evaluate the Iraqi Constitution is "its potential to be a national compact that brings Iraqis together and undermines the insurgency."

He went on to say:

If Iraqi voters ratify the draft overwhelmingly, it becomes a national compact. If they

reject the draft, the next Assembly will negotiate anew.

He continues:

Under all scenarios, the United States will continue to encourage Iraqi leaders and communities to come together.

But Ambassador Khalilzad failed to mention that there is another scenario; namely, that the Sunni Arabs vote overwhelmingly against the Constitution but fall short of achieving a two-thirds negative vote in three provinces. In such a case, the violence and insurrection is more likely to continue and even civil war could result. Moreover, the Ambassador's words fail to display urgency that Iraqis reach a political settlement and unwisely suggest the U.S. forces may stay in Iraq indefinitely until legal consensus is achieved.

Despite the National Assembly's approval of the draft Constitution, the Iraqis continue to negotiate and make changes to the draft. For example, the Washington Post reported on September 6 that President Talabani said in his statement that he had agreed to changes that would ease concerns among Sunni Arabs that the wording of the draft loosened Iraqi ties to the Arab world. And Reuters reported on Sunday that the United Nations is unable to start printing Iraq's draft Constitution because the National Assembly had not yet certified the text and now has set Sunday, September 18, as the date by which any changes to the draft Constitution can still be met.

This week provides a critically important opportunity for the administration to make clear to the Iraqis that U.S. forces cannot be in Iraq indefinitely. We must make it clear to the Iraqis that they have a limited time to achieve a political settlement and that if they do not do so, one way or another, by the end of this year, we will consider a timetable for withdrawal of our forces.

Speaking as one Senator, again, I delivered that viewpoint to President Talabani in Senator FRIST's office earlier this afternoon.

We cannot write a constitution for Iraq, and we should not dictate the compromises they need to make to achieve a political settlement. But we do control whether our troops stay in Iraq and how long they stay.

The framework for agreement appears to be at hand. Some Shiite leaders reportedly have come to realize the existing draft of the constitution, which grants a high degree of control over natural resources to autonomous regions, would apply to water resources as well as to oil resources. That could negatively impact on the amount and quality of water available to predominantly Shiite areas. The Shiites are mainly located in the south, downstream of both the Kurds in the north and the Sunni Arabs in the center, who are able to dominate the flow of Iraq's two great rivers, the Tigris and Euphrates.

If the Shiites give up their ability to form an autonomous region or regions,

or agree to greater control by the central government over the country's natural resources, the Sunni Arabs might then be able to support a revised draft constitution which would be a critical step in achieving a political settlement.

The administration needs to move quickly. Both President Talabani and Prime Minister Jaafari—the leading Kurd and Shiite, respectively, in the transitional Iraqi Government—are in Washington this week and available for straight talk from the President and his Cabinet.

The United States has done and is doing more than our part in Iraq. It is up to the Iraqis now to step up to the political compromises which need to be made if Iraq has a realistic chance to defeat the insurgents and to become a nation.

Mr. President, I yield the floor and suggest the absence of a quorum.

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

MORNING BUSINESS

Mr. FRIST. I ask unanimous consent that there now 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.

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 9, 2005, two men were walking near 18th Street in New York, NY, when they were attacked by two other men. The apparent motivation for the attack were the victims sexual orientation. According to police, the two men made numerous antigay comments as they passed before hitting one of the gay men in the face.

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.

FEDERAL LAW ENFORCEMENT TRAINING CENTER ANNIVERSARY

Mr. DOMENICI. Mr. President, I rise today to commemorate the 35th anniversary of the Federal Law Enforcement Training Center, commonly known as FLETC. Since its inception in 1970, FLETC has provided primary and advanced law enforcement training for at least 81 Federal agencies. It also serves as the project manager for the International Law Enforcement Academies. Over the past three and one-half decades, FLETC has grown from a fledgling organization into the world's premier law enforcement training center. For this, and for the countless lives that have been saved by the proud graduates of FLETC, I extend my heartfelt congratulations.

When FLETC was first conceived 35 years ago, the training of Federal law enforcement agencies suffered from varying levels of quality. The costs of providing high-quality training were far too high for any single agency to bear. It was in these prevailing circumstances that people started to talk about standardizing and consolidating training operations for law enforcement agencies with similar operational skills. That FLETC has managed to save taxpayers dollars by creating high-quality and cost-effective training programs is a tribute to its leaders, instructors, and graduates.

I have a personal connection to FLETC because there is a FLETC campus in my home State of New Mexico. The town of Artesia in the southeastern section of New Mexico has played a special role in the history of FLETC. First opened in 1989, FLETC-Artesia is one of three full-scale residential training facilities currently in operation. Although originally a small college campus, FLETC-Artesia is now a 2,540-acre site that includes grounded aircraft, large classrooms, drug and fingerprint labs, physical techniques facilities, outdoor firearms ranges, vehicle proficiency courses, and a number of dormitory buildings.

These and other training tools have proven valuable to multiple Federal law enforcement agencies. In the weeks and months following the devastating attacks on September 11, 2001, the training environment at FLETC was reoriented to address the American people's demands for greater in-flight security. The number of students being trained at FLETC-Artesia swelled from an average of 150 per day to 700 per day as part of this mobilization. Air marshals continue to be trained by FLETC and the Federal Flight Deck Officer training module was transferred to Artesia in the fall of 2003. The Border Patrol has also consolidated its training activities in New Mexico. It is therefore no stretch of the imagination to say that FLETC-Artesia is at the forefront in protecting our Nation's skies and borders.

Mr. President, I offer my congratulations to those who have worked at FLETC over the past 35 years. They

have done their country a great service. The fact that FLETC trainees continue to excel is a tribute to their hard work. I am proud to have played a role in establishing a FLETC campus in my home State and I look forward to working with FLETC in the future.

BARBARA DAVIS CENTER FOR CHILDHOOD DIABETES

Mr. ALLARD. Mr. President, today I wish to honor an exceptional organization. The Barbara Davis Center for Childhood Diabetes provides care and support for over 5,000 children and young adults with type one diabetes, including their families. For their dedicated work and unrelenting commitment to excellence, I wish to honor the Barbara Davis Center for Childhood Diabetes here today.

Since 1980, The Barbara Davis Center has grown to become the largest facility in the Nation dedicated to pediatric diabetes and is now located on the Fitzsimmons Campus of the University of Colorado at Denver Health Sciences Center in Aurora, Colorado. The staff at the Center has worked tirelessly to meet the needs of countless children throughout Colorado and the entire world who suffer from type one, or insulin-dependent diabetes. The Center's clinics received worldwide recognition for their care of those affected with pediatric diabetes, a chronic, life-threatening illness. In addition, the Center is a first-rate teaching and research facility on the forefront of the investigation into the cause, treatment, and elimination of diabetes.

The Barbara Davis Center for Childhood Diabetes is relentless in its efforts to treat children with diabetes, support their families, and find ways to prevent and ultimately cure this devastating disease. For more than a quarter of a century the Center has proudly served the children of Colorado, our Nation, and the world. Founder Barbara Davis and the staff at the Center have dedicated themselves to enhancing the lives of those affected by diabetes. They are true champions in the fight against childhood diabetes, and I am honored to recognize their work.

ADDITIONAL STATEMENTS

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

CONGRESSIONAL COALITION ON ADOPTION INSTITUTE

• Mr. ROCKEFELLER. Mr. President, tonight is the annual gala of the Congressional Coalition on Adoption Institute to honor individuals from across the country that have helped promote the basic but crucial goal of ensuring that every child is safe, healthy and has a permanent home.

I am proud to be a member of this group, and I am proud of the leadership

shown by our Chairs, Senator LANDRIEU and Senator CRAIG. Thanks to their leadership and the importance of public awareness, this event has grown into a true celebration and recognition of the individuals who have earned their award, as an Angel of Adoption.

This year, I am delighted to honor Chris Wood, executive director of Mission West Virginia, a faith-based organization in my State. Chris and his group have undertaken the initiative known as One Church, One Child. This program which has branches in about 30 States was started in my State in December 2001, thanks to the leadership of Chris Wood and Mission West Virginia. Its goal is to raise awareness and interest in adoptions from foster care throughout the community, but particularly focusing on faith communities. Since its inception, hundreds of West Virginians have inquired about potential adoptions. About 40 adults have been registered and certified as foster and/or adoptive parents. But the best news is that 25 children have been adopted into safe, permanent homes. Others are still in the process. This is real progress, and it is changing the lives of children and families.

This is a remarkable program. I am also pleased to note that my West Virginia colleague has nominated Drew Ornbaum as her Angel in Adoption. Drew is a teenager who was adopted from foster care, and he has become a compassionate spokesperson for this initiative and its vital goal—a safe, permanent home for every child.

Chris Wood, executive director of Mission West Virginia, is doing important work on behalf of children and families through the One Church, One Child program.●

RECOGNITION OF THE RETIREMENT OF MAJOR GENERAL REGINALD CENTRACCHIO, U.S. ARMY NATIONAL GUARD

● Mr. REED. Mr. President, I rise today to recognize the accomplishments of MG Reginald Centracchio, the Adjutant General of the State of Rhode Island and the commanding general of the Rhode Island National Guard. Major General Centracchio retired on September 1, 2005, after 48 years in the Rhode Island Army National Guard. He is the only adjutant general from Rhode Island to serve his entire career within the Rhode Island National Guard, rising from private to the position of adjutant general.

Major General Centracchio enlisted as a private in the National Guard in September 1957. He graduated from Officer Candidate School in 1962, and was commissioned a second lieutenant, Air Defense Artillery.

Over the past four decades, Major General Centracchio held a wide variety of important command and staff positions, including platoon leader and battery commander on various missile sites throughout Rhode Island; field ar-

tillery tactical intelligence staff officer and adjutant; recruiting and retention manager; plans, operations and military support officer; director of personnel and administration; and director of plans, operations and training, Rhode Island Army National Guard.

Major General Centracchio was appointed the Adjutant General, State of Rhode Island, and Commanding General, Rhode Island National Guard, by Gov. Lincoln Almond on August 1, 1995. On August 1, 2002, he achieved the State rank of lieutenant general. On July 1, 1996, he was appointed director of the Rhode Island Emergency Management Agency, RIEMA, merging the National Guard and Emergency Management Agency. On January 21, 2003, he was reappointed by Gov. Donald L. Carcieri as the Adjutant General of Rhode Island; he was then appointed Rhode Island Homeland Security Advisor. Major General Centracchio is the first adjutant general to hold all three positions simultaneously.

During his tenure as Adjutant General and Commanding General of the Rhode Island National Guard, Major General Centracchio's leadership and commitment were essential in ensuring the Rhode Island National Guard trained, equipped, and deployed soldiers and airmen in support of United States military missions at home and abroad. His experience and knowledge were constantly sought during numerous State emergencies in which Rhode Island National Guard troops were employed to ensure public safety. Under his direct supervision, the Rhode Island National Guard mobilized and deployed over 3,500 troops in support of Operations Noble Eagle, Enduring Freedom, and Iraqi Freedom. This represents the largest deployment of Rhode Island National Guard Troops since the First World War.

General Centracchio exemplifies what it means to be a "soldier." He was utterly committed to accomplishing his mission and completely dedicated to the welfare of his troops. He led by example. His service and sacrifice sustained the men and women of the Rhode Island National Guard and will continue to inspire them in the years ahead.

I also want to commend his wife, Linda. She also served by his side to provide for the men and women of the Rhode Island National Guard. Together they made an extraordinary contribution to our Nation and to Rhode Island.

Major General Centracchio's superb sense of duty and responsibility provided the citizens of Rhode Island with solid evidence of the National Guard's commitment to the State and Nation. On behalf of the residents of Rhode Island, I thank Major General Centracchio for a lifetime of selfless service. I wish him well and salute him with the title that he has earned and honored. "Sir, you are a soldier."●

NEW MEXICO JUNIOR COLLEGE

● Mr. DOMENICI. Mr. President, on behalf of my fellow New Mexicans, I recognize the outstanding achievements of the New Mexico Junior College baseball team and applaud their remarkable world series victory.

New Mexico Junior College, an institution with over 3,000 students, is located in Hobbs, NM. This southeastern New Mexico town is known for its abundant natural resources, agriculture, attractive yearlong weather, and small town charm. Hobbs has long been known as the hub of New Mexico's oil industry, and home to the world's gliding community. Now, Hobbs is the home of the No. 1 junior college baseball team in America.

The Thunderbird baseball team has a distinguished local and national reputation for excellence. More than 85 New Mexico Junior College players have been drafted by professional teams, and two of those recently won Major League Baseball championships with the Florida Marlins and Anaheim Angels. However, this is the first national championship in the school's storied baseball history.

The 2005 season added to the list of accolades for the New Mexico Junior College Thunderbirds. The team finished the season winning 55 out of 65 games, and outscored their opponents 44 to 19 during their championship run. Head coach Ray Birmingham won his 700th game along the way and received the award for NJCAA coach of the year. The team finished with the highest batting average in the country. Seven Thunderbirds, from a variety of positions, received all-conference honors.

Besides being great athletes, the Thunderbirds continue to show remarkable character off the field. Four players earned Academic All-American honors this season, highlighting the high academic standards of the program. I have always believed that the ability to shine on and off the playing field is a truly crowning achievement.

This New Mexico Junior College baseball team demonstrated remarkable teamwork and selflessness throughout the season. Players born in New Mexico, Venezuela, Puerto Rico, Australia, Canada, and across the United States came together to realize their dreams this season. For that, and for all their accomplishments, I commend each and every player and coach of the Thunderbird team here in this RECORD. May their success be only a prelude to future accomplishments, and may they continue to represent their school, Hobbs, and the State of New Mexico with distinction.●

CONGRATULATING WILLIAM H. (HARRY) ARMSTRONG

● Mrs. BOXER. Mr. President, I rise to congratulate Mr. William H. (Harry) Armstrong on receiving the 2005 Rose Ann Vuich Ethical Leadership Award. The Rose Ann Vuich Leadership Award, sponsored by the Kenneth L.

Maddy Institute at California State University, Fresno, the Fresno Business Council and the Fresno Bee, is a prestigious award that celebrates excellence and integrity in public service.

Harry Armstrong began his distinguished career in public service when he was appointed to the Clovis Planning Commission in 1966. In 1970, Harry was elected by the residents of Clovis to serve on the city council for nine consecutive terms. During this period, Harry also completed four highly successful terms as the mayor of Clovis. He is currently the longest-serving councilmember in California.

Harry Armstrong's remarkable tenure on city council has coincided with the growth of Clovis from a quiet small town to one of the most vibrant and dynamic communities in the Central Valley. Clovis' status as one of the most desirable places to live, raise a family, and conduct business is made possible in no small part by Harry's extraordinary vision and steadfast commitment to serve the overall good of the community and advance the interests of his beloved constituents.

In addition to his immense contributions to the city of Clovis, Harry Armstrong has been very generous in lending his considerable talents and passion for public service to a number of other statewide and regional causes over the years. A former president of the League of California Cities, Harry is the current chairperson of the Fresno County Transportation Authority as well as serving in the same capacity for the Association of Metropolitan Water Agencies. Harry is widely regarded as one of the Central Valley's foremost experts on transportation and water issues.

As important is the high level of ethical leadership that has been the hallmark of Harry Armstrong's tenure of public service.

As his colleagues, constituents, and many admirers would attest, Harry Armstrong is a truly deserving recipient of an award that honors the importance of integrity, character, ethics, consensus building, and commitment to the common good in public service. Throughout his career in government, Harry has consistently embodied the best ideals of a dedicated public servant.

I congratulate Harry Armstrong on receiving the 2005 Rose Ann Vuich Ethical Leadership Award and wish him continued success in his future endeavors.●

HONORING THE RANCHO BUENA VISTA LITTLE LEAGUE TEAM

● Mrs. BOXER. Mr. President, I rise today to honor the Rancho Buena Vista Little League Team of San Diego, CA, that represented the Western Region in the Little League World Series.

The Rancho Buena Vista Team treated fans to a thrilling season, including an amazing 24-game winning streak. Their season culminated in a 5 to 4 vic-

tory over the team from Chiba City, Japan to win third place at the Little League World Series in Williamsport, PA. On August 14, 2005, Rancho Buena Vista defeated Tracy, California 7 to 2 in the West regional championship game, finishing with a 6 to 0 record. The Vista Little Leaguers became the sixth U.S. region representative and 14 overall to qualify for the 2005 Little League World Series.

The team displayed commitment to teamwork, gamesmanship, and a love of baseball as a team sport as they each played fair, strived to win, and always did their best. Vista's pitcher Kalen Pimentel struck out 18 batters in 1 regulation game to tie a Little League record.

On September 10, 2005, in the City of Vista, the Rancho Buena Vista Team will celebrate their victory with fellow San Diegans. The team will be joined by their friends, family, supporters, and coaches Randy Reznicek, Joseph Pimentel, and manager Marty Miller in a parade. They come together to celebrate the team's strength of character, level headedness, pride, and commitment which lead them to victory.

It is with great pleasure that I commend the athletes of the Rancho Buena Vista Little League Team for the determination, composure, and sportsmanship they exhibited throughout the 2005 Little League World Series and for their many accomplishments on the field throughout the tournament. I wish them great success in the future.●

CELEBRATING THE 50TH ANNIVERSARY OF EVANGEL HOME

● Mrs. BOXER. Mr. President, I rise to commemorate the 50th anniversary of Evangel Home. Evangel Home is a shelter for needy women and children located in downtown Fresno. Now in its 50th year, Evangel Homes has been instrumental in helping hundreds of women and children piece together their broken lives.

Evangel Home was established in 1955 by Ms. Pauline Baker Myers as a "Home for Needy Women and Children." Saddened by the lack of help for women in need at local homeless shelters, Pauline Baker Myers envisioned a shelter for women designed to help them put their lives back together. Evangel Homes became one of the first shelters of its kind in the nation.

Evangel Home helps women through a variety of programs. Women enter Evangel Home through Crisis Home, an emergency shelter where women may stay for up to 28 days. At Crisis Home, up to 24 women and children can receive services such as meals, shelter, clothing, and counseling.

Following the initial stay at Crisis Home, women may be eligible for the CrossRoads Residential Program. Through the CrossRoads Residential Program, Evangel Homes offers a 9-month program of courses and services to help women make better choices for themselves and their families. The

courses are intended to help residents develop their life skills for parenting, finances and setting boundaries.

The GARDEN Residential Recovery Program, or God Answers, Redeems, and Delivers Everyone who draws Near to Him, is an alternative sentencing program. It is designed to rehabilitate women in a structured environment as an alternative to serving a jail or prison term. The GARDEN program accommodates as many as six women and includes courses and counseling programs tailored to teach women responsibility and decision making skills.

Lastly, the Community Connection Graduate Program involves graduates from the CrossRoads and GARDEN programs. Community Connection encourages women to work and attend school while providing them with a support network to ensure their success.

The success of Evangel Homes is evident in the many women and children who have walked out of its doors to productive and successful lives. Annually, Evangel Homes gives shelter to more than 300 women and 200 children. The mission of Evangel Homes goes far beyond giving material support to women in need. Instead, Evangel Homes gives women nurturing support in a structured environment so that they may be taught self-reliance and responsibility.

Evangel Homes recognizes that those who seek its help have the ability to make their own choices. Through spiritual guidance and counseling, Evangel Homes strives to erase the effect of what it calls "disaffiliation" or the feeling of isolation and disassociation from anything positive in their lives that many women and children feel as an effect of their disordered lives. Through programs designed to give women and children the structure, the hope, and the tools for rebuilding their lives, Evangel Homes gives women and children a "chance for change."

I congratulate Evangel Homes on their 50th anniversary and wish them much continued success.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 4:50 p.m., a message from the House of Representatives, delivered by

Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 252. An act to direct the Secretary of the Interior to convey certain land in Washoe County, Nevada, to the Board of Regents of the University and Community College System of Nevada.

S. 264. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 1681. A bill to provide for reimbursement of communities for purchases of supplies distributed to Katrina Survivors.

S. 1682. A bill to provide for reimbursement for business revenue lost as a result of a facility being used as an emergency shelter for Katrina Survivors.

S. 1683. A bill to provide relief for students affected by Hurricane Katrina.

S. 1684. A bill to clarify which expenses relating to emergency shelters for Katrina Survivors are eligible for Federal reimbursement.

S. 1688. A bill to provide 100 percent Federal financial assistance under the Medicaid and State children's health insurance programs for States providing medical or child health assistance to survivors of Hurricane Katrina, to provide for an accommodation of the special needs of such survivors under the medicare program, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3707. A communication from the Executive Director for Operations, Nuclear Regulatory Commission, transmitting, pursuant to law, a report of the designation of an officer for the position of Agency Environmental Executive; to the Committee on Environment and Public Works.

EC-3708. A communication from the Acting Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's monthly report on the status of its licensing and regulatory duties; to the Committee on Environment and Public Works.

EC-3709. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing" (FRL No. 7961-9) received August 31, 2005; to the Committee on Environment and Public Works.

EC-3710. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Minnesota; Revised Format of 40 CFR Part 52 for Materials Being Incorporated by Reference; Correction" (FRL No. 7962-6) received August 31, 2005; to the Committee on Environment and Public Works.

EC-3711. A communication from the Principal Deputy Associate Administrator, Office

of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Process for Exempting Critical Uses of Methyl Bromide for the 2005 Supplemental Request" (FRL No. 7962-4) received August 31, 2005; to the Committee on Environment and Public Works.

EC-3712. A communication from the General Counsel, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of action on a nomination for the position of Controller, Office of Federal Financial Management, received on August 17, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-3713. A communication from the General Counsel, Office of Government Ethics, transmitting, pursuant to law, the Office of Government Ethics' FAIR Act Inventory for Fiscal Year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-3714. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (Docket No. FEMA-7885) (44 CFR Part 64) received on August 23, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-3715. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "Records Center Facility Standards" (RIN3095-AB31) received on August 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-3716. A communication from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Information Technology Exchange Program" (RIN3206-AJ91) received on August 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-3717. A communication from the Director, Center for Talent and Capacity Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Examining System" (RIN3206-AK85) received on August 23, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-3718. A communication from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Excepted Service; Career and Career-Conditional Employment" (RIN3206-AJ28) received on August 23, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-3719. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Exclusion of U.S. Captive-Bred Scimitar-Horned Oryx, Addax, and Dama Gazelle From Certain Prohibitions" (RIN1018-AT95) received on August 31, 2005; to the Committee on Energy and Natural Resources.

EC-3720. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Rule to List of Scimitar-Horned Oryx, Addax, and Dama Gazelle as Endangered" (RIN1018-AI82) received on August 31, 2005; to the Committee on Energy and Natural Resources.

EC-3721. A communication from the Principal Deputy Associate Administrator, Office

of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Flonicamid; Pesticide Tolerance" (FRL No. 7731-6) received August 31, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3722. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Methoxyfenozide; Pesticide Tolerances for Emergency Exemptions" (FRL No. 7732-3) received August 31, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3723. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Halosulfuron-methyl; Pesticide Tolerances for Emergency Exemption" (FRL No. 7719-8) received August 31, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3724. A communication from the Director, Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Exceptions to Definition of Date of Receipt Based on Natural or Man-made Disruption of Normal Business Practices" (RIN2900-AL12) received on August 31, 2005; to the Committee on Veterans' Affairs.

EC-3725. A communication from the Chief, Regulations Management, Office of Policy, Planning, and Preparedness, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Audits of States, Local Governments, and Non-Profit Organizations; Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations" (RIN2900-AJ62) received on August 23, 2005; to the Committee on Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KYL (for himself, Mr. INHOFE, Mr. SANTORUM, and Mr. COBURN):

S. 1689. A bill to state the policy of the United States on international taxation; to the Committee on Foreign Relations.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 1690. A bill to provide for flexibility and improvements in elementary and secondary education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAIG (for himself and Mr. SESSIONS):

S. 1691. A bill to amend selected statutes to clarify existing Federal law as to the treatment of students privately educated at home under State law; to the Committee on Finance.

By Mr. CONRAD (for himself, Mr. DORGAN, Mr. JOHNSON, Mrs. MURRAY, Mr. SALAZAR, Mr. DAYTON, Ms. CANTWELL, and Mrs. CLINTON):

S. 1692. A bill to provide disaster assistance to agricultural producers for crop and livestock losses, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KYL:

S. 1693. A bill to amend the Internal Revenue Code of 1986 to allow the temporary expensing of equipment used in refining of liquid fuels; to the Committee on Finance.

By Mr. BURR (for himself and Mr. ALLEN):

S. 1694. A bill to require the Secretary of Energy to submit to Congress a report describing the method by which existing reporting systems within the Department of Energy can be coordinated to provide timely reporting of significant supply interruptions in the transmission of petroleum and petroleum-related products; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself and Mr. LEAHY):

S. 1695. A bill to provide the Secretary of Agriculture with additional authority and funding to provide emergency relief, in coordination with the Secretary of Homeland Security, to victims of Hurricane Katrina and related conditions; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. LOTT, Ms. LANDRIEU, Mr. VITTER, Mr. COCHRAN, and Mr. SHELBY):

S. 1696. A bill to provide tax relief for the victims of Hurricane Katrina, to provide incentives for charitable giving, 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. COLEMAN (for himself, Mr. LUGAR, and Mr. BINGAMAN):

S. Res. 236. A resolution recognizing the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis, supporting the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 258

At the request of Mr. DEWINE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 258, a bill to amend the Public Health Service Act to enhance research, training, and health information dissemination with respect to urologic diseases, and for other purposes.

S. 392

At the request of Mr. LEVIN, the names of the Senator from Tennessee (Mr. FRIST) and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. 392, a bill to authorize the President to award a gold medal on behalf of Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

S. 506

At the request of Mr. HAGEL, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 506, a bill to amend the Public Health Service Act to establish a scholarship and loan repayment program for public health preparedness workforce development to eliminate critical public health preparedness workforce shortages in Federal, State, local, and tribal public health agencies.

S. 603

At the request of Ms. LANDRIEU, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 603, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 666

At the request of Mr. DEWINE, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 666, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 713

At the request of Mr. ROBERTS, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 713, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 757

At the request of Mr. CHAFEE, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 757, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 769

At the request of Ms. SNOWE, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 769, a bill to enhance compliance assistance for small businesses.

S. 895

At the request of Mr. DOMENICI, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 895, a bill to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents.

S. 1010

At the request of Mr. SANTORUM, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1010, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program.

S. 1112

At the request of Mr. BAUCUS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

At the request of Mr. GRASSLEY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1112, supra.

S. 1186

At the request of Mr. DOMENICI, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1186, a bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 1191

At the request of Mr. SALAZAR, the names of the Senator from Oregon (Mr. SMITH) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1191, a bill to establish a grant program to provide innovative transportation options to veterans in remote rural areas.

S. 1240

At the request of Mr. SMITH, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1240, a bill to amend the Internal Revenue Code of 1986 to allow an investment tax credit for the purchase of trucks with new diesel engine technologies, and for other purposes.

S. 1386

At the request of Mr. MARTINEZ, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1386, a bill to exclude from consideration as income certain payments under the national flood insurance program.

S. 1496

At the request of Mr. CRAPO, the name of the Senator from Mississippi (Mr. COCHRAN) 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. 1515

At the request of Mr. INOUE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1515, a bill to amend title XIX of the Social Security Act to improve access to advanced practice nurses and physician assistants under the Medicaid Program.

S. 1622

At the request of Mrs. CLINTON, the names of the Senator from Delaware (Mr. CARPER) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of 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.

S. 1630

At the request of Mr. OBAMA, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1630, a bill to direct the Secretary of Homeland Security to establish the National Emergency Family Locator System.

S. 1638

At the request of Mr. OBAMA, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1638, a bill to provide for the establishment of programs and activities to assist in mobilizing an appropriate healthcare workforce in the event of a health emergency or natural disaster.

S. 1644

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1644, a bill to promote the employment of workers displaced by Hurricane Katrina in connection with Hurricane Katrina reconstruction efforts.

S. 1645

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1645, a bill to establish a first responder interoperable communications grant program.

AMENDMENT NO. 1650

At the request of Mr. VOINOVICH, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 1650 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1652

At the request of Mrs. LINCOLN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of amendment No. 1652 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1654

At the request of Mr. DAYTON, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from New Jersey (Mr. CORZINE), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Michigan (Ms. STABENOW), the Senator from Rhode Island (Mr. REED) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 1654 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1660

At the request of Mrs. CLINTON, the names of the Senator from Delaware (Mr. CARPER) and the Senator from South Dakota (Mr. JOHNSON) were

added as cosponsors of amendment No. 1660 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1661

At the request of Mr. BIDEN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 1661 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1687

At the request of Ms. STABENOW, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Illinois (Mr. OBAMA), the Senator from New York (Mr. SCHUMER), the Senator from New York (Mrs. CLINTON), the Senator from California (Mrs. BOXER), the Senator from Illinois (Mr. DURBIN) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 1687 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1694

At the request of Mr. LEAHY, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of amendment No. 1694 intended to be proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 1690. A bill to provide for flexibility and improvements in elementary and secondary education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Mr. President, I rise today to talk about a bill that gives students, parents and teachers options and flexibility for meeting accountability and proficiency standards—the No Child Left Behind Flexibility and Improvements Act. My colleague, Senator COLLINS, and I have been working hand-in-hand with Maine's educators to identify problems with the No Child Left Behind Act and develop practical solutions to these issues. The bill we introduce today is the product of our combined efforts.

In 2001, with the passage of the No Child Left Behind Act, Congress, in a bipartisan fashion, set forth a truly ambitious education reform. This is a law that was conceived and created with the worthy intention to provide equal educational opportunity for

every American child. Upon implementation of the No Child Left Behind Act some unforeseen complications of the Act have become apparent. And that is why Senator COLLINS and I called for the creation of No Child Left Behind Task Force in 2003 in response to the concerns we heard in meetings with Maine's education professionals.

As described by the Task Force, "the challenge that the Task Force faced was to confront the issues raised by No Child Left Behind, to ask how the common State and Federal objectives could be met, and to assess how No Child Left Behind and the Maine Learning Results could be coordinated better to the benefit of the citizens of Maine." The members of this Task Force have their fingers on the pulse of their students' needs and are therefore uniquely qualified to assess this law and make recommendations on how to improve it. In March of this year we received the Task Force report, and it is with these recommendations that Senator COLLINS and I could understand its impact on our state and our children, so that we can move forward to improve this law in a meaningful manner.

Maine's No Child Left Behind Task Force issued several recommendations in five major areas: annual yearly progress, assessment and accountability; reading and limited English proficiency students; special education; highly qualified teachers; and funding. The No Child Left Behind Flexibility and Improvements Act addresses each of these areas in several ways. For example, our bill allows local education authorities to use local assessments as opposed to a state-wide test to measure adequate yearly progress.

The Act also gives States additional options for deeming a teacher highly qualified, give schools the discretion to use reading activities grants in a manner that will best address the needs of their students and allows schools flexibility with limited English proficiency students. This is only a sample of the many modifications our bill makes that will results in No Child Left Behind being more effective in the State of Maine.

One of our democracy's most noble goals, still a work in progress, has been to create a level playing field on which our children may strive to learn and reach their potential. Clearly, education, along with the family, plays an integral role in achieving this great imperative, which distinguishes our nation and helps make us worthy of the world's emulation. The No Child Left Behind Flexibility and Improvements Act will help to further this goal.

Ms. COLLINS. Mr. President, along with the senior Senator from Maine, Senator SNOWE, I am today introducing the No Child Left Behind Flexibility and Improvements Act. Our legislation is designed to provide State and local decision makers with greater control options and flexibility in the implementation of the No Child Left Behind

Act of 2002. It would provide common-sense reforms in keeping with the worthy goals of this landmark law.

Since the law's enactment in 2002, I have had the opportunity to meet with many educators, administrators, parents, and officials from my home State to discuss their concerns regarding the implementation of the No Child Left Behind Act reform. In response to their concerns, Senator SNOWE and I commissioned a Maine NCLB task force in March of last year. Our task force included members from every county in our State, and had superintendents, teachers, principals, school board members, parents, business leaders, former State legislators, special education specialists, assessment experts, officials from the Maine Department of Education, a former Maine commissioner of education and a dean from the University of Maine's College of Education and Human Development. In other words, it was a broad-based commission that brought a great deal of expertise, experience, and perspective to the task force's work. I am very grateful for their dedicated service and hard work.

Senator SNOWE and I charged the task force with three core missions: First, to examine the problems facing Maine schools, particularly those in rural areas of our State in implementing the No Child Left Behind Act and to recommend improvements in current regulations and policies; second, to make recommendations for statutory changes in the Federal law; and, third, to provide greater clarity to Maine's educators, parents, and citizens about the law's goals, requirements, and relationship to Maine's own State education reform effort which is known as Maine Learning Results. What we found is there was some confusion about what was required by No Child Left Behind versus what was required by Maine Learning Results and how the two interacted.

The task force met numerous times over the course of the year with the goal of gaining a clearer understanding of NCLB and the implementation issues facing Maine under federal and State education policies. The task force also had the benefit of meeting with officials from the U.S. Department of Education, including then-Deputy Secretary Hickok who twice traveled to Maine to meet with the task force. The task force also met with other state officials who shared their expertise in particular areas.

After the task force completed its work, Senator SNOWE and I met with task force members at the University of Maine in Orono to receive the final report and to discuss the greatest challenges facing Maine with the implementation of both federal and State education initiatives.

I was very impressed with the reports we received from the task force, both the depth and the quality of the task force's analysis, as well as the practicality of its recommendations. I shared

the report with several of my Senate colleagues, including the chairman and ranking member of the Health, Education, Labor, and Pension Committee, as well as with the Secretary of Education Margaret Spellings, and Maine's education commissioner.

I note Secretary Spellings responded with a letter praising the task force for its hard work.

The task force report included 26 recommendations for changes to the No Child Left Behind law or the regulations governing its implementation. The task force provided recommendations in five core areas: Annual yearly progress and assessment, reading and limited English proficiency students, special education, highly qualified teachers and funding. The task force recommendations highlighted the need for greater flexibility for the Maine Department of Education, for local schools to address various implementation concerns facing Maine. Those 26 recommendations provide the foundation for the legislation I am introducing today.

Over the past several months, Senator SNOWE and I have taken these recommendations and worked together to translate them into comprehensive legislation. Our legislation would make significant statutory changes designed to provide greater local control to Maine and greater flexibility to all States in their implementation efforts, not just Maine.

For example, the task force recommended that States be allowed to measure student performance using different models, such as growth models, and that special education experts on the IEP team be allowed to determine the best assessment for special education students. Both of these recommendations are included in our legislation.

We believe that our legislation will provide a strong basis for continuing discussions about the implementation challenges facing the States and will highlight key issues requiring further consideration during the reauthorization process, expected to begin later in the 109th Congress.

Although our legislation seeks to improve the NCLB implementation process through specific statutory reforms, we recognize that, in some cases, the goals of our legislation may be accomplished more quickly through changes to guidance and regulations from the Department of Education, or through amendments to the states' own implementation plans. We will continue to seek additional flexibility through these avenues to address the immediate implementation concerns facing the States, and believe that our legislation provides a useful guide to federal and State officials in these efforts.

Our legislation is a comprehensive effort to address the concerns raised by our task force and includes the following provisions:

First, our legislation would provide new flexibility in the design of state

accountability systems used to determine "adequate yearly progress" or AYP. Our legislation would explicitly permit a state to include additional models "discussed further below" in its State plan to demonstrate student progress. Even if a school is unable to meet the trajectory targets set by the NCLB time-line, a school would not be identified as failing to make AYP provided it demonstrates improved student achievement according to these additional models. The principle here is one of more accurately assessing whether all students are continuing to make progress.

Our legislation specifically outlines three additional models that would be permitted under the statute: No. 1, a cohort growth model, which demonstrates student progress by following the same cohort of students over time; No. 2, an indexing model, which demonstrates student progress through improved performance for students below the proficient level—for example, improvement from a below basic to a basic level; and No. 3, "top performing schools" model, which demonstrates improvement through progress in closing the achievement gap between the lowest performing students and, for example, student performance at the State's top 20 percent of schools.

The list of models in our legislation is not exclusive, and this section reflects our interest in permitting a far greater diversity in the types of State accountability systems acceptable under the statute. We would also require the Secretary to provide examples of these models to give practical assistance to States in the design of these systems. While the trajectory goals set in the statute are certainly valuable, our legislation seeks to clarify that States should be granted greater flexibility in the design of different accountability systems provided that they are consistent with the principle of improved student performance.

Second, our legislation would modify the existing "safe-harbor" provision to allow more schools to take advantage of this provision. The "safe-harbor" provision in the law is really another example of an improvement model already permitted under the statute. In order to qualify for the safe-harbor provision under current law, schools must reduce the number of students scoring below the proficient level by 10 percent in a single year.

As the task force found, this has proven to be a difficult threshold to meet, which has resulted in an underutilization of the safe harbor provision. Therefore, we have modified the safe harbor to require only a 5 percent decrease in the number of non-proficient students, or an aggregate decrease of 10 percent over 2 years. Our modification would reflect what education assessment experts already know: Significant gains in academic achievement tend to occur gradually and over time.

Third, our legislation also would provide new flexibility related to the statute's 100 percent proficiency requirements for 2013-2014—another specific recommendation of the task force. Our bill would require the Secretary of Education to conduct a review every three years to determine the progress of the 50 States towards meeting the 100 percent goal of the statute by 2013-2014. The Secretary would then be permitted, at her discretion, to make modifications to the requirements of the 12-year time-line if she determines modifications are necessary and in keeping with the broader purposes of the law.

Fourth, our legislation would also provide greater predictability to the school identification process, and limit school identification to those schools most in need of improvement. Currently, a school is designated as "in need of improvement" after it fails to make AYP for 2 years in a row in the same subject, regardless of what subgroup has failed to make AYP. Our legislation would require that in order to be found in need of improvement, a school would need to fail to make AYP in both the same subject area and with respect to the same subgroup of students 2 years in a row.

As our task force noted, the current rules can be extremely frustrating for school administrators who work hard to address a reading concern with one group—for example, LEP students—in year one, only to subsequently be identified in need of improvement when they learn that a different subgroup—for example, special education students—failed to make AYP in year two.

We must provide our schools with notice and an ability to work to improve student performance before they are identified as in need of improvement. I share the task force's concern that without these modifications, we risk quickly reaching a point where so many schools are found to be in need of school improvement, that the identification becomes meaningless. Worse yet, over-identification of schools creates the risk of having improvement resources spread too thin to make a difference in helping the schools that truly need assistance.

Fifth, our legislation would provide additional flexibility for teachers of multiple academic subjects at the middle and high school level in meeting teacher quality requirements. The task force heard from many teachers in Maine about the burden the current requirements have placed on teachers in small and rural schools. Our legislation provides new options for these teachers to become highly qualified. It also would allow teachers of history, geography, civics, and related subjects to demonstrate subject area knowledge through the obtainment of a general State social-studies certificate.

Sixth, our legislation addresses concerns about limited English proficient students. The task force was concerned about an unintended consequence of

the current law, whereby once a student becomes proficient in English, that student may no longer be included in the LEP subgroup. Federal officials have taken steps to address this issue, but our legislation would go further to correct this problem. Our bill would allow a school to continue to count students who have attained English proficiency for purposes of calculating AYP until the student graduates from high school.

Seventh, our legislation would clarify that local assessment systems are permissible under NCLB. This was an issue of some confusion in Maine, despite the fact that I had written a letter to then-Secretary Paige and received strong assurances of the acceptability of such systems. Both Nebraska and Iowa have been approved to use local assessment systems to meet NCLB assessment requirements. Although Maine continues the process of developing its own local assessment system pursuant to state requirements, I am confident that nothing in the federal statute would preclude Maine from incorporating a local assessment system at a time when state officials decide they are ready to pursue this option. But our bill makes this crystal-clear.

Eighth, our legislation would also revise upward the minimum amount of funding required for the assessment provisions to go into effect for fiscal years 2006 and 2007. This change is based on a recommendation by the task force that efforts be made to ensure adequate funding for the requirements of the statute.

These revised levels are based on a GAO report that I required as part of the conference report to NCLB. The GAO report estimated that although most States, including Maine, had the majority of their assessment costs covered, particularly in the early years, additional resources would be needed in future years as the assessment requirements increased. The report estimated that Maine would have 86 percent of its assessment costs covered through 2007, and while this is significant funding, additional funding will ensure that all States have the resources they need, particularly for the adaptation of tests for LEP and special education populations.

Finally, our legislation would also address concerns that some special education students are being required to take grade-level assessments that are inappropriate for them. Our legislation would build on the important new flexibility the Secretary has provided in this area. Our legislation would allow the student's IEP team to determine the appropriate test for a student, and if a special education student achieves a proficient score on this test, the student will be deemed proficient for AYP purposes. The IEP requirements of the Individuals with Disabilities Education Act—IDEA—will ensure both parent involvement in this process, and increasingly higher expecta-

tations for these students. We agree with the task force that the involvement of parents and the IEP team will serve as an important safeguard to ensure that those special education students who can be assessed according to State-determined grade-level expectations will be encouraged to do so.

Our legislation is a comprehensive effort to provide greater flexibility and common-sense modifications to address the key NCLB implementation challenges facing Maine, and other States. At the same time, our legislation remains true to the important goals of NCLB, such as increasing accountability, closing the achievement gap, and improving student performance. I look forward to working with my colleagues to improve this landmark law during the reauthorization process.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. LOTT, Ms. LANDRIEU, Mr. VITTER, Mr. COCHRAN, and Mr. SHELBY):

S. 1696. A bill to provide tax relief for the victims of Hurricane Katrina, to provide incentives for charitable giving, and for other purposes; to the Committee on Finance.

Mr. President, a little over 2 weeks ago, the Gulf Coast region endured a tragedy of historic proportions. I have heard personal accounts of how Americans across this country have come together in a communal effort to help those affected. Congress needs to come together to pass tax relief that will help those in need.

The total damage left in the wake of Hurricane Katrina is unknown. But the latest numbers are overwhelming. 377,000 displaced persons are spread across 33 States and the District of Columbia. They have sought refuge in shelters, hotels, homes, and with family all over the country. They are hungry. They are homeless. And they need our immediate help.

Millions of Americans immediately swung into action to help by donating goods, time, and money to their Gulf Coast neighbors. In my home State of Montana, thousands have risen to the occasion to offer a helping hand to those who have been hit by the effects of Hurricane Katrina.

Four firefighters have been dispatched from Kalispell to New Orleans to act as community liaisons. Forty-four Montana Red Cross volunteers are already assisting Katrina victims.

Students at Rose Park Elementary School in Billings are making handmade cards to raise money. Players and coaches of the Billings Bulls hockey will hold an auction next week. Each will provide one day's worth of labor and the proceeds will go directly to the Red Cross.

In Three Forks, volunteers with the Veterans for Foreign Wars and Boy Scouts will be combing the streets with buckets asking for donations.

In Bozeman, the local National Guard members and Gallatin County emergency service workers collected

cash donations from spectators at the first Montana State University home football game last Saturday. Immediately after the game, a free concert took place and the Red Cross was present to accept contributions.

The Gallatin County Sheriff's Office sent 120 dolls and blankets to children caught in the disaster.

The Greater Gallatin United Way has decided to "adopt" Alexandria, Louisiana, a town that has taken in more than 6,500 evacuees, in an effort to focus its giving on one geographic area. Mount Ellis Academy students raised nearly \$10,000 for the United Way last Sunday afternoon.

And businesses are also rising to the cause. Ag Express, a Billings-based trucking company, is collecting donations of clothing, blankets, diapers, water and other supplies. The company is working with FEMA and plans to leave Thursday to deliver the load to Baton Rouge, LA.

Wheat Montana Bakery, Carpet One and Corcoran Trucking worked together to send 4,600 loaves of bread and 41,000 hamburger buns to the Astrodome in Houston, TX.

In Three Forks, Hegar's Septic Service is giving \$5 to the Red Cross for every septic tank it pumps.

First Security Bank in Bozeman, MT is sending a freight truck with bottled water and medical supplies. They are also donating eight ATM machines to the Louisiana Banker Association. They will be hooked up to temporary banking stations in areas that already have electricity.

Mr. President, I am proud of the spirit and generosity of the citizens and businesses of Montana and across this country. It is with this spirit in mind that I offer a tax relief package for the victims of this tragedy. My good friend Senator GRASSLEY and I worked closely with our Senate Colleagues in this effort. All six Senators from the affected States are cosponsors.

The relief package is aimed at four needs of the victims of the hurricane. One, they need cash and they need it fast. Two, they need jobs. Three, they need decent housing. And four, charities need help from Congress so they can help the victims of the hurricane.

First, displaced persons need money. Some of these displaced persons left everything behind. They need cash to buy basic essentials such as food and water.

Our bill allows victims of Hurricane Katrina to access retirement accounts for immediate cash assistance. Under current law, there is a 10 percent penalty for early distributions of money in these accounts. We waive that penalty and allow displaced persons to re-contribute to the retirement account over a 3-year period.

Second, many of these displaced persons want to get back into the workforce. We provide businesses with the tools they need to hire displaced workers. The Work Opportunity Tax Credit allows employers to claim a credit against wages paid to new workers that

face barriers to employment. It applies to low-income families, veterans and other targeted groups. We expand the Work Opportunity Tax Credit to cover all survivors of Hurricane Katrina who lived in the disaster zone and became unemployed as a result of the hurricane.

We also allow employers located in the disaster zone to take a 40 percent tax credit on wages paid to employees on the first \$6,000 of pay.

Third, the people affected by this tragedy need shelter. They need a warm, safe place to rest. Many folks across the country have opened up their hearts and opened up their homes. But it is not easy. It means extra living expenses—the water bill will be higher, the electric bill will be higher, and the grocery bill will be higher. This is a considerable burden that folks are doing voluntarily, out of the goodness of their hearts. We need to help.

That's why we allow individuals to claim an additional personal exemption of \$500 for each displaced person they shelter for a minimum of 60 days. This money will help offset the costs incurred by these generous individuals.

Finally, the victims need the generosity of individuals and businesses across this country. There has been a surge in giving to charitable organizations and we should encourage this activity. Our bill provides incentives for corporations to increase gifts of cash, food, books and other items sorely needed in the affected areas and communities.

We also allow taxpayers to transfer money in retirement accounts to a charitable organizations tax free.

The Nation is depending on Congress to act, and to act quickly. I think we have responded with a good bill that provides swift relief for the millions affected by this catastrophe.

Hurricane Katrina will exacerbate the existing problems of poverty and the working poor. The images we have seen of Katrina's poverty-stricken victims over the last few weeks should serve as a wake-up call to policymakers—we must do more to help them help themselves.

I am currently drafting changes to the tax code which will enhance current incentives for the working poor and especially those with children. I look forward to working with my Colleagues in this effort as we continue to help those affected by Hurricane Katrina get back on their feet.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 236—RECOGNIZING THE NEED TO PURSUE RESEARCH INTO THE CAUSES, A TREATMENT, AND AN EVENTUAL CURE FOR IDIOPATHIC PULMONARY FIBROSIS, SUPPORTING THE GOALS AND IDEALS OF NATIONAL IDIOPATHIC PULMONARY FIBROSIS AWARENESS WEEK, AND FOR OTHER PURPOSES

Mr. COLEMAN (for himself, Mr. LUGAR, and Mr. BINGAMAN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 236

Whereas idiopathic pulmonary fibrosis is a serious lung disorder causing progressive, incurable lung scarring;

Whereas idiopathic pulmonary fibrosis is one of about 200 disorders called interstitial lung diseases;

Whereas idiopathic pulmonary fibrosis is the most common form of interstitial lung disease;

Whereas idiopathic pulmonary fibrosis is a debilitating and generally fatal disease marked by progressive scarring of the lungs, causing an irreversible loss of the lung tissue's ability to transport oxygen;

Whereas idiopathic pulmonary fibrosis progresses quickly, often causing disability or death within a few short years;

Whereas there is no proven cause of idiopathic pulmonary fibrosis;

Whereas approximately 83,000 United States citizens have idiopathic pulmonary fibrosis, and 31,000 new cases are diagnosed each year;

Whereas idiopathic pulmonary fibrosis is often misdiagnosed or under diagnosed;

Whereas the median survival rate for idiopathic pulmonary fibrosis patients is 2 to 3 years, and about two thirds of idiopathic pulmonary fibrosis patients die within 5 years; and

Whereas a need has been identified to increase awareness and detection of this misdiagnosed and under diagnosed disorder: Now, therefore, be it

Resolved, That Congress—

(1) recognizes the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis;

(2) supports the work of the Coalition for Pulmonary Fibrosis and its partner organizations for their great efforts to educate, support, and provide hope for individuals who suffer from idiopathic pulmonary fibrosis, including the work of the Coalition to organize a national "Idiopathic Pulmonary Fibrosis Awareness Week";

(3) supports the designation of an appropriate week as "Idiopathic Pulmonary Fibrosis Awareness Week";

(4) congratulates the Coalition for Pulmonary Fibrosis for its efforts to educate the public about idiopathic pulmonary fibrosis, while funding research to help find a cure for this disorder; and

(5) supports the goals and ideals of a national "Idiopathic Pulmonary Fibrosis Awareness Week".

Mr. COLEMAN. Mr. President, I am pleased to join my friends Senators LUGAR and BINGAMAN, today in submitting the National Idiopathic Pulmonary Fibrosis Awareness Week Resolution.

Idiopathic Pulmonary Fibrosis (IPF) is a devastating lung disease affecting

over 80,000 Americans with 31,000 more Americans diagnosed each year. IPF scars the lining of the lungs and makes it hard for oxygen to be transported to the rest of the body. It negatively affects the ability of major organs to function normally and impairs breathing.

The National Idiopathic Pulmonary Fibrosis Resolution seeks to increase awareness, encourage further research, and support the goals of National Idiopathic Pulmonary Fibrosis Awareness Week.

Until the day when every American can live a life free of lung disease, we must continue to promote awareness, and strengthen our investment in research, diagnosis and treatment.

I urge my fellow colleagues to join me and Senators LUGAR and BINGAMAN in raising awareness of Idiopathic Pulmonary Fibrosis by supporting the National Idiopathic Pulmonary Fibrosis Awareness Week Resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1695. Mr. KERRY (for himself, Ms. LANDRIEU, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1696. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1697. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1698. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1699. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1700. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1701. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1702. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1703. Mr. PRYOR (for himself, Ms. MRKULSKI, Mr. SALAZAR, Mr. NELSON of Florida, Mr. HARKIN, Mr. CORZINE, Ms. STABENOW, and Mr. OBAMA) proposed an amendment to the bill H.R. 2862, supra.

SA 1704. Mr. SHELBY (for Mr. KENNEDY (for himself and Mr. SESSIONS)) proposed an amendment to the bill H.R. 2862, supra.

SA 1705. Mr. DURBIN (for himself, Mr. KENNEDY, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1695. Mr. KERRY (for himself, Ms. LANDRIEU and Mr. KENNEDY) submitted

an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 5. SMALL BUSINESS EMERGENCY RELIEF.

(a) DEFINITIONS.—As used in this section—
(1) the term “covered loan” means a loan or loan guarantee by the Administration—

(A) under section 7(a) of the Small Business Act or section 503 of the Small Business Investment Act of 1958; and

(B) to a small business concern that—

(i) is located in a disaster area; and

(ii) has been adversely affected by Hurricane Katrina;

(2) the term “disaster area” means an area declared as a disaster area as a result of Hurricane Katrina of August 2005;

(3) the term “small business concern” has the same meaning as in section 3 of the Small Business Act; and

(4) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively.

(b) TEMPORARY DEFERMENT OF PRINCIPAL AND INTEREST ON DISASTER LOANS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Administration shall, during the 2-year period following the date of issuance of a loan issued under section 7(b) of the Small Business Act related to Hurricane Katrina, defer payments of principal and interest on the loan (and no interest shall accrue thereon during such period).

(2) RESUMPTION OF PAYMENTS.—Unless the Administrator finds an extension necessary or appropriate, at the end of the 2-year period described in paragraph (1), the payment of periodic installments of principal and interest shall be required with respect to a loan issued under section 7(b) of the Small Business Act, in the same manner and subject to the same terms and conditions as would otherwise be applicable to such loan.

(c) DISASTER LOANS FOLLOWING HURRICANE KATRINA.—

(1) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately before the undesignated material following paragraph (3) the following:

“(4) DISASTER LOANS AFTER HURRICANE KATRINA.—

“(A) REFINANCING DISASTER LOANS.—

“(i) IN GENERAL.—Any loan made under this subsection that was outstanding as to principal or interest on August 24, 2005, may be refinanced by a small business concern that is located in an area designated as a disaster area as a result of Hurricane Katrina of 2005 (in this paragraph referred to as the ‘disaster area’) and that is adversely affected by Hurricane Katrina, and the refinanced amount shall be considered to be part of a new loan for purposes of this subparagraph.

“(ii) NO EFFECT ON ELIGIBILITY.—A refinancing under clause (i) by a small business concern shall be in addition to any other loan eligibility for that small business concern under this Act.

“(B) REFINANCING BUSINESS DEBT.—

“(i) IN GENERAL.—Any business debt of a small business concern that was outstanding as to principal or interest on August 24, 2005, may be refinanced by the small business concern if it is located (or was located on August 24, 2005) in a disaster area and was adversely affected by Hurricane Katrina. With respect to a refinancing under this clause,

payments of principal may be deferred, and interest may accrue, during the 1-year period following the date of refinancing.

“(ii) RESUMPTION OF PAYMENTS.—At the end of the 1-year period described in clause (i), the payment of periodic installments of principal and interest on a refinancing under clause (i) shall be required with respect to such refinancing, in the same manner and subject to the same terms and conditions as would otherwise be applicable to any other loan made under this subsection.

“(C) TERMS.—A loan under this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2). Any reasonable doubt concerning the repayment ability of an applicant under this paragraph shall be resolved in favor of the applicant.

“(5) INCREASED LOAN CAPS.—

“(A) AGGREGATE LOAN AMOUNTS.—Except as provided in subparagraph (B), and in addition to amounts otherwise authorized by this Act, the loan amount outstanding and committed to a borrower under this subsection may not exceed \$10,000,000, with respect to a small business concern that is located in an area designated as a disaster area following Hurricane Katrina of August 2005, and that has been adversely affected by Hurricane Katrina.

“(B) WAIVER AUTHORITY.—The Administrator may, at the discretion of the Administrator, waive the aggregate loan amount established under subparagraph (A).

“(6) EXTENDED APPLICATION PERIOD FOR HURRICANE KATRINA ASSISTANCE.—Notwithstanding any other provision of law, the Administrator shall accept applications for a loan under this subsection by a small business concern that is located in an area designated as a disaster area as a result of Hurricane Katrina and that has been adversely affected by Hurricane Katrina, until 1 year after the date on which the area was designated as a disaster area.

“(7) LIMITATION ON SALES OF LOANS.—No loan under this subsection, made as a result of Hurricane Katrina, may be sold.”.

(2) CLERICAL AMENDMENTS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended in the undesignated matter at the end—

(A) by striking “, (2), and (4)” and inserting “and (2)”;

(B) by striking “, (2), or (4)” and inserting “(2)”.

(3) DISASTER LOAN ADDITIONAL AMOUNTS.—In addition to any other amounts otherwise appropriated for such purpose, there is authorized to be appropriated to the Administration \$117,000,000, to make covered loans under section 7(b) of the Small Business Act.

(d) ASSUMPTION OF PAYMENTS FOR EXISTING SBA LOANS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Administration shall, in the case of a covered loan issued before the date of enactment of this Act, make all periodic payments, including interest, with respect to such covered loan on behalf of the borrower during the time period described in paragraph (2).

(2) TIME PERIOD.—The time period under paragraph (1) shall begin on the date of enactment of this Act and end on the earlier of the date on which the Administration determines the borrower can resume making payments or the date that is 2 years after the date of enactment of this Act.

(3) RESUMPTION OF PAYMENTS.—Unless the Administrator finds an extension necessary or appropriate, at the end of the time period described in paragraph (2), no further payments shall be made on behalf of the borrower with respect to a covered loan.

(e) SUPPLEMENTAL EMERGENCY LOANS.—Section 7(a) of the Small Business Act (15

U.S.C. 636(a)) is amended by adding at the end the following:

“(32) SUPPLEMENTAL EMERGENCY LOANS AFTER HURRICANE KATRINA.—

“(A) LOAN AUTHORITY.—In addition to any other loan authorized by this subsection, the Administrator shall make such loans under this subsection (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to a small business concern adversely affected by Hurricane Katrina, subject to subparagraph (B).

“(B) OVERSIGHT PROTECTIONS.—In making any loan under subparagraph (A)—

“(i) the borrower shall be made aware that such loans are for those adversely affected by Hurricane Katrina; and

“(ii) for loans made in cooperation with a bank or other lending institution—

“(I) lenders shall document for the Administrator how the borrower was adversely affected by Hurricane Katrina, whether directly, or indirectly; and

“(II) not later than 6 months after the date of enactment of this paragraph, and every 6 months thereafter until the date that is 18 months after the date of enactment of this paragraph, the Administrator shall make a report regarding such loans to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, including verification that such loans are being used for purposes authorized by this paragraph.

“(C) FEES.—

“(i) IN GENERAL.—Notwithstanding any other provision of law, the Administrator shall, in lieu of the fee established under paragraph (23)(A), collect an annual fee of 0.25 percent of the outstanding balance of deferred participation loans made under this subsection to qualified borrowers for a period of 2 years after the date of enactment of this paragraph.

“(ii) GUARANTEE FEES.—Notwithstanding any other provision of law, the guarantee fee under paragraph (18)(A) for a period of 2 years after the date of enactment of this subparagraph shall be as follows:

“(I) A guarantee fee equal to 1 percent of the deferred participation share of a total loan amount that is not more than \$150,000.

“(II) A guarantee fee equal to 2.5 percent of the deferred participation share of a total loan amount that is more than \$150,000, but not more than \$700,000.

“(III) A guarantee fee equal to 3.5 percent of the deferred participation share of a total loan amount that is more than \$700,000.”

(f) LOWERING OF FEES.—

(1) APPROPRIATED AMOUNT.—There is authorized to be appropriated to the Administration \$80,000,000, to remain available until expended, to carry out section 7(a)(23) of the Small Business Act, as amended by this subsection.

(2) FEES.—Section 7(a)(23) of the Small Business Act (15 U.S.C. 636(a)(23)) is amended by striking subparagraph (C) and inserting the following:

“(C) LOWERING OF FEES.—

“(i) IN GENERAL.—Subject to clauses (ii) and (iii)—

“(I) the Administrator shall reduce fees paid by small business borrowers and lenders under clauses (i) through (iv) of paragraph (18)(A) and subparagraph (A) of this paragraph; and

“(II) fees paid by small business borrowers and lenders shall not be increased above the levels in effect on the date of enactment of the Consolidated Appropriations Act, 2005.

“(ii) DETERMINATIONS.—A reduction in fees under clause (i) shall occur in any case in

which the fees paid by all small business borrowers and by lenders for guarantees under this subsection, or the sum of such fees plus any amount appropriated to carry out this subsection, as applicable, is more than the amount necessary to equal the cost to the Administration of making such guarantees.”

(g) BRIDGE LOANS.—There is authorized to be appropriated \$400,000,000 to provide, through appropriate government agencies in the affected States of Louisiana, Mississippi, and Alabama, bridge grants and loans to small business concerns that are located in a disaster area and that are adversely affected by Hurricane Katrina, until such business concerns are able to obtain loans through Administration assistance programs or other sources.

(h) CONTRACTING PROTECTION AND ASSISTANCE.—

(1) HUBZONES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, a small business concern that is located in a disaster area and that has been adversely affected by Hurricane Katrina shall be treated as being located in a HUBZone for purposes of the program under section 31 of the Small Business Act (15 U.S.C. 658).

(B) TERMINATION.—Subparagraph (A) is repealed effective on the date that is 1 day after the date on which the declaration of the disaster area in response to Hurricane Katrina is lifted.

(2) SMALL BUSINESS PARTICIPATION.—

(A) IN GENERAL.—For any contract awarded by the Department of Homeland Security relating to the aftermath of Hurricane Katrina, the Secretary of Homeland Security (in this paragraph referred to as the “Secretary”) shall—

(i) afford small business concerns the maximum practicable opportunity to participate in the performance of such contract; and

(ii) ensure that such contract complies with the subcontracting goals for small business concerns in the Small Business Act and the Federal Acquisition Regulations.

(B) LOCAL PRESENCE.—The Secretary shall make a determination on the advisability of requiring a local presence for small business concerns selected as subcontractors under contracts described in subparagraph (A).

(C) GOAL.—The Secretary shall set a goal of awarding not less than 30 percent of the funds awarded under Federal prime contracts and 40 percent of subcontracts described in paragraph (A) to small business concerns.

(3) BONDING THRESHOLDS.—For any contract awarded by the Department of Homeland Security relating to the aftermath of Hurricane Katrina, the Administrator—

(A) may, upon such terms and conditions as the Administrator may prescribe, guarantee and enter into commitments to guarantee any surety against loss resulting from a breach of terms of a bid bond, payment bond, performance bond, or bonds ancillary thereto, by a principal on any contract up to \$5,000,000; and

(B) shall ensure such guarantee complies with subsection (a)(4) and subsections (b) through (e) of section 411 of the Small Business Investment Act of 1958 (15 U.S.C. 694b).

(4) DEFINITION.—In this subsection, the term “small business concern” has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632).

(i) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) SPECIAL AUTHORIZATIONS OF APPROPRIATIONS FOLLOWING HURRICANE KATRINA.—In addition to any other amounts authorized for any fiscal year, there are authorized to be appropriated to the Administration, to remain available until expended, for fiscal year 2006—

(A) \$21,000,000, to be used for activities of small business development center pursuant to section 21 of the Small Business Act, \$15,000,000 of which shall be non-matching funds and used to aid and assist small business concerns adversely affected by Hurricane Katrina;

(B) \$2,000,000, to be used for SCORE program authorized by section 8(b)(1) of the Small Business Act, for the activities described in section 8(b)(1)(B)(ii) of that Act, \$1,000,000 of which shall be used to aid and assist small business concerns adversely affected by Hurricane Katrina;

(C) \$4,500,000, to be used for activities of women's business center authorized by section 29(b)(4) of the Small Business Act and for recipients of a grant under section 29(l) of that Act, whose 5-year project ended in fiscal year 2004, \$2,500,000 of which shall be non-matching funds used to aid and assist small business concerns adversely affected by Hurricane Katrina;

(D) \$1,250,000, to be used for activities of the office of veteran's business development pursuant to section 32 of the Small Business Act, \$750,000 of which shall be used to aid and assist small business concerns adversely affected by Hurricane Katrina; and

(E) \$5,000,000, to be used for activities of the microloan program authorized by clauses (ii) and (iii) of section 7(m)(1)(B) of the Small Business Act to aid and assist small business concerns adversely affected by Hurricane Katrina.

(2) BUSINESS LOAN PROGRAMS.—Section 20(e) of the Small Business Act (15 U.S.C. 631 note) is amended—

(A) by striking “\$25,050,000,000” and inserting “\$30,550,000,000”; and

(B) in paragraph (1)(B)—

(i) by striking “\$17,000,000,000” and inserting “\$20,000,000,000”; and

(ii) by striking “\$7,500,000,000” and inserting “\$10,000,000,000”.

(j) SMALL BUSINESS AND FARM ENERGY EMERGENCY DISASTER LOAN PROGRAM.—

(1) SMALL BUSINESS DISASTER LOAN AUTHORITY.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting after paragraph (7), as added by this section, the following:

“(8)(A) For purposes of this paragraph—

“(i) the term ‘base price index’ means the moving average of the closing unit price on the New York Mercantile Exchange for heating oil, natural gas, gasoline, or propane for the 10 days, in each of the most recent 2 preceding years, which correspond to the trading days described in clause (ii);

“(ii) the term ‘current price index’ means the moving average of the closing unit price on the New York Mercantile Exchange, for the 10 most recent trading days, for contracts to purchase heating oil, natural gas, gasoline, or propane during the subsequent calendar month, commonly known as the ‘front month’;

“(iii) the term ‘significant increase’ means—

“(I) with respect to the price of heating oil, natural gas, gasoline, or propane, any time the current price index exceeds the base price index by not less than 40 percent; and

“(II) with respect to the price of kerosene, any increase which the Administrator, in consultation with the Secretary of Energy, determines to be significant; and

“(iv) a small business concern engaged in the heating oil business is eligible for a loan, if the small business concern sells not more than 10,000,000 gallons of heating oil per year.

“(B) The Administration may make such loans, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, to assist a small business

concern that has suffered or that is likely to suffer substantial economic injury on or after January 1, 2005, as the result of a significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene occurring on or after January 1, 2005.

“(C) Any loan or guarantee extended pursuant to this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2).

“(D) No loan may be made under this paragraph, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under this subsection would exceed \$1,500,000, unless such borrower constitutes a major source of employment in its surrounding area, as determined by the Administration, in which case the Administration, in its discretion, may waive the \$1,500,000 limitation.

“(E) For purposes of assistance under this paragraph—

“(i) a declaration of a disaster area based on conditions specified in this paragraph shall be required, and shall be made by the President or the Administrator; or

“(ii) if no declaration has been made pursuant to clause (i), the Governor of a State in which a significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene has occurred may certify to the Administration that small business concerns have suffered economic injury as a result of such increase and are in need of financial assistance which is not otherwise available on reasonable terms in that State, and upon receipt of such certification, the Administration may make such loans as would have been available under this paragraph if a disaster declaration had been issued.

“(F) Notwithstanding any other provision of law, loans made under this paragraph may be used by a small business concern described in subparagraph (B) to convert from the use of heating oil, natural gas, gasoline, propane, or kerosene to a renewable or alternative energy source, including agriculture and urban waste, geothermal energy, cogeneration, solar energy, wind energy, or fuel cells.”.

(2) CONFORMING AMENDMENTS.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended—

(A) by inserting “, significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene” after “civil disorders”; and

(B) by inserting “other” before “economic”.

(3) REPORT.—Not later than 12 months after the date on which the Administrator of the Small Business Administration issues guidelines under subsection (1)(1), and annually thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report on the effectiveness of the assistance made available under section 7(b)(8) of the Small Business Act, as added by this subsection, including—

(A) the number of small business concerns that applied for a loan under such section 7(b)(8) and the number of those that received such loans;

(B) the dollar value of those loans;

(C) the States in which the small business concerns that received such loans are located;

(D) the type of energy that caused the significant increase in the cost for the participating small business concerns; and

(E) recommendations for ways to improve the assistance provided under such section 7(b)(8), if any.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply during the 4-year period beginning on the earlier of the date on which guidelines are published by the Administrator of the Small Business Administration under subsection (1), or 30 days after the date of enactment of this Act, with respect to assistance under section 7(b)(8) of the Small Business Act, as added by this subsection.

(k) FARM ENERGY EMERGENCY RELIEF.—

(1) IN GENERAL.—Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended—

(A) in the first sentence—

(i) by striking “operations have” and inserting “operations (i) have”; and

(ii) by inserting before “: Provided,” the following: “, or (ii)(I) are owned or operated by such an applicant that is also a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), and (II) have suffered or are likely to suffer substantial economic injury on or after January 1, 2005, as the result of a significant increase in energy costs or input costs from energy sources occurring on or after January 1, 2005, in connection with an energy emergency declared by the President or the Secretary”;

(B) in the third sentence, by inserting before the period at the end the following: “or by an energy emergency declared by the President or the Secretary”; and

(C) in the fourth sentence—

(i) by inserting “or energy emergency” after “natural disaster” each place that term appears; and

(ii) by inserting “or declaration” after “emergency designation”.

(2) FUNDING.—Funds available on the date of enactment of this Act for emergency loans under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.) shall be available to carry out the amendments made by subparagraph (A) to meet the needs resulting from natural disasters.

(3) REPORT.—Not later than 12 months after the date on which the Secretary of Agriculture issues guidelines under subsection (1)(1), and annually thereafter, the Secretary shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Agriculture, Nutrition, and Forestry of the Senate and to the Committee on Small Business and the Committee on Agriculture of the House of Representatives, a report that—

(A) describes the effectiveness of the assistance made available under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)), as amended by this section; and

(B) contains recommendations for ways to improve the assistance provided under such section 321(a).

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply during the 4-year period beginning on the earlier of the date on which guidelines are published by the Secretary of Agriculture under subsection (1), or 30 days after the date of enactment of this Act, with respect to assistance under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)), as amended by this subsection.

(1) GUIDELINES AND RULEMAKING.—

(1) GUIDELINES.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration and the Secretary of Agriculture shall each issue guidelines to carry out subsections (j) and (k) and the amendments made thereby, which guidelines shall become effective on the date of their issuance.

(2) RULEMAKING.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Admin-

istration, after consultation with the Secretary of Energy, shall promulgate regulations specifying the method for determining a significant increase in the price of kerosene under section 7(b)(8)(A)(iii)(II) of the Small Business Act (15 U.S.C. 636(b)), as added by subsection (j).

(m) EMERGENCY SPENDING.—Appropriations under this section are emergency spending, as provided under section 402 of H. Con. Res. 95 (108th Congress).

(n) BUDGETARY TREATMENT OF LOANS AND FINANCINGS.—

(1) IN GENERAL.—Assistance made available under any loan made or approved by the Administration under this Act, subsections (a) or (b) of section 7 of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, except for subsection 7(a)(23)(C), or financings made under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), as amended by this Act, on and after the date of enactment of this Act, shall be treated as separate programs of the Small Business Administration for purposes of the Federal Credit Reform Act of 1990 only.

(2) USE OF FUNDS.—Assistance under this Act and the amendments made by this Act shall be available effective only to the extent that funds are made available under appropriations Acts, which funds shall be utilized to offset the cost (as such term is defined in section 502 of the Federal Credit Reform Act of 1990) of such assistance.

SA 1696. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 190, after line 14, insert the following:

SECTION 522. PROTECTION OF HOMES, SMALL BUSINESSES, AND OTHER PRIVATE PROPERTY RIGHTS.

(a) PROTECTION OF HOMES, SMALL BUSINESSES, AND OTHER PRIVATE PROPERTY RIGHTS.—A taking or condemnation of any real property under the power of eminent domain pursuant to the Fifth Amendment of the United States Constitution, or under any relevant State constitution, statute, or regulation, shall be only for public use.

(b) APPLICATION.—The requirement under subsection (a) shall apply to all exercises of the power of eminent domain by—

(1) the Federal Government; or

(2) any State or local government.

(c) DENIAL OF FUNDS.—Any State or local government violating the requirement of subsection (a) shall not be eligible to receive any benefits or assistance from the Economic Development Administration, as that Administration is authorized to provide such benefits and assistance under the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.).

(d) DEFINITIONS.—In this section:

(1) PUBLIC USE.—The term “public use”—

(A) means any use of property acquired by eminent domain for a public purpose; and

(B) does not include economic development.

(2) STATE.—The term “State or local government” means—

(A) a State, county, municipality, or other governmental entity created under the authority of a State;

(B) any branch, department, agency, instrumentality, or official of an entity listed in subparagraph (A); and

(C) any other person acting under color of State law.

SA 1697. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 5. COMPENSATION OF BANKRUPTCY TRUSTEES.

Section 330(b)(2) of title 11, United States Code, is amended—

(1) by striking “\$15” the first place it appears and inserting “\$55”; and

(2) by striking “rendered.” and all that follows through “\$15” and inserting “rendered, which”.

SA 1698. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 158, line 9, insert after “Research” the following: “(of which \$400,000 shall be made available for a national waterborne disease recognition and disaster preparedness program at the Arnot Ogden Medical Center in Elmira, New York)”.

SA 1699. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 190, between lines 14 and 15, insert the following:

SEC. 5. (a) Congress finds that—

(1) Hurricane Katrina made landfall on August 29, 2005, causing a catastrophic degree of human suffering and damage to infrastructure in the Gulf Coast;

(2) the Gulf of Mexico is responsible for more than 25 percent of United States oil production, and in the immediate aftermath of Hurricane Katrina this production capacity was rendered 90 percent inactive;

(3) due to the impacts of Hurricane Katrina, the Louisiana Offshore Oil Port, the largest oil importing port in the United States, was forced to close until September 1, 2005, limiting import capacity and tightening oil supplies;

(4) Hurricane Katrina forced the closure of 9 major refineries, temporarily eliminated more than 12 percent of national refining capacity, and has resulted in the loss of 1,300,000,000 barrels of refining capacity;

(5) in the wake of Hurricane Katrina's devastating impact on the Gulf Coast, the price of crude oil on the New York Mercantile Exchange reached a record high of \$70.85 per barrel, and the national average retail gasoline price reached a record level of almost \$3.06 per gallon;

(6) although the price of crude oil has fallen to levels experienced prior to Hurricane Katrina, the national average retail cost of gasoline has declined much more slowly and remains at near-record levels;

(7) following Hurricane Katrina, retail gasoline prices at some locations increased by as much as \$0.50 per gallon overnight, and, at

many stations, several price increases occurred during the same day;

(8) the rapid, irregular increase in retail gasoline prices and the failure of retail gasoline prices to significantly decline in correspondence with the price of crude oil have raised concerns regarding the possible existence of anticompetitive practices and price gouging in the oil industry;

(9) over the course of the past decade, the Federal Trade Commission has approved a series of mergers, acquisitions, and consolidating actions that have dramatically changed the face, and significantly increased the concentration, of the oil industry;

(10) in 1998 British Petroleum and Amoco were allowed to consolidate, in 1999 Exxon was able to acquire Mobil Oil, in 2000 BP-Amoco was allowed to acquire Atlantic Richfield, Chevron and Texaco were allowed to combine in 2001, and in 2005 ChevronTexaco was permitted to acquire Unocal and Valero was allowed to create the largest refining company in the United States when Valero was granted permission to buy Premcor;

(11) following these mergers, the 5 largest oil companies in the United States control almost as much crude oil production as the Middle Eastern members of the Organization of the Petroleum Exporting Countries, over 1/2 of domestic refiner capacity, and over 60 percent of the retail gasoline market; and

(12) during the second quarter of 2005, the earnings of Exxon Mobil increased by 35 percent over 2004 earnings, and BP, Royal Dutch Shell, and ConocoPhillips enjoyed increases of 29 percent, 34 percent, and 51 percent, respectively, as a result of sustained and severe increases in oil prices.

(b) In order to ensure that the level of concentration in the oil industry is not allowing market participants to engage in anticompetitive practices or price gouging, the Attorney General of the United States shall conduct a review of the consolidations of British Petroleum and Amoco, Exxon and Mobil Oil, BP-Amoco and Atlantic Richfield, Chevron and Texaco, ChevronTexaco and Unocal, Valero and Premcor, and any other mergers the Attorney General determines to be appropriate to ensure that the conditions created by the mergers are not facilitating anticompetitive practices, retail gasoline price gouging, or any other conditions that are unduly detrimental to consumers, as determined by the Attorney General.

SA 1700. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 190, between lines 14 and 15, insert the following:

SEC. 522. RADIO CONSOLIDATION STUDY.

(a) **IN GENERAL.**—Of the amounts made available under the heading “Federal Communications Commission, Salaries and Expenses”, such sums as may be necessary shall be available to the Federal Communications Commission to conduct a study on consolidation within the radio industry since the Commission's rules on ownership were relaxed with the passage of the Telecommunications Act of 1996.

(b) **CONTENT.**—The study required under subsection (a) shall include an examination of the changes in various aspects of the commercial broadcast radio industry as a result of the implementation of the changes in section 202 of the Telecommunications Act of 1996, including—

(1) radio station ownership at both the national and local levels;

(2) the number of commercial radio stations;

(3) the number of radio station owners;

(4) the size of the largest radio station owners;

(5) the variety of radio formats available to consumers;

(6) the financial performance of publicly-traded radio companies;

(7) the performance of small radio station-groups in relation to the performance of large radio station-groups;

(8) the share of total radio advertising revenues accounted for by the largest radio station owners;

(9) the overall trend toward consolidation of radio station ownership; and

(10) the prevalence of cross ownership and joint ventures by radio station owners with concert promoters and venues.

(c) **TIMING.**—Not later than 6 months after the date of enactment of this Act, the Federal Communications Commission shall complete the study required under subsection (a).

SA 1701. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 155, between lines 10 and 11, insert the following:

SEC. 206. TECHNOLOGY AND OPPORTUNITIES PROGRAM.

(a) Of the total amount appropriated in this Act for the Technology and Opportunities Program, that amount shall be increased by \$5,000,000, which shall be made available for the grants authorized under title I of the ENHANCE 911 Act of 2004 (Public Law 108-494; 118 Stat. 3986).

(b) Amounts appropriated under this Act for the Departmental Management of the Department of Commerce are reduced by \$5,000,000.

SA 1702. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 135, line 25, strike “\$515,087,000” and insert “\$534,987,000”.

On page 136, between lines 13 and 14, in the item relating to Methamphetamine Hot Spots, strike “\$60,100,000” and insert “\$80,000,000”.

SA 1703. Mr. PRYOR (for himself, Ms. MIKULSKI, Mr. SALAZAR, Mr. CORZINE, Ms. STABENOW, and Mr. OBAMA) proposed an amendment the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 190, between lines 14 and 15, insert the following:

SEC. 522. Of the funds appropriated to the Federal Trade Commission by this Act, not less than \$1,000,000 shall be used by the Commission to conduct an immediate investigation into nationwide gasoline prices in the

aftermath of Hurricane Katrina; *Provided*, That the investigation shall include (1) any evidence of price-gouging by companies with total United States wholesale sales of gasoline and petroleum distillates for calendar 2004 in excess of \$500,000,000 and by any retail distributor of gasoline and petroleum distillates for use as motor vehicle fuel against which multiple formal complaints (that identify the location of a particular retail distributor and provide contact information for the complainant) of price-gouging were filed in August or September, 2005, with a Federal or State consumer protection agency, (2) a comparison of, and an explanation of the reasons for changes in, profit levels of such companies for gasoline and petroleum distillates for use as motor vehicle fuel during the 12-month period ending on August 31, 2005, and their profit levels for the month of September, 2005, including information for particular companies on a basis that does not permit the identification of any company to which the information relates, (3) a summary of tax expenditures (as defined in section 3(3) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(3))) for such companies, (4) the effects of increased gasoline prices and gasoline price-gouging on economic activity in the United States, and (5) the overall cost of increased gasoline prices and gasoline price-gouging to the economy, including the impact on consumers' purchasing power in both declared State and National disaster areas and elsewhere; *Provided further*, That, in conducting its investigation, the Commission shall treat as prima facie evidence of price-gouging any finding that the average price of gasoline available for sale to the public in September, 2005, or thereafter in a market area located in an area designated as a State or National disaster area because of Hurricane Katrina, or in any other area where price-gouging complaints have been filed because of Hurricane Katrina with a Federal or State consumer protection agency, exceeded the average price of such gasoline in that area for the month of August, 2005, unless the Commission finds substantial evidence that the increase is substantially attributable to additional costs in connection with the production, transportation, delivery, and sale of gasoline in that area or to national or international market trends; *Provided further*, That the Commission shall provide information on the progress of the investigation to the Senate and House Appropriations Committees, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Energy and Commerce every 30 days after the date of enactment of this Act, shall provide those Committees a written report 90 days after such date, and shall transmit a final report to those Committees, together with its findings and recommendations, no later than 180 days after the date of enactment of this Act; *Provided further*, That the Commission shall transmit recommendations, based on its findings, to the Congress for any legislation necessary to protect consumers from gasoline price-gouging in both State and National disaster areas and elsewhere; *Provided further*, That chapter 35 of title 44, United States Code, does not apply to the collection of information for the investigation required by this section; *Provided further*, That if, during the investigation, the Commission obtains evidence that a person may have violated a criminal law, the Commission may transmit that evidence to appropriate Federal or State authorities; and *Provided further*, That nothing in this section affects any other authority of the Commission to disclose information.

SA 1704. Mr. SHELBY (for Mr. KENNEDY (for himself and Mr. SESSIONS))

proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 142, after line 3, insert the following:

SEC. _____. Section 7(d)(3)(A) of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15606) is amended by striking "2 years" and inserting "3 years".

SA 1705. Mr. DURBIN (for himself, Mr. KENNEDY, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. _____. (a) This section may be cited as the "Legal Services for Immigrant Victims of Domestic Violence, Child Abuse, Sexual Assault, and Trafficking Act".

(b) Section 502 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105-119; 111 Stat. 2510) is amended—

(1) in subsection (a)(2)(C)—

(A) in the matter preceding clause (i), by inserting "either Corporation funds or" before "funds derived";

(B) in clauses (i) and (ii)—

(i) by inserting ", or has been a victim of sexual assault or a victim of trafficking (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)), before "in the United States"; and

(ii) by striking "by a spouse" and all that follows and inserting a semicolon;

(C) in clause (ii), by striking the semicolon and inserting "(without the active participation of the alien in the battery, extreme cruelty, sexual assault, or trafficking); or"; and

(D) by adding at the end the following:

"(iii) an alien who qualifies or whose child qualifies for status under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)).";

(2) in subsection (b)—

(A) by striking "subsection (a)(2)(C)" and all that follows through "(1) The" and inserting "subsection (a)(2)(C), the"; and

(B) by striking paragraph (2); and

(3) by adding at the end the following:

"(c) CONSTRUCTION.—Nothing in the amendments made by the Legal Services for Immigrant Victims of Domestic Violence, Child Abuse, Sexual Assault, and Trafficking Act shall be construed to limit the legal assistance provided under section 107(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)) to victims of severe forms of trafficking in persons."

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing entitled "Climate Change Science and Economics" will

be held on Tuesday, September 20th at 10 a.m. in Room SD-366. This is a continuation of the hearing held on July 21, 2005.

The purpose of the hearing is to receive testimony regarding the current state of climate change scientific research and the economics of strategies to manage climate change. Issues to be discussed include: the relationship between energy consumption and climate change, and the potential effects on the U.S. economy of climate change and strategies to control greenhouse gas emissions.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact: John Peschke or Shannon Ewan.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources:

The hearing will be held on Thursday, September 22, 2005, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of the hearing is to receive testimony on the following bills: S. 435, a bill to amend the Wild and Scenic Rivers Act to designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes, S. 1096, a bill to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, and for other purposes, S. 1310, a bill to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area, S. 1378, a bill to amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation, and S. 1627, a bill to authorize the Secretary of the Interior to conduct a special resources study to evaluate resources along the coastal region of the State of Delaware and to determine the suitability and feasibility of establishing a unit of the National Park System in Delaware.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those

wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, D.C. 20510-6150.

For further information, please contact Tom Lillie or Brian Carlstrom.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, September 13, 2005, at 10 a.m., to hear testimony on "Charities on the Frontline: How the Nonprofit Sector Meets the Needs of America's Communities."

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

COMMITTEE ON THE JUDICIARY

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on the nomination of John G. Roberts to be Chief Justice of the United States on Tuesday, September 13, 2005 at 9:30 a.m. in the Hart Senate Office Building Room 216.

Witness List:

PANEL I

THE HONORABLE JOHN G. ROBERTS

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, September 13, 2005, at 10 a.m. to consider the nominations of John R. Fisher to be Associate Judge, DC Court of Appeals; Juliet J. McKenna to be Associate Judge, DC Superior Court; Colleen D. Kiko to be General Counsel, Federal Labor Relations Authority; and Mary M. Rose to be Member, Merit Systems Protection Board.

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

AMENDING LIVESTOCK MANDATORY REPORTING ACT OF 1999

Mr. FRIST. I ask unanimous consent that the Committee on Agriculture be discharged from further consideration of S. 1613 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1613) to amend the Livestock Mandatory Reporting Act of 1999 to extend the termination date for mandatory price reporting.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

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

The bill (S. 1613) was read the third time and passed, as follows:

S. 1613

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

SECTION 1. EXTENSION OF MANDATORY PRICE REPORTING.

Section 942 of the Livestock Mandatory Reporting Act of 1999 (Public Law 106-78; 7 U.S.C. 1635 note) is amended by striking "September 30, 2005" and inserting "September 30, 2006".

MEASURES PLACED ON CALENDAR—S. 1681, S. 1682, S. 1683, S. 1684, AND S. 1688

Mr. FRIST. I understand there are five bills at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will read the bills by title en bloc for the second time.

The assistant legislative clerk read as follows:

A bill (S. 1681) to provide for reimbursement of communities for purchases of supplies distributed to Katrina Survivors.

A bill (S. 1682) to provide for reimbursement for business revenue lost as a result of a facility being used as an emergency shelter for Katrina Survivors.

A bill (S. 1683) to provide relief for students affected by Hurricane Katrina.

A bill (S. 1684) to clarify which expenses relating to emergency shelters for Katrina Survivors are eligible for Federal reimbursement.

A bill (S. 1688) to provide 100 percent Federal financial assistance under the Medicaid and State children's health insurance programs for States providing medical or child health assistance to survivors of Hurricane Katrina, to provide for an accommodation of the special needs of such survivors under the medicare program, and for other purposes.

Mr. FRIST. In order to place the bills on the calendar under the provisions of rule XIV, I would object to further proceeding en bloc.

The PRESIDING OFFICER. The objection is heard. The bills will be placed on the calendar.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 109-3 PROTOCOL AMENDING EXTRADITION CONVENTION WITH ISRAEL

Mr. FRIST. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on September 13, 2005, by the President of the United States:

Protocol Amending Extradition Convention with Israel (Treaty Document No. 109-3).

I further ask that the treaty be considered as having been read the first

time, that it be referred with accompanying papers to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

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

The President's message is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Protocol between the Government of the United States and the Government of the State of Israel, signed at Jerusalem on July 6, 2005.

In addition, I transmit for the information of the Senate the report of the Department of State with respect to the Protocol. As the report explains, the Protocol will not require implementing legislation.

The Protocol amends the Convention Relating to Extradition (the "1962 Convention"), signed at Washington on December 10, 1962. The Protocol updates the 1962 Convention in a manner consistent with our modern extradition treaties. The Protocol will, upon entry into force, enhance cooperation between the law enforcement communities of both nations and make a significant contribution to international law enforcement efforts.

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

GEORGE W. BUSH.

THE WHITE HOUSE, September 13, 2005.

ORDERS FOR WEDNESDAY, SEPTEMBER 14, 2005

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, September 14. 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 Democratic 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 resume consideration of H.R. 2862, the Commerce-Justice-Science appropriations bill.

I further ask that the time until 11 a.m. be equally divided between the two managers or their designees and that at 11 a.m. the Senate proceed to a vote on a motion to waive with respect to Stabenow amendment No. 1687, as modified.

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

PROGRAM

Mr. FRIST. Mr. President, the Senate will return to the Commerce-Justice-Science appropriations bill, and we

expect to complete our work on this bill tomorrow. The managers are working on several of the pending amendments and may be able to accept some of those without the need for rollcall votes. Others will need to be voted on, but we hope to set those votes at an early time tomorrow so that we can finish this bill as soon as possible.

There are a lot of amendments remaining on the list, but I would hope Senators do not feel at all compelled to offer those amendments. We have been on this bill since last Thursday. Senators have had ample time to draft and offer their amendments, and therefore I would ask Senators to notify the managers if they intend to offer additional amendments.

The first vote will occur at 11 a.m. tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:14 p.m., adjourned until Wednesday, September 14, 2005, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 13, 2005:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SHANA L. DALE, OF GEORGIA, TO BE DEPUTY ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, VICE FREDERICK D. GREGORY.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

DONALD A. GAMBATESA, OF VIRGINIA, TO BE INSPECTOR GENERAL, UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE EVERETT L. MOSLEY.

DEPARTMENT OF STATE

CARMEN MARIA MARTINEZ, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZAMBIA.

THE JUDICIARY

GREGORY F. VAN TATENHOVE, OF KENTUCKY, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF KENTUCKY, VICE KARL S. FORESTER, RETIRED.