

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. 1628

At the request of Mr. MARTINEZ, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1628, a bill to provide the Secretary of Education with waiver authority for students who are eligible for Federal Pell Grants and are adversely affected by a natural disaster.

S. 1630

At the request of Mr. OBAMA, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 1630, a bill to direct the Secretary of Homeland Security to establish the National Emergency Family Locator System.

S. RES. 184

At the request of Mr. SANTORUM, the names of the Senator from Florida (Mr. NELSON), the Senator from Nebraska (Mr. NELSON) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. Res. 184, a resolution expressing the sense of the Senate regarding manifestations of anti-Semitism by United Nations member states and urging action against anti-Semitism by United Nations officials, United Nations member states, and the Government of the United States, and for other purposes.

S. RES. 225

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. Res. 225, a resolution designating the month of November 2005 as the "Month of Global Health".

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG (for himself, Mr. MARTINEZ, and Mr. LIEBERMAN):

S. 1635. A bill to establish ocean bottom trawl areas in which trawling is permitted, to protect deep sea corals and sponges, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. LAUTENBERG. President, I rise today to introduce, with my colleague Senator MARTINEZ, a bill that will balance the needs of fishermen with the needs of some of our most precious and vulnerable ocean resources: deep sea corals and sponges. Fishing and fishing communities are an important part of our culture, our history, and our economy. Deep sea corals and sponges are an important suite of species with wide economic potential extreme valuable ecologically. It is imperative that we protect the needs of both.

Deep sea corals are similar to tropical shallow-water corals, but are found in the deep cold waters near seamounts, ridges, undersea canyons, and the margins of the continental

shelf. Like shallow-water corals, deep sea corals and sponges can form deepreefs and gardens that are essential to numerous marine species. For example, more than 1,300 species live among the *Lophelia* coral reefs in the northeastern Atlantic Ocean. These animals rely on complex coral and sponge habitats for spawning, food, and shelter from predation.

Deep sea corals and sponges are also important to humans. They provide habitat that commercially and recreationally important fish can use, and many are under study as sources of new biomedical compounds to fight various diseases.

Scientists around the world believe that these newly discovered deep sea corals and sponges are as important as, if not more important than, their tropical cousins. The U.S. Commission on Ocean Policy suggested that the biodiversity of deep sea coral communities may rival that of shallow-water coral reefs. The National Oceanic and Atmospheric Administration stated in 2002 that deep sea coral ecosystems are "much more extensive and of more widespread economic importance than tropical coral reefs."

Unfortunately, some types of fishing gear are detrimental to deep sea coral and sponge habitat. Today there is a serious risk that these precious deep sea corals, sponges, and their complex habitats will be inadvertently destroyed before they can be properly assessed by the scientific community. A single pass with a bottom trawl can wipe out a swath of this habitat that, because these species are extremely slow-growing, can remain bare for decades if not centuries. The U.S. Commission on Ocean Policy's 2004 report emphasizes that deep sea corals need action for protection. Five of the eight Regional Fisheries Management Councils agree, and have recently set aside many of their coral habitat areas as no-bottom-trawling zones.

The Bottom Trawl and Deep Sea Coral Habitat Act builds on actions of these Councils, providing protection for deep sea corals and sponges while also preserving fishermen's access to areas that have traditionally been trawled. The bill establishes three types of zones. Areas that are known to contain deep sea corals and sponges are set aside as Coral Habitat Zones, granting these species immediate protection. Areas that have been trawled at any time in the past seven years are established as Bottom Trawling Zones, where bottom trawling is permitted. Areas that fit neither category are defined Undesignated Zones, available at any time to be assigned as either Coral Habitat or Bottom Trawling Zones with results of research activities. Fishermen play a large role, through the Regional Councils, in defining how large these zones will be, and other types of fishing that do not use bottom gear are not impacted.

The process of zone designation is designed not to shrink the area of exist-

ing bottom trawling but to limit the opening of new grounds to bottom trawling until after scientists discover the extent of deep sea corals and sponges. The intent is to preserve access to all areas that do not contain deep sea coral and sponge and that have been part of the fishing community's traditional grounds. These are not small areas. Traditional bottom trawl grounds include a large proportion of the U.S. Exclusive Economic Zone: 10 percent according to National Research Council data. In some regions, 75 percent of the shelf within 50 miles of shore is trawled with bottom gear.

We must act quickly, and our legislation provides a balanced approach to protection of fishing and protection of the environment. I call on my colleagues on the Commerce Committee, and the Senate leadership to take up, consider, and pass this bill as soon as possible.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1635

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Bottom Trawl and Deep Sea Coral Habitat Act".

#### SEC. 2. FINDINGS.

Congress makes the following findings:

- (1) Ocean resources are a vital component of the United States economy, as noted by the United States Commission on Ocean Policy.
- (2) A proper balance of use and protection of ocean resources is necessary to ensure the sustainability of such resources.
- (3) Deep ocean habitats provide fishery resources and sites for deep sea corals and deep sea sponges.
- (4) Many fishermen of the United States derive their livelihoods from fishing in deep ocean areas.
- (5) It is important that fishermen continue to be permitted to use areas that have traditionally been fished, as long as conservation considerations allow.
- (6) According to the National Research Council, approximately 10 percent of the United States Exclusive Economic Zone, an area of a total of 3,400,000 square nautical miles, is used each year by fishermen who employ bottom trawls and, in the area that is 50 miles or less from shore, this percentage is higher than 75 percent in some regions.
- (7) Vessel monitoring systems are increasingly used in the fishing industry. For example, coverage of such systems for bottom trawl vessels in the Pacific and North Pacific is 100 percent.
- (8) Deep sea corals and deep sea sponges host biological diversity that, according to the United States Commission on Ocean Policy, "may rival that of coral communities in warmer, shallower waters". For example, more than 1,300 species live among *Lophelia* coral reefs in the northeastern Atlantic Ocean.
- (9) Complex seafloor habitats created by structure-forming organisms, such as deep sea corals and deep sea sponges, provide spawning habitat, food, and shelter to numerous fishes and other associated species,

including commercially and recreationally targeted species.

(10) Deep sea corals and deep sea sponges typically exhibit slow growth, extreme longevity, and highly patchy distribution, predominately along continental margins, seamounts, undersea canyons, and ridges.

(11) Deep sea corals and deep sea sponges have not been fully studied for their benefit to society or for their ecological importance to other associated species.

(12) Deep sea corals, deep sea sponges, and their associated invertebrates are a potential source of compounds with biomedical properties, some of which are currently in clinical trials to study their anti-cancer, anti-tumor, and anti-inflammatory properties.

(13) The United States Commission on Ocean Policy found that deep sea corals, along with their shallow-water counterparts, are declining at a "disturbing pace," and that certain types of fishing gear damage deep sea coral ecosystems.

(14) The National Research Council, in a 2002 report to Congress on the effects of trawling and dredging on seafloor habitats, found that deep sea corals warrant protection, based on evidence of the destruction of structured habitats caused by bottom trawls and dredges.

(15) The President's Ocean Action Plan of 2004 "encourages all regional fishery management councils to take action, where appropriate, to protect deep-sea corals when developing and implementing regional fishery management plans" and includes provisions to "research, survey, and protect deep-sea coral communities".

(16) In 2005, the North Pacific Fishery Management Council proposed measures that will be adopted pending approval by the Secretary of Commerce to confine use of bottom trawls in the Aleutian Islands exclusive economic zone to specified historically productive fishing areas, to disallow use of bottom trawls in historically unfished areas of Aleutian Islands waters where deep sea corals have been undisturbed, to designate as no-trawling zones those areas where coral ecosystems are known to exist, and to develop a comprehensive plan for research and monitoring.

### SEC. 3. PURPOSES.

(a) IN GENERAL.—The purposes of this Act are—

(1) to permit fishermen to use bottom trawls in areas that, traditionally, have been fished using bottom trawls and that do not contain deep sea coral and sponge ecosystems;

(2) to provide long-term protection for deep sea coral and sponge ecosystems, particularly in areas that have not traditionally been fished with bottom trawls; and

(3) to identify, map, and assess deep sea coral and sponge ecosystems to create a balanced policy for maintenance of fishing and protection of deep sea ecosystems.

(b) PROCESS.—The Secretary shall use a process that achieves an outcome similar to the outcome achieved by the North Pacific Regional Fishery Management Council—

(1) to protect the habitat of deep sea corals or deep sea sponges to carry out the purposes of this Act; and

(2) to identify areas that are open to the use of bottom trawls and areas closed to such use where deep sea coral and sponge ecosystems are present and protected.

### SEC. 4. DEFINITIONS.

In this Act:

(1) **BOTTOM TRAWL**.—The term "bottom trawl" means any trawl or dredge fishing gear that contacts the seafloor while in use, including pelagic trawls that contact the seafloor while in use, otter trawls, and scallop dredges.

(2) **BOTTOM TRAWL ZONE**.—The term "Bottom Trawl Zone" means any area designated under section 7 or section 10 as a Bottom Trawl Zone.

(3) **CORAL HABITAT CONSERVATION ZONE**.—The term "Coral Habitat Conservation Zone" means any area designated under section 8 or section 11 as a Coral Habitat Conservation Zone.

(4) **COUNCIL**.—The term "Council" means any Regional Fishery Management Council established by section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852).

(5) **DEEP SEA CORAL AND SPONGE ECOSYSTEM**.—The term "deep sea coral and sponge ecosystem" means an ecosystem that meets the criteria established by the Secretary pursuant to section 5(d) of this Act composed of living deep sea corals or deep sea sponges, the benthic and demersal species associated with them, and the biological, physical, chemical, and geologic components that constitute habitat for corals or sponges.

(6) **DEEP SEA CORALS**.—The term "deep sea corals" means the species that—

(A) occur at a depth of greater than 50 meters;

(B) do not contain symbiotic algae; and

(C) are in the phylum Cnidaria, in the order—

(i) Antipatharia (black corals);

(ii) Scleractinia (stony corals);

(iii) Gorgonacea (horny corals);

(iv) Alcyonacea (soft corals);

(v) Pennatulacea (sea pens), in the class Anthozoa; or

(vi) Hydrocorallina (hydrocorals), in the class Hydrozoa.

(7) **DEEP SEA SPONGES**.—The term "deep sea sponges" means species of the phylum Porifera that occur at a depth of greater than 50 meters.

(8) **EXCLUSIVE ECONOMIC ZONE**.—The term "exclusive economic zone" has the meaning given that term in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802).

(9) **SECRETARY**.—The term "Secretary" means the Secretary of Commerce or the Secretary's designee.

(10) **VESSEL MONITORING SYSTEM**.—The term "Vessel Monitoring System" means a type of mobile transceiver unit that—

(A) is approved by the Office of Law Enforcement of the National Marine Fisheries Service; and

(B) automatically determines the vessel's position and transmits that information to a communications service provider that is approved by such Office for transmission and relay to such Office.

### SEC. 5. MAPPING AND RESEARCH.

(a) **REQUIREMENT FOR MAPPING AND RESEARCH**.—The Secretary shall direct the Under Secretary for Oceans and Atmosphere to prepare and carry out a comprehensive program to explore, identify, research, and map the locations of deep sea corals and deep sea sponges.

(b) **DESCRIPTION OF MAPPING AND RESEARCH**.—The program described in subsection (a) shall include—

(1) creating maps of the locations of deep sea coral and sponge ecosystems; and

(2) conducting research related to deep sea corals and deep sea sponges, including research related to—

(A) the natural history of such species;

(B) the taxonomic classification of such species;

(C) the ecological roles of such species;

(D) the growth rates of such species;

(E) the anthropogenic, ecological, and other benefits of such species and the habitats of such species; and

(F) the correlation of deep sea corals and deep sea sponges with various types of geologic formations, physical features, and other predictors of presence.

(c) **COOPERATIVE RESEARCH PROGRAM**.—The Secretary, in consultation with the Councils, shall develop a cooperative research program to identify—

(1) the ideal areas for the use of bottom trawls; and

(2) the locations of deep sea corals and deep sea sponges.

(d) **THRESHOLDS OF DEEP SEA CORAL AND SPONGE PRESENCE**.—

(1) IN GENERAL.—The Secretary, in consultation with the Councils and expert scientists, shall determine the thresholds above which the abundances of various deep sea corals or deep sea sponges shall be considered to constitute an ecosystem. In determining such thresholds, the Secretary shall consider the life histories and growth rates of deep sea corals and deep sea sponges and the criteria set out in paragraph (2).

(2) **CRITERIA**.—In determining the thresholds under paragraph (1), the Secretary shall consider the following criteria:

(A) Bycatch per unit effort of deep sea corals or deep sea sponges in fishery trawls.

(B) Presence of deep sea corals or deep sea sponges in research surveys.

(C) Predictions of the presence of deep sea corals or deep sea sponges based on correlations with geologic or physical features.

(D) Other methods indicating ecologically meaningful presence of these species in an area.

### SEC. 6. USE OF BEST AVAILABLE DATA.

(a) **REQUIREMENT**.—The Secretary shall use the best available data to determine if an area shall be designated as a Bottom Trawl Zone or as a Coral Habitat Conservation Zone.

(b) **CONSIDERATIONS**.—In delineating the boundary and determining the size of an area to be designated as a Bottom Trawl Zone or a Coral Habitat Conservation Zone, the relevant council and the Secretary shall consider—

(1) the precision and accuracy of the available trawl location data considered in making such determination;

(2) the precision and accuracy of deep sea coral and deep sea sponge presence data considered in making such determination;

(3) the economic cost of such designation to industry and the ecological costs and benefits of such designation to deep sea corals and deep sea sponges in the area; and

(4) the ease of enforcement of such designation.

(c) **CORAL HABITAT CONSERVATION ZONES**.—Notwithstanding the considerations in subsection (b), in delineating the boundary and determining the size of an area to be designated as a Coral Habitat Conservation Zone, the relevant Council and the Secretary—

(1) shall ensure that each area that is determined to contain a deep sea coral and sponge ecosystem is designated as a Coral Habitat Conservation Zone; and

(2) may include a buffer area around deep sea corals or deep sea sponges present in such Zone to ensure the complete protection of potential deep sea corals or deep sea sponges in the area or to facilitate the enforcement of any appropriate prohibitions, rules, or regulations within such Zone.

### SEC. 7. INITIAL DESIGNATION OF BOTTOM TRAWL ZONES.

(a) **RECOMMENDATION BY A COUNCIL**.—Not later than 24 months after the date of enactment of this Act, each Council, after notice and an opportunity for public comment, shall submit to the Secretary and the Secretary shall publish in the Federal Register—

(1) a list of all areas for which the Council has responsibilities that were fished using bottom trawls during the 7-year period ending on December 31, 2004; and

(2) recommendations on which portions of the areas identified in paragraph (1) should be designated as Bottom Trawl Zones.

(b) STANDARDS FOR INITIAL DESIGNATION.—An area may not be designated as a Bottom Trawl Zone if there is evidence that a deep sea coral and sponge ecosystem is present in such area.

(c) DESIGNATION PROCESS.—

(1) PROPOSED RULE.—Not later than 9 months after the date of the publication of a Council's recommendations in the Federal Register pursuant to subsection (a)(2), the Secretary shall publish in the Federal Register a proposed rule to designate each area or the portion of such area that does not contain a deep sea coral and sponge ecosystem as a Bottom Trawl Zone.

(2) FAILURE TO RECOMMEND.—If a Council fails to submit recommendations to the Secretary under subsection (a), not later than 33 months after the date of enactment of this Act, the Secretary shall publish in the Federal Register a list of areas located in the area for which such Council has responsibility that the Secretary proposes to designate as Bottom Trawl Zones.

(3) COMMENT PERIOD.—The Secretary shall accept comments on a proposal published under paragraph (1) or (2) for 60 days after the date of such publication.

(4) FINAL DETERMINATION.—

(A) IN GENERAL.—Not later than 30 days after the date of the end of the comment period described in paragraph (3), the Secretary shall designate an area included in a proposal published under paragraph (1) or (2) as a Bottom Trawl Zone if such area meets the standards for such designation set out in subsection (b).

(B) PUBLICATION.—The Secretary shall publish in the Federal Register each designation made under subparagraph (A).

(d) ACTIVITIES WITHIN BOTTOM TRAWL ZONES.—After the date that is 30 days after the date of the end of the comment period described in subsection (c)(3), bottom trawls may not be used in an area that is not designated as a Bottom Trawl Zone.

#### SEC. 8. INITIAL DESIGNATION OF CORAL HABITAT CONSERVATION ZONES.

(a) DESIGNATION BY THE SECRETARY.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall designate as a Coral Habitat Conservation Zone each area—

(A) that a Council, prior to the date of enactment of this Act, has designated as an area in which the use of bottom trawls is prohibited for the protection of seafloor habitat; or

(B) for which a map of the presence of deep sea corals or deep sea sponges has been developed and for which the best available data confirm the presence of deep sea corals or deep sea sponges.

(2) PUBLICATION AND EFFECTIVE DATE.—Not later than 60 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register each area designated as a Coral Habitat Conservation Zone under paragraph (1) and such designation shall become effective on the date of such publication.

(b) RECOMMENDATION BY A COUNCIL.—

(1) SUBMISSION TO THE SECRETARY.—Not later than 24 months after the date of enactment of this Act, each Council, after notice and an opportunity for public comment, shall submit to the Secretary a list of all areas known to contain deep sea corals or deep sea sponges.

(2) INCLUDED AREAS.—A list submitted by a Council under paragraph (1) shall include

each area that was considered for designation as a Bottom Trawl Zone under section 7(a) if such area that was determined by the Council or the Secretary to contain a deep sea coral and sponge ecosystem.

(3) PUBLICATION.—The Secretary shall publish in the Federal Register a list submitted by a Council under paragraph (1).

(c) DESIGNATION PROCESS.—

(1) PROPOSED RULE.—Not later than 9 months after the date of the publication of a Council's recommendations pursuant to subsection (b)(3), the Secretary shall publish in the Federal Register a proposed rule to designate each area identified in such publication as a Coral Habitat Conservation Zone.

(2) FAILURE TO RECOMMEND.—If a Council fails to submit recommendations to the Secretary under subsection (b)(1), not later than 33 months after the date of enactment of this Act, the Secretary shall publish in the Federal Register a list of areas located in the area for which such Council has responsibility that the Secretary proposes to designate as Coral Habitat Conservation Zones.

(3) COMMENT PERIOD.—The Secretary shall accept comments on any proposed rule published under paragraph (1) or (2) for 60 days after the date of such publication.

(4) FINAL DETERMINATION.—

(A) IN GENERAL.—Not later than 30 days after the date of the end of the comment period described in paragraph (3), the Secretary shall—

(i) designate each area, or portion of such area, included in a proposed rule published under paragraph (1) as a Coral Habitat Conservation Zone, if there is rational basis for such designation; or

(ii) if the Secretary fails to make a designation under clause (i) for an area, provide a justification for such failure.

(B) PUBLICATION.—The Secretary shall publish in the Federal Register each designation made under subparagraph (A)(i) or justification required under subparagraph (A)(ii).

(C) INACTION.—If the Secretary does not publish the designation of an area under subparagraph (A)(i) or the justification required under paragraph (A)(ii) for such area within 30 days of the date of the end of the comment period described in paragraph (3), such area shall be deemed to be a Coral Habitat Conservation Zone as if so designated by the Secretary.

#### SEC. 9. UNDESIGNATED AREAS.

An area not initially designated as a Bottom Trawl Zone under section 7 or as a Coral Habitat Conservation Zone under section 8 shall be available for subsequent designation as a Bottom Trawl Zone under section 10 or as a Coral Habitat Conservation Zone under section 11.

#### SEC. 10. SUBSEQUENT DESIGNATION OF BOTTOM TRAWL ZONES.

(a) STANDARDS FOR SUBSEQUENT DESIGNATION.—After the initial designations of Bottom Trawl Zones made under section 7, the Secretary, in consultation with the relevant Council, shall designate an area as a Bottom Trawl Zone if—

(1) the area has been surveyed for the presence of deep sea corals and deep sea sponges; and

(2) there is no deep sea coral and sponge ecosystem present in the area.

(b) RECOMMENDATION BY A COUNCIL.—Upon the recommendation of the appropriate Council, the Secretary may consider any previously undesignated area for designation as a Bottom Trawl Zone. The Secretary may designate such area as a Bottom Trawl Zone under this section only if such area meets the designation standards set out in paragraphs (1) and (2) of subsection (a).

(c) DESIGNATION PROCESS.—

(1) PROPOSED RULE.—The Secretary shall publish in the Federal Register a proposed

rule to designate an area that is not a Bottom Trawl Zone or a Coral Habitat Conservation Zone and that meets the standards set out in paragraphs (1) and (2) of subsection (a) as a Bottom Trawl Zone whether identified by the Secretary or by a Council pursuant to subsection (b).

(2) COMMENT PERIOD.—The Secretary shall accept comments on any proposed rule published under paragraph (1) for 60 days after the date of the publication of such proposed rule.

(3) FINAL DETERMINATION.—

(A) IN GENERAL.—Not later than 30 days after the date of the end of the comment period described in paragraph (2), the Secretary shall designate as a Bottom Trawl Area each area, or part of such area, included in a proposed rule published under paragraph (1) if the area meets the requirements of paragraphs (1) and (2) of subsection (a).

(B) PUBLICATION.—The Secretary shall publish in the Federal Register each designation made under subparagraph (A).

#### SEC. 11. SUBSEQUENT DESIGNATION OF CORAL HABITAT CONSERVATION ZONES.

(a) STANDARDS FOR SUBSEQUENT DESIGNATION.—The Secretary, in consultation with the Councils, shall designate an area as a Coral Habitat Conservation Zone if the best available data indicate the presence of a deep sea coral and sponge ecosystem in such area.

(b) SUBSEQUENT DESIGNATION THROUGH BYCATCH RECORDS, RESEARCH, OR MAPPING.—

(1) REVIEW OF DATA.—The Secretary shall continually collect and review, for the purpose of making a determination on the presence of deep sea coral and sponge ecosystems in an area, the following data:

(A) Bycatch records.

(B) Data and analysis that results from the mapping and research conducted pursuant to section 5.

(C) Any other research, mapping, or survey data that the Secretary determines is appropriate.

(2) DESIGNATIONS BASED ON THE REVIEW OF DATA.—If the Secretary, in consultation with the relevant Council, determines that data reviewed under paragraph (1) indicates the presence of a deep sea coral and sponge ecosystem, the Secretary, in consultation with the Council, shall designate the area as a Coral Habitat Conservation Zone and, if appropriate, terminate the designation of the area as a Bottom Trawl Zone.

(c) RECOMMENDATION BY A COUNCIL.—Upon the recommendation of the appropriate Council, the Secretary may consider any area for designation as a Coral Habitat Conservation Zone.

(d) DESIGNATION PROCESS.—

(1) PROPOSED RULE.—The Secretary shall publish in the Federal Register a proposed rule to designate an area identified by the Secretary, in consultation with the appropriate Councils, under subsection (a) or (b) or by a Council under subsection (c) as a Coral Habitat Conservation Zone if data indicate the presence of a deep sea coral and sponge ecosystem in such area.

(2) COMMENT PERIOD.—The Secretary shall accept comments on any proposed rule published under paragraph (1) for 60 days after the date of the publication of such proposed rule.

(3) FINAL DETERMINATION.—

(A) IN GENERAL.—Not later than 30 days after the date of the end of the comment period described in paragraph (2), the Secretary shall—

(i) designate as a Coral Habitat Conservation Zone each area, or part of such area, included in a proposed rule published under paragraph (1) if data indicate the presence of a deep sea coral and sponge ecosystem in such area; or

(ii) if the Secretary fails to make a designation under clause (i) for an area, provide a justification that explains the reasons that the best available data do not indicate the presence of a deep sea coral and sponge ecosystem in such area.

(B) PUBLICATION.—The Secretary shall publish in the Federal Register each designation made under subparagraph (A)(i) or justification required under subparagraph (A)(ii).

(C) INACTION.—If the Secretary does not publish the designation of an area under subparagraph (A)(i) or the justification required under subparagraph (A)(ii) for such area within 30 days of the date of the end of the comment period described in paragraph (2), such area shall be deemed to be a Coral Habitat Conservation Zone as if so designated by the Secretary.

#### SEC. 12. STRICTER REGULATION PERMITTED AND SAVINGS CLAUSE.

(a) IN GENERAL.—Nothing in this Act shall restrict the authority provided to the Secretary by any other provision of law to promulgate, with or without the advice of the appropriate Council, fishery or habitat protection measures for any purpose that are more restrictive than the measures set out in this Act.

(b) SAVINGS CLAUSE.—All rules and regulations issued by the Secretary under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) pertaining to the conservation, management, or protection of deep sea corals or deep sea sponges shall continue in full force and effect after the date of enactment of this Act until modified or rescinded by the Secretary, in exercise of the authority provided to the Secretary under any provision of law.

#### SEC. 13. USE OF VESSEL MONITORING SYSTEMS.

Not later than 24 months after the date of enactment of this Act, a vessel that uses a bottom trawl in waters deeper than 50 meters shall use a Vessel Monitoring System capable of accurately detecting and reporting the position of the vessel whenever the vessel leaves port with a bottom trawl on board.

#### SEC. 14. PENALTIES AND ENFORCEMENT.

(a) CIVIL PENALTIES.—Any person who is found by the Secretary, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have violated the prohibition set out in section 7(d) is liable to the United States for a civil penalty under section 308 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1858) as if such person had committed an act prohibited by section 307 of such Act (16 U.S.C. 1857).

##### (b) CRIMINAL OFFENSES.—

(1) OFFENSES.—A person is guilty of an offense if the person commits an act prohibited by subparagraph (D), (E), (F), (H), (I), or (L) of section 307(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(1)) in an area designated as a Coral Habitat Conservation Zone.

(2) PUNISHMENT.—An offense referred to in paragraph (1) is punishable by the punishments set out in section 309(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1859(b)).

(c) CIVIL FORFEITURES.—Any fishing vessel (including its fishing gear, furniture, appurtenances, stores, and cargo) used, and fish (or the fair market value thereof) taken or retained, in any manner, in connection with or as a result of the commission of a violation of the prohibition set out in section 7(d) (other than such a violation for which the issuance of a citation is sufficient sanction) shall be subject to the civil forfeiture provisions set out in section 310 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1860).

(d) ENFORCEMENT.—The provisions of this Act shall be enforced by the officers responsible for the enforcement of the Magnuson-Stevens Fishery Conservation and Management Act as provided for in subsection (a) of section 311 of such Act (16 U.S.C. 1861). Such officers shall have the powers and authorities to enforce this Act as are provided in such section.

#### SEC. 15. INTERNATIONAL PROTECTIONS FOR DEEP SEA CORALS AND DEEP SEA SPONGES.

The President is authorized to permit the Secretary, in consultation with the Secretary of State, to work with appropriate international organizations and foreign nations to develop the data necessary to identify areas located in international waters that contain deep sea corals or deep sea sponges and to protect such deep sea corals or deep sea sponges.

#### SEC. 16. REPORTS TO CONGRESS.

(a) IN GENERAL.—Not more than 3 years after the date of enactment of this Act, and every 3 years thereafter, the Secretary shall publish and submit to Congress a report on the activities undertaken to carry out the provisions of this Act.

(b) CONTENT.—Each report required by subsection (a) shall include—

(1) a description of the activities carried out to protect and define areas in which the use of bottom trawls has traditionally been permitted;

(2) a description of the activities carried out to protect and monitor deep sea corals or deep sea sponges;

(3) a description of any area designated either as a Bottom Trawl Zone or a Coral Habitat Conservation Zone;

(4) a summary of the research strategy created pursuant to section 5;

(5) a summary of any bycatch or other data that indicates the presence of a deep sea coral and sponge ecosystem in an area; and

(6) a summary of geologic structures that indicate the presence of deep sea coral and sponge ecosystems in an area, as determined by research activities described in section 5.

(c) PUBLICATION.—Notice of the availability of each report required by this section shall be published in the Federal Register.

#### SEC. 17. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated \$15,000,000 to carry out this Act.

By Mr. REID (for himself, Ms. LANDRIEU, Mr. OBAMA, Ms. MINKUSKI, Mr. KENNEDY, Mr. LIEBERMAN, Mr. ROCKEFELLER, Ms. STABENOW, Mr. LAUTENBERG, Ms. CANTWELL, Mr. LEVIN, Mr. DURBIN, Mr. JOHNSON, Mr. REED, Mr. CORZINE, Mr. BAUCUS, Mr. SALAZAR, Mrs. FEINSTEIN, Mrs. BOXER, Mr. DORGAN, and Mr. BIDEN):

S. 1637. A bill to provide emergency relief to meet the immediate needs of survivors of Hurricane Katrina for health care, housing, education, and financial relief, and for other purposes; to the Committee on Finance.

Mr. REID. Mr. President, I ask unanimous consent that the text of S. 1637, the Katrina Emergency Relief Act of 2005, be printed in the RECORD.

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

S. 1637

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

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Katrina Emergency Relief Act of 2005”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

##### TITLE I—TEMPORARY MEDICAID DISASTER RELIEF

Sec. 101. Short title; purpose.

Sec. 102. Disaster relief period.

Sec. 103. Temporary Medicaid coverage for Katrina Survivors.

Sec. 104. Temporary disaster relief for States under Medicaid.

Sec. 105. Accommodation of special needs of Katrina Survivors under Medicare program.

##### TITLE II—EDUCATION

Subtitle A—Support for Elementary and Secondary Schools

Sec. 201. Support for elementary and secondary schools.

Subtitle B—Fund for Early Childhood Care and Education

Sec. 211. Fund for early childhood care and education.

Subtitle C—Support for Students in Higher Education

Sec. 221. Support for students in higher education.

##### TITLE III—EMERGENCY HOUSING ASSISTANCE

Sec. 301. Short title.

Sec. 302. Hurricane Katrina Emergency Assistance Vouchers.

Sec. 303. Report on inventory of availability of temporary housing.

Sec. 304. Appropriation of funding.

##### TITLE IV—FINANCIAL RELIEF

Subtitle A—Limitation on Payments

Sec. 401. Short title.

Sec. 402. Definitions.

Sec. 403. Moratorium on payments.

Subtitle B—Individual and Household Assistance

Sec. 411. Individual and household assistance.

Subtitle C—Unemployment Assistance

Sec. 421. Unemployment assistance.

Subtitle D—Tax Relief

Sec. 431. Required exercise of authority under section 7508A for tax relief for victims of Hurricane Katrina.

Sec. 432. Penalty free withdrawals from retirement plans for victims of Hurricane Katrina.

Subtitle E—Hurricane Katrina Food Assistance Relief

Sec. 441. Short title.

Sec. 442. Definition of Secretary.

Sec. 443. Food Stamp Program disaster authority.

Sec. 444. Emergency Food Assistance Program and Section 32 Assistance.

Sec. 445. WIC Funding.

Sec. 446. Report.

Sec. 447. Regulations.

Subtitle F—Bankruptcy Relief

Sec. 451. Bankruptcy Relief for Victims of Hurricane Katrina.

##### TITLE V—ADMINISTRATIVE MATTERS

Sec. 501. Period of availability of benefits.

Sec. 502. Nondiscrimination.

##### TITLE I—TEMPORARY MEDICAID DISASTER RELIEF

#### SEC. 101. SHORT TITLE; PURPOSE.

(a) SHORT 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. 102. 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 103 and paragraphs (1) and (2) of section 104(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. 103. 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 con-

strued 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 NEEDED.—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 104(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. 104. 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 103 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 103(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 2005 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.

### TITLE II—EDUCATION

#### Subtitle A—Support for Elementary and Secondary Schools

##### SEC. 201. SUPPORT FOR ELEMENTARY AND SECONDARY SCHOOLS.

(a) PURPOSE.—It is the purpose of this section—

(1) to provide assistance to eligible local educational agencies experiencing large increases in student enrollment due to Hurricane Katrina;

(2) to facilitate the enrollment of students impacted by Hurricane Katrina into elementary schools and secondary schools served by such agencies; and

(3) to provide high quality instruction to such students.

(b) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Education shall award grants to eligible local educational agencies.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

(A) CHILD COUNT.—Each State that has a large influx of displaced students due to Hurricane Katrina, as determined by the Secretary of Education, shall set a child count date for local educational agencies in the State that have a large influx of such students, as determined by the State, for the purpose of determining the total number of such students in each such agency.

(B) DEFINITION.—In this section, the term “eligible local educational agency” means a local educational agency—

(i) that serves, as determined in accordance with the child count described in subparagraph (A), not less than 50 displaced students due to Hurricane Katrina; or

(ii) that serves an elementary school or secondary school in which not less than 3 percent of the students enrolled at the school are displaced students due to Hurricane Katrina, as determined in accordance with the child count described in subparagraph (A).

(3) GRANT AMOUNT.—An eligible local educational agency that receives a grant under this section shall receive a grant amount that is equal to \$2,500 multiplied by the number of students who enroll in elementary schools and secondary schools served by such agency because the students are displaced due to Hurricane Katrina.

(c) APPLICATION.—Each eligible local educational agency desiring a grant under this section shall prepare and submit an application to the Secretary of Education that contains—

(1) an assurance that the educational programs, services, and activities proposed under this section will be administered by or under the supervision of the agency;

(2) an assurance that the agency will coordinate the use of funds received under this section with other funds received by the agency under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and with programs described under such Act;

(3) an assurance that funds will be used—

(A) to improve instruction to students who enroll in elementary schools and secondary schools served by such agency because the students are displaced due to Hurricane Katrina; and

(B) to facilitate such students’ transition into schools served by the agency; and

(4) such other information and assurances as the Secretary may reasonably require.

(d) USE OF FUNDS.—Each eligible local educational agency that receives a grant under this section shall use the grant funds to enhance instructional opportunities for students who enroll in elementary schools and secondary schools served by such agency because the students are displaced due to Hurricane Katrina, which may include—

(1) basic instructional services for such students, including tutoring, mentoring, or academic counseling;

(2) salaries of personnel, including teacher aides, to provide instructional services to such students;

(3) identification and acquisition of curricular material, including the costs of providing additional classroom supplies, overhead costs, costs of construction, acquisition or rental of space, costs of transportation, or such other costs as are directly attributable to such instructional services for such students;

(4) health services (including mental health services), meals, and clothing; and

(5) such other activities, related to the purpose of this section, as the Secretary of Education may authorize.

#### Subtitle B—Fund for Early Childhood Care and Education

##### SEC. 211. FUND FOR EARLY CHILDHOOD CARE AND EDUCATION.

(a) PURPOSE.—It is the purpose of this section—

(1) to provide assistance to local communities experiencing large influxes of preschool-aged children displaced by Hurricane Katrina; and

(2) to facilitate placement of such children in early childhood education programs.

(b) EARLY CHILDHOOD EDUCATION PROGRAMS.—In this section, the term “early childhood education program” means a Head Start program or an Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.), a State licensed or regulated child care program or school, or a State prekindergarten program that serves children from birth through kindergarten.

(c) GRANTS AND SUBGRANTS AUTHORIZED.—

(1) GRANTS.—The Secretary of Health and Human Services shall award grants to States demonstrating large influxes of children and families displaced due to Hurricane Katrina.

(2) SUBGRANTS.—

(A) IN GENERAL.—A State receiving a grant under paragraph (1) shall award subgrants to affected local communities in the State to facilitate placement of displaced children in existing early childhood education programs.

(B) AFFECTED LOCAL COMMUNITIES.—In this paragraph, the term “affected local community” means a local community in a State described in subparagraph (A) in which—

(i) there are not less than 200 preschool-aged children who are displaced due to Hurricane Katrina; or

(ii) there is a significant percentage of the total number of children participating in early childhood education programs in the community who are children who are in the community because the children are displaced due to Hurricane Katrina, as determined by the Secretary of Health and Human Services.

(d) APPLICATIONS.—Each State that desires to receive a grant under this section shall prepare and submit an application to the Secretary of Health and Human Services that contains—

(1) a description of the collaborative planning process between the State agency responsible for pre-kindergarten, State child care administrator, and Head Start Collaboration Director to facilitate the placement



of children who are displaced due to Hurricane Katrina in early childhood education programs;

(2) assurances that funds received under this section will be used for the purpose described in subsection (a);

(3) a plan to coordinate funds received under this section with existing resources available to the early childhood education programs for similar purposes; and

(4) such other information and assurances as the Secretary of Health and Human Services may reasonably require.

(e) USE OF SUBGRANT FUNDS.—

(1) IN GENERAL.—Each affected local community receiving a subgrant under this section shall use the subgrant funds only for—

(A) costs associated with accommodating the influx of displaced children, including acquisition or rental of space;

(B) costs associated with providing services to displaced children, including related services such as nutrition and acquisition of related materials; and

(C) costs associated with hiring additional personnel, including teacher aides or personnel working with families of children.

(2) INCOME AND DOCUMENTATION WAIVER.—The Secretary of Health and Human Services shall waive requirements of income eligibility and documentation for children displaced by Hurricane Katrina who participate in Head Start programs and Early Head Start programs funded by subgrants awarded pursuant to this section.

#### Subtitle C—Support for Students in Higher Education

### SEC. 221. SUPPORT FOR STUDENTS IN HIGHER EDUCATION.

(a) STUDENTS IN SCHOOL.—

(1) NO QUESTIONS ASKED POLICY.—The Secretary of Education shall authorize an institution of higher education to waive Federal financial aid requirements, as determined appropriate by the Secretary of Education, with respect to a student at such institution who enrolls in such institution because such student was impacted by Hurricane Katrina.

(2) CAMPUS-BASED AID.—

(A) SEOG.—

(I) IN GENERAL.—

(1) AUTHORIZATION.—From funds appropriated pursuant to subclause (II), the Secretary of Education shall carry out a program of making payments to institutions of higher education to enable such institutions to award Federal supplemental educational opportunity grants under subpart 3 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070b et seq.) to students enrolled at such institutions who are eligible to receive a grant under such subpart and who enrolled at such institutions because the students are displaced due to Hurricane Katrina, as determined by the Secretary.

(II) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out subclause (I) such sums as may be necessary.

(i) WAIVER OF NONFEDERAL SHARE.—Notwithstanding subpart 3 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070b et seq.), the Federal share of awards made pursuant to this subparagraph shall be equal to 100 percent.

(B) WORK-STUDY PROGRAMS.—

(i) IN GENERAL.—

(1) AUTHORIZATION.—From funds appropriated pursuant to subclause (II), the Secretary of Education shall carry out a program of awarding grants to institutions of higher education to enable such institutions to carry out work-study programs under part C of title IV of the Higher Education Act of 1965 (20 U.S.C. 2751 et seq.) for students enrolled at such institutions who are eligible to participate in work-study programs under

such part and who enrolled at such institutions because the students are displaced due to Hurricane Katrina, as determined by the Secretary.

(II) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out subclause (I) such sums as may be necessary.

(i) WAIVER OF NONFEDERAL SHARE.—Notwithstanding part C of title IV of the Higher Education Act of 1965 (20 U.S.C. 2751 et seq.), the Federal share of the compensation of students made pursuant to this subparagraph shall be equal to 100 percent.

(b) HELP FOR INDIVIDUALS WITH STUDENT LOANS.—

(1) DEFINITIONS.—In this subsection:

(A) ELIGIBLE BORROWER.—The term “eligible borrower” means an individual who has lost the individual’s job due to the impact of Hurricane Katrina, as determined by the Secretary of Education.

(B) ELIGIBLE LOAN.—In this subsection, the term “eligible loan” means a student loan of an eligible borrower made, insured, or guaranteed under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(2) GRACE PERIOD.—The Secretary of Education shall carry out a program in which the Secretary enters into an agreement with the holder of an eligible loan in which, for a 6 month period, periodic installments of principal are not paid but interest shall accrue and be paid by the Secretary on such loan.

(3) PERIOD NOT TO COUNT AGAINST ECONOMIC HARDSHIP PERIODS PROVIDED IN HIGHER EDUCATION ACT OF 1965.—Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), the 6-month grace period provided in paragraph (2) for an eligible borrower shall not count as part of the 3-year economic hardship periods provided in sections 427(a)(2)(C)(iii), 428(b)(1)(M)(iii), 455(f)(2)(C), and 464(c)(2)(A)(iii) of the Higher Education Act of 1965 (20 U.S.C. 1077(a)(2)(C)(iii), 1078(b)(1)(M)(iii), 1087e(f)(2)(C), and 1087dd(c)(2)(A)(iii)).

### TITLE III—EMERGENCY HOUSING ASSISTANCE

#### SEC. 301. SHORT TITLE.

This title may be cited as the “Helping to House the Victims of Hurricane Katrina Act of 2005”.

#### SEC. 302. 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.—Subject to section 501 of the Katrina Emergency Relief Act of 2005, during the 6-month period beginning on the date of enactment of the Katrina Emergency Relief 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 Katrina Emergency Relief 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.

“(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.

“(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.”.

#### SEC. 303. 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.

#### SEC. 304. APPROPRIATION OF FUNDING.

(a) IN GENERAL.—There are authorized to be appropriated and are appropriated \$3,500,000,000 to provide assistance under this title.

(b) EMERGENCY DESIGNATION.—The amount appropriated under subsection (a) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

### TITLE IV—FINANCIAL RELIEF

#### Subtitle A—Limitation on Payments

##### SEC. 401. SHORT TITLE.

This subtitle may be cited as the “Hurricane Emergency Limitation on Payments (HELP) Act of 2005”.

##### SEC. 402. DEFINITIONS.

In this subtitle:

(1) DISASTER.—The term “Disaster” means the major disasters declared by the Presi-

dent 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. 403. 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 501 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 402(b) 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. 411. 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 Presi-

dent 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. 421. 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. 431. 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.

#### SEC. 432. PENALTY FREE WITHDRAWALS FROM RETIREMENT PLANS FOR VICTIMS OF HURRICANE KATRINA.

(a) EXCLUSION FROM INCOME OF CERTAIN DISTRIBUTIONS WHICH ARE REPAID.—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 Assist-

ance 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 E—Hurricane Katrina Food Assistance Relief

#### SEC. 441. SHORT TITLE.

This subtitle may be cited as the “Hurricane Katrina Food Assistance Relief Act of 2005”.

#### SEC. 442. DEFINITION OF SECRETARY.

In this subtitle, the term “Secretary” means the Secretary of Agriculture.

#### SEC. 443. 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.).

“(ii) 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. 444. 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. 445. 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. 446. 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 03(a)) that an extension of the disaster recovery period is not necessary to fully meet the needs of affected households.

**SEC. 447. 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 F—Bankruptcy Relief**

**SEC. 451. 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 180-day 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), or during an extension of a period for the availability of benefits or assistance in accordance with section 501(b), by or on behalf of a debtor 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 under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina.

**TITLE V—ADMINISTRATIVE MATTERS**

**SEC. 501. PERIOD OF AVAILABILITY OF BENEFITS.**

(a) IN GENERAL.—Except as otherwise provided by this Act or an amendment made by this Act, a benefit or assistance provided by any provision of this Act or an amendment made by this Act 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 Act or an amendment made by this Act), 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. 502. NONDISCRIMINATION.**

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.). 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.).

By Mr. OBAMA:

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; to the Committee on Health, Education, Labor, and Pensions.

Mr. OBAMA. Mr. President, earlier this week I traveled with former Presidents Bush and Clinton to Houston and met countless hurricane survivors who shared heart-wrenching stories about their experiences. Too many of the hurricane survivors have lost their jobs, their homes, and for some, beloved friends and family members.

Hurricane Katrina served as another important reminder of man's inability

to control the wrath of Mother Nature. Yet, our response to such calamitous events is completely within our control. Hurricane Katrina was the first disaster, the Nation's emergency response to Hurricane Katrina was the second disaster.

We have all watched TV reports of residents stranded, abandoned really, without food or water and medical care, while those charged with emergency response delayed and fumbled their duties. Many of the sick and elderly were left behind at the makeshift hospital inside the New Orleans airport, and others faced uncertainties regarding their own medical care while staying at temporary shelters in Houston.

The Nation's generous outpouring of support for the survivors of Hurricane Katrina is heart-warming. Yet, many of those who would volunteer their services have been thwarted by bureaucratic red tape from antiquated laws and regulations. My own office has received numerous complaints from constituents whose offers of service were refused. In particular, medical professionals, which are still so desperately needed in affected areas, were turned away from FEMA and not informed about alternative mechanisms for volunteering. These doctors also expressed concerns relating to licensure, liability, and their ability to take leaves of absence from their jobs.

The Federal Government should be doing everything possible to streamline the process by which trained medical personnel around the country can volunteer their services in Louisiana, Mississippi, Alabama, and any of the States where evacuees have been relocated. I have introduced legislation today, entitled the Hurricane Katrina Emergency Health Workforce Act of 2005, that will start this process.

There are five components to this bill. It would create a national emergency health professional volunteer corps, so that we will have a ready pool of volunteer doctors and nurses who are willing, trained, and certified to serve in times of disaster. My bill would provide liability protections to qualified health professionals and provide the same job protections that many Federal employees and members of the National Guard already have. Requirements for State licensure would be lifted for licensed doctors who travel to disaster stricken areas outside of their home States. In addition, the CDC would establish a national and easily accessible database with the names and contact information of doctors and nurses, as well as their specialties and licensures, around the Nation. Finally, recognizing that emergencies are often unpredictable, this legislation would grant the Secretary broad authority to suspend rules and regulations in order to get health professionals where they are needed and when they are needed.

Although we live in a changing and uncertain world, one constant re-

mains—whether it be earthquakes, hurricanes, tornadoes, or sadly even terrorist attacks, the nation will surely face future devastating and cataclysmic events. We know now that the Nation's preparedness for such events in no way matches our ability to respond and mitigate human suffering and economic collapse. We must do better. I urge each of my colleagues to join me in passing this legislation.

By Mr. NELSON of Florida:

S. 1640. A bill to prohibit price gouging relating to certain goods and services in areas affected by major disasters; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Florida. Mr. President, I rise today to introduce the "Protection from Price Gouging Against Disaster Victims Act of 2005" and ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1640

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Protection From Price Gouging Against Disaster Victims Act of 2005".

#### SEC. 2. FINDINGS AND GOALS.

(a) FINDINGS.—Congress finds that—

(1) the United States experiences tremendous generosity and goodwill in the wake of natural disasters;

(2) unfortunately, some unscrupulous individuals take advantage of those disasters in an attempt to gain financially;

(3) the Federal Trade Commission is charged with preventing unfair methods of competition and unfair and deceptive acts or practices under section 5 of the Federal Trade Commission Act (15 U.S.C. 45);

(4) the Federal Trade Commission has extensive experience analyzing markets and competitive issues in order to determine whether market participants are engaging in actions that may have anticompetitive effects; and

(5) the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives are charged by their respective Houses with consumer protection.

(b) GOALS.—The goals of this Act are—

(1) to decrease the occurrence of persons charging unconscionably excessive prices for consumer goods and services following natural disasters;

(2) to require the Federal Trade Commission to conduct ongoing investigations of actions intended to disadvantage consumers following natural disasters; and

(3) to ensure that sufficient enforcement authority is available to the Commission to carry out the responsibilities of the Commission under this Act and the amendments made by this Act.

#### SEC. 3. PRICE GOUGING PROHIBITION FOLLOWING MAJOR DISASTERS.

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended—

(1) by redesignating sections 25 and 26 as sections 26 and 27, respectively; and

(2) by inserting after section 24 the following:

#### "SEC. 25. PROTECTION FROM PRICE GOUGING FOLLOWING MAJOR DISASTERS.

"(a) DEFINITIONS.—In this section:

"(1) AFFECTED AREA.—The term 'affected area' means an area affected by a major disaster declared by the President under Federal law in existence on the date of enactment of the Protection From Price Gouging Against Disaster Victims Act of 2005.

"(2) CONSUMER GOOD OR SERVICE.—

"(A) IN GENERAL.—The term 'consumer good or service' means a good, piece of equipment, or service provided primarily for personal, family, or household purposes, including food, water, ice, a chemical, a building supply, a tool, a petroleum product, a residential construction, reconstruction, or repair service, or a service for the removal of debris (including a damaged tree) or garbage.

"(B) INCLUSION.—The term 'consumer good or service' includes a property or a facility rented to a consumer for use as a residence or storage facility.

"(3) PRICE GOUGING.—The term 'price gouging' means the charging of an unconscionably excessive price by a supplier in an affected area.

"(4) SUPPLIER.—The term 'supplier' includes a seller, reseller, wholesaler, distributor, retailer, lessor, provider, or licensed or unlicensed contractor, subcontractor, or laborer engaged in the provision or distribution of a consumer good or service.

"(5) UNCONSCIONABLY EXCESSIVE PRICE.—The term 'unconscionably excessive price' means a price charged in an affected area for a consumer good or service that—

"(A) represents a gross disparity, as determined by the Commission in accordance with subsection (e), between the price charged for the good or service and the average price of the good or service charged by suppliers in the affected area during the 30-day period immediately before the President declares the existence of a major disaster; and

"(B) is not attributable to increased wholesale or operational costs incurred by the supplier in connection with the provision of the consumer good or service.

"(b) DETERMINATION OF THE COMMISSION.—Following the declaration of a major disaster by the President, the Commission shall—

"(1) consult with the Attorney General of the United States, the United States Attorney for the district in which the disaster occurred, and State and local law enforcement officials to determine whether any supplier in the affected area is charging or has charged an unconscionably excessive price for any consumer good or service provided in the affected area; and

"(2) establish within the Commission—

"(A) a toll-free hotline that a consumer may call to report an incidence of price gouging in the affected area; and

"(B) a program to develop and distribute to the public informational materials in English and Spanish to assist residents of the affected area in detecting and avoiding price gouging.

#### "(c) PRICE GOUGING INVOLVING DISASTER VICTIMS.—

"(1) OFFENSE.—During the 180-day period after the date on which a major disaster is declared by the President, no supplier shall provide, or offer to provide, any consumer good or service in an affected area at an unconscionably excessive price.

"(2) ACTION BY COMMISSION.—

"(A) IN GENERAL.—During the period described in paragraph (1), the Commission shall conduct investigations to determine whether any supplier in an affected area is in violation of paragraph (1).

"(B) POSITIVE DETERMINATION.—If the Commission determines under subparagraph (A) that a supplier is in violation of paragraph

(1), the Commission shall take any action the Commission determines to be appropriate to remedy the violation.

“(3) CIVIL PENALTIES.—A supplier that commits an offense described in paragraph (1) may, in a civil action brought in a court of competent jurisdiction, be subject to—

“(A) a civil penalty not more than \$500,000;

“(B) an order to pay special and punitive damages;

“(C) an order to pay reasonable attorney’s fees;

“(D) an order to pay costs of litigation relating to the offense;

“(E) an order for disgorgement of profits earned as a result of a violation of paragraph (1); and

“(F) any other relief determined by the court to be appropriate.

“(4) CRIMINAL PENALTY.—A supplier that knowingly commits an offense described in paragraph (1) shall be imprisoned not more than 1 year.

“(5) ACTION BY VICTIMS.—A person, Federal agency, State, or local government that suffers loss or damage as a result of a violation of paragraph (1) may bring a civil action against a supplier in any court of competent jurisdiction for disgorgement, special or punitive damages, injunctive relief, reasonable attorney’s fees, costs of the litigation, and any other appropriate legal or equitable relief.

“(6) ACTION BY STATE ATTORNEYS GENERAL.—An attorney general of a State, or other authorized State official, may bring a civil action in the name of the State, on behalf of persons residing in the State, in any court of competent jurisdiction for disgorgement, special or punitive damages, reasonable attorney’s fees, costs of litigation, and any other appropriate legal or equitable relief.

“(7) NO PREEMPTION.—Nothing in this section preempts any State law.

“(d) REPORT.—Not later than 1 year after the date of enactment of the Protection From Price Gouging Against Disaster Victims Act of 2005, and annually thereafter, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing—

“(1) the number of price gouging complaints received by the Commission for each major disaster declared by the President during the preceding year;

“(2) the number of price gouging investigations of the Commission initiated, in progress, and completed as of the date on which the report is prepared;

“(3) the number of enforcement actions of the Commission initiated, in progress, and completed as of the date on which the report is prepared;

“(4) an evaluation of the effectiveness of the toll-free hotline and program established under subsection (b)(2); and

“(5) recommendations for any additional action with respect to the implementation or effectiveness of this section.

“(e) DEFINITION OF GROSS DISPARITY.—Not later than 180 days after the date of enactment of the Protection From Price Gouging Against Disaster Victims Act of 2005, the Commission shall promulgate regulations to define the term ‘gross disparity’ for purposes of this section.”

#### SEC. 4. EFFECT OF ACT.

Nothing in this Act, or an amendment made by this Act, affects any authority of the Federal Trade Commission in existence on the date of enactment of this Act with respect to price gouging actions.

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 1641. A bill to authorize the Secretary of the Army to carry out a project for the mitigation of shore damage attributable to the project for navigation, Saco River, Maine; to the Committee on Environment and Public Works.

Ms. SNOWE. Mr. President, I rise today to introduce a bill for the City of Saco, ME that concerns the town’s ability to allow the mooring of boats on the Saco River. The bill changes the turning basin into an anchorage while managing a 50-foot channel within the anchorage. The town was not aware that it was in violation because of 21 moorings located in the Saco River Federal Navigational Project. In an effort to eliminate this encroachment, city officials have requested a modification or deauthorization of the Federal Navigational Project to resolve the issue.

The U.S. Army Corps of Engineers has suggested language that re-designates the maneuvering basin into an anchorage area that will meet the needs of the community. The language, which I hope will be included in the Water Resources Development Act in this Congress, will allow for the legal moorage of boats, the fairway for which would be maintained by the City of Saco as is customary for towns with Federal anchorages. It is my understanding that the two mayors of the cities involved along with the Saco Yacht Club have agreed to the Corps’ language.

By Mr. CORNYN:

S 1642. A bill to prohibit narco-terrorists from aiding and supporting terrorists and terrorist organizations; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, I rise today to introduce the Narco-Terrorism Prevention Act of 2005. This bill confronts the new reality and very real danger of the deadly mix of drug trafficking and terrorism.

Many of the State Department’s designated Foreign Terrorist Organizations are involved in the trafficking of illegal drugs—that is, illegal drugs that end up on the streets of cities throughout our country and other countries and poison the fabric of our society, our children, our families, and our neighbors. Terrorists, like the old organized crime syndicates from the past, have recognized that illegal drug trafficking is a valuable source of financing and another way to threaten our country.

The evidence linking these two criminal activities is overwhelming: terrorists in Afghanistan have been infiltrating and controlling the cultivation of poppies, and ultimately heroin; media reports indicate that the deadly Spain bombings were financed by drug money; the Hezbollah has been linked to drug trafficking; and of course, the Revolutionary Armed Forces of Colombia, or the FARC, has long-standing drug trafficking operations which fund their deadly activities.

Narco-terrorism takes many forms, all of which are deadly. Before September 11, the term called to mind Pablo Escobar, the classic cocaine trafficker who used terrorist tactics against citizens and officials to protect his drug trade. Post 9/11, governments now find themselves combating classic terrorist groups that participate in, or otherwise receive funds from, drug trafficking in order to further their agenda. But whether narco-terrorists are actual drug traffickers who use terrorism against civilians to advance their agenda, or are principally terrorists who out of convenience or necessity use drug money to further their cause, the label of narco-terrorist may be equally applicable to both groups, and the full force of U.S. law should be brought to bear on these organizations.

My State is experiencing the collateral effects of a drug war being carried out by modern day narco-terrorists in Nuevo Laredo, Mexico. News reports have described an ongoing battle between rival drug cartels over drug smuggling routes from Mexico into the United States. These organizations assassinate police officers and other government officials in a clear attempt to force the local government in Nuevo Laredo to allow these organizations to carry on their illegal activity, unimpeded. Our government needs every available tool at its disposal to combat this activity.

The legislation I introduce today creates a new Federal crime designed to punish the trafficking of controlled substances which are intended to benefit a foreign terrorist organization or any one else planning a terrorist attack. It also carries a stiff, mandatory-minimum penalty of 20 years for anyone convicted. Importantly, the Narco-Terrorism Prevention Act provides for extraterritorial jurisdiction which allows law enforcement to reach beyond our borders to arrest and deter those who intend to carry out a crime of this nature.

This bill says that whether you are a member of or assisting a drug cartel along the border that employs terrorist tactics to protect its drug trade, or you are assisting international terrorists with the proceeds from drug transactions, this bill targets you. This bill puts you on notice that our government has the authority to arrest you and, when apprehended, you will face a lengthy, and perhaps permanent, stay in prison.

By Mr. HARKIN (for himself and Mr. LEAHY):

S. 1643. 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.

## HURRICANE KATRINA FOOD

Mr. HARKIN. Mr. President, for millions of people in the Gulf Coast, Hurricane Katrina has shredded the very fabric of everyday life. As my colleagues from Louisiana, Mississippi, and Alabama have already described, the needs are immeasurable. For many people, it will be years before their lives return to normal. And untold others have paid with their lives. We hold the citizens of Louisiana, Mississippi, and Alabama in our thoughts and in our prayers.

This storm calls on each of us to respond in the best way that we can. And people around the United States are opening their homes and their hearts to the victims of Hurricane Katrina.

Among the most immediate and pressing needs of many who have been hit by hurricane Katrina is a fundamental one—food. Displaced individuals with no ready source of income must, among all of their daily worries, still struggle with the basic task of feeding their families. This situation is exacerbated by the simple fact that retail food outlets have ceased to operate throughout the Gulf Coast. The Department of Agriculture has estimated that food stamp program caseloads alone are likely to increase by 1.4 million people because of Katrina. Furthermore, the Department says that this is a “very conservative” estimate and that the real need may be considerably greater than this.

In Louisiana alone, over 400,000 people are already receiving food stamps through the Emergency Food Stamp Program. In Texas, over 100,000 people have received emergency food stamps. These numbers are rising rapidly with every passing day and are certain to continue to do so.

No American should live in the shadow of hunger and food insecurity, least of all those displaced and devastated by natural disasters. Fortunately, the Federal Government has long provided food assistance to help individuals and families in need. The Department of Agriculture is already working hard to get commodities and emergency food stamps to the victims of Hurricane Katrina. And while there has been much criticism of the disaster efforts generally, I have yet to hear of complaints about the response from the Department of Agriculture. Even so, we can and must do more.

That is why today, with my colleague Senator LEAHY, I am introducing the Hurricane Katrina Food Assistance Relief Act of 2005. I am hopeful that my colleagues will join us in working to pass this legislation expeditiously to enhance our Federal response to the needs of hungry Americans devastated by Hurricane Katrina.

This proposal would provide USDA with additional funding and authorities to provide a strong and continuous response to the food needs of thousands of families adversely affected by Hurricane Katrina. The legislation builds upon the capacities of several Federal

programs to assist our citizens in need. The legislation targets three groups of households: Those living in areas hit by Katrina, those who have lost jobs in the disaster areas, and those who have relocated from the disaster area to other parts of the country.

This bill provides additional funds to allow for unanticipated caseload increases in the Special Supplemental Nutrition Program for Women, Infants, and Children.

It also gives the Department of Agriculture additional funds to purchase bulk commodities and to provide emergency food through food banks and local food pantries.

The legislation especially strengthens the ability of the Food Stamp Program to respond to this tremendous disaster by increasing benefit amounts, expanding eligibility, and streamlining the application process and the delivery of benefits. It also provides additional Federal funds to State food stamp agencies that are likely to be overwhelmed by the workload associated with helping all those who seek aid.

I ask that my colleagues on both sides of the aisle join with Senator LEAHY and me in continuing to shape an appropriate response to the food needs of the victims of Hurricane Katrina. The legislation that we are introducing today is a good faith effort and is, I believe, a generous and appropriate starting point. But I have no doubt that it may be improved. I welcome the advice and suggestions of my colleagues on both sides of the aisle and look forward to doing all that we can with all necessary haste to bring relief to the victims of Hurricane Katrina.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1643

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

# SECTION 1. SHORT TITLE.

This Act may be cited as the “Hurricane Katrina Food Assistance Relief Act of 2005”.

# SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term “Secretary” means the Secretary of Agriculture.

# SEC. 3. FOOD STAMP PROGRAM DISASTER AUTHORITY.

(a) IN GENERAL.—Section 5(h) of the Food Stamp Act of 1977 (7 U.S.C. 1014(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.).

“(ii) 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;

“(cc) that was displaced as a result of Hurricane Katrina or a related condition to other areas of the same or another State; or

“(dd) that the Secretary determines should receive relief under this paragraph as a result of Hurricane Katrina or a related condition.

“(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) the State agency shall increase the value to the affected household of the thrifty food plan determined under section 3(o) by 10 percent when calculating the value of the allotment for an affected household under section 8(a);

“(iv) 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;

“(v) 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;

“(vi) any resource to which the household lost access because of Hurricane Katrina or a related condition shall not be considered a financial resource under subsection (g);

“(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