The House met at noon and was called to order by the Speaker pro tempore (Mr. Cole of Oklahoma).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC, September 12, 2005.

I hereby appoint the Honorable Tom Cole to act as Speaker pro tempore on this day.

J. DENNIS HASERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, truly eternal and beyond our ability to imagine or measure, difficult times bring us to our knees and invite us to be one in prayer with our sisters and brothers who are suffering the most during hard days. With loving affection and active charity, we raise up to You all the victims of war, terrorism, natural disaster, and injustice. As we pray for the grace and determination to set things right, by Your holiness, free us from any self-righteous judgment of others.

Lord, You challenge both the secure and the deprived, both the successful and the indigent. All are called to a conversion of heart. Whether we are exalted by circumstances to move beyond the paralysis of complacency or helplessness or the self-centeredness of contentment or anger, all of us are called to be holy as You alone are holy.

In these difficult times, help us to be grateful, gracious to one another, self-giving and creative as well as practical in our desire to be one and at peace now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day’s proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

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

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC, September 9, 2005.

Hon. J. Dennis Hastert, Speaker of the House of Representatives.

The Clerk, the Reverend Daniel P. Coughlin, invited us to be one in prayer with our brothers and sisters throughout the world who are working to end the suffering of others.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord, You challenge both the secure and the deprived, both the successful and the indigent. All are called to a conversion of heart. Whether we are exalted by circumstances to move beyond the paralysis of complacency or helplessness or the self-centeredness of contentment or anger, all of us are called to be holy as You alone are holy.

In these difficult times, help us to be grateful, gracious to one another, self-giving and creative as well as practical in our desire to be one and at peace now and forever. Amen.

This symbol represents the time of day during the House proceedings, e.g., 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

COMMUNICATION FROM THE CHIEF ADMINISTRATIVE OFFICER

The SPEAKER pro tempore laid before the House the following communication from James M. Eagen III, Chief Administrative Officer:

Hon. J. Dennis Hastert, Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued by the Circuit Court for Montgomery County, Maryland, for documents and testimony in a civil case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the privileges and rights of the House, and the Office of the General Counsel has moved to vacate the subpoena.

Sincerely,

JAMES M. EAGEN III, Chief Administrative Officer.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker’s table and, under the rule, referred as follows:

S. 1259. An act to reauthorize the Great Ape Conservation Act of 2000; to the Committee on Resources.
S. 1339. An act to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994; to the Committee on Resources.
S. 1415. An act to amend the Lacey Act Amendments of 1988; to protect captive wildlife and make technical corrections; to the Committee on Resources.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. tomorrow for morning hour debates.

There was no objection. Accordingly, at 12 o’clock and 5 minutes p.m., under its previous order, the House adjourned until tomorrow, Tuesday, September 13, 2005, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS.

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:

3771. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on U.S. military personnel and U.S. individual civilians retained as contractors involved in supporting Plan Colombia, pursuant to Public Law 106-246, section 3204 (t) (114 Stat. 577); to the Committee on Armed Services.
3772. A letter from the Acting Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting the Selected Acquisition Reports (SARs) for the quarter ending June 30, 2005, pursuant to 10 U.S.C. 2342; to the Committee on Armed Services.
3773. A letter from the Chairman, Defense Base Closure and Realignment Commission, transmitting certified materials supplied to the Commission, pursuant to Public Law 101-510, section 2903(c)(6) and 2904(b)(1); to the Committee on Armed Services.
3774. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting under the Department’s “Major” final rule—Defense Federal Acquisition Regulation Supplement; Radio Frequency Identification [DFARS Case 2004-D011] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.
3775. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101-510, section 2903(c)(6) and 2904(b)(1); to the Committee on Armed Services.
3776. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101-510, section 2903(c)(6) and 2904(b)(1); to the Committee on Armed Services.
3777. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101-510, section 2903(c)(6) and 2904(b)(1); to the Committee on Armed Services.
3778. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of General John P. Jumper, United States Air Force, and his advancement to General on the retired list; to the Committee on Armed Services.
3779. A letter from the Assistant Secretary of the Army for Acquisition, Logistics and Technology, Department of Defense, transmitting the annual status report of the U.S. Chemical Demilitarization Program (CDP) as of September 30, 2004, pursuant to 50 U.S.C. 1521(g); to the Committee on Armed Services.
3780. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting pursuant to Section 62(a) of the Arms Export Control Act (AECA), notification concerning the sale of the Navy’s proposed lease of defense articles to the Government of India (Transmittal No. 04-65); to the Committee on International Relations.
3781. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 05-21, concerning the Department of the Navy’s proposed Letter(s) of Offer and Acceptance to Kuwait for defense articles and services; to the Committee on International Relations.
3782. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a Memorandum of Decision Concerning the Foreign Assistance Act of 1961 for the use of funds for counterdrug and police programs in Haiti; to the Committee on International Relations.
3783. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 63(b)(1) of the Arms Export Control Act, certification regarding the proposed license for the export of defense equipment to the Government of South Korea (Transmittal No. DDTC 05-0487); to the Committee on International Relations.
3784. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.
3785. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.
3786. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.
3787. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.
3788. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.
3789. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.
3790. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.
3791. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.
3792. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.
3793. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.
3794. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department’s final rule—Safety Zone: Assawoman Bay, Ocean City, MD [CGD05-05-071] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.
3795. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department’s final rule—Safety Zone: Nansemond River, Suffolk, Virginia [CGD05-05-038] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.
3796. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department’s final rule—Safety Zone: East River, Matheus, VA [CGD05-05-022] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.
ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 475: Mr. McDermott, Mr. Andrews, and Mr. Moran of Virginia.
H.R. 565: Mr. Weiner.
H.R. 566: Mr. Weiner.
H.R. 887: Mr. McGovern.
H.R. 923: Mr. Tancredo.

H.R. 1137: Mr. Ross.
H.R. 1424: Mr. Fitzpatrick of Pennsylvania, Ms. DeGette, and Mr. Brady of Pennsylvania.
H.R. 1498: Miss McMorris, Mr. McNulty, and Ms. Slaughter.
H.R. 1671: Mr. Shuster.
H.R. 2037: Ms. Schakowsky.
H.R. 2122: Mr. Van Hollen.
H.R. 2622: Mr. McCotter.
H.R. 2623: Mr. Bishop of Georgia.

H.R. 2674: Mr. Andrews and Mr. Lynch.
H.R. 2962: Mr. Barrow, Mr. Clay, Ms. Kaptur, Mr. McCotter, Mr. Cummings, Mr. Honda, Ms. Ginny Brown-Watte of Florida, and Mr. Oberstar.
H.R. 3236: Mr. Bartlett of Maryland.
H.R. 3382: Mr. Green of Wisconsin.
H.R. 3706: Mr. Weiner, Mr. Payne, Mr. Stupak, Mr. Gonzalez, Mr. Owens, Mr. Holt, and Mr. Crowley.
The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

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

Let us pray.
O God our help in ages past, our hope for years to come, on yesterday millions remembered our kinship of loss because of September 11, 2001, and we paused to acknowledge Your authority over our lives.

Without You, we cannot function as a people or Nation. Without Your shield of protection, our efforts to defend ourselves will fail. Unless You bless our Nation, we labor in vain.

Keep us from the arrogance that places Its confidence in weapons made by human hands. Infuse us with a national awareness that righteousness exalts a Nation and sin brings shame.

Today, as Senators work for freedom, give them an awareness of Your abiding presence and steadfast love. Help them to remember that those who love You are never alone.

And, Lord, in these challenging times, bless our military people who routinely give their tomorrows for our todays. We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE
The PRESIDENT pro tempore led the Pledge of Allegiance as follows:

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

RESERVATION OF LEADER TIME
The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS
The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business until the hour of 3 p.m., with the time equally divided.

RECOGNITION OF THE MAJORITY LEADER
The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE
Mr. FRIST. Mr. President, we will begin today's session with a period for morning business that will extend for an hour, until 3. At 3, we will resume consideration of the Commerce-Science-Justice appropriations bill. If the motion is not agreed to, we would return to the Commerce appropriations bill. If that motion is not agreed to, we would begin a 1-hour period of debate prior to a vote at 6:30 on the motion to proceed to the resolution of disapproval on the appropriations bill. We are prepared for Members to come forward to offer their amendments to the bill so that we can complete action early this week.

We reached an agreement to limit amendments to the bill, and now is the time for Senators to come and debate their amendments. There is a vote scheduled for this evening. At 5:30, we will begin a 1-hour period of debate prior to a vote at 6:30 on the motion to proceed to the resolution of disapproval on regulations relating to mercury. If that motion is not agreed to, we would return to the Commerce appropriations bill. If the motion is agreed to, then we would begin 2 hours of debate on the pending resolution.

Having said that, we will be continuing the appropriations process this week, with many of these bills having disaster-related language. It is important that we continue to expedite our efforts on all fronts, and therefore we will be voting throughout the week.

In addition to our floor business today, Chairman SPECTER opened the hearings on the nomination of Judge Roberts at noon, now 2 hours ago. We will make every effort to not interrupt those hearings as we continue our work on the floor, and therefore we will be looking to stack votes around lunchtime each day or later in the evening throughout the week.

CLEANUP PROGRESS SINCE HURRICANE KATRINA
Mr. FRIST. Mr. President, I am pleased to report that hour by hour, day by day, we are making steady progress in the rescue and recovery efforts in response to the natural disaster witnessed now a week and a half ago. As I speak, there are 20,000 active military personnel on the ground, along with 50,800 National Guard, 4,000 Coast Guard, and 8,900 FEMA responders. There are over 1,000 uniformed commissioned public health personnel on the ground as we speak.

Law and order in New Orleans has been completely restored. Power is back for most of the city's central business district. City hall has running water and electricity. The Army Corps of Engineers reports that the city will be completely drained by early October. Hundreds of city engineers have been working around the clock, even sleeping on the floors of their pumping stations, to drain the toxic flood waters out of the city.

Aaron Broussard, president of Jefferson Parish, is seeing continual progress. In his words, we are feeding more people, we are recovering more people, the infrastructure is more improved, we are clearing more roads, we have more power—every day more victories.

Meanwhile, the Federal Government remains committed to helping shoulder the burden. To date, Congress has allocated more than $62 billion in aid for rescue relief and recovery efforts. President Bush has granted the hurricane survivors special evacuee status which will make it easier for the storm victims to collect Federal benefits such as food stamps, childcare, and Medicaid wherever they are in America.

FEMA has begun distributing $2,000 per household so that the survivors can start to get back on their feet and meet their immediate needs. This week, Congress will continue to clear...
measures to cut redtape and bureaucratic tangles to help hurricane victims get the assistance they need. I expect the Senate over the week to clear legislation making it easier for evacuees to receive welfare benefits and stimulus payments.

We also intend to boost FEMA’s borrowing authority from $1.5 billion to $3.5 billion. The national flood insurance program administered by FEMA is facing its greatest losses in history. We need to make sure they have the resources they need so that victims receive appropriate, proper, and timely payment.

We are also working on ways to spur private investment in this overall rebuilding effort. Katrina is estimated to have swept away over 400,000 jobs. People need these jobs, and the Gulf Coast needs to be rebuilt bigger, more modern, and more prosperous so that it can provide economic opportunity. We will continue to press forward with the joint task force announced last week on the preparations for hurricanes and that immediate disaster response. We need to find out what went wrong, what went right, what worked, and what did not.

It is clear that things did not turn out as we would like for them to at a response level, at the Federal level, at the State level, or at the local level. There have been problems at all levels of government, and we will get to the bottom of these problems.

Through it all, America will emerge smarter, stronger, and more effective in how we respond to disaster, natural and manmade. Nature has dealt a painful blow, but America does stand unified, and in the past 2 weeks her citizens have shown tremendous courage, generosity, and outpouring of spirit. Countless people are pouring out their hearts, time, and resources, and literally opening their homes to shelter and comfort the survivors. There are over 1.1 million people displaced. About half of those, or about 500,000, have been displaced to other States than those three most affected States. Private donations to hurricane relief funds have soared to nearly $700 million. The American Red Cross alone has received $500 million in gifts and pledges. Thirty-six thousand Red Cross volunteers are serving in over 675 shelters in 23 States.

The armed forces have received over $65 million. America’s Second Harvest has raised nearly $12 million and delivered 16 million pounds of food. The list goes on. These are but a few examples.

Americans from all across the country and all walks of life are asking what they can do to help. The past 2 weeks stand as a testament to the depth and strength of our national character and civic bonds. Millions of citizens, millions of Americans, are committed to the care, nurture and well-being of one another. The rescue and recovery will continue. The cities and towns across all that Gulf Coast will be rebuilt. They will reemerge more modern and more prosperous than ever before. The Senate will continue moving forward on behalf of our fellow citizens and on behalf of future generations who will call the gulf coast home.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Minnesota is recognized.

NOMINATION OF JOHN ROBERTS TO BE CHIEF JUSTICE OF THE UNITED STATES SUPREME COURT

Mr. DAYTON. Mr. President, today the Senate Judiciary Committee began its hearings on President Bush’s nomination of Judge John Roberts to be the next Chief Justice of the U.S. Supreme Court. I remain undecided and open-minded, as I believe virtually all of my colleagues have also stated themselves to be, about the nominee. I will remain so until those hearings are complete. Nevertheless, I commend President Bush for acting swiftly and responsibly to nominate the successor to the very distinguished former Chief Justice William Rehnquist. His tragic death, along with the announced resignation of Justice Sandra Day O’Connor, has created a second vacancy on the Supreme Court, a vacancy for which the President has not yet nominated a replacement but may do so anytime in the future.

So it is not surprising that even while Judge Roberts confirmation hearings are just beginning, many Americans are already looking ahead and are attempting to influence the President’s decision on this second Supreme Court nominee.

While President Bush unquestionably has the right to nominate the man or woman—of his own choosing, and in fact the President has earned that right by his reelection last November, I believe he has the responsibility to select someone who would be the choice of the vast majority of all Americans, for this woman or man will be a Supreme Court Justice for all Americans living today and likely for all Americans yet to come for many years ahead.

If confirmed, she or he will take an oath of office, as each of us has done, to uphold the Constitution of this great country, a 216-year-old document which still lives today to guarantee and protect the rights, the freedoms, and the responsibilities of all 290 million American citizens—not just the majority or the minority, not just Republicans or Democrats, not just conservatives or liberals, not just Christians, Muslims, or Jews, not just some but all Americans.

That responsibility—of the President, of this Senate, and of each Supreme Court Justice for all Americans—is why I found so disturbing an article in last Saturday’s Washington Post. The front page lead-in said:

In defense of Alberto Gonzales, supporters counter the idea that the Attorney General is too moderate for the High Court.

Alberto Gonzales, as we all know, is the Attorney General of the United States and is widely considered to be one of the President’s most likely considered nominees to fill this second Supreme Court vacancy. The Washington Post story’s headline reads: “Gonzales is Defended as Suitable for the Court.” The article begins:

Suppose of Attorney General Alberto Gonzales have launched a campaign to rebut criticism that he is not reliably conservative enough to serve on the Supreme Court.

I find those words bizarre. Accurate, I have no doubt, in portraying a bizarre situation caused by the bizarre behavior of some bizarre people who are—and this is where it becomes frighteningly bizarre—seriously trying to determine who the President of the United States will or will not nominate to the U.S. Supreme Court.

It shall not be, they decree, someone too moderate to be suitable for the Supreme Court. Too moderate to be suitable to serve on the U.S. Supreme Court? What terrible acts of moderating has Attorney General Gonzales committed to make himself unsuitable, unfit or unqualified?

According to the article, as a justice on the Texas supreme court 5 years ago, then-Judge Gonzales sided with the State’s majority in upholding the constitutionality of a Texas State law that provided a judicial bypass to allow a State judge, in exceptional circumstances, to allow a minor woman to obtain an abortion without her parents’ notification. According to the article, Judge Gonzales:

... wrote that he felt a duty to follow the law without imposing my moral view, even if the ramifications may be personally troubling to me as a parent.

In other words, he did what a State or Federal Supreme Court Justice is sworn to do, to decide upon the constitutionality of legislation that State legislatures or the Congress passes and that Governors or Presidents sign into law, based upon the written State and U.S. Constitutions, regardless of their personal views. If that is considered too moderate to be suitable for the Supreme Court, then this country is headed for the extreme deep end.

On the other side, to prove that the Attorney General is not too moderate to be suitable for the Supreme Court, his supporters reportedly note that, as President Bush’s White House counsel, he successfully excluded the American Bar Association from the judicial selection process. That proves he is suitable? As I said, this political psychodrama has taken the bizarre twist of Alice in Wonderland, where black is white and up is down; where suitable is unsuitable and unsuitable becomes suitable, except that this is no play, and these people are playing for them all. The stakes couldn’t be higher, and these people are playing for them all. The stakes are the future of the
country and all the people, all of the people who live in this great United States of America.

One conservative activist is quoted in the Post story:

You finally get a Republican President a real Republican majority in the Senate and then you don’t move the country to the right? It would be totally demoralizing to the President’s supporters.

First of all, this notion that the U.S. Supreme Court is some liberal bastion is itself bizarre and wrong. Seven of the nine Justices on the current Court were named by Republican Presidents.

Chief Justice Rehnquist and three Associate Justices were nominated by President Reagan, two by former President George W. Bush, one by President Ford and two by a Democratic President, President Clinton. But that composition of the Court, 7 of 9 nominees by Republican Presidents, that is not enough for the activist zealots. They believe that some of those Republican judicial nominees had become too moderate, once they were safely confirmed and proved their mettle in the Supreme Court.

Too moderate for them is a judge who has independent views. Too moderate is a judge who has sworn to uphold the Constitution and not to impose their views on that process of legislation and enactment into law as prescribed by the U.S. Constitution.

Too moderate for them means refraining from judicial activism, which they profess to oppose but in fact oppose only when they disagree with the Court’s findings.

Government is not a Burger King. You are not supposed to all “have it your way.” People who think getting their own way all the time, especially from the U.S. Supreme Court, is somehow a measure of Presidential greatness are seriously wrong. People who are demoralized if they do not get it all their own way, especially from the U.S. Supreme Court, are dangerously misguided. I implore President Bush to rise above his base, as it is described in the article. If it is not to be Attorney General Gonzales, then someone else who is moderate and who is there to suit and promote the President’s political agenda. I therefore qualify to serve in this highest Court of the land.

It may not serve the perceived interests of some of his misguided supporters, but it will serve the best interests of all of his supporters, who are all of us—all of the American people. He is the President of all of us. He was elected through our process to represent all of us, to be supported when we can, and ultimately, in the office he serves, by all Americans. It is the process for him to nominate and for this body to confirm a U.S. Supreme Court Associate Justice who will also serve, look out for and serve all Americans.

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

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

**Nomination of John Roberts**

Mr. REID. Mr. President, the Senate Judiciary Committee, as we know, has started hearings on the nomination of John Roberts to be the Chief Justice of the United States. I am confident that Chairman SPECTER, Ranking Member LEARY, and the other committee members will do a good job exploring the nominee’s qualifications for the job and thoroughly explore his judicial philosophy.

There is much at stake in these hearings. If confirmed, Judge Roberts will serve as Chief Justice for the next several decades. He will be the head of the third branch of the Federal Government and the most prominent judge in the world.

The Senate’s duty to render advice and consent, with respect to his nomination, is one of the most critical tasks we will face in this Congress. I am very happy that no Democrat has prejudged the Roberts nomination. Not a single Democratic Senator has stated how they will vote on this nomination. Some may be leaning toward supporting him; others may be leaning against him. But every Democrat knows that we need to wait for these hearings, the questions and answers, the statements by Mr. Roberts and the independent witnesses before making a final decision. That is the responsible way to approach a nomination such as this.

I look forward to hearings, hearings that I know will be respectful, dignified, and thorough. I, personally, have encouraged Judge Roberts to answer questions fully and forthrightly. I, for one, am enormously impressed with Judge Roberts career and his obvious legal skills. I met him in my office right across the hall.

I said: How many trials have you had, Judge?

He said: None.

This man is an appellate advocate. He has argued nearly two score cases before the U.S. Supreme Court and many others at various appellate levels. I enjoyed meeting with him. It was soon after he was nominated. I saw him last week at the funeral for Justice Rehnquist. It is the greatest tragedy that I am troubled about, and I am troubled, is some of the memos he wrote during the Reagan administration regarding women’s rights and other civil rights issues.

In more recent years, he appears to have been a thoughtful, mainstream judge on the DC Circuit. I want to give Judge Roberts an opportunity to convince the Senate, the American people and myself that, as a Supreme Court Justice, he could continue to be a fair, evenhanded judge and not revert to his ideological roots that we saw during the Reagan years. If he can meet that test, I can support him. If he doesn’t, if he is not persuasive on that point, I cannot support him. The burden is on John Roberts.

The Supreme Court hearings are likely to dominate the news today, but let’s all remember, these hearings are about whether one man is qualified to fill one job. While we carefully weigh the important role we all my colleagues that, as we speak, there are hundreds of thousands of Americans without jobs, without homes, and they are losing hope as a result of our inaction. These are the people in the Gulf Coast region. We must get our priorities in line. It has been nearly 2 weeks since flood waters poured into Louisiana, Mississippi, and Alabama, and the terrible windstorms hit them. That is 2 weeks. Thousands of families have gone without shelter, schools for their kids, health care for their injuries and the resources they need to pick up and move on with their lives.

In the Senate, we passed two supplemental appropriations bills. That is good. It is a start, but it is not nearly enough. Along with Senator LANDRIEU, my colleagues and I introduced the Katrina Emergency Relief Act last week. The act would make changes in law that we need to give survivors health care, housing, education, and personal financial relief. We are trying to add these provisions to the Commerce, Justice, and Science appropriations bill. We had hoped the Senate would act on these items promptly, but it appears the majority will use procedural devices to prevent them from passing or even allow votes on them. That is unfortunate. Thousands of survivors still are living on cots in the Astrodome and other places, make-shift shelters all across the country. These victims do not care about Senate procedures. They know that they need help now, not more delays.

I believe America can do better, and we Democrats will continue to press for action on these items in the days ahead. The Government turned its backs on Katrina’s victims once. We can let it happen again.

In addition to votes on the four amendments to the Commerce appropriations bill that we want, we should help victims and help our troops by bringing to this floor the Defense authorization bill. Unlike the Commerce bill, the Defense bill is an amendable vehicle. Through this bill, the Senate would be able to get legislation here now and act on it. The Katrina relief emergency matter could be brought before the Senate and we could vote on it to help Katrina victims now.

But just as importantly, we need to act on the Defense authorization bill so we can get to our troops serving in Iraq and Afghanistan and their families the resources and support they deserve. The Defense bill delivers a better quality of life, state-of-the-art equipment, not just to our troops but for their families. This bill provides critical health care benefits for guardsmen and veterans. It also increases the
end strength of the reservists, Army and Marine Corps, so we can begin to take steps to relieve the stress of these overstretched Active military personnel. This bill should be at the top of our Senate agenda, but I am sorry to say it is not. It is hard to comprehend that since May this bill has been literally languishing. It was reported out of the Armed Services Committee in May. We worked for a couple of days on it here on the Senate, was not committed to complete action on this important measure. We were working on this bill for a short time in July before the leader decided to set it aside in favor of the gun liability legislation. The gun liability legislation is the law. It has been signed by the President. The Defense authorization bill should be the law so our troops who are on the ground in Iraq and Afghanistan can get the help they need and give the families of the approximately 2,000 men and women who have been killed in Iraq the knowledge that we are doing something to help the people on the ground and to help the hundreds of thousands of veterans who have been spawned as a result of this war. This doesn’t take into consideration the tens of thousands who have been injured and wounded in this war. Those fighting in Iraq deserve it. Those fighting in Afghanistan deserve it. Our veterans deserve it.

Americans can do better than this. The Defense bill should be taken off the back burner and placed on the front burner right now.

Our troops—I repeat—and the victims of Katrina are literally crying for our help. In the days ahead, we will owe the victims of Katrina and all the American people something in addition to relief. We will owe them answers. Senator CLINTON has proposed that we need another independent commission, and we need it now.

I close by reminding everyone that times have changed. Times are different today than they were 2 weeks ago. We now have different priorities after Katrina. The decisions in the weeks ahead should reflect these new priorities. It is not business as usual for the families along the Gulf, and it should not be business as usual for us here.

Nowhere is this more clear than in the budget that is before this body. I spoke about that budget the night it came before us. I read a letter written to me by the mainline Protestant churches in America. They said please tell everyone this budget which you are about to pass is immoral. This is certainly worse than it was then.

I point out to everyone the results of the recent Census Bureau report which show that poverty rose for the fourth year in a row. Incomes dropped again, and more Americans are going without health care than the year before—almost a million more than the past year without health care.

Combine these facts and figures with the images of Katrina—images of the poorest and neediest among us bearing the brunt of a national tragedy—and ask yourself this question: Should we proceed with this budget that was immoral the night it was passed and even more so now, that cuts taxes for the rich and cuts Medicaid by $10 billion, cuts food stamps, student loans, and other programs for the neediest among us? The answer, of course, is no. We must revisit these priorities in the budget resolution.

America can do better. We can’t change the past, but we can change the future. We can put the Senate’s priorities in line with the American people, and there is no excuse not to do that. I yield the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNETT). The chair will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Are we in morning business?

The PRESIDING OFFICER. The Senate is in morning business. The previous order provided morning business between 2 and 3 equally between the majority and minority. The minority has consumed 30 minutes in morning business. So the Senator, if he wishes to speak, would have to ask unanimous consent to be allowed to speak on the majority’s time.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 10 minutes in morning business.

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

NUCLEAR STRIKE PLAN

Mr. DORGAN. Mr. President, I read an item on the front page of the Washington Post yesterday which was both surprising to me and also extraordinarily disappointing: “Pentagon Revises Nuclear Strike Plan.” The strategy includes preemptive use of nuclear weapons. Let me read this and describe why I am so dismayed.

The Pentagon has drafted a revised doctrine for the use of nuclear weapons that envisions commanders requesting presidential approval to use these weapons against a nation or a terrorist group using weapons of mass destruction. The draft also includes the option of releasing nuclear arms to destroy known enemy stockpiles of nuclear, biological or chemical weapons.

The draft Pentagon document is titled “Doctrine for Joint Nuclear Operations.” It is written under the direction of Air Force General W. P. Wynn, Chairman of the Joint Chiefs of Staff. According to the article in the Post, the document is currently available on the Pentagon Web site. It describes new circumstances might call for preemptive use of nuclear weapons by this country.

We saw what has happened with respect to a natural disaster in the Gulf Coast of this country. We saw the devastation that perhaps be a fraction of the devastation if we have a nuclear device go off in one of America’s cities, a terrorist acquir- ing a nuclear weapon and detonating it in one of America’s cities. This country has the responsibility to do the right thing for the world that nuclear weapons must never again be used. Yet this country is now developing policies and putting them on the Web that say here is a new approach in which we might use a pre-emptive strike of a nuclear weapon.

If we get the Defense authorization bill back in the Senate soon, we will have a debate about the development of a new kind of nuclear weapon, a bunker buster, a new kind of nuclear weapon, an antiterror weapon to protect our country.

The role for this country is to pro- vide world leadership to stop the spread of nuclear weapons, not to be talking to the world about conditions under which we might use nuclear weapons preemptively. This is starkly wrong and I am sorry to say it is not taking place.

The fact is we have American soldiers fighting in the country of Iraq. This Senate authorizes the President to initiate hostile actions against Iraq based on a substantial body of intel- ligence given to us by our intelligence.
organization, most of which turns out to have been absolutely wrong. Dead wrong. Yet we are talking about preemptive strikes with nuclear weapons. I don’t understand it.

If I might, by consent, I will show something from my desk. Mr. President, I wanted to show this. It is a portion of a wing strut from a Soviet Backfire bomber.

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

Mr. LANDRIEU. Why do I have this in my desk? We did not shoot this bomber down. We sawed the wing off this bomber, paid for with American taxpayers’ money. Does anyone know why? Because of arms control agreements by which we reduced the number of nuclear weapons and the number of nuclear delivery systems—and that includes missiles, bombers and submarines. So I have in the Senate a piece of a wing from a Soviet bomber that used to carry nuclear weapons that would threaten this country.

How did that happen? Because Senators Nunn and LUGAR and others, along with President Clinton, working on arms control agreements, had the foresight to put together a program by which we reduce the number of nuclear weapons and the number of nuclear weapon systems—and that includes missiles, bombers and submarines. So I have part of a wing strut from a Backfire bomber.

I also have ground-up copper wire from a Soviet submarine that used to carry nuclear tipped missiles aimed at this country.

That is our job. Our job is to reduce the nuclear threat. Not use the threat of nuclear weapons against other countries or talk about conditions under which we would use the nuclear weapons in a preemptive strike. This is nuts.

We will start debating this one again, in the Senate. We have these folks, and we have plenty of them here, who want to build new nuclear weapons. They want to start testing the one we have. We do not need to test these weapons. We know they work. And they want to build new nuclear weapons. Earth-penetrator bunker busters. It is exactly the wrong thing for this country to do.

HURRICANE KATRINA

Mr. DORGAN. Mr. President, over the past few days, as we have talked about the heartbreak of the devastation wrought by Hurricane Katrina, I have noticed that certain firms have been hired to do recovery and to provide assistance. One of the firms is the Halliburton Corporation. I have held hearings in the policy committee about this company, because there have been numerous serious allegations of fraud, waste, and abuse involving it, and yet none of the Senate’s authorizing committees will investigate it.

Every time you talk about Halliburton someone says, you are criticizing the Vice President because he used to be president of Halliburton.

Well, this has nothing to do with the Vice President. It has to do with the American taxpayers getting bilked by a company that is overbilling. I will not go through the whole list of scandals that Mr. Halliburton has been involved in, but because the authorizing committees will not. But this is a company that was paid to feed 42,000 soldiers in Iraq; yet they were only feeding 14,000. That means they are overbilling by 28,000 meals a day. And that is just the tip of the iceberg. It is unbelievable the amount of waste, fraud, and abuse that is going on.

And now, when it comes to dealing with Katrina, no-bid contracts, once again, win Katrina work. And we hear that Halliburton is now getting millions of dollars to do hurricane related work. I wonder who is minding the store? And when will someone start to care?

Incidentally, a woman by the name of Bunnatine Greenhouse was demoted last week in the Pentagon. She was the highest ranking civilian ever in the Corps of Engineers. She rose to that position, getting outstanding reviews for the way she did it. And then she spoke up. In the good old boy network, when they wanted to award no-bid contracts to Halliburton, she spoke up. All of a sudden she gets demoted. She spoke up because she said what was going on was scandalous. The American taxpayer takes a bath as a result of all of this.

Let me tell you what she said at Congress. Bunnatine Greenhouse, the highest ranking civilian employee in the Corps of Engineers, who refused to sign the no-bid contracts that went under a buddy system to Halliburton in Iraq, says:

I can unequivocally state that the abuse related to the contracts awarded to KBR, Halliburton’s largest contractor, and improper contract abuse I have witnessed during the course of my professional career.

For blowing the whistle, she gets demoted. This is a woman who has had outstanding reviews by everyone along the way.

We have heard from people who worked for Halliburton who testified that the managers of this company said, When U.S. Government auditors come, I do not dare speak to them. If you do, one of two things will happen. You will be fired or we will send you to the hot spots where there is active fighting in Iraq.

These are people who testified that they are providing food, service to American soldiers and routinely serve food, the date stamp of which is expired, and they are told by Halliburton managers, feed it to them anyway.

I hope some day, some way, the people in Congress who have the capability of issuing subpoenas and hold oversight hearings will finally start doing their job. We ought not go back to the same well for the reconstruction with respect to the devastation wrought by Hurricane Katrina. The victims of that hurricane need help. They need good help. The American taxpayer shouldn’t be taking a bath while that help is given.

I yield the floor.

Ms. LANDRIEU. Will the Senator yield?

The PRESIDING OFFICER. The time of the Senator is expired.

Ms. LANDRIEU. I ask unanimous consent for 2 minutes for the Senator.

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

Ms. LANDRIEU. If the Senator will yield, I caught the tail end of the Senator’s comments about Halliburton. Of course, we have people who work in Louisiana for Halliburton, but I most certainly understand the Senator’s concern if there are these accusations against Halliburton in Iraq. We want to be very careful with our reconstruction work. Right here companies ask to do work are doing good work, being accountable to the taxpayers.

As the Senator knows, while it may be hard to track some of this across the ocean, it will be easier when it is in the United States. I don’t know if the Senator would have any suggestions. Are there other companies that can do some work along the lines of reconstruction other than this one company? Does the Senator know?

Mr. DORGAN. In response to the Senator from Louisiana, I understand in circumstances such as this, we will not go out and get bids and ask for 30 days. We want people in the field working quickly. But the fact is we have a lot of great companies out there in this country with a great ability to mobilize and move quickly. My only point is, I want the victims of this hurricane to receive help now, immediately. I want the American taxpayer to find that help was delivered effectively and efficiently. I don’t want it running through people’s pockets where it shouldn’t go.

Ms. LANDRIEU. I hope, Mr. President, as we lay out the rebuilding efforts for the Gulf Coast region and the aftermath of Hurricane Katrina, we can do better than what the Senator has spoken about.

On that subject, just for the record, I think maybe the Senator from Louisiana, Mr. VITTER, and I would like to submit for the Record a list of Louisiana-Mississippi-based contractors that can do great work in the rebuilding of the Gulf Coast region. We understand that Halliburton is a Texas company. We are happy for our Texas counterparts. As I said, many people in Louisiana work for Halliburton. I think we have several thousand people who do. But I want this Senate to look at contractors on both sides of the aisle—we have a lot of Louisiana and Mississippi contractors who can build houses, et cetera.
EXTENSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has expired as of 3 o'clock. The Senator from Louisiana would need to get unanimous consent if she wishes to speak in morning business.

Ms. LANDRIEU. Mr. President, I see the Senator from Mississippi is in the Chamber. I do not want to interrupt any scheduled business. I was scheduled to speak in morning business. I can take 5 minutes later, after the Senator from Mississippi is finished, if he would like to proceed. I do not mind waiting.

Mr. COCHRAN. Mr. President, if the Senator will yield.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, it is my understanding the Senate was to return to the consideration of H.R. 2862, the Commerce-Justice-Science appropriations bill at 3 o'clock.

The PRESIDING OFFICER. That is the previous order. It would require unanimous consent to allow morning business to continue beyond 3 o'clock.

Mr. COCHRAN. Mr. President, I do not want to object to the Senator proceeding to discuss whatever she wants to discuss. I am happy for her to take whatever time she needs to talk about this issue that is of great concern to me, as well as to her.

Ms. LANDRIEU. Mr. President, I thank the Senator from Mississippi. I ask unanimous consent for 5 minutes, and then we could proceed to the bill.

Mr. COCHRAN. Mr. President, I have no objection to the Senator having 5 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 5 minutes in morning business.

Ms. LANDRIEU. I thank the Presiding Officer.

HURRICANE KATRINA

Ms. LANDRIEU. Mr. President, today is day 15 of Hurricane Katrina, which has devastated the southeastern part of Louisiana and parts of Mississippi and some parts of Alabama and other States. I have come to the floor, just for a few minutes, to give a few brief remarks—some on a positive note as to some of the things that are taking place, and some on which are descriptive detail as Senators, both Republicans and Democrats, begin to build ideas for the rebuilding of this great region.

First, let me say how pleased I am that a group of Senators will be coming down to the region on Friday. Details of that trip will be announced, but Senators from Mississippi and Louisiana have suggested that some of our colleagues come down and see firsthand the devastation wanting to use assets that were being required for search and rescue, now that phase is almost completed, and it is appropriate for Senators to come down. I understand Senator REID and Senator FEIST are organizing that trip with some of the Senators here. Senator VITTER and I and others look forward to getting them down on the ground to show them the breadth of the operation.

One point on that: This is a picture of New Orleans that was done by the New York Times. I thought it was extremely helpful, and I would like to take a moment of my short time on the floor to show this picture in a larger view.

We understand the city of New Orleans has been particularly hard hit, not only by the hurricane but the subsequent breaches of the levees that put most of the city under 10 feet of water for 5 days, 6 days. Even going into actually today, the 15th day of this disaster, there is still water in the city, which is being pumped out now that the levees have been fixed. But the water is still not completely gone.

In addition, here you can see Jefferson Parish. I am going to try to provide an update of that tomorrow. Over here is St. Bernard Parish. Again, I am going to try to provide an update. On this side of the lake is St. Tammany Parish. I will try to get to that in another day or so.

But as Senators come down to view this whole region—not just New Orleans but an area of 90,000 square miles, the size of Great Britain, stretching from the Gulf Coast halfway through Louisiana—one thing to note about New Orleans that is still not quite understood is this river ridge was the high part of the original city. As you know, before we had concrete highways, the highways we built this Nation on were our rivers. So this city, being one of the oldest in the Nation, was built on this river.

Amazingly and thankfully, the areas close to the river are not underwater, which is this whole ridge. The French Quarter has stayed pretty much high and dry, even the Lower Garden District. Some of the poorer areas along Tchoupitoulas Street are, thank God, out of the water all along the river. The west bank has been spared where we want to build our Federal city complex. We know now it is a good place because it is a highland area and a good place to build.

But this entire city—eastern New Orleans, which is a middle-income neighborhood of White and Black citizens, as well as some poor, very poor; and the Lower Ninth Ward—this is where the Lower Ninth Ward is—Gentilly, which is a middle-income neighborhood of Black and White citizens; the Bywater neighborhood; Mid-City; Lakeshore, which is predominantly White but very integrated in some parts and very high income—is completely underwater. Then, of course, there is the midpart of the city, which is low.

So as the water recedes, they will literally see what looks like Noah's Ark, looks like something of Biblical proportions. Maybe the water will have gone down by Friday. They are pumping it out quite fast. But just to get some sense, the entire city—poor areas and wealthy areas—is underwater, as well as the east bank of Jefferson. St. Bernard was still completely underwater the last time I flew over as well. So our work is complicated by having banks and schools not functioning. Shown in this picture, in each one of these blocks—I know I only have 1 minute left—these are schools, these green dots. All of these schools have 10 feet of water in every single green dot, except for the ones along the ridge. These are our courts. Most of our courts are not able to function, city or Federal courts.

Our police stations are underwater, which is why some of our police were not able to function as well as they would under normal circumstances. But I am pleased to report, after hearing from Chief Cassidy today, not one commander of the New Orleans police force left his post, even though 80 percent of them have lost their homes. Some of them have lost their families. As the President said himself, first responders have been victims themselves.

So I thought I would present that today, to say thank you to the Senators for organizing the trip. I know the Finance Committee is going to announce in just a few minutes some tax relief opportunities that Senator GRASSLEY and Senator BAUCUS have worked out. I have worked with them. Senator VITTER and others have worked to put that together. We are very pleased more help is on the way.

Mr. President, I appreciate Senator COCHRAN giving me the opportunity to speak for a few minutes about those points. I will try to get to the floor sometime tomorrow for the same reason.

Thank you, Mr. President.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. THUNE). Morning business is closed.

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

The PRESIDING OFFICER. Under the previous order, the hour of 3 p.m. having arrived, the Senate will resume consideration of H.R. 2862, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2862) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

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

Dayton amendment No. 1654, to increase funding for Justice Assistance Grants.
range of interests and concerns, and it is very important for us to complete this bill as soon as we can so these agencies and departments can make their plans for activities that will be funded in this bill at the beginning of the next fiscal year. That next fiscal year starts Oct. 1.

In September of every year, a lot of pressure is put on the appropriations process. In order for us to discharge our responsibility with the administration, sharing with the administration our emphasis that ought to be placed on programs and activities, we have an obligation to do our work and to do it in a timely fashion. That is why I come to the floor today with a sense of some urgency. I hope to communicate that to all of our colleagues in the Senate.

This is a day when any votes that are going to occur will occur late in the day. I understand we have a vote in the Senate at 6:30 this evening. So I hope Senators will undertake to come and present us with any suggestions they may have about changes in this bill or any substantive policy reflected in the appropriations process in this bill so we can debate them and discuss them and make changes, if that is the will of the Senate, and then have an opportunity to negotiate those changes on behalf of the Senate with our colleagues from the other body.

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

The PRESIDING OFFICER. The Senate is now at the call of the Majority Leader. Without objection, it is so ordered.

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

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

Mr. DEWINE. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

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

Mr. DEWINE. Mr. President, I call up amendment No. 1671 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senate from Ohio [Mr. DEWINE], for himself, Mr. VOINOVICH, Mr. ALLEN, Mr. WARNER, and Mrs. MURRAY proposes an amendment numbered 1671.

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

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

The amendment is as follows: (Purpose: To make available, from amounts otherwise available for the National Aeronautics and Space Administration, $906,200,000 for aeronautics research and development programs of the National Aeronautics and Space Administration)

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

$906,200,000 shall be available for aeronautics research and development programs of the National Aeronautics and Space Administration.
The PRESIDING OFFICER (Mr. BURT). Without objection, it is so ordered.
Mr. DEWINE. I suggest the absence of a quorum.
THE PRESIDING OFFICER. The clerk will call the roll.
The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. CLINTON. I ask unanimous consent the pending amendments be set aside.

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

AMENDMENT NO. 1660

(Purpose: To establish a congressional commission to examine the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States especially in the States of Louisiana, Mississippi, Alabama, and other areas hardest hit in the aftermath and to make immediate corrective measures to improve such responses in the future)

Mrs. CLINTON. Mr. President, I call up Senate amendment No. 1660, an amendment consisting of an independent Katrina commission.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:
The Senator from New York (Mrs. CLINTON), for herself, Ms. STABENOW, Mr. TENBERG, Mr. JEFFORDS, Mr. SCHUMER, and Ms. MIKULSKI, proposes an amendment numbered 1660.

Mrs. CLINTON. I ask unanimous consent the reading of the amendment be dispensed with.

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

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

Mrs. CLINTON. Mr. President, I hope we will be able to save the very important matter. I believe it is essential for the people who have been directly affected along the Gulf Coast, and really for all Americans, that we have an independent commission consisting of people who have no direct involvement in either the administration or congressional activities, similar to what we had with the 9/11 Commission that I believe discharged its responsibility to the American people with such a high degree of civic-mindedness and public citizenship.

When I was in Houston last Monday a week ago, I met with a number of the people who had been evacuated out of New Orleans and the surrounding parishes. They kept asking me questions I certainly could not answer: What happened to the buses that were supposed to pick them up and take them out? Why wasn’t there adequate security at the Superdome or the convention center? How come helicopters were flying overhead and never coming to pick them up?

This morning I heard on the radio an interview with a gentleman who is the president of one of the parishes surrounding New Orleans. I believe his name is “Junior” Rodriguez. Mr. Rodriguez said he couldn’t get any help at all. He kept trying to get help and he kept waiting for help and nothing happened.

This, as we know now, was a catastrophe of almost Biblical proportions for the people who suffered: people who lost their homes; people who were driven from their homes; the people who, most tragically, lost their lives. Many are still searching for members of their family whom they have not been able to find since they got on a bus or left a home and waded through water.

I hope we will address this. I believe it is a matter that needs to be taken out of politics as usual. I personally don’t want members of the administration whose primary obligation is to the people who have been directly affected, who need to be directing and managing the relief efforts beginning the rebuilding process, being diverted from doing so. I respectfully suggest the President’s idea of investigating himself is not an adequate recommendation.

Similarly, I don’t believe Congress should be diverted. We have committees already established and their job is to assess and make recommendations with respect to all of the matters pertaining to homeland security, not only the potential of terrorist attacks but natural disasters. Therefore, I do believe in an investigation modeled on the 9/11 Commission where the President—as in my legislation—apPOINTS the Chair. He can appoint whomever he wishes. He certainly made an excellent choice when he appointed former Governor of New Jersey Tom Kean. Then the Democratic and Republican leaders appoint the other members, to have a 10-member Commission with the President and his appointee serving as Chair. He can appoint it where his party obviously having an advantage, as is appropriate under the circumstances, but appointing people for whom there is universal respect and people who can set aside everything, people who are willing to delve into this and ask the hard questions about what happened at all levels of government, so we can get answers.

I think the people who have been evacuated, the people who have lost loved ones, the people who suffered deserve answers. But it is not just an exercise in looking backward. I think it is essential that we look forward. What the 9/11 Commission did was help focus our attention on what we should be doing, how we should be preparing to be ready, prepared in the face of the ongoing threats from the terrorists.

Today we heard about an al-Qaida operative—we think it is some disaffected American who has gone off and joined al-Qaida—who issued the threat that specifically named Los Angeles. We need to be sure we are totally prepared.

We have learned some things, but you can’t learn enough unless you are honest enough and out of denial in order to
and let the chips fall where they may. Let’s find answers. I hope we will have an opportunity to vote on this amendment. I invite my friends and colleagues from the other side of the aisle to join with us to support independent Katrina recovery and to let us get about the business, on a very short timetable, of getting answers we can all then implement.

I marked the fourth commemoration of what happened to New York on 9/11. I spent yesterday, as I have in past years, with the victims, with the survivors, with family members, with members of the police and fire departments and emergency workers. I could not be more proud to represent such extraordinary, heroic people. But, in speaking especially to our first responder community, they were shaken by this. We needed Federal help. We did a heck of a job. We had the greatest police force and fire department—I would say in the world, with not just pride but with a factual basis. We did a great job, but we needed help and we got help. But now, 4 years later, we are wondering whether that help would be there if we were to happen to us. No city, no State should wonder that.

I think it is a boost of confidence for people to know we are moving as best we can to understand it, but we are unafraid to face whatever the facts might be. That is why we need an independent commission constituted as soon as possible, given the resources to do its work, and asked to report in as short a timeframe as possible.

I appreciate the opportunity to call up this amendment and I hope there will be an opportunity to address it and that we will have a strong vote on both sides of the aisle to proceed with this independent commission as soon as possible.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. MIKULSKI. Mr. President, the pending business is the Commerce, Justice, Appropriations. As the Presiding Officer knows, I am the ranking member. So our colleagues know, there are about 20 outstanding amendments. We are busy clearing those— Senator SHELDY is on his way to the Senate—that Senator SHELDY and I could agree to, so when we do rollcall votes, we hope to have those reduced to a minimum, or at least a reasonable number. We will also be awaiting direction from the leadership, Senator Frist and Senator Reid, as to how we will vote on rollcall votes. We believe we have some that will be ready tomorrow to move this very important bill expeditiously.

For those who might not know, this new subcommittee handles all the Commerce funding, it handles the funding for agencies such as NOAA, which was so great in telling Americans about the hurricane. It also has a variety of provisions that would be very helpful, including small business disaster loans that are available not only to business but particularly small business, as well as residential homeowners, up to $200,000, EDA money, to help local communities rebuild, particularly in the Gulf.

While we are mesmerized by the tragedy in New Orleans, we cannot forget Mississippi and Alabama and their needs for roads and other infrastructure projects, including water supply.

The chairman of the subcommittee, Senator SHELDY, of course, of Alabama, and I want to move the bill. We understand our leadership, Senator Frist, is not going to have rollcall votes during the important Roberts hearings, so we will work with him to know what we do. One of the ways we will work with him is in how to reduce the number of amendments. We are now waiting for our distinguished Senator from Oklahoma, Senator Coburn, to join us. We know he has something to say on the bill.

This is a new subcommittee that has been constituted. I used to be the ranking member of a subcommittee that has been dissolved, VA/HUD and Independent Agencies, “independent agencies,” was the important agency of FEMA. Now I understand the leadership of FEMA, Mr. Brown, has resigned. We look to the President to give us a topnotch person. We know the vice admiral of the Coast Guard is now in the Gulf. We look at leadership, such as the wonderful person running Red Cross, RADM Marty Evans, whom I knew when she was at the Naval Academy, one of the first women in this country to serve, and I am so proud of her as the admiral. Then she went on to a distinguished career running nonprofits and is now with the Red Cross, very much in the spirit and competency of our colleague from North Carolina, Senator Elizabeth Dole. We look forward to that leadership.

We need to focus now on two things: Recovery and reform. In moving our bill, we want to work on a bipartisan basis on recovery. There are three Rs to emergency management: Readiness and preparedness; and the response, which needs to be swift and effective; third is recovery.

Recovery is tough. In my home State of Maryland, we have had tornadoes, we have been hit by Hurricane Isabel, when it Agreed to Baghdad on the Chesapeake Bay. In no way is this akin to what has happened to our friends in the Gulf. But, still, when it is your house and your neighborhood, whether it is 3 blocks or 3,000 acres, we want to work on recovery and do it on a bipartisan basis.

It will take a lot, No. 1, of rebuilding infrastructure so business and people can come back. Things such as water supplies have been damaged or contaminated. Roads and bridges need repair in order for commerce to pass through.

What comes back? Business; such as the dry cleaner, the pharmacist, as well as the supermarkets, et cetera, that are lifeblood. We also will have to rebuild schools for our children, as well as coming back with their teacher and dad into the safety of a new home.

We also worry that while we are rebuilding the Gulf, and rebuild the Gulf we must, we do not want to create shortages in other parts of other countries. So if something were to supply, along with other building materials, even the talent, the electricians, plumbers, contractors. That is why we need a national effort.

We hope those who are leading Homeland Security will now look at the recovery phase while we go through the grim task of recovering bodies. We have to recover ourselves. What we do not need to recover, though, because we have never lost it, is the spirit of working together and the spirit that we will be able to do this.

It is September 12. I remember where we were 4 years ago on September 11. Yesterday morning, when I got up to go to church, I had this eerie feeling that something was wrong. That way it was on September 11. When I went to church, I wore the jacket that I had on that day. I saved that jacket so I would never ever forget what I wore and what I experienced that day.

For all of the fear and all of the grief, I remember on the Capitol steps we sang “God Bless America.” I stood shoulder to shoulder with Senator LOTT that day, then as the Republican leader, and stand with him today in terms of recovery of his own community. We have to get back to that spirit where we thought we could work together in this institution, in the House, and with the people.

On September 12, we want to honor, again, pay our respects to those who were killed on September 11, to our wonderful first responders who risked life and limb to save people. Now we are at it once again. For our first responders and our respondents in the Gulf, going through that mercury-contaminated water, each have their own risk.

They are counting on us to be able to work together, bring in the national
resources and marshal the private sector resources, as well as the nonprofit resources, so that by the time we get to Thanksgiving we will have been well on our way. So we look to be able to do that. We in Commerce, Justice, and Science look forward to doing our part, carrying our weight, as I've been lifting too heavy to help people in our own country that have been so devastated.

For everyone working on this out there in the field, the tremendous number of the generosity of spirit of the people and, I might add, the private sector that is marshaling, we say thank you. We have a big job to do. One of the big jobs we have to do is here, working on a bipartisan basis, to be collegial, to be civil, and to get the job done.

Let’s ask of ourselves exactly what we ask the people working down in the Gulf. Let’s not have a slow, sluggish response from the Congress. Let’s be effective on our resources. I have a long-range idea I would like to share on the idea of reform. When I was the chairman of VA/HUD, before the 1994 Republican Gingrich revolution, I found that FEMA was a dated agency. In the Cold War. It was worrying about where to send the Coast Guard if we had a nuclear attack. It was riddled with staff at Federal and State levels, with cronies and hacks and people with no experience in emergency management.

When Hurricane Andrew hit Florida with such enormous devastation, we found Andrew people were doubly victimized. They were victimized by the hurricane, and then they were victimized by the inept approach of FEMA. I went to work on reform. I worked with President Bush’s dad—I call him President Bush 1—and Andy Card, who is now the President’s Chief of Staff, to reform FEMA. We did. Let me tell you we totally reformed FEMA. When President Clinton came in, he took that early work that we had begun with President Bush 1.

What did we do? First, we said goodbye to the Cold War. The Cold War was over, except for the Federal bureaucracy. We said goodbye to the Cold War. We said that FEMA now had to be a professional agency; that it needed to be headed by someone who had either emergency management experience, and actually responded to emergencies, or comparable experience in the military or in private sector with crisis management. President Clinton gave us James Lee Witt.

Second, we encouraged Governors to do the same thing at the State level. The more they did, the more we could help. Third, we said that FEMA had to become an all-hazards agency, it had to be ready for a hurricane or tornado. But in becoming “all hazards,” it had to go to a risk-based strategy. We analyzed what Americans were most likely to have, particularly in terms of natural disasters. It was tornados and hurricanes, followed of course by earthquakes, though less frequent, severe, and devastating. We then encouraged the States to have real plans for evacuation; that they had to be ready, they had to have things pre-positioned where things were most likely to happen. For hurricanes, and “northeasters,” you did not pre-position in Maryland from Alleghany County, where we are subjected more to floods.

So, readiness and then recovery. Readiness, response, and recovery. It worked very well.

After September 11, and our desire to be effective and supportive in fighting the global war against terrorism, FEMA was moved to Homeland Security. I supported that. I felt again that was the home of the first responders. That was the home where the local fire departments could apply for protective gear that firefighters needed.

I now have second thoughts because when FEMA moved to Homeland Security, it lost its focus, it lost its way, and it definitely lost its leadership. I believe the President will focus now on giving us the right leadership.

We have to focus, and this is why I would like to see the Federal Emergency Management Agency again become an independent agency that is an all-hazards agency, goes to the risks facing the American people. There are natural disasters and there are terrorists. We have to have those who have a predatory intent against the United States of America and its communities. So we have to be ready to respond if they get through the fabulous intelligence network network that we have to protect us. We want to be ready for that.

Quite frankly, there are those who say: Well, Senator Mikulski, are you saying we are going to worry more about tornadoes than terrorists? Absolutely. But if you look at our cities and our larger communities, which are often the greatest targets of these international predators, these international thugs, these international terrorists, we have to be ready.

Just think, New Orleans could have been hit by a dirty bomb. New Orleans could have been hit by a chemical or biological attack. New Orleans could have been hit by bin Laden or Zarqawi whoever the levees. So the consequences to the city—whether it is New Orleans or Baltimore or a city in California or any city—would be the same. We would have to be ready to respond, and to respond swiftly. Then, of course, we would have the recovery.

So if we have to evacuate the Capital region, it is the same whether we are hit by some natural disaster or predatory attack. If we have to evacuate San Francisco or LA in California, it is the same. So the reform comes after the recovery. Right now, we have to be swift and sure in responding to the people who need us the most.

Mr. President, I note the Senator from Oklahoma has come to the floor. I ask the Senator if he is prepared to speak?

Mr. President, I will yield the floor. Again, I reiterate my pledge for bipartisan support on this recovery efforts. And I look forward to working on a reform package with equal bipartisan support.

I yield the floor.

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

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 1648

Mr. COBURN. Mr. President, I call up amendment No. 1648 on the CJS appropriations bill.

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

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment No. 1648.

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

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

The amendment is as follows:

(Purpose: To eliminate the funding for the Advanced Technology Program and increase the funding available for the National Oceanic and Atmospheric Administration, community oriented policing services, and State and local law enforcement assistance)

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

SNC. 304.(a) Notwithstanding the provisions in title III under the heading “NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY” and under the subheading “INDUSTRIAL TECHNOLOGY SERVICES”, none of the funds appropriated in this Act may be made available for the Advanced Technology Program of the National Institute of Standards and Technology.

(b) Notwithstanding any other provision of this Act, the amount made available in title III under the heading “NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION” and under the subheading “OPERATIONS, RESEARCH, AND FACILITIES” for the National Weather Service is increased by $1,900,000 and, of the total amount made available for such purpose under such subheading, $3,950,000 shall be made available for the Coastal and Inland Hurricane Monitoring and Prediction Program and $3,950,000 shall be made available for the Hurricane and Tornado Broadcast Campaign.

(c) Notwithstanding any other provision of this Act, the amount made appropriated in title I under the heading “OFFICE OF JUSTICE PROGRAMS” and under the subheading “COMMUNITY ORIENTED POLICING SERVICES” is increased by $72,000,000 and, of the total amount made available under such subheading, not less than $32,100,000 shall be made available for the Methamphetamine Hot Spots program.

(d) Notwithstanding any other provisions of this Act, the amount made appropriated
Mr. COBURN. Mr. President, this is an amendment to start us down the way of reprioritizing our spending in this country.

With the events of the last 2 weeks, the tremendous deficit we face already, and the significant problems we have in this country, especially in terms of drug busts, in terms of drug programs is the Byrne Justice Assistance Grants program.

There is no question that the ATP has done some good in its history. It has $140 million in budget authority and has, this year, $22.4 million in outlays. But there has come a time when we need to make decisions. One of the things that are consistent in terms of my time in the Senate is insisting that we start reprioritizing the things that work and the things that do not work.

The Advanced Technology Program was scrutinized at a hearing of the Federal Financial Management Subcommittee of the Homeland Security and Governmental Affairs Committee this year and had good testimony. I will not demean some of the positive things that have come from this program. There is no question certain positive things have come from it.

However, GAO and the Comptroller General noted that 63 percent of the requests for grants through ATP never sought funds anywhere else. ATP is supposed to be the source of last resort on technology.

I have put up a chart to show the American people who has actually been getting the money. It has not been consistent on behalf of small businessmen. It has not been new ideas, innovation coming from small entrepreneurs. What it has been for is the major corporations in this country that have billions and billions and billions of dollars worth of sales every year, and billions in profits. Yet we are now asking the American taxpayer to take 30 to 40 percent of this ATP money and fund the likes of General Electric, IBM, Motorola, and 3M, just to name four.

This chart is, good ideas will usually get funded. There is venture capital all across this country looking for good ideas, private capital that will fund great ideas. In this time of fiscal constraint, it is time we reprioritize what we do with this money.

This amendment is intended to take the savings from ATP and put it in three different programs. One of the programs is the Byrne Justice Assistance Grants Program, which is marked by a tremendous resurgence in the economic activities of the 1990s. Very few of the things that came out of that ATP program accounted for the tremendous resurgence in the economic activities of the 1990s. Very few of the things that came out of the ATP program, although there are some. One in Oklahoma in particular, Pure Protein, a company in my home State, had an ATP program. But they also have venture capital funding that would have funded that research anyway.

Many of the program’s most vocal supporters believe without Federal funding provided by ATP, countless research projects would receive no money at all, and that ATP has indeed prevented the failure of the market to fund research and development. There is no evidence, however, that would support those claims.

Time after time, ATP has been shown to fund initiatives that have already been undertaken by the private sector. Year after year, multibillion-dollar corporations, as noted here, receive millions of dollars from ATP.

Regarding the claim that ATP primarily funds research that does not already exist in the private sector, the U.S. Government Accountability Office found in a 2000 report ATP-funded research on handwriting recognition that the program had $140 million in budget authority. GAO found that inherent factors within in ATP made it unlikely that ATP—and this is a quote—‘—can avoid funding research already being pursued by the private sector in the same time period.’

A 2002 report from the Federal Reserve Bank of Atlanta found that ATP launched major efforts to fund Internet tools companies during periods when venture funding was markedly increasing its flow to these sectors. Furthermore, according to a program assessment and rating tool used by the Office of Management and Budget, ATP does not address a specific need and is not designed to make a unique contribution.

The Byrne Justice Assistance Grants, through the Edward Byrne Memorial Justice Assistance Grants, the Bureau of Justice Assistance provides leadership and guidance on crime control and violence prevention and works in partnership with State and local governments to make communities safe and improve the criminal justice system. The JAG Program was created in 2004 through the merger of two Federal grant programs, the Edward Byrne Memorial Drug Control and System Improvement Grant Program and the Local Law Enforcement Block Grant Program. The JAG Program allows States and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system.

The program focuses specifically on six separate purpose areas: law enforcement programs; prosecution and court programs; prevention and educational programs; correction and community programs; drug treatment programs; planning, evaluation, and technology improvement.

I want to tell you, as a physician, incarceration does not solve drug addiction. It makes it worse. Drug treatment programs solve drug addictions. If we are going to cut the money going to drug treatment programs, we are making a vital mistake, a mistake we will pay additional dollars for in the years to come.
The procedure for allocating JAG funds is a formula based on population and crime statistics in combination with the minimum allocation to ensure that each State and territory receives an appropriate share. Traditionally, under the Byrne formula, LLEBG Program funds were distributed 60-40 between State and local recipients. This distribution continues under the JAG Program.

The community-oriented policing services (COPS), and the National Weather Service.

Mr. President, I ask unanimous consent to have printed in the RECORD a fact sheet on Min-

Ohio Fact Sheet—Coburn Amendment #1648 to H.R. 2862

This amendment eliminates funding for the Advanced Technology Program (ATP) and shifts the funding to three separate programs: Byrne Justice Assistance Grants (JAG), Community Oriented Policing Services (COPS), and the National Weather Service (NWS).

Specifically, funding for ATP is reduced by $440 million, funding for JAG is increased by $48 million, funding for COPS/Methamphetamine Hot Spots (COPS) is increased by $2 million, and funding for NWS is increased by $9.1 million.

Since 1986, ATP has funneled more than $700 million into nearly 500 companies, but it does not require government assistance. For example, GE (revenues of $152 billion in 2004) has received $91 million from ATP, IBM (revenues of $96 billion in 2004) has received $126 million from ATP, and Motorola (revenues of $31 billion in 2004) has received $44 million from ATP since 1990.

Since 2002, Ohio has received an average of $6.1 million from ATP each year. In fiscal year 2005, Ohio received $15.5 million from Byrne JAG funding alone.

Even more, Congress has created to fund research that cannot attract private financing, a Government Accountability Office study found that 63 percent of ATP grant recipients never even sought private financing. Quite simply, ATP siphons taxpayer money to billion dollar corporations that do not need government subsidies for research and development.

The National Association of Attorneys General, National District Attorneys Association, National Narcotics Officers Association, National Sheriffs Association, and National Sheriffs Associations have all expressed support for the Coburn amendment.

Earlier this year, Jim Pero, the Attorney General of Ohio, co-signed a letter to Congressional leadership stating that funding cuts for law enforcement grants will devastate state and local efforts—especially drug enforcement—if they are not restored. In the absence of this amendment, Byrne JAG funding will be cut by $65.5 million relative to 2005 levels.

An August 2005 news article in The Plain Dealer, a newspaper in Cleveland, states, "A scourge on the West Coast for nearly two decades, methamphetamine has established a destructive toehold in Ohio, infecting rural outposts, big cities and middle-class suburbs and consuming thousands of lives."

A July 2005 survey of law enforcement agencies conducted by the National Association of Counties found that "Meth is the leading drug-related law enforcement problem in the country."

According to the same survey, 70 percent of responding officials stated that other crimes, including robberies and burglaries, had increased because of methamphetamine use.

The Methamphetamine Hot Spots program, part of COPS, is an array of law enforcement initiatives pertaining to the investigation of methamphetamine use and trafficking, trains law enforcement officials, and works to discover, disrupt, and dismantle clandestine drug laboratories. This amendment would ensure that this program receives the funding it needs to tackle the serious problems associated with methamphetamine use and distribution.

This amendment also increases funding for the National Weather Service, and directs the additional funding towards the Inland and Coastal Hurricane Monitoring and Prediction program and the Hurricane and Tornado Broadcast Campaign.

[From the Plain Dealer, Aug. 7, 2005.]

Meth Epidemic Strikes Ohio

(By Mark Gillispie)

A scourge on the West Coast for nearly two decades, methamphetamine has established a destructive toehold in Ohio, infecting rural outposts, big cities and middle-class suburbs and consuming thousands of lives. Like moonshine, but far more addictive, methamphetamine is a home-cooked concoction that can be brewed in kitchens, hotel rooms, back yards and trunks of cars. And its destructive surge eastward—reinvigorated by Mexican drug cartels—has been driven largely by waves of hometown cooks, who often create batches using their favorite recipes to family, friends and customers. In Summit County, a now-entrenched culture of meth-cooking has been traced to one woman, who has spent the last eight years in prison but is still known today as Akron’s “Mother of Meth.”

"There’s no doubt in my mind that Debbie got the whole operation started," said Larry Limbert, a retired narcotics detective with the Summit County Sheriff’s Office. Summit County has since become Ohio’s meth capital. Narcotics officers dismantled at least five labs since April. Portage County, meanwhile, officials say the Department of Children Services has removed dozens of children from homes where parents cooked and consumed thousands of lives.

As authorities in dozens of states try to shut down local cooks, evidence is mounting that “ice,” a more potent form of meth, is being shipped in from Mexico and California to fill entrenched demand. In Summit County, meanwhile, officials say the Department of Children Services has removed dozens of children from homes where parents cooked and consumed thousands of lives.

The number of methamphetamine users who sought help at Oriana House, a drug-treatment organization in Summit County, jumped from 30 in 2001 to 336 last year. "There’s definitely something going on out there," said Oriana executive vice president Bernice Richmond.

Police and narcotics agents in Lake County have found 15 labs since September but only a handful before then. Portage County has shut down at least one lab a week since April. Police in Ashtabula County have been finding nearly one lab a week. The Children’s Services agency there has had to close an adoptive group home because it can no longer pay for the care of children removed from parents who cook and abuse meth.

Methamphetamine use also is rising in Cleveland and its suburbs, where the drug had been confined mostly to gay bars, bath houses and strip clubs, says Lt. Michael Jackson of the Cuyahoga County Sheriff’s Office. Experts predict the problem will get worse before it gets better.

"You’ve heard about crack, you’ve heard about heroin," said Akron Police Lt. Mike Caprez. "I’ve seen all those things take their course, and this has them both beat." Like crack in some ways, meth is more dangerous. Crack in some ways, meth is more dangerous. Comparing meth to crack cocaine is apt on a number of levels. Both are stimulants. Both are highly addictive.

While methamphetamine can be snorted, inhaled or eaten, most of those who sought treatment for meth addiction in 2003 said they smoked the drug—which is how crack is ingested.

Cooking meth produces the same strong, instantaneous "rush" that crack smokers achieve.

Methamphetamine floods the pleasure centers of the brain with large amounts of the neurotransmitter dopamine. It also affects other body chemicals that govern sleep, thirst, hunger and sex drive, making a person feel energetic, wakeful and hypersexual. But meth remains in the body 10 times longer than crack, which can make meth users more addictive. And obviously dangerous, methamphetamine causes even more physical harm.

A strong neurotoxin, methamphetamine damages the brain and other vital organs in a way that crack does not. And recovery, while possible, can be more difficult and taking longer.

It can take several years of abstinence before meth addicts’ body chemistry straightens out and they can feel “normal” again. Even then, new studies show some of the brain damage is reversible.

The drug also rots teeth, a condition known as “meth mouth.” Users develop ugly black spots on their teeth from grinding and scratching at phantom “crank bugs” they feel under their skin.
And when the dopamine "buzz" wears off, meth users are left wide awake for hours on end feeling angry and depressed.

The quick fix is more meth, which can trigger a "high" of addiction. Most preferred shift, the factory floor.

Max said he has been drug-free since April, when he and other members of a group calling itself the "Gay Mafia" were arrested in a sweep of吸毒. Most preferred shift, the factory floor. Federal authorities say the group sold meth brought here from Phoenix.

"I don't think there's anything wrong with it."

While crack use increased rapidly, peaked in the 1980s, now people often became wary of its effects, meth use has risen steadily. From 1993 to 2003, the number of people seeking treatment for meth addiction jumped five-fold.

Also in 2003, 14 states reported that more people entered treatment for methamphetamine than for cocaine and heroin combined. A survey that year estimated that more than 600,000 people recently used meth, about the same number as used crack. But experts now believe the number has exceeded crack.

Unlike crack, methamphetamine—often referred to as "poor man's cocaine"—has widespread access across the country, including in Southern Ohio.

It has been long popular in big cities as well, especially out west, where places like San Diego, Phoenix and Portland, Ore., report high rates of meth addiction.

Police in Los Angeles say meth has become that city's No. 1 drug.

And it isn't just western states say methamphetamine is not only their top drug concern, it's their top crime problem as well. Walt Myers, the recently retired police chief in Salem, said meth use drives at least 85 percent of the crime in that city. Police in Tucson, Ariz., attribute dramatic recent jumps in thefts and burglaries to a worsening meth problem.

And identity theft is emerging in many communities as a crime of choice among meth addicts.

Brown said of the meth-driven counterfeiting.

Three abusers: Three different stories.

Margaret, 27, of Summit County, felt self-conscious and depressed after giving birth to her second child. Her boyfriend coerced her into trying meth two years ago as she did the laundry at their apartment in Mogadore.

"I remember I felt like my eyelids were going to come out of my head, it burned so bad," Margaret said. "But then, I had all of this energy. So much energy I didn't know what to do."

She said she stayed up for five days straight, calling off work, scouring and scrubbing virtually every inch of her apartment.

"I loved to clean when I was on it," she said.

She did indeed lose weight. But then she lost her job, and, because of bad luck, a vengeful boyfriend and the bag of meth police found in her purse, she lost custody of her two children, too.

Margaret is now in a community-based corrections facility in Akron working to put her life back together.

"I don't believe I let this happen to me," she said.

Chad, a 28-year-old recovering addict, said he became instantly addicted to meth after sometimes helping friends cook on the Streetsboro manufacturing plant where he worked. He said many of his coworkers used meth to endure the grind of 12-hour days on the factory floor.

"That was my excuse, to get through the shift," Chad said.

Max, 33, of Cleveland, said he and numerous gay men he had sex with in West Side bath houses would use meth. Most preferred not to use condoms, he said, and few asked him about meth.

Max said he has been drug-free since April, when he and other members of a group calling itself the "Gay Mafia" were arrested in a sweep of addiction.

Detectives spent five months chasing her around Ohio, West Virginia and Pennsylvania.

"I was bounced from apartment house to apartment house, hotel to hotel," said Limbert, the retired detective. "They would
It’s in that general area that most of Summit County’s meth labs have been found, including a would-be meth school operated by Brian Matheny, who police believe learned and improved on Oviatt’s recipe.

A nurse by training, Matheny set up a lab in the basement of his Kenmore home, selling meth to support a substantial heroin habit.

Using a camera he had received for Christmas, he made an instructional video on meth manufacturing.

Police found the tape during a search of the basement in September 1997.

It shows Matheny coughing and exhaling hydrochloric gas, which is used in one step of the cooking process.

Penny Bishop, 43, got hooked on meth about the same time, and in the same general neighborhood, and eventually learned to cook a bit out of economic necessity.

Bishop says a friend introduced her to the drug in 1997, and she liked it immediately. In about two months, her habit grew from $100 a week to $400 as she switched from eating meth to smoking it.

“I had to have it just to get out of bed,” Bishop said. “If I didn’t have it, I wasn’t moving.”

Bishop depended on the drug to allow her to work long hours managing a gasoline station. And she quickly exhausted her salary, the friend who first sold her meth began giving her money to buy cold pills.

She started shoplifting the pills so she could afford them, as many meth addicts do, learned to make the drug herself.

Bishop, a high school dropout, said she caught on quickly.

“It was amazing I could take all these chemicals and make a drug, but I can’t grasp simple things to get my GED,” Bishop said.

By the late 1990s, many stores had begun limiting how many boxes of cold pills a person could buy at one time. (It takes about an ounce batch of meth, roughly 280 doses.)

Matheny generally sidestepped such measures by sending out groups of people to buy cold pills from as many stores as necessary to acquire the amount needed for the next batch.

Laws cripple cooks, but meth keeps coming. But in the last two years, authorities have gotten more aggressive in trying to squeeze the cooks.

About 40 states have passed laws to restrict the sale of pseudoephedrine products or are creating them out of state law.

In Ohio, legislators are considering a bill that would restrict sales of pseudoephedrine products.

The Oregon legislature agreed last month to make it a prescription drug. And Congress is considering a bill that would follow Oklahoma’s lead by requiring buyers of the pills to show identification and sign a log book.

A number of national retailers have voluntarily moved cold tablets to more secure areas of their stores.

Manufacturers are gearing up production of cold pills that contain phenylephrine—which cannot easily be converted into meth—instead of pseudoephedrine.

Since Oklahoma’s pioneering law took effect in April 2004, meth seizures there have jumped nearly five fold in Oklahoma since its pseudoephedrine law took effect in April 2004.

Ice, which resembles shards of glass, “is like meth on rocket fuel,” said Mark Woodward, a spokesman for the Oklahoma Bureau of Narcotics and Dangerous Drugs.

Because of its purity and strength, he said, it’s more addictive and more dangerous than the home-cooked meth it’s replacing.

As long as the demand for ice rights persists, the future does not look bright. There are no signs that meth use is dropping in the Midwest, Midwest or Southeast—areas of the country where meth use has become entrenched.

More Californians were treated for methamphetamine addiction than alcoholism in 2003, and meth has started to make inroads into Pennsylvania, Maryland and rural communities of New York—the outskirts of the Northeast Corridor, which is home to 60 million people, or 21 percent of the U.S. population.

Vermon and Maine have been bracing for an upswing in meth use and manufacturing.

Two labs were recently found in Connecticut.

Their numbers [of meth users] are going up,” said Special Agent Michael Heald, a methamphetamine expert with the U.S. Drug Enforcement Administration.

Heald acknowledged that law enforcement’s ability to stop the eastward surge of meth is limited. Prevention and treatment, he said, are the best weapons in this particular battle in the war on drugs.

“Until we teach people that drugs are absolutely destructive to ourselves and society, we can arrest the people we can and still not win,” Heald said.

“We can’t do this alone.”

MINNESOTA FACT SHEET—COBURN AMENDMENT #1468 TO H.R. 2662

This amendment eliminates funding for the Advanced Technology Program (ATP) and shifts the funding to three separate programs: Byrne Justice Assistance Grants (JAG), Community Oriented Policing Services (COPS), and the National Weather Service (NWS). Specifically, funding for ATP is reduced by $140 million, funding for JAG is increased by $48 million, funding for COPS/Methamphetamine Hot Spots is increased by $72 million, and funding for NWS is increased by $4.9 million.

Since 1990, ATP has funneled more than $700 million to Fortune 500 companies that do not require government assistance. For example, GE (revenues of $152 billion in 2004) has received $91 million from ATP, IBM (revenues of $96 billion in 2004) has received $126 million from ATP since 1990, and Motorola (revenues of $31 billion in 2004) has received $44 million from ATP since 1990.

Since 1990, Minnesota has received an average of $4.6 million from ATP each year. In
Mr. BINGAMAN. Mr. President, I rise today to support the amendment that would allocate $2 million for methamphetamine education programs in our Nation's schools. I am very pleased that this measure has been included in the underlying bill, and I would like to take a moment to explain why this amendment is so important.

Over the August recess I traveled throughout New Mexico to discuss the challenges local communities are facing in confronting problems associated with dismantling labs. At each place I visited—Cochiti, Moriarty, Roswell, Farmington, Belen, Santa Fe, Taos, and Albuquerque—the most serious drug threat that we are facing and we must do more to fight the spread of this epidemic.

Indeed, the National Association of Counties recently released a report that found that 58 percent of counties surveyed viewed meth as their largest drug problem, and 70 percent of law enforcement reported that robberies and burglaries have substantially increased due to meth in their communities. And according to the DEA, there were some 16,000 meth lab seizures last year, up from 912 in 1995. In New Mexico, the number of labs seized increased fivefold from 1998 to 2003. The drug is particularly harmful because of its impact on the user, the likelihood of exposure to chemicals during the drug production process, and the high cleanup costs associated with dismantling labs.

We must address this issue in a comprehensive manner. Domestic production, providing law enforcement with the tools they need to fight the meth epidemic, disrupting the importation of meth or its precursor chemicals into the United States, and by developing effective education and treatment programs.

With regard to limiting domestic production, I am proud to be a cosponsor of the Combat Meth Act, which was introduced by Senators TALENT and FEINSTEIN, and included in the CJIS appropriations bill. The bill would curb production by moving pseudoephedrine, the primary ingredient in meth and a common ingredient in cold medicines, behind the counter. After Oklahoma enacted a similar law meth production dropped by over 80 percent in 1 year. The bill also provides additional funding for law enforcement and creates a research and training center aimed at developing effective treatments for meth users.

I am also pleased that the CJIS appropriations bill provides funding for the COPS meth program to assist local law enforcement obtain the equipment they need to safely and effectively clean up meth labs. I was very disappointed that the President proposed cutting the total COPS program by 96 percent and the meth portion of the program by 62 percent. Fortunately, the Appropriations Committee rejected the administration's proposal and included over $60 million for the COPS meth program, which is about $5 million more than last year. New Mexico has received over $68 million in COPS grants and more than $860,000 specifically under the COPS meth program. The administration also proposed cutting the HIDT A program by more than 50 percent, from $220 million to $100 million. These cuts, if enacted, would have significantly impacted our ability to fight the importation of meth from countries such as Mexico. Thankfully the Senate rejected this proposal as well.

In the absence of this effort, we should also be focusing more on prevention by educating youth on the dangers of using meth. Along with enhanced law enforcement, prevention and education are key to combating meth. My amendment would provide funding to local school systems to carry out meth education prevention efforts in schools across the country. This funding could be used by local officials to tailor curriculum to the needs of their local communities and purchase the materials they need to educate youth on the dangers of meth.

According to ONDCP, there is a 95-percent chance that a first-time meth user will become addicted. Once kids get addicted there aren't a lot of treatment options and they often face tough criminal sanctions for using the drug. We need to emphasize education prevention efforts so we can stop people from going down a hard-to-reverse path riddled with crime and devastating health effects.

Because the consequences of meth use are so visibly evident, such as rotting teeth and open sores, students will likely be more receptive to such information than with other drugs, such as marijuana, that are normally the target of drug education prevention efforts in schools. The ingredients used in the production of meth, such as bathtub chemicals, and meth itself, also create an opportunity to make children understand the dangerous nature of this drug.

According to a report issued this month by the Substance Abuse and Mental Health Services Administration, SAMHSA, there were 583,000 current users of meth in 2004 and 1.4 million persons ages 12 and older have used meth in the past year. By providing additional resources for prevention and education, I believe that we can make valuable contributions to fighting this terrible epidemic, and I am glad that the Senate has acted on this important measure.
need to know where he stands on these issues. We, the Senators, need to know, too, so we can make an informed, rational decision. The administration has refused to release these documents, even though they did so readily when Mr. Bork was nominated, and they did it when William Rehnquist was nominated. This is particularly compelling since now the Roberts nomination has gone from a replacement of Justice Sandra Day O'Connor to replacing the Chief Justice. These documents matter because they represent the views from later in his career when he held his highest political appointment and was responsible for making policy recommendations. These documents will illuminate his beliefs and his approach to the law, and they will help this Senator and others to know where he stands on the important issues.

It is the constitutional duty of the Senate to conduct a thorough examination of the nominee, and we can only do it if we hear from the nominee himself through the confirmation process, and have a complete record before us. We have his resume, he has received his rating from the American Bar Association, but we need the documents on these 16 cases in order for us to do our homework and to do our due diligence. This is probably one of the most important votes I will ever take, along with my 99 colleagues. We need to know:

What type of Justice will John Roberts be?

Before the Senate left for its August break, I joined with six of my Democratic women colleagues to launch a website allowing Americans to have a voice in the confirmation process. The American people have a right to be part of the process and let the Senate know what they want Judge Roberts to answer. And we want them at the table, not only as a member of Court but now as the Chief Justice. Look back to the record, not only the resume but to the record.

This is why I am joining with a group of other Senators to urge the White House to release documents on 16 cases argued by the Solicitor General when Judge Roberts was the Principal Deputy Solicitor General. You represent from Maryland, Mrs. Boxer. Why do you need to know this? This is when then Mr. Roberts played a very important role in shaping strategy, recommending policy, and it is one of the best insights we have into his judicial philosophy, his views, his legal reasoning. We want to know: Where does he stand on an issue such as the implicit right of privacy, on issues related to civil rights, on religious expression, on title IX, on affirmative action, and voting rights. And we want to know, and I believe you do too, why does Judge Roberts stand on women's and civil rights. Prior to any vote, the American people...
Ms. MIKULSKI. First, in terms of senatorial courtesy, I have no reason to object. But as I understand it, the order of the day is 5:30. We must go into consideration of the measure for 1 hour. I ask the Presiding Officer, why the change?

The PRESIDING OFFICER. The order of the day is that at 5:30, the Senate will be in session for 1 hour with the time controlled by Senator INHOFE of Oklahoma or his designee, and the Senator from Nevada, Mr. REID, or his designee.

Ms. MIKULSKI. May I ask the Presiding Officer, at 5:30 the Senate will go into morning business?

The PRESIDING OFFICER. The Senator is correct.

Ms. MIKULSKI. Who controls that morning business?

The PRESIDING OFFICER. The time is equally divided and controlled by Senator INHOFE of Oklahoma or his designee and the Senator from Nevada, Mr. REID, or his designee.

Ms. MIKULSKI. I misunderstood. I thought there was a mandate at 5:30 to go to the mercury rule. I have no objection to the Senator's request.

Mr. GREGG. I ask unanimous consent that this ruling be delayed at 5:30 to proceed for 10 minutes in morning business and that I be recognized at that time.

Mrs. BOXER. Reserving the right to object—

Mr. GREGG. Assuming the speakers on the other side have completed their statements.

Mrs. BOXER. I have absolutely no problem with this. I know Senator CLINTON is trying to make it from an airplane to get to the floor. So as I understand it, Senator MIKULSKI has the time until 5:30; is that correct?

Ms. MIKULSKI. Yes.

Mrs. BOXER. Hopefully, she will make it. If I could cover us and say 5:35, and then it would go to Senator GREGG, would that be OK?

Mr. GREGG. I amend my request so that I be recognized at 5:35 for 10 minutes as in morning business.

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

Mr. GREGG. I thank the Senator from Maryland.

Ms. MIKULSKI. Mr. President, I have now concluded my remarks and yield to the Senator from California, Senator BOXER, such time as she may consume.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank the Senator from Maryland for her leadership in reaching out to the people of this country, asking them to send in their questions for Judge Roberts. As she noted, 25,000 individuals wrote in questions and we received a total of 40,000 questions. It shows the American people have a lot at stake. This is a serious time for our country, and we all be asked at 5:30 to proceed with the confirmation hearings for Judge Bork and Justice Rehnquist.

That is why the Democratic women, under Senator MIKULSKI's leadership, created the AskRoberts Web site. Americans submitted 40,000 questions about a broad range of issues including privacy, reproductive health, civil rights, women's rights, and the environment. One individual posed this question to Judge Roberts: In your opinion, why would the White House refuse to release records from your time as Deputy Solicitor General? What is there to hide?

What is there to hide? It is a very important question. Senators on both sides of the aisle should be asking that question. Before we confirm Judge Roberts to a lifetime appointment as Chief Justice, we need to know everything possible about his views and philosophy. This isn't because it is interesting, because I am sure it would be interesting, but because Judge Roberts is a very bright and interesting man. But it is because every American's rights and freedoms hang in the balance. Judge Roberts has a very thin record on the Court for 30 years, or more. This is someone who is going to influence the lives of our grandchildren and perhaps even our great grandchildren.

In addition to getting the information on these cases, Judge Roberts also must answer questions, and I hope he is going to do that. I know a couple of my colleagues on the other side of the aisle today seemed to be counseling him not to answer questions. I cited Judge Ginsburg, and said she drew the line by refusing to answer questions.

Let me tell you what Judge Ginsburg said at her hearing when she was asked about Roe v. Wade and a woman's reproductive freedom. She said it will impact the daily lives of all Americans.

I believe the American people want transparency and openness in this process. This should not be some hide-and-seek, catch-me-if-you-can deal. This is about what someone is going to sit on the Court for 30 years, or more. This is someone who is going to influence the lives of our grandchildren and perhaps even our great grandchildren.

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We need to know if Judge Roberts thinks the right to privacy is a fundamental right. We know he wrote about it as the so-called right of privacy. If I referred to your spouse as your “so-called spouse,” that would be an insult, wouldn’t it? If I referred to your right to vote as your “so-called right to vote,” my constituency would be very upset with me because the right to vote is not a so-called right. So when you say something is a so-called right, it raises a lot of questions about how you think.

We also need to know why Judge Roberts argued before the Supreme Court and on national TV that our federal courts and marshals had no role in stopping clinic violence when women were being threatened and intimidated at family planning clinics all over the country.

It is time for Judge Roberts to say what he really thinks—on privacy, on gender discrimination, on civil rights, on the Constitution. On the appellate court, he wrote an opinion that raises questions about whether he would find the endangered species act constitutional. Does he think it is our right in the Congress to pass environmental laws to protect our environment?

As Senator MIKULSKI said, the role of the women Senators is very important. Women across America are counting on us to stand up, to ask the questions, and to get the answers. When we vote on the floor, it must be an informed vote either yes because we believe he will protect our rights and freedoms or no because we have not been convinced.

I thank the Chair. I yield back my time to Senator MIKULSKI.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I yield the floor to the senior Senator from the State of Washington, Mrs. MURRAY, for such time as she may consume.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank the Senator from Maryland for organizing the AskRoberts.com in which we are all participating to allow people across this country to be a part of this very important process that is occurring in the Senate today.

Today, our country faces many challenges. The suffering along the gulf coast, we face ongoing military operations in Iraq and in Afghanistan, and we face the solemn and significant task of not only filling two Court vacancies but confirming a new Chief Justice. While the confirmation of a new Justice may not be the topic of dinner table conversations across the country tonight, the actions of the next Supreme Court Justice will impact the lives of every American family for generations to come.

Last week, this Chamber mourned the passing of Chief Justice Rehnquist who served on our Nation’s highest Court for over three decades. The great range of issues on which the Supreme Court ruled during Justice Rehnquist’s tenure—from Roe v. Wade to capital punishment to Miranda rights to the conclusion of a Presidential election—shows the American public just how closely the Court touches each of our daily lives. My home State of Washington is 3,000 miles away from the Nation’s Capital, but the issues the Supreme Court takes up, whether it be title IX or eminent domain or a woman’s right to choose, hits home for them as well.

Back in 1991, when I was a State Senator and a former school board member and a mother, I watched the Clarence Thomas confirmation hearing that came before the Senate Judiciary Committee. For days and days, I sat in frustration at home. I simply could not believe that this nominee was not asked about the issues about which I cared. I did not believe the Senators in that room were representing me or asking the questions I wanted answered. So I did something about it: I ran for the U.S. Senate. Now, thankfully, I spent my time getting my questions answered. But I remain very concerned for the women and the men in my State and around the country. Certainly they have issues that are important to them that will come before the Supreme Court. Certainly they have questions they want answered. Not everyone is going to be able to run for the Senate, but everyone should be able to have their voice heard.

This is a process in which the American public continues to be involved. Judge Roberts is being considered for a lifetime appointment, and the American people deserve to know where he stands on a number of issues that affect our Nation’s future. That desire to know Judge Roberts’ voice in this process is what inspired me and my colleagues from California and Maryland to set up a Web site: AskRoberts.com. Through our Web site, we have collected tens of thousands of questions over the past several months that have now been delivered to the Senate Judiciary Committee in hopes that they will be asked of Judge Roberts during his confirmation hearing.

This is not an inside-the-beltway debate. Judge Roberts has been nominated to a lifetime appointment on the highest Court in the land, and he will influence our path on issues ranging across the spectrum.

Many Americans must be wondering what this all means to them, how it will affect them. Let me make it clear: This debate we are now having is about whether we want to protect essential national rights that will protect them from the right to privacy about which the Senator from California talked. This debate is about whether we want free and open government. This debate is about whether we have a clean, healthy environment and the ability to enforce laws to protect it fairly. And this debate is about preserving equal protection under the law.

Judge Roberts has an obligation—not to the Senate but to the American people—to make his views known on these basic values. Only then can we make a reasoned judgment on his nomination. That is why I have joined with a number of my colleagues in calling on the Senate Majority Leader and the Senate General to fulfill the request that was made by our colleagues on the Judiciary Committee for documents related to 16 key cases on which Judge Roberts played a leadership role during his service as Solicitor General. Not only are these documents crucial, but there probably is no other public interest information that was provided to the Senate when it considered the nomination of Justice Rehnquist—but there is also clear imperative. If we are going to fulfill our constitutional duty to provide meaningful advice and consent on this nomination, that consent must be informed and this process must be opened, not only to the Members of this body but to the American people.

As the questions of Americans from coast to coast in mind, I will work with my colleagues to ensure that the President’s nominee to fill this position will be fair and impartial, even-handed in administering justice, and will protect the rights and liberties of all Americans.

Mr. President, I yield back my remaining time.

Mrs. BOXER. Mr. President, as I understand it, we have 5 minutes before Senator GINGRICH has the floor; is that correct?

The PRESIDING OFFICER. The Senator from California is correct.

Mrs. BOXER. Mr. President, I thank Senator MURRAY because she has a way of putting things quite succinctly and clearly and I appreciate her coming to the floor.

There is a very interesting editorial today in USA Today, and I want to quote from it. There is no question that the President has chosen someone with similar views to Judge Rehnquist. This is what they say:

But, if the men are similar, the nation is different now from what it was when Rehnquist joined the Court 33 years ago, and that difference raises provocative questions for Roberts as Senate confirmation hearings begin today.

This is how they say it has changed since Judge Rehnquist’s hearings:

In particular, the United States has become a far more tolerant society. In 1972, racial segregation was still being dismantled. Women, like African-Americans, were routinely deprived of equal opportunity. The notion that Americans possess a right to privacy, established by the landmark 1965 Supreme Court case that overturned state laws against birth control, was still taking root.

This editorial goes on to ask if Roberts would make it difficult for Congress to extend those gains or even turn back the clock, concluding:

His record leaves plenty of room for doubt.

Now, this is USA Today. It is not considered a liberal newspaper. It is a pretty mainstream paper and it raises the issue of privacy, writing:
In memos written when he was in the Reagan administration, Roberts disparaged the notion that there is a constitutional right to privacy that prevents the government from criminalizing contraception, abortion and gay sex.

And then it talks about race:

Roberts belittled affirmative action as “recruiting of inadequately prepared candidates” and has argued for standards that would make it easier for school districts to evade desegregation orders.

On women’s rights, it is also troubling:

Roberts ridiculed the concept that women are subject to workplace discrimination, and he argued that the government’s ability to enforce the ban on gender discrimination in education.

They close by saying:

His record bears close scrutiny and his answers today and influencing the lives of generations to come.

As I say, this editorial is quite mainstream. It raises legitimate concerns about Judge Roberts. It basically says to the Senate, it is your job to find out how he is going to rule on cases we cannot comment on at this time.

I think that the committee is off to a good start. I received a briefing while I was on a plane today about the Senators’ comments on both sides of the aisle. It clearly seems to be a confirmation that both sides are taking extremely seriously.

I say to those friends and colleagues on the other side who are counseling Judge Roberts that he does not have to answer questions, that would be a big mistake. The American people in poll after poll are saying to us, we have a right to know. We want to have answers to very important questions that will shed light on if Judge Roberts is going to make sure this Congress and this federal government can protect them; that we can protect the environment; equal rights for women and for minorities; that we have the ability to make life better for the American people; and that we, in fact, will be able to respect the dignity of our people by making sure there is not a “so-called” right to privacy but a fundamental right to privacy that has been articulated by the Court and that we hope Judge Roberts will uphold.

The PRESIDING OFFICER. The Senator from New Hampshire.

BUDGET RECONCILIATION

Mr. GREGG. Mr. President, I rise to speak a little bit about the schedule of the reconciliation bill which this Congress was supposed to actually take up this week. As we all know, reconciliation is one of the key procedures by which the Congress addresses spending, specifically spending in mandatory programs and tax policy. In the budget which we passed about 5 months ago, we included reconciliation instructions which essentially say to committees within the Senate and within the House that they are to change the entitlement programs they have jurisdiction over in order to slow the rate of growth of a number of those programs or in order to generate revenues from those programs which might not otherwise be coming in in order to reduce the size of the deficit and in order to make the Government more affordable.

This reconciliation proposal which came forward requested approximately $34 billion in savings on the entitlement side, $70 billion in tax policy changes. It was to be executed on or preceded with this week with a reconciliation bill on the spending side of the ledger. In consultation with the leadership, who obviously makes the final decisions, and with the House, we have decided to move the date of reconciliation so the Budget Committee will report a reconciliation bill on October 26. This will essentially allow committees, authorizing committees, which are now heavily engaged in the issue of trying to address the catastrophe brought on by Katrina, the opportunity to have time to order their reconciliation changes so they can come forward at this time, which will accomplish the instructions as proposed.

Some have asked, why go forward with reconciliation at all in light of the Katrina situation? I think it is important that reconciliation is in relationship to a disaster, a catastrophe of the size of Katrina. Obviously, the impact on the Gulf States has been enormous and we have to do whatever we can to help the people of the Gulf States rebuild and reestablish their lives in some semblance of order and give them some opportunity for hope. And we are doing that as a Congress. The administration is trying to do that and obviously the States and local governments are trying to pursue that activity.

We will get past the Katrina problem. The people of the Gulf States are energetic, enthusiastic, and productive people, as are all Americans, and America will rise to the aid of our nation, which we should. Obviously it is going to take time, but this is a one-time event—hopefully never will happen again, and has never happened before—of this magnitude, and we should be able to move forward and correct the situation and give relief to the people of that region and do the reconstruction that is necessary. That is a one-time spending event.

What the reconciliation instructions address are the long-term implications especially of entitlement spending. We know that over the next 10, 20, 30, 40 years we are looking at massive increases in spending on mandatory programs, especially the health programs of the Federal Government, primarily because of the baby boom generation. As a nation, we need to set policies in place today which will allow us to be able to afford the costs which this huge generation is going to incur in order to maintain its health and also its retirement.

Reconciliation is a very small step down that road of trying to improve the policy so we can better deliver services to seniors who get Medicaid and other people who get Medicaid—obviously children—and at the same time make it affordable. The reconciliation instructions cover 5 years. In fact, the Medicare instructions have been the most contentious, anticipates no savings in the next year. So clearly it has no impact on the Katrina event, most of which money for that restoration will occur within the next year.

Over the next 5 years, what we proposed is slowing the rate of growth of Medicaid under the reconciliation instructions from 41 percent back to 40 percent. I had hoped we would go from 41 percent to 39 percent. I thought 39 percent was a pretty good rate of growth, but that was not acceptable so we are going to a 40-percent rate of growth over the next 5 years, on a $1.1 trillion spending program. That is Medicaid within the next 5 years. We are suggesting that we will save $10 billion—$34 billion over the whole reconciliation instruction—on a $1.1 trillion spending program over 5 years, with none of it occurring next year.

How can we do that? We can actually do it by delivering more services to more people. If we give Governors greater flexibility with their Medicaid funds, Governors have told us with more flexibility they will help more people and do it at lower cost. That is called good management. It does not take a lot of good management to shave 1 percent off the rate of growth, which will be around 40 percent. So it is a doable event, and we need to proceed with it.

There are other committees that have received reconciliation instructions that actually want those instructions that want to proceed forward because they see opportunities to improve Government and to generate a better return for taxpayers. One, of course, is the Commerce Committee. Another is the HELP Committee which has reported out an incredibly strong higher education bill where they are basically going to expand rather significantly the dollars available to people who go to college through Pell programs and other programs under the leadership of Chairman Enzi. That bill has been reported out, has saved about $7 billion, but has also generated about $6.5 billion which will go back into student loans. It has done it without impacting student loans but actually expanding student loans by taking action in the area of lenders accounts. Chairman Enzi deserves lots of credit for it and we should proceed with that.

Chairman Enzi also reported out a bill along with the Finance Committee, to address the pension reform issue. We need to add pension reform. We are not going to be able to do
it unless we do it in reconciliation. We know we have major bankruptcies com-
ing at us. Regrettably some of them are in the airline industry, maybe even this week. There are rumors about that. We know when people go into bankruptcy, their pension funds go into the PBGC. We know the PBGC has somewhere between a $30 billion and $50 billion projected unfunded liability or deficit. If we are going to be able to maintain those accounts so that people who have been planning all their life to receive pensions, if they are in a company that goes bankrupt, still receive some percentage of their pensions rather than get completely wiped out, we have to have a solvent PBGC. So Chairman ENZI and Chairman GRASSLEY have both reported out bills to try to accomplish that and they are using reconciliation to proceed in that direction, and that is very possible. So we need the reconciliation bill to put in place policies which do not address the immediate problem of today, which is obviously the Katrina issue, or the problem even of next year or the year after.

These policies under reconciliation will address 5 years, 10 years, 15 years down the road and address them in a positive way. They are small steps, but they are important steps, and that is why we need to go forward with reconc-
iliation. That is why we have set this date and moved it a month but only a month.

KATRINA RELIEF EFFORT
On another issue, and that is the issue of Katrina and how we are fund-
ing Katrina and the relief effort, we have now passed two supplementals tol-
taling about $61 billion. We know we are going to get another supplemental probably within 3 or 4 weeks for another $50 billion. We also know that moving through the Congress is a whole lot of different initiatives relative to trying to give relief to the people in the Gulf States, which is the goal of all of us. We recognize that things such as tax packages, such as WERDA, such as the COPS program, we have on this bill—in fact, I think there is an amend-
ment for the COPS program of $1 bil-
lion. There is an amendment dealing with Medicaid which will cost $4 billion to $6 billion. There are flood insurance issues. The simple fact is that the cost of this disaster, catastrophe, is going to be a problem we have in this country for a very, very long time, and I am not sure that we are going to see the end of it. We are going to have to address it right now, and we are willing to pay that price, by the way. I am per-
fectedly willing to pay whatever is the appropriate price to make sure we give these people an opportunity to rebuild and restore their region in a logical manner. I have suggested that we set up a commission with a single leader along the lines of the Hoover activities in the post-1927 flood where there would be a focal point where all the Federal programs would come together and that would be distributed in an orderly and planned manner work-
ing with the States and the local re-
gion. Then we can set up such an au-
thority and put a person on the ground who has a national reputation and knows what he or she is doing and can manage this in a way that is orderly and has a reasonable audit function and reasonable management function so we make sure we get value for the dollars so they are not wasted. We have seen some proposals that would not work and would have wasted money already.

What we are not seeing is that sort of cooperation in the Senate or Congress. We have ideas coming from all different sides. We have ideas coming from every committee—we have creative people on every committee—and we have ideas coming from the administration, but there does not appear to be any focal point for management of these ideas so we are prioritizing what we need, how we need it, and where it should come from and where it should go.

We have ideas coming out of one committee that are for flood insurance, or amendments on the floor that already represent $4 billion to $10 billion of new spending, or we have ideas com-
ing out of the tax committees or ideas coming out of the appropriating com-
mittees. Since everybody wants to re-
respond and respond effectively, there ought to be a management process in the Congress—and in the White House, by the way—that says this is what we prioritize as needed. This is what we want the Congress to move on quickly. Let's take a hard look at what will work and what will not work.

I am sorry we have not seen that yet. As chairman of the Budget Committee, I have been extremely concerned about this because I think we are going to wake up 6 months from now or 3 months from now and realize that a haphazard approach has not been effec-
tive either in resolving the problems in the gulf coast or in managing the tax-
payers' money effectively.

I am hopeful we will see a little more order in this process. I implore our leadership to give us such order.

I yield the floor.

MORNING BUSINESS
The PRESIDING OFFICER. Under the previous order, there will be a pe-
riod for the transaction of morning business for 1 hour. The time for the time was equally divided between the Senator from Oklahoma, Mr. INHOFE or his desig-
nee and the Senator from Nevada, Mr. REID or his designee.

Who yields time? The Senator from Oklahoma.

ORDER OF PROCEDURE
Mr. INHOFE. Mr. President, it is my understanding we are going to have 1-hour debate on the motion to proceed and Senator LEAHY and myself are con-
cerned we are going to have 1 hour, and to me, if Senator JEFFORDS would like to be heard at this time, that he be recog-
nized.

The PRESIDING OFFICER. Who yields time to the Senator from Vermont?

Mr. LEAHY. The Senator from Vermont is seeking time? The Senator from Vermont yields such time to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

DISAPPROVAL OF EPA RULE PROMULGATION
Mr. JEFFORDS. Mr. President, I am pleased to join with my colleague from Vermont, the Senators from Maine, and many other Senators in a bipar-
tisan effort to oppose the administra-
tion’s mishandling of the Clean Air Act. That is what our resolution of dis-
approval is about.

We are here because the Bush admin-
istration’s mercury rule violates the Clean Air Act. This rule is plainly ille-
gal, it is unwise, and it is definitely unhealthy for Americans living down-
wind of coal-fired powerplants, espe-
cially mothers and their soon-to-be-
born children.

The administration, with a simple wave of its hands, has usurped the rules to delay compliance with the mercury control requirements for a decade or longer than the law allows. Our resolu-
tion of disapproval is simple enough for even the biggest energy company, and the administration even, to under-
stand. We reject this abuse of the Clean Air Act, and we demand they follow the rules of the land.

The law says: Each and every power-
plant unit that emits mercury and other toxic air pollutants must take action to reduce these emissions by using maximum available control tech-
nology, or MACT.

The administration could have gone through the appropriate statutory process to delist and exempt their pow-
kerplants from regulation, but that is not what they did. Instead, they made up a whole new deregulatory scheme to help out the big energy companies. But the act does not provide them with that authority. They do not have the luxury of ignoring the laws that reg-
ular Americans must follow and that Congress wrote to protect the public’s health and the environment. This ad-
imistration is not above the law.

The EPA is allowed to set the MACT standard after considering costs and any nonair quality health and environ-
mental impact and energy require-
ments. That they could have done. But, instead, the administration chose to violate a settlement agreement. They shut down an advisory commission because they did not like getting scientifically credible answers on mercury controls and costs. That process was flawed and was in-
tended to delay and obstruct any mer-
cury control requirements whatsoever.
In the end, the administration almost wholly adopted the utility industry’s proposal on how to regulate mercury emissions. If this is not the proverbial “fox watching the chicken coop,” what is? This is not the way the law was supposed to work in America, nor does work in America. I urge my colleagues, and everyone listening, to support our resolution of disapproval and to support this motion to proceed. We deserve a fair up-or-down vote on the administration’s rule that would put big energy companies from having to reduce toxic air pollution wherever it is emitted.

I yield the floor.

Mr. INHOFE. I ask that we yield 3 minutes to Senator THOMAS.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. THOMAS. Mr. President, I think we deal today with a very interesting and important issue, as a matter of fact. What we do today is to do something about mercury and the emissions of mercury. We also want to have electricity, and we want to have it at a reasonable cost. Of course, our efforts now, in terms of energy, are to try to move toward using more and more coal for production because that is the biggest fossil fuel resource we have.

What we have, of course, is a proposal by the administration over a period of time to reduce mercury from this kind of production by as much as 71 percent. This is a fundamental position to be able to do that in a way which will allow us to continue to use coal and to allow us to continue to do it at the reasonable price that we now have.

What we have done is developed a program to accomplish those important things. We have a regulation, 15 years in the making, which has been designed to allow for the continuation of production, to allow for the reduction over 70 percent in a period of 9 years and to allow those who have trouble with some offset sales so the result is a reduction in mercury, which we all want to do, while we continue to produce, which we all want to do.

I think it is a big mistake, after all these efforts that have been made to accomplish all the things we want to accomplish, to say we want to reject that and establish something that is likely to be unworkable over a period of time, plus extremely expensive.

I urge the Senate not to repeat this effort. The opportunity has been there for Congress to work on it. We certainly will. There will be an opportunity to vote on it, if we proceed here as we should, and to be able to say, yes, we want to reduce mercury; yes, we want to continue the production of electricity produced by coal, and we want to be able to do that over a period of time with a reasonable program. That is what we have.

EPA estimates the cost of this at about $2 billion over this period of time, when what is being proposed is to do a very different thing that costs about $300 billion. At any rate, I certainly urge we do not approve this idea of removing this regulation, this program.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. LEAHY. I yield the Senator from Maine 8 minutes.

Ms. COLLINS. Mr. President, I rise today in support of the resolution that would disapprove of the EPA’s improperly crafted rule on mercury emissions, a rule that both the Agency’s own Inspector general, as well as the Government Accountability Office, have criticized.

In the wrong form, mercury is an acutely dangerous toxin that can cause serious neurodevelopmental harm, especially to children and pregnant women. Recent studies indicate that at least one in six women of childbearing age is carrying enough accumulated mercury in her body to pose risk of adverse health effects to her children, should she become pregnant.

Tragically, EPA’s own scientists found that some 630,000 infants were born in the United States in the 12-month period from 1999 to 2000 with blood mercury levels higher than what is considered to be a new, and a new study released last week by the Mount Sinai School of Medicine found that more than 1,500 children are born in the United States every year with mental retardation as a result of mercury exposure.

To see just how toxic mercury is, one does not have to look any farther than my home State of Maine. Every freshwater river, lake, and stream in my State is subject to a mercury advisory warning pregnant women and young children to limit consumption of fish caught in these waters. While this advisory is bad enough for the many anglers who love to fish in Maine’s beautiful waters, it is especially difficult for indigenous people, for the Penobscot Nation, for whom subsistence fishing is an important part of their culture.

Mercury is dangerous not only to people—and particularly children—but also to wildlife. Let me cite one study conducted by researchers in my own State. The Biodiversity Research Institute in Falmouth, ME, found that mercury concentration in loon eggs increased from Western to Eastern Maine. They found that mercury concentration in loon eggs in Maine was dangerously—nearly four times—higher than those found in Alaska where there is not the exposure to mercury from powerplants that we experience in Maine due to the prevailing winds.

Despite the overwhelming hazards of mercury pollution and the fact that coal-fired powerplants are the single largest source of mercury emissions in our country, the EPA inexplicably decided to remove powerplants from the list of mercury sources that must be regulated under the strictest provisions of the Clean Air Act. Instead, the EPA rule would regulate mercury emissions under a much weaker cap-and-trade program and would give the industry an extra decade to meet even this weaker emissions level. If this rule is allowed to go into effect, powerplants will be free to continue spewing unlimited amounts of toxic mercury into our air until the year 2018.

Both the EPA inspector general and the GAO have severely criticized the EPA rule. The IG found that the EPA conducted analyses in order to justify a proposed emission level, but the final conclusion, did not adequately analyze the impact of this rule on the health of our children, and the EPA was found by the inspector general not to have conducted the appropriate cost-benefit analysis of regulatory alternatives. The GAO found that their cost-effective mercury controls would make it possible to achieve far greater mercury emissions reductions than the EPA rule calls for.

I call on our colleagues to join me—Senator LEAHY, Senator JEFFORDS, Senator SNOWE, and many others—in sending this flawed rule back to the drawing board. EPA’s mercury rule is not based on sound science. It does not employ the proper cost-benefit analysis that will harm the health of our environment, and it simply should not be allowed to go into effect. Our resolution, the Leahy-Collins resolution, would give the EPA the chance to fix these flaws and come back with a rule that would better protect the American people and our Nation’s streams, rivers, lakes, air, and wildlife.

I yield the remainder of my time to the Senator from Vermont.

The PRESIDING OFFICER (Mr. ISAKSON). The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from Maine, my friend and neighbor, for her statement.

I yield the other Senator from Maine on the floor. I believe she sought 4 minutes. I yield 4 minutes to the Senator from Maine.

Ms. SNOWE. Mr. President, I thank Senator LEAHY for his leadership, as well as Senator COLLINS and Senator JEFFORDS and so many others in bringing forward this resolution of disapproval.

I am here because I happen to believe that the air in Maine, or any part of this country, should not be for sale to the lowest bidder when it comes to our air. Given that the EPA spent over a decade developing the scientific and technological basis for regulating major sources of mercury—dangerous mercury—I am confounded by the failure of its rule to meet either the letter or the intent of the law.

The proposed EPA rule represents a missed opportunity to incorporate the recent research into the health effects of mercury or the recent technological innovations that significantly reduce the levels of mercury emissions. If enacted, the resolution will suspend the first EPA rule that overturns its own
2000 decision and allows powerplants to be delisted as a source of mercury pollution. Since 2000, research has determined that mercury pollution is more widespread, its effect more pronounced, and methods to control it improved. However, the EPA proposal fails to reflect the severity of the situation and allows a weak cap-and-trade system. Under this cap-and-trade rule, many plants will never have to install controls if they choose to simply buy their way out. Such purchasing allowances from other plants.

The source of mercury toxins is beyond dollars and cents. Mercury, contained in coal emitted through smokestacks into the atmosphere as the coal is burned, is transported to the air and carried downward for hundreds and hundreds of miles. It is carried by snow and rain back down to Earth into our streams. The mercury is then ingested by the fish and, in turn, consumers who eat fish harvested from these freshwater sources. The growing concentration of the amount of mercury has caused significant problem, not only for Maine’s seafood industry but our Nation’s.

The EPA issued an advisory about mercury and seafood sales in our country, and since March 2001 sales of tuna, for example, have declined by 10 percent. This has resulted in the revenue loss of more than $150 million to the industry. However, we cannot fault the consumers but, rather, our own failed Government policy.

If EPA had followed the Clean Air Act and retained its 2000 decision, each utility unit would have been required to reduce mercury pollutants by 70 to 90 percent in 2008. I should point out that powerplants are the largest remaining source of mercury pollution in the United States—accounting for the 90,000 pounds of airborne mercury a year.

EPA’s own considerable research on the sources and effects of manmade mercury pollution confirms that mercury emissions are getting worse. To my dismay, the less stringent EPA approach will inevitably fail to protect either the health of our children or Maine’s natural resources and the economies that depend on them.

The EPA proposal, at its fundamental level, clearly is dilinquent in protecting all Americans equally from the hazards of mercury pollution. Under these guidelines, a powerplant can buy its way out of mercury restrictions and continue to plague the surrounding population. Our commitment to our communities in America should be uniform, and thus our restriction of this neurotoxin should be consistent.

We know for a fact that human ingestion of mercury causes grave neurological damage to young children, infants, and the unborn. Methylmercury is a known neurotoxin and development inhibitor in unborn babies. Children and fetuses are most susceptible because mercury can have a damaging effect on developing brains. Reports tell us that nearly 4.9 million women of childbearing age have elevated levels of mercury and that approximately 650,000 babies are at risk from mercury-related learning and developmental problems. I find these figures unacceptable. In fact, we all should.

Neurotoxins are not commodities; neurotoxins are poison. I believe that these pollutants and poissons should not be traded in our society but, rather, should be significantly restricted and reduced. It is our duty to enact such a rule.

I hope we will adopt the mercury resolution of disapproval.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOEFEN. Mr. President, I would like to yield 8 minutes to probably the Senator who knows more about air quality and the Clean Air Act than any of the rest of us, the Senator from Ohio, Mr. VOINOVICH.

Mr. VOINOVICH. Mr. President, I rise in strong opposition to this resolution. This represents a continuing saga that started out in 2001 by those of us from the midwestern part of the United States, the Senator from Ohio and the Senator from Wisconsin. Together we have worked with our respected friends from the northeastern part of the United States. I believe everyone should put what we are doing tonight in context; that is, to be effective, this resolution must be passed by the Senate and House and signed by the President.

While the act provides for expedited and privileged procedures in the Senate, there is no such rule in the House. The House will not consider this. The President announced today, if the resolution is passed, that he would veto it. That is where we are.

On March 15, the EPA finalized the Clean Air Mercury Rule and made the United States the first nation in the world to regulate mercury emissions from existing coal-fired powerplants—the first in the world. Through two phases in a “cap-and-trade” program, mercury emissions will be reduced by 70 percent. This is modeled after the Traction Line Air Program, the Acid Rain Program, Modeling by the Electric Power Research Institute, an independent nonprofit research organization, shows that the rule will reduce mercury in every State. This is quite amazing, given the nature of mercury pollution.

It is important for my colleagues to understand that all the mercury that is being deposited in the United States doesn’t come from the United States. Only 1 percent of the mercury in the world comes from our powerplants in this country. Mercury pollution is a global issue because it travels hundreds of thousands of miles. About 5 percent of worldwide mercury emissions comes from natural sources, such as oceans and volcanoes. From 1990 to 1999, EPA estimates that U.S. emissions of mercury were reduced by nearly a half, which has been completely offset by increases in emissions from Asia. Industry estimates all the mercury inputs account for a small percentage of worldwide emissions, and most of the mercury deposited in our Nation comes from outside the country and natural sources. Still, the administration has decided to lead with the first-ever Federal regulation of powerplant mercury emissions in the world.

By using the Congressional Review Act, the Senate from Vermont and the resolution’s supporters are seeking to topple this regulation that has been nearly 15 years in the making—starting in the Clinton administration—and represents one of the most extensive rulemakings ever conducted for a clean air regulation.

The broader intent of the resolution seems to force EPA to impose a very costly and potentially devastating regulation. Several of the sponsors of Senate Joint Resolution 20 have expressed support for maximum available control technology called a MACT standard to reduce mercury emissions from every powerplant by 90 percent within 3 years. Proponents of this approach claim that each powerplant should be able to reduce mercury emissions by at least 90 percent. However, this level of reduction is not currently achievable, and no controlled technology vendor can guarantee the performance of mercury removal technology at this or any other specific level in the future.

According to the independent Energy Information Administration, a MACT standard would have a devastating impact on our Nation because coal plants unable to attain it would be forced to fuel-switch away from coal, which is our most abundant and least costly energy source, to natural gas.

Increased reliance on natural gas for electricity generation will add to the already obscene increase in natural gas costs that our businesses and families are exposed to, including those people who live in the northeastern part of the United States. We have the highest natural gas prices in the developed world, and increased costs have diminished our businesses’ competitive position in the global market. We don’t live in a cocoon; we live in a global marketplace. The chemical industry’s eight-decade run as a major exporter ended in 2003 with a $19 billion trade surplus in 1997 becoming a $9.6 billion deficit. These are real jobs.

The concept of a MACT standard has led many groups to express opposition to this resolution, including the American Chemistry Council, American Farm Bureau Federation, Edison Electric Institute, National Mining Association, National Association of Manufacturers, and United Mine Workers of America. It just can’t be justified from a cost-benefit point of view.
This is very important. While EPA estimates the cost of its cap-and-trade rule at about $2 billion, EIA has projected costs as high as $358 billion for a 90-percent MACT standard.

The public’s return for such a regulation to lifetime increases in natural gas prices by 20 percent and additional reduction in U.S. mercury disposition of 2 percent, an almost immeasurable decline in people’s exposure to mercury.

I do not understand why people in this country are so bent on doing the “perfect,” when you have something that is good and makes sense from a cost-benefit point of view. Given the state of technology and cost of various proposals, the best way to reduce emissions now is by reducing sulphur dioxide and nitrous oxides and getting cost-benefit reductions. Reducing costs effectively is very important; otherwise, companies may not be able to move forward with other pollution controls. It is an integrated gasification combined cycle.

We are moving ahead with the Energy bill and by reducing SOX and NOX we will do more to reduce mercury than any other proposal out there. I hope members understand that is what we are talking about tonight. Whatever happens tonight, it is going nowhere because the President has said he will veto this resolution if it passes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I suppose there are Members who think we are in great shape, the air is clean, no problems whatsoever. The fact is, of course, we have significant mercury in the air that is created in the United States. It tends to occur disproportionately in one part of the United States, the Northeast, making the waters, fish, and air unsafe for children and for pregnant women, while costing taxpayers billions in health care costs.

Shouldn’t we heed the proliferation of warnings our States and the Federal Government have had to give to anglers and women, to the general public, about the consumption of fish—fish caught not from outside our country but in streams and lakes and rivers all across America? Shouldn’t that be enough to shame our Government into action?

Should we allow this rule to move forward, the Bush administration’s own inspector general says it does not comply with EPA Executive order requirements. Their own inspector general says it does not comply. The Government Accountability Office has said there are major shortcomings in the economic analysis. Or should we uphold the bipartisan work of Republicans and Democrats alike that produced the Clean Air Act, thus protecting the health of pregnant women and children?

The Clean Air Act requires EPA to control each powerplant emission by 2008 at the latest. That is the law of the land. Anything less is more pollution. Instead, the administration has turned the Clean Air Act on its head. And this notwithstanding the two previous administrations, Republican and Democrat, that sought to enforce it.

Now they have revoked an earlier EPA rule necessary and appropriate to require these powerplants apply technology to reduce mercury emissions. By revoking the earlier EPA finding and deciding instead to coddle the biggest mercury polluters, the administration is saying it is no longer necessary or appropriate to adequately control mercury emissions. It is an audacious disregard for the health of the American people.

Let’s do the rule over. Let’s get it right. Look what we have, EPA rules are in orange on the chart and do not meet the clean air requirements. The Clean Air Act is in blue on the chart. That shows how badly they miss it.

This rule is going to allow more mercury into our environment than even the current law. If we leave the current law alone, there would be less mercury in our environment. Instead, the rule gives more pollution for longer than the Clean Air Act allows.

The rule is shameful because of the health damage. EPA’s own estimate of the number of newborns at risk of elevated mercury exposure has doubled to 630,000. They also found that one in six pregnant women has mercury levels in her blood above the EPA-safe threshold. I love to have people up and say we are family friendly around here. Family friendly with 630,000 newborns at risk? One in six pregnant women at risk, that is family friendly?

Also, mercury emissions contaminate 10 million acres of lakes and 400,000 miles of streams, which triggers advisories in 45 States warning America’s 41 million recreational anglers that the fish they catch may not be safe to eat.

One reason the administration has such a lack of candor is the fact we discovered this rule has the polluting industries’ fingerprints all over it. Their first proposal for these rules lifted exact text provided by the utility industry lobbyists. Of course, when the lobbyists are shut in and the public is shut out, when the scientific and economic analysis was manipulated and the public’s health was ignored, we get a rule like this.

The Bush administration’s own inspector general and the Government Accountability Office criticized almost every aspect of how EPA drafted this rule. Their recommendations to improve it were ignored. So were more than 680,000 public comments, a record for EPA. They produce a rule that will do nothing for at least a decade.

They punted, and in the meantime, the grandfathered powerplants keep putting mercury into our water, into our fish, putting a generation of women at risk. We tell them their health is not important. We are told it is not a family value to put another generation of young kids at risk of learning disabilities. That is what the mercury rules do.

People in the United States will watch what we do in the Senate, how we vote. Will we side with the American people or the big polluters? We are watching to proceed.

The distinguished Senator from New Jersey is in the Senate and was seeking to proceed.

Mr. LAUTENBERG. Mr. President, the time is short but certainly the alarm is real.

As I look at this, I am bewildered. I have three daughters. I have been fortunate enough to have 10 grandchildren. I have one son. The most precious assets I have in this world are these 10 little kids. I cannot believe that any Member here, in a face-to-face discussion, would say, We have to protect the ability of the coal plant to dispose of its mercury.
to continue to emit more mercury into the atmosphere. I cannot believe any-one would take that as a fair exchange. Would you rather make sure our coal-fired powerplants have the right to in-
crease the emissions of mercury or would you rather know that this child who just had a meal will have a lesser chance of being affected by the scourge of mercury?

Stated in a publication put out by the National Education Association, small doses of mercury can impair the brain's developing nervous system. Infants who appear normal during the first few months of life may later display subtle effects, shorter attention span, poorer motor skills, slow language development, problems with visual-spatial ability such as drawing and memory. These children will likely need extra help to keep up in school, possibly remedial classes or special education.

I hope all of our colleagues, who I know feel as strongly about the protection of our people as I do, but for good-
ness sake, do not ignore those protections by saying we have to make sure that the powerplants do not have to do their part and reduce the emission of more mercury.

I yield the floor.

The PRESIDING OFFICER. The Sen-
ator from Oklahoma.

Mr. INHOFE. Mr. President, I yield 5 minutes to the Senator from Missouri, Senator Bond.

Mr. BOND. Mr. President, I thank the chairman of our committee.

I rise to ask my colleagues in the Senate to think about raising energy costs on American families and work-
kers when we are suffering a significant energy problem. The American people already are struggling with high gasoline prices. The natural gas prices are going to go even higher. Winter is ap-
proaching, with heating bills regret-
tably expected to go through the roof.

This, in my view, is no time to hit families in Missouri and all the other States with higher energy costs on American families and work-
kers. The need for stringent mercury con-

s much has so much mercury in her blood that it poses a risk to a de-
veloping fetus. These risks should not be overlooked. We are talking about the increased potential for develop-
mental delays, lowered IQ, and atten-
tion and memory problems, as well as learning disabilities. In addition to the obvious and enormous emotional and psychological toll of such problems, a report released by the Mount Sinai School of Medicine found that mercury-related brain develop-
ment problems in children cost the United States more than $2 billion an-
nually. Despite the well-documented health risks posed by mercury emis-
sions, especially to women and chil-
dren, the administration has moved forward with this flawed rule.

Thirteen million acres of lakes and 760,000 miles of rivers across the coun-
try have been contaminated by mer-
cury emissions. In fact, in an attempt to protect their citizens, 45 States across the country have issued fish consumption advisories related to mer-
cury. Anglers are warned against eat-
ing fish from many rivers because of widespread mercury contamination. Sadly, every one of the 15,657 lakes in my home State of Wisconsin is under a mercury-related warning, so I under-
stand this problem all too well. And even if Wisconsinites didn’t eat the fish they caught inside our State, many of them would still be at risk, according to EPA and Food and Drug Adminis-
tration warnings, if they decided to con-
sume saltwater species like tuna, shell-
fish, and other marine species.

I urge my colleagues to vote no on the underlying resolution. We do not need to disapprove this regulation that would move our environmental cause significantly forward.
administration to scrap the mercury emissions rule. And still, even in the face of widespread mercury contamination of our streams, rivers, lakes, and even oceans, and outcry from many States, the administration refused to reconsider.

Unless Congress acts to disapprove the administration’s rule, reduction in the amount of mercury emitted will be substantially delayed. Under the Clean Air Act, utilities are required to use the maximum available control technology to reduce mercury emissions by 2008. The rule we debate today—and that I hope we void—would turn that clock back by 10 years to 2018 and then wouldn’t even achieve a target reduction of 70 percent. A 70 percent reduction would not be met until 12 years later. Clean air and water are critical to every individual’s health and we cannot put off meeting our original deadline. Cost effective pollution control technology exists to limit mercury emissions and companies are already moving forward on installing such equipment. We should encourage this innovation and move forward to quickly reduce the health risks we know to be associated with mercury.

The administration’s final mercury rule, with its cap and trade emissions proposal, also falls far short of what the Clean Air Act requires to protect people all across the country. This is in part because, as noted by a National Academy of Sciences study, ‘hot spots’ of mercury are the inevitable result of such a cap and trade program. Companies wouldn’t be required to control emissions at their source and could instead simply buy their way out of compliance. Although trading programs may work with other pollutants, it will not work with mercury. This flawed approach will lead to highly toxic areas peppered throughout each state instead of across-the-board emissions reductions at each site.

I am not only disturbed by the substance of the EPA’s mercury rule but also by investigations that have determined that the process by which the rule was drafted was badly flawed and by the failure of EPA to consider all available data. First, in conducting its investigation of the mercury rule making process and prior to finalization of the rule, the EPA’s Inspector General reported the rule’s development was “complacent.” Second, and before the rule was finalized, the Government Accountability Office issued a report that severely criticized the EPA’s rulemaking process, finding that it violated the Agency’s own policy, as well as OMB guidance and presidential executive orders. Finally, the EPA chose to ignore a Harvard study, which had been commissioned by the EPA, that demonstrated substantial public health risks from the Bush mercury rule. Taken together, the three process problems are unacceptable and cause for serious concern. Dishearteningly, even in the face of these reports and data, the administration forged ahead with its flawed rule.

Senate Joint Resolution 20 is the first step in protecting our citizens and the environment from the harm we know to be associated with mercury. I am saddened that we must take this step, but I hope that we can quickly reverse the administration’s rule. Swift action by this body and the House will reassure Americans that we are acting with their health in mind, and I urge all of my colleagues to support this important resolution.

I ask unanimous consent to print the letter to which I referred in the RECORD.

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

ATLANTA, GEORGIA,” October 13, 2005

S. J. RES. 20—The Price of Ignorance

BY PETER C. HARVEY

Chairman, House Committee on Energy and Commerce

To the Congress of the United States:

Pursuant to the provisions of Senate Resolution 202, approved August 31, 2005, the enclosed copy of the text of Senate Joint Resolution 20, a joint resolution to disapprove the mercury emissions rule promulgated by the Environmental Protection Agency, is submitted for its consideration.

The resolution is respectfully submitted to the House of Representatives as follows:

IN THE SENATE OF THE UNITED STATES,

September 8, 2005.

S. J. RES. 20—A joint resolution to disapprove the Mercury emissions rule promulgated by the Environmental Protection Agency.

Dear Senator: As chief of your office or environmental enforcement officers for your state, we are writing to express our grave concerns about the Environmental Protection Agency (‘EPA’) rulemaking regarding mercury emissions from power plants. We urge you to support a bipartisan joint resolution sponsored by Senators Patrick Leahy and Susan Collins and Representative Chellie Pingree of Maine (S.J. Res. 20), disapproving EPA’s attempt to exempt power plants from the stringent control requirements of the hazardous air pollutants section of the Clean Air Act.

In our view, the mercury rules fail to adequately protect the public from harmful mercury emissions from coal-fired power plants, which threaten the health of our nation’s children. Significant, the rules fail to meet the minimum requirements of the Clean Air Act at a time when the threat posed by mercury and the environment is clear. Mercury pollution in our waterways has forced states to issue fish advisories covering more than 13 million acres of public waters and miles of our rivers. The scope of mercury exposure has led scientists to estimate that up to 600,000 children may be born annually in the United States with neurological problems. These problems require swift and effective regulatory action to limit mercury emissions in the United States.

Section 112 of the Clean Air Act provides the framework for such regulatory action by requiring the maximum achievable level of pollution reduction for hazardous air pollutants such as mercury in an expeditious time frame. Unfortunately, EPA’s recent rules regulating mercury seek to exempt the single largest U.S. source of mercury, coal-fired power plants from the requirements of section 112. Instead, EPA has promulgated rules that will allow many power plants to avoid reductions in their mercury emissions, and will prolong the problem of “hot spots” of mercury contamination throughout our nation. The new rules would do little to reduce mercury emissions for decades leaving our most vulnerable citizens, our children, at risk.

The Leahy-Collins resolution is an opportunity to correct our children and environment by rejecting EPA’s attempt to exempt power plants, and their estimated 48 tons of annual mercury emissions, from the clear requirements of the Clean Air Act. EPA’s failure to address the threat of mercury as required by the Clean Air Act has caused the states to challenge the new rules in court. In light of the mounting impacts of mercury emissions on public health and the environment, EPA’s failure also compels us to require immediate action on this critical issue. We strongly urge you to vote in support of the Leahy-Collins resolution to require EPA to establish clean air standards that comply with the law and protect public health.

Respectfully submitted,

Peter C. Harvey, Attorney General, for the State of New Mexico; Gary Lockyer, Attorney General; the State of California; Bill Lockyear, Attorney General; the State of Connecticut; Richard Blumenthal, Attorney General; the State of Delaware; M. Jane Brady, Attorney General; the State of Illinois; Lisa Madigan, Attorney General; the State of Maine; G. Steven Rowe, Attorney General; the Commonwealth of Massachusetts; Thomas F. Reilly, Attorney General; the State of Montana; Mike Hatch, Attorney General; the State of New Hampshire; Kelly A. Ayotte, Attorney General; the State of New Mexico; Patricia A. Madrid, Attorney General; the State of New York; Thomas D. Corning, Attorney General; the Commonwealth of Pennsylvania; Department of Environmental Protection, Susan Shinkman, Chief Counsel; the State of Rhode Island; Patrick Lynch, Attorney General; the State of Vermont; William H. Sorrell, Attorney General; the State of Wisconsin; Peggy A. Lautenschlager, Attorney General.

Mr. CORZINE. Mr. President, I rise today to express my outrage that my colleagues and I have to fend off yet another attack on the environment by the Bush administration. I am appalled that instead of taking steps toward improving air quality by implementing stricter CAFE standards, reducing greenhouse gas emissions, and other positive measures, the Bush rule takes a giant step backward.

Indeed, the mercury rule put forth by the Bush administration takes American environmental policy back at least 5 years. In 2000, the Environmental Protection Agency determined that powerplants must be regulated under the Clean Air Act because they are the largest remaining sources of mercury pollution and are, therefore, a public health risk. Up until the spring of 2003, EPA was working toward finalizing an effective regulatory policy to reduce mercury emissions from powerplants by over 90 percent beginning in 2008. But in 2003, the Bush administration reversed course by developing this new rule that exempts powerplants from any regulation under the Clean Air Act. Bowing to industry pressure, the Bush rule will do nothing to reduce emissions for at least a decade and once implemented, will only reduce mercury emissions to approximately one-third of what the Clean Air Act requires. This decision is irresponsible in light of the clear dangers of mercury and the dangers of mercury emissions. Mr. President, mercury emissions are continuing to increase and are endangering
the health of American families across the country.

I am proud to say that my State, New Jersey, has taken the helm on reducing its own instate emissions. Last year, New Jersey adopted stringent rules to reduce emissions from coal-fired powerplants, iron and steel melters, and municipal solid waste incinerators. New Jersey’s rules set the goal of reducing emissions from instate coal-fired plants by 90 percent by the year 2020. To achieve this goal, New Jersey will reduce its mercury emissions by over 1,500 pounds of mercury each year.

While New Jersey has implemented this aggressive strategy in the fight to protect the public from mercury exposure, the new Bush administration rule undermines these efforts. More than one-third of mercury deposition in New Jersey comes from out-of-state sources. Instead of allowing more mercury emissions from coal-fired plants, the new rule proposes weakening states’ laws by requiring States to adopt strict rules similar to New Jersey’s. Instead, it is removing powerplants from the list of pollution sources subject to stringent pollution controls under the Clean Air Act. Why does the administration want to undercut States, such as New Jersey, that are making the right decision?

Thankfully, New Jersey has not backed down, and stands by its goal to reduce mercury emissions. In fact, New Jersey spearheaded a multistate lawsuit challenging the EPA’s rule delisting powerplants as a source of mercury pollution. Fourteen States have joined New Jersey’s challenge to this rule because it violates the Clean Air Act and fails to protect the public adequately from the harmful mercury emissions from coal-fired powerplants.

The health effects of mercury are no secret. Mercury is a potent poison that can cause severe neurological and developmental problems. Developing fetuses and children are the most vulnerable to the effects of mercury contamination. The threat is so severe that the National Academy of Sciences recommends that pregnant and nursing mothers not eat more than 6 ounces of fish per month. Even by EPA’s own estimates, more than 600,000 infants are born each year with blood mercury levels that are hazardous to health. EPA’s own inspector general report that examined the EPA’s proposed rule on mercury pollution concluded that the EPA’s rule is not risk-based, irresponsible and just plain wrong.

Knowing these health risks, we cannot be complacent about this new rule. How can we sit back and let powerplants, the Nation’s worst mercury polluters, reduce their mercury emissions by such a drastically different rate than what the Clean Air Act requires? This is morally unjust, irresponsible and just plain wrong. We have the technology to control mercury emissions—that is not the problem. The problem is that industry does not want to be accountable for the costs of pollution. The Bush administration is letting them get away with that. Instead, the public will incur the health costs of not reducing emissions. Once again, it is clear that the administration has no problem letting big industry off the hook at the expense of the public’s health.

We have the science behind us and the technology available to reduce human exposure to mercury. We cannot retreat; we must move forward and protect the health of our children. I urge my colleagues to support the resolution.

Mrs. BOXER. Mr. President, just over 5 short months ago, the Bush administration finalized a rule that weakens and delays required controls on emissions from coal- and oil-fired powerplants. We should overturn this rule today.

This vote presents a clear choice: does the United States Senate support protecting the health of millions of children in this country and support protecting the profits of industries that emit mercury, which poisons our children and environment?
The Bush administration supports the interests of polluting industries. The administration’s rule saves the electric industry money, but at a severe cost to public health. The administration has—once again—used the Federal Environmental Protection Agency to protect polluters.

Mercury is a potent poison. Studies show that it may damage the human cardiovascular, endocrine, immune, and respiratory systems. It also harms the nervous systems of developing fetuses. Low levels of mercury exposure in utero can damage a fetus’s brain and create long-term injuries, including learning disabilities, poor academic performance, and reduced capacity to do everyday activities like drawing and learning to speak. Up to one-third of children are born each year having already been exposed to levels of mercury associated with brain damage.

Just last week, on Sept. 8, 2005, the Center for Children’s Health and the Environment, located at Mount Sinai Medical Center, found that more than 1,500 babies suffer from metal retarda-
dion due to mercury exposure in utero. In addition to the life-long personal impacts, the study found that the nation loses $2 billion annually from such injuries.

Forty-five States warn people to reduce or avoid consumption of fish from waterbodies that contain mercury due to the risk associated with eating these fish. Mercury levels become concentrated in some fish, reaching more than one million times the level of mercury in the water.

Where does this mercury come from? Powerplants are the largest source of U.S. emissions of mercury, accounting for 44 percent of all such emissions. These powerplants emit 30 percent of the mercury that currently pollutes U.S. waters. Fish contaminated with mercury is the main source of exposure for people in our nation.

The Clean Air Act requires reductions in mercury emissions that are crucial to protect public health. But, the Bush administration has decided to ignore the law. EPA’s rule on coal- and oil-fired powerplants implements slower and weaker requirements than under the Clean Air Act. This ill-advised rule delays reductions for 10 years and allows higher emissions of mercury, compared to the Clean Air Act’s requirements. EPA’s projected reductions in emissions under the rule do not meet the reductions required by the Clean Air Act.

And, in fact, this chart shows the reductions do not even meet what the rule calls for.

Why did the EPA get it so wrong? Well, for starters, EPA used language from utility-industry lawyers—almost word for word—to create the rule. On September 29, 2004, the Washington Post reported that:

For the third time, environmental advocates discovered passages in the Bush administration’s proposal for regulating mercury pollution from power plants that mirror almost word for word portions of memos written by a law firm representing coal-fired power plants. . . . The EPA used nearly identical language in its rule, changing just eight words. In a separate section, the agency used the same italics [the law firm] used in their memos.

Let me repeat the last part. The industry meme and the rule that EPA proposed even used the same italics.

What else did EPA do wrong? The EPA’s own inspector general found that senior EPA officials told colleagues to ignore the law. The inspector general report that examined EPA’s mercury rule:

Evidence indicates that EPA senior management instructed EPA staff to develop a Maximum Achievable Control Technology (MACT) standard for mercury that would result in national emissions of 34 tons annually, instead of basing the standard on an unbiased determination of what the top performing units were achieving.

Again, this bears repeating: Senior EPA officials rigged the rulemaking to allow the power industry to emit a heavy metal that can poison children. But, it doesn’t end there.

Both EPA’s Inspector General and Congressional Accountability Office found that EPA failed to assess all of the public health benefits of reducing mercury. EPA ignored demands
from its own Children’s Health Protection Advisory Committee and other public health groups to assess such injuries.

Let me quote from a January 4, 2005 letter that the Advisory Committee wrote to the EPA:

While we are pleased to see that EPA is considering additional external analyses, we note that EPA has not conducted the analysis recommended by [the Children’s Health Protection Advisory Committee] ... Specifically, we asked the Agency to develop ‘an integrated analysis with respect to whether emissions reductions under either of these proposals: child-protective, timely, and cost-effective,’ using existing available data. ... The [Children’s Health Protection Advisory Committee] notes that none of the [EPA’s] Principle questions for consideration [of the rule] addresses the importance of healthy child development in assessing a country’s economic competitiveness.

The Advisory Committee wrote four letters admonishing the EPA to conduct the needed analysis and increase protections for children.

Did EPA listen? No. EPA unlawfully allowed industry to emit poison, and then turned a blind eye to the injuries suffered by children who will be hurt most from this decision.

In this rule, EPA chose not to require coal and oil-fired powerplants to make the same types of reductions that medical and municipal waste incinerators have made. These facilities, which emit mercury, have reduced their emissions by 90 percent using the maximum achievable control technologies.

EPA got it wrong by cooking the books, using industry-supplied language, willfully ignoring the most severe public health impacts, and simply refusing to make powerful industries comply with the same rules as other entities.

We must reject EPA’s rule to delist these facilities as emitters of hazardous air pollutants. The Senate must join with the religious community, public health advocates, fishermen and hunters, environmental groups and more than a dozen states in opposing this rule.

We must vote to protect public health, not the profits of the power industry.

(At the request of Mr. REID, the following statement was ordered to be printed in the Record.)

Mr. KERRY. Mr. President, I regret having to miss the vote on the Collins-Leahy mercury resolution on the floor today; however, I am in Louisiana delivering supplies to the victims of Hurricane Katrina. It is my understanding that my absence will not affect the outcome of this vote.

The scientific evidence regarding the role that mercury contamination plays in public health and the environment speaks to the importance of this issue. Mercury is a potent neurotoxin harmful to fetuses’ and children’s nervous systems. Frighteningly, one in six women of childbearing age in the United States carries enough accumulated mercury in her body to pose risks of adverse health effects to her children should she become pregnant. But it doesn’t end there. A recent study found links between mercury and childhood developmental disabilities such as autism. Forty-four States have issued health advisories warning pregnant women and children to limit their consumption of many fish caught in freshwater. And researchers have warned that mercury is associated with cardiovascular disease in adult men.

Facing this threat to the environment and our public health, the Bush EPA has failed. Whether through effort or error, it has repeatedly taken its lead from regulated industries, overlooked sound science, and put the demands of the special interest ahead of the public interest. EPA has indefensibly purported to overturn its obligations under the Clean Air Act to adopt far more protective mercury regulations by 2008. Simultaneously the Agency has promulgated far weaker measures that do not require any specific mercury reductions before 2018, and even then delay the ultimate reductions for an additional decade.

As Members of the Senate, we have a unique opportunity under the Congressional Review Act to send the mercury powerplant rule back to the EPA for a thorough review. Only through a new rulemaking can we hope to develop a scientifically sound proposal that will protect the public health, protect the economy and public any confidence in the regulatory process.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I will use leader time, not to use the remaining time Senator LEAHY has.

The PRESIDING OFFICER. The Senator has that right.

Mr. REID. Mr. President, we do not have a lot of rivers in Nevada. We have only one river, and it plays a great deal on the Carson River. It is a wonderful place to fly fish. But there are signs posted in various places on the Carson River warning of the danger of mercury.

Mercury in Nevada is a problem, as it is in 44 other States. Forty-four States, including Nevada, have warnings urging residents to avoid eating mercury-laden fish caught in lakes, rivers, and streams.

I first want to thank Senators LEAHY and COLLINS for bringing the mercury pollution rule resolution of disapproval to the floor today.

Mercury is a potent neurotoxin that can affect the brain, heart, and immune system. Developing fetuses and children are especially at risk, and even low-level exposure to mercury can cause learning disabilities, developmental delays, and other problems.

Mercury’s impact on public health has been well documented. EPA scientists estimate that one in six pregnant women in the United States has enough mercury in her body to put her child at risk. That is too bad.

The Food and Drug Administration has recommended that children and women of childbearing age eat no more than two meals of fish per week and to avoid eating certain fish altogether.

Powerplants are the largest emitter of mercury in the United States, emitting over 40 percent of the total mercury emissions.

On March 29, 2005, the Bush administration issued the final rules that give powerplants a pass on mercury emissions for years, delaying modest reductions until the year 2018.

Every time I hear the Clear Skies Initiative, it reminds me of the book “1984.” That is Orwellian. That legislation does everything except clean the air. The American people want air they can breathe that is safe. They want water they can drink. Delaying these reductions until 2018 does not do that.

Earlier this year, the EPA Inspector General and the Government Accountability Office found that the EPA failed to analyze the health impacts and ignored scientific evidence to establish a predetermined and less protective mercury rule favored by the Bush administration political appointees.

This is not some partisan harangue. This comes from the Inspector General of the Environmental Protection Agency and the Government Accountability Office, the watchdog of this body, the Congress.

Ten States have filed lawsuits against the EPA saying the rules certainly do not go far enough. In addition, thousands of sportmen’s groups—thousands of sportmen’s groups—public health groups, environmental groups, and religious organizations oppose the Bush administration mercury rule.

EPA rules that allow mercury emissions to continue are a danger to public health. This great Nation cannot compromise health simply to protect the financial interests of utilities. That is why we should reject the administration’s mercury rules and send the EPA back to the drawing board to write a rule that complies with the law and protects our health.

So I strongly urge my colleagues to vote for the Leahy-Collins mercury rule disapproval resolution. Forty-four States have warnings urging residents to avoid eating mercury-laden fish caught in their rivers, lakes, and streams. Mr. President, that says it all.

The PRESIDING OFFICER. The Senator yields back.

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I see the Senator from Delaware is in the Chamber. If he would like to go ahead, it would be acceptable.

Mr. LEAHY. Mr. President, how much time is still available to the Senator from Vermont?

The PRESIDING OFFICER. The Senator from Vermont has 3 minutes. The Senator from Oklahoma has 15 minutes.

Mr. LEAHY. Mr. President, I yield 3 minutes to the Senator from Delaware.
The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. I thank my colleague. Mr. President, others have spoken this evening of the health threat that is posed to our young, the unborn, and to pregnant women. I am not going to belabor those points. They have been well made.

Senator Reid mentioned there is a river in his State where you can’t eat the fish because of the mercury content. Ironically, last Friday, I was on a river that literally flows through Wilmington, DE. If you ever come up I-95, through Wilmington, up on the train through Wilmington in the Northeast Corridor, you go right by the Christina River. I was out on the Christina River. There are several other rivers in my State which have a similar ban in effect.

The problem I have, the concern I have is, let’s say you have a fish mercury-emitting powerplant here, and you have a lower one here. If the folks who have the higher emitting plant want to continue to emit a lot of mercury, they can do that under the strict cap-and-trade approach. They can say: We will find a way in another part of the country to reduce mercury emissions and use that to trade off the high-emitting utility.

The problem, for me at least, with a strict cap-and-trade approach is mercury hot spots. Cap and trade is fine, but I think we would be much smarter to have an approach that almost every utility—which is burning whatever fuel it is, coal or some other, to create electricity—that everybody would have to reduce to some extent their mercury emissions.

Is it technically feasible? As it turns out, it is. We had in our committee about 2 years ago testimony from companies such as WL Gore that they have the ability to reduce mercury emissions by 40, 50, 60, 70 percent. I just learned from my staff there is an outfit, a Colorado-based company, ADA Environmental, that has been awarded contracts to install new mercury-control equipment in two powerplants being built in the Midwest. I think they are looking for mercury emission reductions by as much as 80 percent.

This is not something we will only be able to do in 2018 or 2017 or 2016. These are emission reductions that are achievable in the next couple of years. It is all well and good we want to reduce emissions in 2018 by 70 percent. We can do better than that. We ought to do better than that.

There is a balance that is achievable. The balance involves reducing the level of mercury emissions and at the same time not causing further spikes in the price of natural gas. We can do both, and we need to do both.

The rule this administration submitted to us and has promulgated does not do both. We can do better than that. My hope is in our committee we will be able to do both.

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

The Senator from Oklahoma.

Mr. INHOFE. Thank you, Mr. President.

First, let me advise everyone where we are right now. We will be having a vote at the conclusion of my remarks on the motion to proceed. Tomorrow there will be actually a vote on the resolution. And tomorrow is the significant vote. There has been a lot of talk about today’s motion, but tomorrow’s is very significant.

I have to say it appears to me this is highly politically charged, that we would be talking about this at this time. Our country is in the confirmation of a Supreme Court Justice, as the Senator from Vermont knows. He is very diligently involved in that confirmation process. We have the catastrophe down in Alabama and Mississippi and Louisiana. Yet we are taking time now to discuss overturning an existing cap and trade mercury rule.

I have to ask the question, Is there anyone in this Chamber who believes the President would sign legislation to repeal his own administration’s rule? As the Senator from Ohio pointed out, the President has already announced he is going to veto this resolution in the event it passes. So we are not really accomplishing anything.

I have to say, this is hardly the time to discuss overturning an existing clean air regulation that relies on an approach that is proven to be effective. There were sceptics back when acid rain came along as to the cap-and-trade procedure. It has worked; we know that.

Let’s look at the economics for a minute. No one has talked about that.

This resolution is intended to force the Environmental Protection Agency to impose a very costly and potentially devastating regulation in place of the most successful part of the Clean Air Act, the acid rain program. Many Senators resisted the acid rain program, saying that would be hot spots and compliance problems, yet there have been no hot spots and, unlike with most of the Clean Air Act, virtually no enforcement problems. As the senior Senator from Vermont said in 1999:

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

I think he was correct. That is exactly what the current rule under which we are operating does, the cap and trade, similar to the successful program that was used in acid rain. Moreover, supporters of the resolution that is under consideration assume the cap and trade mercury rule would be replaced with a 90-percent MACT rule. When the EPA first proposed a cap and trade approach last year, it also proposed a MACT approach. The MACT it proposed as complying with the law would only cut mercury emissions by 29 percent—not 90 percent, 29 percent. Yet here we have a rule that cuts mercury 90 percent and it costs less because it uses cap and trade. Why would the sponsors of this resolution want to get only a 29-percent reduction in mercury?

Actual deposition and its variety of sources are rarely discussed. Mercury emissions are not exclusive to powerplants. In fact, U.S. powerplants contribute but 1 percent of the global
total, according to Josef Pacyna of the Norwegian Institute of Air Research, as well as the U.S. Environmental Protection Agency. An enormous amount originates in Asia. More than half of mercury emissions are nationally occurring. The statistic, mercury will be present in the human bloodstream regardless of whether powerplants are regulated by a cap and trade emissions reduction program or the more costly but less effective MACT standard, that matter, even if all powerplants and manufacturing facilities in the country were to be shut down altogether.

EPA data shows that eliminating U.S. powerplants from the mercury deposition equation would have virtually no effect on reducing actual deposition. Throughout New England, for example, the range of deposition levels would be unchanged. With or without powerplants, deposition levels are between 10 and 15 micrograms per square meter in the overwhelming majority of the area. Where there is a reduction, the amount is negligible.

The charts created by the EPA using state-of-the-art computer modeling tell the story. As you can see in chart No. 5, throughout the country mercury deposition from all sources ranges from as low as 5 to 10 micrograms, up to more than 20 micrograms per square meter. The next chart, in contrast, shows that powerplants contribute less than 1 microgram per square meter for most of the country, including virtually the entire United States. Nonetheless, it is true that in most of the East, powerplants are responsible for 1 to 10 micrograms per square meter of the deposition. In a small region of the country, they cause as much as 10 to 20 micrograms. That is why the EPA has issued its regulation.

The next chart, however, is revealing. With the EPA’s rule, powerplants will contribute less than 1 microgram in the vast majority of the country and less than 5 micrograms anywhere else. Clearly, the EPA rule is effective. Yet despite the effectiveness of the EPA rule, some are advocating overturning a 70-percent emission reduction in the hopes of eking out a slightly greater reduction of 90 percent.

This last chart, No. 8, completes the story. Even if all powerplants in the country were shut down, mercury deposition would be at least 5 to 10 micrograms, if we shut down all powerplants. All we are addressing now is powerplants, and a lot of people are deceived into thinking that powerplants is where you get your problem with mercury. That is not it. One percent is in powerplants. Even if all powerplants in the country were shut down, mercury deposition would be at least 5 to 10 micrograms. In half the country, it is 10 to 15 micrograms. In a significant portion of the country, it ranges from 15 to more than 20 micrograms.

Look at this chart. Now go back to chart 3. It is incredible that some Senators are willing to roll back EPA’s current rule when deposition from powerplants will be negligible compared to other sources. EPA believes we should act now to reduce emissions of mercury from powerplants so we can achieve the upper bound of 5 in chart No. 7. Repealing the section 111 rule would be a step backward in our efforts to regulate mercury emissions from powerplants. It would create enormous uncertainty for the States. Keep in mind that just 6 months ago when the President came out with a cap and trade restriction on mercury, we had no restriction on mercury in powerplants. It was nonexistent. In the absence of the mercury rule, there will be no Federal regulation of mercury from existing powerplants, at least in the foreseeable future. Repealing EPA’s rule would roll back the 70-percent reductions required by the agency and eliminate incentives for the development of new mercury-specific control technologies.

It is not appropriate for Congress to address this issue. The very people who claim that EPA acted improperly have asked the DC Circuit Court of Appeals to review the EPA’s action to determine if their actions were proper or improper. The court would thoroughly review the legal and factual basis for the EPA’s determination. There is no reason for Congress to interfere with this process. Congress can take affirmative action on mercury emissions by passing the Clear Skies legislation.

We went through this. We have been working for 2 years to get the President’s Clear Skies legislation passed. Clear Skies legislation mandates a 70-percent reduction in SO2, NOx, and in mercury. And for some reason those individuals who claim to be concerned about the environment would rather have no mandated reduction at all. We have the opportunity now to do that. Clear Skies cut mercury emissions from the power section by 70 percent. The President’s Clear Skies legislation is a more effective, long-term mechanism to achieve large scale national reductions of not only mercury but sulfur dioxide and nitrogen oxides. Clear Skies legislation applies nationwide and is modeled on the highly successful acid rain program, a program many people have said was not going to work, was not going to be effective. Yet we all now realize it was effective. We are not talking about just mercury. We are talking about sulfur dioxide, nitrogen oxide. I believe it would be totally irresponsible to somehow roll back the first attempt that we have to regulate mercury in powerplants. Keep in mind, prior to 6 months ago, it was not regulated at all. That is what this is all about.

Tonight is a vote on the motion to proceed. I don’t care about the motion to proceed. Let’s go ahead and vote in favor of that. Tomorrow is the main vote. That is a significant vote. I think we need to proceed to that vote tomorrow.

I yield back the remainder of my time.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. All time having been yielded back, morning business is closed.

DISAPPROVING A RULE PROMULAGATED BY THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY—MOTION TO PROCEED

Mr. INHOFE. Mr. President, I move that the Senate proceed to the consideration of S.J. Res. 20.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to a vote on the motion to proceed to S.J. Res. 20 which the clerk will report.

The assistant legislative clerk reads as follows:

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

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

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

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

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Montana (Mr. BURNS), the Senator from Georgia (Mr. CHAMBLISS), the Senator from South Carolina (Mr. DE MINT), the Senator from Florida (Mr. MARTINEZ), and the Senator from Kansas (Mr. ROBERTS).

Further, if present and voting, the Senator from South Carolina (Mr. DE MINT) would have voted “yea.”

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KERRY), and the Senator from West Virginia (Mr. ROCKEFELLER), are necessarily absent.

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

The result was announced—yeas 92, nays 0, as follows:

(Rollcall Vote No. 224 Leg.)

YEAS—92

Akaka
Alexander
Allard
Allen
Baucus
Byrd
Bennett
Biden
Baucus
Byrd
Bennett
Biden
Brownback

Burr
Byrd
Cantwell
Graham
Carper
Chafee
Clinton
Collins
Conrad

Cornyn
Crist
Craig
Crapo
Dayton
DeWine
Dodd
Donnelly
Durbin
Ensign
The motion was agreed to.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

MORNING BUSINESS

Mr. VINOVIČ. Mr. President, I ask unanimous consent that there be a period for morning business.

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

CLEAN AIR MERCURY RULE

Mr. VINOVIČ. Mr. President, I rise this evening to express opposition to the resolution that we are going to be voting on tomorrow morning. First, for the benefit of my colleagues, I would like to explain that to be effective the resolution must be passed by the Senate and the House and signed by the President. While the act provides for expedited and privileged procedures in the Senate, there are not such rules in the House. I have every reason to believe this resolution will not be considered by the House, and even if it is considered by the House and passed, the President has announced today that he would veto this legislation. So it is clear where this is going.

What are we talking about? On March 15 of this year, EPA finalized the clean air mercury rule and made the United States the first nation in the world to regulate mercury emissions from existing coal-fired powerplants. That is the first in the world. We know we have coal-fired powerplants all over the world—China, India, all over. There are two phases in a program called cap and trade, mercury emissions will be reduced by 70 percent. The program is modeled after the Nation's most successful clean air program, the Acid Rain Program. There were no any lawsuits filed, and it went through and made a big difference in terms of reducing acid rain.

Modeling by the Electric Power Research Institute, an independent non-profit research organization, shows that the rule is going to reduce mercury in every state. And this is quite amazing given the nature of mercury.

Let us talk about mercury and where it comes from because the debate ear-

lier this evening gave me the impression that all of the mercury that people are experiencing today in the United States comes from the United States. Not so. Mercury travels hundreds and thousands of miles. About 55 percent of worldwide mercury emissions come from so-called "natural" sources such as oceans and volcanoes. So it is already in the environment. Only 1 percent of worldwide emissions come from U.S. powerplants, which is what we are talking about today.

From 1990 to 1999, the Environmental Protection Agency estimates that U.S. emissions of mercury were reduced by nearly half. So we have been doing some real good, and that has been completely offset by increases in emissions from Asia.

As many of my colleagues know, throughout my career I have focused a lot of my time and energy on the Great Lakes. In a report published after a workshop sponsored by the International Joint Commission—the International Joint Commission is made up of U.S. and Canadian representatives and the Commission for Environmental Cooperation—I learned that as much as 45 percent of the mercury disposition in the Great Lakes is believed to come from Asia.

We have had some discussion today about mercury control technology. I would like to share with my colleagues that this is the view of the Department of Energy, EPA, and the electric utility industry has demonstrated that existing control equipment for sulfur dioxide, nitrogen oxide, and particulate matter can reduce mercury emissions by approximately 40 percent. In other words, if we do a better job of reducing NOx and SOx, we will have a real impact on the reduction of mercury in the United States.

According to the DOE’s national environmental technology laboratory, the ability of these existing pollution controls to reduce mercury can vary from zero levels approaching 90 percent. In fact, some combinations of control technologies for reasons unexplained show an increase in mercury emissions.

So the status of the technology is really fuzzy. If mercury technology is so settled, as my colleagues would lead many to believe, then why is the Department of Energy, EPA, and the electric utility industry having such a hard time getting a firm handle on some of these issues?

Additionally, Green Wire published an article, by the way, that was referenced by the Senator from Delaware, where the first sentence reads: A leading technology for removing mercury from the coal combustion process will be fully applied for the first time to a commercial generating unit. This technology, which is proven technology of one or two out of more than a thousand coal-fired units are going to install it.

In other words, we have a couple of plants that they are talking about doing something in terms of this mercury technology. The vendor that is going to install this technology on two plants in the Midwest has said their target is 80 percent.

The technology proponents are promoting the resolution want a 90-percent reduction within 3 years. Now, here is somebody who is out there in front on technology, and they are talking about their target being 80 percent. The President’s regulation, EPA’s regulation, is a reduction of 70 percent.

So let us look at this. Two plants out of more than 1,000 coal-fired plants. I am not sure that one could argue with a straight face that the technology is out there to do what the sponsors of this resolution would say that they could do.

According to the DOE, currently no single technology exists that can uniformly control mercury from all powerplants, and even if it were, the EPA concluded that mercury-specific control technologies are not yet commercially available and does not believe widely applicable technologies can be developed and broadly applied over the next 5 years.

The sponsors of this resolution, as I mentioned, are for something called the Maximum Available Control Technology. They want a 90-percent reduction in 3 to 4 years. First of all, the technology that is not there to do what the sponsors of this resolution would say that they could do.

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Information Administration, a maximum standard would have a devastating impact on our Nation because coal plants, unable to attain it, would be forced to fuel switch away from coal, which is our most abundant and least costly energy source, to natural gas.

One of the things my colleagues need to understand is that we are the Saudi Arabia of coal. We have 250 years’ worth of coal here in the United States. There are some people, frankly, who would like to see coal put out of business. In fact, the lawyer for the Sierra Club indicated about a year ago that it is their goal to make sure that we no longer have any coal-fired facilities, energy plants in the United States.

Increased reliance on natural gas for electricity generation will add to the cost, as we have already seen. We have the highest natural gas prices in the developed world today. Increased costs have not only affected businesses but also impacted on our competitive position in the global market.

I was saying earlier today, some of my colleagues are living in a cocoon. The biggest threat to the United States, we would not recognize, is that we have the most fierce competition this country has ever confronted in my memory today, and we still go about dealing with our problems the way we did 25 or 15 years ago. We have to understand the decisions we make not only impact on the people in our Nation, but they also impact on the competitive position of the United States in the global marketplace.

The Energy Information Agency, which is part of the Department of Energy, estimates that natural gas prices may go up as much as 71 percent in some parts this fall. Did you hear me? That is 71 percent. Talk to the people in Cleveland or in Columbus or other parts of the United States who have had it up to here with their natural gas costs. It will place a burden on the poor and elderly and on American businesses both large and small. EIA finds that the use of natural gas for electricity generation may increase up to 10 percent by 2025, with nationwide electricity prices expected to rise by as much as 22 percent.

The repercussions of high natural gas prices do not end with higher energy prices that we have been experiencing. What we forget about is natural gas—this is something I think the American people have to understand—is a vital feedstock for many industries in the United States. Since 1998, 21 nitrogen fertilizer production facilities have closed, 16 of them permanently. As a result, farmers are paying up to 70 percent more for nitrogen fertilizer materials than they did before, and that is reflected of course in the price we pay for corn and for other crops that use fertilizer.

The chemical industry had an eight-decade run as a major exporter; that is, we exported chemical products all over the world. That ended in 2003. With a $19 billion trade surplus in 1997—that is $19 billion we are selling—it went to a $9.6 billion deficit. That means today we are importing chemical products into the United States. More than 90,000 U.S. chemical industry jobs have been lost in the last 2 years. Large-scale chemical production plants under construction worldwide, 50 are in China, while only 1 is in the United States.

Perhaps the most frustrating aspect of this resolution for me is that it completely circumvents the Environment and Public Works Committee and the subcommittee I chair. That subcommittee is the Clean Air Subcommittee of the Environment and Public Works Committee Climate Control and the Nuclear Regulatory Commission. Disregarding our committee’s jurisdiction and input on this matter, with a total of 24 hearings held on emissions issues since 1998, S.J. Res. 20 was discharged from the EPA Commission by a petition, not by a vote of its members. In fact, the committee worked for a few months of this year to pass the Clean Skies Act to reduce emissions of mercury, NOx and sulfur dioxide. Unfortunately, several of my colleagues simply did not want a bill and were unable to compromise and now we are able to move the bill out of committee.

It is astounding that many of the Members who are now supporters of this resolution on which we will vote tomorrow—if Members want to reduce emissions sooner or even through a different mechanism, then let’s work together and pass a multi-emissions bill that deals with SOx, NOx, and mercury, as proposed in the President’s Clear Skies Initiative on which we agreed to compromise and now we are dealing with one part of it.

Instead, proponents of this resolution are taking a step backward. At the least, passage of this resolution means that the Clean Air Mercury Rule would be repealed and there would be years of delay before a new regulation would be developed, proposed, finalized, and then implemented after resolving the inevitable litigation.

I want to point out the beginning of this resolution; it sounds coming up with a mercury rule—started in the Clinton administration 15 years ago.

Some arguments have also been advanced that the resolution would eliminate any legal requirement that EPA even promulgate a regulation to control mercury emissions from powerplants. This resolution is not the right way to get actual reductions. EPW Committee Chairman Jim Inhofe and I showed earlier this year that we are willing, as I mentioned, to sit down at the table and work through a multi-emissions bill. We made changes in the committee to address every concern raised and we are willing to do more, but frankly no member of the opposing side told us what is wrong with our proposal and what would be needed for them to support our bill. We got nowhere.

Our managers’ amendment to Clear Skies is stronger than the Rule. We have extended this phase from 2018 to 2016, and create a hotspot program to address concerns that people have with our cap-and-trade program.

But last thing I would like to get to is there are being represented all kinds of statistics on how mercury is impacting the population of the United States, particularly women of child-bearing age.

I want to point out the major sponsors of this resolution live up in this area of the United States. The disposition of mercury in micrograms per square meter is less than 1 in this area, where they are complaining about all the mercury and how it is impacting on the people and their population. The people who have the problem are in Pennsylvania and Ohio—this blue area on the map. They are the ones who have the mercury problem. As I mentioned before, a lot of people have mercury and what is coming from other places in the world. The Clear Skies legislation that we put together was going to deal with this problem. But, oh, no, it is our way or no way; we have to have something that is perfect.

The thing we do here so often in the Senate is we allow the perfect to get in the way of the good. We better realize we are going to need more compromising if we are going to do the things we want to do, to reduce emissions in the air and at the same time stay competitive in the global marketplace. I am going to finish with a little information on the risks of mercury. We have heard all of the gloom and doom and how terrible it is and we can’t eat the fish and we can’t do this and we can’t do that.

EPA’s reference dose for methylmercury is the basis for regulating mercury because methylmercury poses the greatest risks of exposure to people, including women of childbearing age. Understand that. EPA’s reference dose for methylmercury is very conservative. It is more than twice as stringent as that of the World Health Organization; twice as stringent as Health Canada; three times more stringent than the Agency for Toxic Substances and Disease Registry.

In other words, the rule that we have is more stringent. First of all, it is the first real rule we have in terms of the world dealing with mercury. But compared to the one some of these other organizations have stated, it is so much better than what they have put out as being the goal. The National Academy of Sciences concluded that EPA’s reference dose is a “scientifically justifiable level for the protection of public health.” EPA’s analysis
concluded that, as a result—we are talking about the Environmental Protection Agency. We keep hearing that the inspector general of the EPA does not like this. The agency the inspector general works for disagrees with the inspector general.

As I said, the National Academy of Science scientists concluded that EPA’s reference dose is “a scientifically justifiable level for the protection of public health.” EPA’s analysis concluded that as a result of the cap-and-trade program: . . . the overwhelming majority of the general public and those who consume large quantities of fish—

And I consume large quantities of fish because Lake Erie is one of the best fisheries in the United States of America. We eat a lot of perch in the Voinovich household— are not expected to be exposed above the methymercury reference dose.

Additionally, while several of my colleagues and groups claim that there is an unreasonably high level of mercury emissions because many are at serious risk, this is simply not the case. Two months ago, the Centers for Disease Control and Prevention released their “Third National Report on Human Exposure to Environmental Chemicals,” stating that all women of childbearing age—16 to 49 years of age—had blood mercury levels below that associated with the neuro-developmental effects in the fetus.

We have been hearing lots of information and statistics about this issue. The fact of the matter is that the EPA rule on mercury is reasonable. It will cost $2 billion, versus $385 billion.

It has been shown, if we went with what the sponsors of this resolution want to do—that is, overturn the mercury rule of EPA—if they got everything they wanted, we would have a 2 percent reduction below what we are going to get with this 70 percent rule that has been promulgated by the EPA. I hope my colleagues spend a little more time looking at this situation and its impact and tomorrow vote no on the proposed resolution to overturn the EPA’s mercury rule.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TRIBUTE TO CRAIG WILLIAMS AND THE CHEMICAL WEAPONS WORKING GROUP

Mr. McConnell. Mr. President, I rise today to pay tribute to a great Kentuckian and the fine organization he represents—Mr. Craig Williams and the Chemical Weapons Working Group, CWWG, based in Madison County, KY.

For almost 20 years, Craig and the CWWG have been invaluable in their efforts to ensure that the millions of pounds of chemical weapons stored at Kentucky’s Blue Grass Army Depot are destroyed as safely and expeditiously as possible. In large part due to their efforts, we have been able to make great progress towards chemical weapons disposal.

One of our biggest challenges has been to keep those in charge of weapons disposal at the Department of Defense from those who live in Kentucky. It hasn’t been easy. Without the efforts and diligence of Craig and his organization, it would have been close to impossible to hold DOD to the commitments it has made to the local community. This is because, with respect to chemical demilitarization, DOD has long operated in a less than transparent manner. Craig has been another set of eyes and ears for the Kentucky delegation, keeping us abreast of what is going on—at the depot. In this regard, Craig has been at the vanguard of a unique public/private partnership between the citizens of Madison County and its elected representatives, including my colleague and friend from Kentucky, Senator Bunning.

But for the efforts of Craig and the CWWG, our Nation’s obligations under the Chemical Weapons Convention would be in even more jeopardy than they already are. More importantly, but for Craig and the CWWG, hundreds of thousands of Americans would continue living indefinitely with the specter of an aging and increasingly unstable chemical weapons stockpile looming in their midst.

All of us in the Commonwealth of Kentucky owe Craig and the CWWG a substantial debt of gratitude for their tireless work to protect the health and safety of the public, the depot workers, and the local environment.

I ask my colleagues to join me in paying tribute to the CWWG and to my friend, Craig Williams.

REMEMBERING SEPTEMBER 11, 2001

Mr. Santorum. Mr. President, yesterday marked the 4-year anniversary of the tragedies that took place on September 11, 2001. Out of the destruction of that terrible day emerged a renewal of the American spirit and a rejuvenated commitment to fight the scourge of terrorism both at home and abroad.

Yesterday, I was honored to attend a memorial service along with Governor Ed Rendell of Pennsylvania, former Pennsylvania Governor and Homeland Security Secretary Tom Ridge, Attorney General Alberto Gonzales, and other public officials to pay tribute to the brave passengers and crew aboard flight 93. We now know with near certainty that the terrorists aboard that flight and others around the world were in the process of destruction to either the White House or the Capitol Building. Thanks to the heroic actions of the men and women aboard that flight, thousands of lives were spared, and one of the greatest symbols of America’s freedom and democracy still stands.

The individuals who tried to break our fortitude will never succeed. They failed because as a people, as a nation, we are all living, breathing examples of freedom and democracy, of strength and character. No act of terrorism can ever take that away from us.

I continue to believe that the individuals, states, and countries that have supported terrorism should be brought to justice. On October 7, 2001, President Bush announced Operation Enduring Freedom to dismantle the Taliban regime in Afghanistan, which was harboring al-Qaida. Thanks to the brave men and women in our armed forces and the support of other nations, we have captured countless members of al-Qaida.

As Americans, we have been blessed with a country that endorses freedom and equality. Sadly, the Afghan people were not as fortunate, living under the oppressive regime of the Taliban. We and other democratic nations have finally given them the chance to live in a free society. They have made considerable progress in establishing a democracy, noted by their landmark election on October 9, 2004, in which millions of Afghans came out to vote.

The terrorists are relentless; they will continue to target America unless we continue to work toward creating a safer world for our future generations. America has a unique opportunity to lead this fight and act as a symbol of freedom for all people. I feel honored to represent the people of Pennsylvania in the United States Senate, and I hope that we will continue to work toward creating a safer world for our future generations.

Mr. Feingold. Mr. President, this past Sunday, Americans from all parts of the country and all walks of life joined together in solemnly marking the painful anniversary of the terrible attacks of September 11, 2001.

Of course, Americans remember 9/11 every day. It has become a part of how we understand the world around us; it has been seared into our national consciousness. But we also remember only the terrorist attacks themselves. We remember the lives, contributions, and aspirations of nearly three thousand innocent men, women and children who were killed that day. We remember the courage and heroism of our first responders and we remember the outpouring of support and assistance and solidarity that came from every community in this great country and from so many around the world in the days following the attacks.

I am grateful for the courage and spirit of our first responders and I am grateful for the support of our fellow citizens. America is drawn together as Americans. Every day, those memories strengthen our unshakable resolve to defeat the terrorist networks that wish
to do us harm, and to preserve the freedoms that generations of Americans have fought to protect.

As our country confronts the devastation left in the wake of hurricane Katrina, we can see some of that same national strength, that same American solidarity and resolve emerging again. It is by nurturing and reinforcing that national strength and compassion that we pay tribute to those we lost on September 11, 2001.

Mr. PRESIDENT. Mr. President, on this fourth anniversary of the tragedy of September 11, 2001, we pause to remember the victims and families impacted by the horrific terrorist attacks on our Nation. We also honor the bravery and sacrifice of our first responders and the generosity of millions of Americans who united to support one another.

The wounds from that dreadful day will never completely heal. Families and friends of those killed in New York City, the Pentagon, and on flight 93 over Pennsylvania still grieve for the senseless loss of their loved ones. We will never forget their sacrifices.

This year, as we simultaneously recover from the aftermath of Hurricane Katrina and honor those that lost their lives on September 11, we must continue to bolster our Nation’s readiness for disasters of all sorts. Congress must fulfill its responsibility to the victims of terrorism by supporting the efforts of our military and law enforcement as they continue to pursue those who seek to do our Nation harm. Likewise, Hurricane Katrina has reestablished what September 11 proved 4 years ago, that we still have work to do in preparing our Nation to respond to a large scale disaster. The best way to honor the victims of 9/11 and our most recent disaster is to act to correct the mistakes of the past. We must continue to learn and evolve so that our Government can be as responsive as possible to the security needs of its citizens now, to honor the memory of those we have lost and as a promise to generations to come.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation.

Mr. BINGAMON. Mr. President, on Friday, September 9th the Nation honored two of our fallen heroes with the unveiling of their names at the National Law Enforcement Officers Memorial here in Washington, DC. Officers Michael King and Richard Smith of the Albuquerque Police Department were killed in the line of duty on August 19, 2005, a day that has become known as “The Saddest Day” to the residents of Albuquerque. The officers were in the process of taking into custody a mentally unstable man who had allegedly murdered 3 other people. Their actions on that fateful day saved the lives of countless others and were exemplary of the way these two fine officers lived their lives.

I speak today to honor Officer King and Officer Smith not for the way they died but for the way they lived—examples of humanity, dedication, commitment, and caring for the countless lives that they touched through their work and in their private lives. The residents of Albuquerque and New Mexico have taken these officers and their families to their heart. Now the Nation has the opportunity to honor these fine men.

Officer Michael King joined the Albuquerque Police Department in 1980 and spend 11 years in the traffic unit until he retired. But King missed the camaraderie of the force and his fellow officers and he returned to work in the traffic unit. Often referred to as a gentle giant, Michael would often stop to help stranded motorists fix their cars. Mr. King worked with and trained many of New Mexico’s top law enforcement officers and left a lasting impression with them all. Officer King leaves behind a wife and two sons.

Like his good friend Officer King, Officer Richard Smith didn’t need to be working that August day. He had retired from APD but he couldn’t stay away and returned to service to protect the people of Albuquerque. Officer Smith is remembered as a man who was committed to his family, faith, and public service. He was always ready with a broad smile and a wave. He spent most of his career as a traffic cop and was buried 25 years to the day he graduated from the police academy. Officer Smith leaves behind a wife and a 13-year-old daughter.

These two officers are examples of the best our Nation has to offer. It is right that we honor these men and all the officers who have given their lives to protect their fellow citizens.

REMEMBERING OFFICERS MICHAEL KING AND RICHARD SMITH

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FETAL ALCOHOL SPECTRUM AWARENESS DAY

Ms. MURKOWSKI. Mr. President, by raising awareness one moment at a time, we can minimize the harm that drinking during pregnancy causes our most vulnerable population—our children.

In February of 1999, a small group of parents, raising children afflicted with fetal alcohol spectrum disorders, set out to change the world. That small group started an “online support group” which quickly became a worldwide grassroots movement to observe September 9 as International Fetal Alcohol Spectrum Disorders Awareness Day. Former Senate Minority Leader Tom Daschle was instrumental in having the Senate take notice of this important issue.

This year for the seventh consecutive year, communities across the Nation are pausing at the hour of 9:09 a.m. to acknowledge this day.

Events are occurring in cities and towns not just across the country, but around the world—from Chilliwack, British Columbia to Cape Town, South Africa to Madagascar—families are coming together today to raise awareness of fetal alcohol syndrome disorders or FASD.

My State of Alaska will observe this day with solemn events in Anchorage, Juneau, Kenai, and Fairbanks.

FASD is an umbrella term that describes a range of physical and mental birth defects that can occur in a fetus when a pregnant woman drinks alcohol. It is a leading cause of nonhereditary mental retardation in the U.S. Many children affected by maternal drinking during pregnancy have irreversible conditions—including severe brain damage—that cause permanent, lifelong disability.

FASD is 100 percent preventable. Prevention merely requires a woman to abstain from alcohol during pregnancy.

Every year in America, an estimated one in every 100 babies born are born with FASD—that’s 40,000 infants. FASD affects more children than Down syndrome, cerebral palsy, spina bifida and muscular dystrophy combined.

The cost of FASD is high—more than $3 billion each year in direct health care costs, and many times that amount in lost human potential. Lifetime health costs for an individual living with FASD averages $860,000.

The indirect financial and social costs to the Nation are even greater—including the cost of incarceration, specialized health care, education, foster care, job training and general support services.

All in all, the direct and indirect economic costs of FASD in the U.S. are estimated to be $5.4 billion.

You can find FASD in every community in America—native, non-native, rich, poor—it doesn’t discriminate. That is why, last February, the U.S. Surgeon General Richard Carmona

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

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

On July 4, 2005, Carl Zablithony was punched in the face and knocked unconscious by two men in South Beach, FL. The apparent motivation for the attack was Zablithony’s sexual orientation.

I believe that the Government’s first duty is to defend its citizens, to defend them against the harms that are born out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

September 12, 2005
again issued another advisory to pregnant women, or women who plan to become pregnant, to completely abstain from all alcohol use.

In Alaska, I am troubled to report that we have the highest rate of FASD in the Nation. Approximately 16% of babies born in 2004 were affected by maternal alcohol use during pregnancy. Among our native communities, the rate of FASD is 15 times higher than non-Native areas in the state.

And again, FASD is 100 percent preventable. We can save so many children and families so much heartache simply by increasing people’s awareness of what FASD is and how we can prevent it. In fact, prevention of FASD is seven times more cost effective than treating the disorder.

That is why Senator Tim Johnson and I—and several others from both sides of the aisle—will soon be introducing legislation to direct more resources toward this terrible problem. The “Advancing FASD Research, Prevention, and Services Act” will—develop and implement targeted state and community-based outreach programs; improve coordination among Federal agencies involved in FASD treatment and research by establishing stronger communication with these programs, and improve support services for families and strengthen educational outreach efforts to doctors, teachers, judges and others whose work puts them in contact with people with FASD.

Forty-thousand American children a year are born with FASD. Our investment today in prevention, treatment and research will save countless in future health costs of this devastating but completely preventable disorder. I ask my colleagues to support the Advancing FASD, Research, Prevention and Services Act.

On Fetal Alcohol Awareness Day, we remember innocent babies infected with this disorder and imagine the potential that they could have been but for the damage done by alcohol. I hope that we will continue to pause in the ninth hour of the ninth day each September until fetal alcohol spectrum disorders are eradicated.

2005 DAVIDSON FELLOWS

Mr. GRASSLEY. Mr. President, I would like to take a moment to recognize some of the most brilliant and hardest working young adults in our Nation and in the world today. These seventeen outstanding scholars have recently been named 2005 Davidson Fellows and are being rewarded for their cutting-edge and distinguished work. The Davidson Institute Scholarships promote and reward under-18 year olds who have undertaken invaluable projects and studies for the greater good of our country and the world. The laureate awards scholarships to each of the Fellows to assist them in furthering their education. I don’t believe the Davidson Institute could have found a more distinguished or more deserving group of young scholars. I would like to detail their accomplishments for a moment.

Karsten Gimre was just 11 years old when he became a Davidson Fellow and published a book titled “Conversation Without Words.” This young pianist from Banks, Oregon has performed with several professional orchestras and has been winning awards for his exceptional abilities since the age of 6 when he earned first place at the International Arts Concert here in Washington, D.C. At the age of 12 he is now studying math and physics at the Pacific University while continuing his musical instruction.

As a young writer from Canton, MI, Heidi Kaloustian’s unique talent and creative genius allowed her to explore complex relationships and personal identity in her portfolio entitled “The Roots of All Things” while still allowing the reader to emotionally connect with her characters. Heidi plans to continue creative writing at the University of Michigan-Ann Arbor and I have no doubt that she will be very successful as a professor and as a writer.

Tiffany Ko, a 16 year old from Terre Haute, IN, put herself on the cutting edge of technology and science when she used electric field sensing to design a new type of computerized security system. Her project is a significant advancement from current security systems and could be used to make people and businesses safer than ever before.

At the age of 17 years old, Milana Zaurrova from Fresh Meadows, NY has begun developing a new way to treat the most deadly form of brain cancer, malignant glioma. She combined chemotherapy and gene-therapy to develop a new therapy and gene-therapy to develop a innovative new method that has the potential to save many lives.

As a 12-year-old from Chapel Hill, NC, Maia Maier has developed an extensive resume as a violinist. She has earned praise in the United States and abroad for her technical proficiency and musicality. Maia has the noble goal of using her music to breach cultural and language barriers, and I wish her the best of luck and success.

When Brett Harrison was just 16 years old he was able to develop a mathematical proof that actually improved upon a conjecture developed by Princeton University professor. This Dr. Hill. No, not his work applicable to numerous fields such as communications, structural design, and computer networking systems.

Tudor Dominik Malcan is a gifted and talented 16-year-old composer from Bethesda, MD. He has already been commissioned by the Dumbarton Music Society for a piano solo and has been the recipient of numerous awards for his imaginative and wide-ranging compositions.

Justin Lorson, from Oakton, VA, designed an algorithm to recognize an object based on its three dimensional features. Most recognition programs only use two dimensions, so Justin’s new algorithm increases a program’s accuracy and can potentially be used in the fields of security, robotics, and artificial intelligence.

John Zhou from Northville, MI took an interest in bioimaging because of its scientific and humanitarian aspects, and has now studied the DNA replication process with the goal of understanding and ultimately halting mutations and cancer development. John is also accomplished in many other fields including mathematics, physics, and Spanish.

Kadir Annamalai’s project focused around building nanowires, or wires only about two molecules thick that could be used in devices like power generators and circuit boards. In addition to this extremely technical work, Kadir, who is from Saratoga, CA, is also an Eagle Scout and is the recipient of numerous Future Business Leaders of America awards.

Motivated by a strong desire to help those affected with Alzheimer’s disease, Stephanie Hon, from Fort Myers, FL, investigated a creative method that her study suggests could possibly reverse some of the effects of Alzheimer’s. Stephanie is considering continuing her Alzheimer’s research at Harvard University this fall and we all wish her continued success.

Benedict Shan Yuan Huang’s project, Changed Particle Production in High Energy Nuclear Collisions, is as technical and advanced as it sounds. He has created a new technique that promises to achieve quicker and more accurate results when studying the structure of matter. Benedict, who is from Coram, NY, will attend Harvard University in the fall and will most likely study science as well as the piano.

At the age of 16 Lucas Moller from Moscow, ID has already worked with NASA, the European Space Agency, and the Jet Propulsion Laboratory. His study on Martian dust and its effect on the Mars Surveyor lander and the Mars Express/Beagle 2 mission.

Nimish Ramanlal from Winter Springs, FL was able to advance the field of quantum computing by creating a new framework for quantum computing that overcomes the limitations in the effectiveness of quantum computers. His work could help a new field of computing to emerge with profound implications in nanotechnology, medical research, and advanced physics.

With the Internet growing every day, Tony Wu of Irvine, CA created a new Internet search method that could be highly useful in the information society of the 21st century. He has competed successfully in numerous science competitions and plans to study computer science or electronics engineering in college.

Fan Yang, a 17-year-old young woman from Davis, CA, developed a method of preventing eye infections by...
Youth Health Fest.

communities like Farmington, where

percent of the child

stores, hospitals, shopping malls, and a

events, which will be held in schools,

15 percent of their body weight on their

back. At Backpack Awareness Day

15 percent of their body weight.

""

weigh-in

no doubt improve

lives of a great many people in this
country and abroad.

NATIONAL SCHOOL BACKPACK
AWARENESS DAY

Ms. COLLINS. Mr. President, on Sep-
tember 21, 2005, the American Occupa-
tional Therapy Association and more
than 700 occupational therapy practi-
tioners nationwide and around the
world will be celebrating National School
Backpack Awareness Day. Therapists will
be working with over 150,000 chil-
dren to teach them how to prevent
backpack-related injuries and to re-
maintain healthy and successful in school.

In my home State of Maine, occupa-
tional therapists have arranged events
in 15 schools and will be reaching over
5,000 students.

According to a number of studies
done both internationally and in the
United States, children using over-
loaded and improperly worn backpacks
experience neck, should, and back pain
and have problems with breathing and
fatigue at significantly higher rates
than students wearing backpacks pro-
cerly and with appropriate loads. No
child should regularly carry more than
15 percent of their body weight on their
back. At Backpack Awareness Day
events, which will be held in schools,
stores, hospitals, shopping malls, and a
variety of other settings, occupational
therapy practitioners will "weigh-in"
children and their backpacks to make
sure that the backpacks do not surpass
15 percent of the child's body weight.

The therapists will provide guidance
about how to load and carry a backpack
will also share tips about

how to stay healthy and succeed in
school. In Maine, these weigh-ins
are being conducted in local schools from
Saco to Skowhegan, and also in com-
munities including both first place
for the cello and second place for the
piano at the Southwest Youth Music
Festival.

Mr. President, despite their rel-
atively young age, these seventeen out-
standing young men and women have all
achieved remarkable things and
fully deserve the awards that they have
earned. Their past is overshadowed,
however, by their even brighter futures
and careers made easier by becoming
2005 Davidson Fellows. I would like to
thank these young scientists, mathe-
maticians, writers, and musicians for
their accomplishments, past, present,
and future, that will no doubt improve
the lives of a great many people in this
country and abroad.


Occupational therapy practitioners
work with individuals across the life-
span. In schools occupational ther-
pists work to modify educational envi-
ronments to ensure that all students
can achieve academic success. Occupa-
tional therapists provide assistance to
students, parents, and teachers in
order to make school environments
more accessible and conducive to
learning. They also consult with edu-
cators to improve students' academic
functioning and work to help prevent
learning, mental, and physical disabili-
ties from getting in the way of aca-
demic success. Occupational therapy
practitioners in schools work directly
with students, parents, and teachers to
develop plans to improve students'
productivity and to foster success and
maximize their independ-
ence within the academic environment.

National School Backpack Awareness
Day is a good example of how occupa-
tional therapists work within our
schools and to promote well-
ness, and I am pleased to have this
opportunity to acknowledge their valu-
able contributions. I urge all of my col-
leagues to join me in supporting Sep-
tember 21, 2005, as National School
Backpack Awareness Day.

ADDITIONAL STATEMENT

TRIBUTE TO HOMER A. MAXEY,
JR.

Mr. INOUYE. Mr. President, on the occasion
of the 33rd annual convention of the National Association of Foreign-
Trade Zones, NAFTZ, which is being
hosted this week in my home State of Hawaii,
I rise today to pay tribute to the co-
founder of the NAFTZ, my good friend,
Homer A. Maxey, Jr., who I have known for more than a quarter cen-
tury.

The NAFTZ was conceived in Novem-
ber of 1972, at an informal meeting of
foreign-trade zone representatives from various States. At that meeting,
Homer A. Maxey, Jr., was selected
chairman of a committee to develop
the organizational framework for a for-
moral association representing FTZ
grantees and operators in the U.S. Dur-
ing a conference of FTZ managers in
Washington, DC, on May 8, 1973, the
NAFTZ was officially launched and
Homer was elected as the first
President of this Association from 1973
to 1975. Homer was elected, by unani-
mous vote of the members, as the first
Honorary Life Member at the NAFTZ
Annual Conference in 1979. He has
served on many different Committees
of the NAFTZ including: the Oil Refin-
ery Sub-Zone Task Force, ORSTF,
The Operations Committee, Nominations
Committee, the Long Range Planning
Committee, and several task forces.
Today the NAFTZ represents over 800
members comprised of State and local
government agencies, public entities,
individuals and corporations involved
in the Foreign-Trade Zone program.

The NAFTZ plays an important role in
facilitating international trade and U.S.
competitiveness through the pro-
motion and support of the Foreign-
Trade Zones Program.

The Foreign-Trade Zones Program
was created by an act of Congress in
1934. Its purpose is to encourage domes-
tic warehousing, manufacturing and
processing activity. States and local
governments use foreign-trade zones as
part of their overall develop-
ment strategy and to improve the
international business sector in their
communities. FTZs contribute to the
enhancement of the U.S. investment
climate for commerce and industry.
The FTZ program encourages capital
investment in the U.S. rather than
abroad and secures American jobs. The
benefit occurs only if the activity
takes place in the U.S. It substitutes
U.S.-produced merchandise and labor
for foreign imports. Today there are 260
approved general-purpose zones and 531
subzones located in all 50 States and
Puerto Rico. According to the latest
available annual report of the Foreign-
Trade Zones Board the value of mer-
chandise received at foreign-trade
zones annually exceeds $200 billion.
Over 2,200 firms in the U.S. utilize for-
"
After attending the University of Hawaii in Honolulu, Mr. Maxey was employed by Hawaiian Airlines. He served in the U.S. Air Force during the early 1950s. He was employed by Matson Lines, 1955–1965, in passenger sales, freight traffic and marine operations. He has also been active in the Hawaii-Pacific Export Council, the Propeller Club of the Port of Honolulu, and the Chamber of Commerce of Hawaii. Mr. Maxey has also been a consultant to the U.S. Foreign-Trade Zones Program and the State of Hawaii. I wish Homer and his wife, Mahina, all the best in the future.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 1681. A bill to provide for reimbursement of communities for purchases of supplies distributed to Katrina survivors.

S. 1682. A bill to provide for reimbursement for burial expenses as a result of a facility being used as an emergency shelter for Katrina survivors.

S. 1683. A bill to provide relief for students affected by Hurricane Katrina.

S. 1684. A bill to clarify which expenses relating to emergency shelters for Katrina survivors are eligible for Federal reimbursement.

S. 1688. A bill to provide 100 percent Federal financial assistance under the Medicaid and State children’s health insurance programs for States providing medical or child health assistance to survivors of Hurricane Katrina, to provide for an accommodation of the special needs of such survivors under the medicare program, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3645. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 757-200, -200F, -200CF Series Airplanes” received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3648. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 757-200, -200F, and -200CF Series Airplanes” received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3649. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: McDonnell Douglas Model 717-200 Airplanes” received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3650. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Learjet Model 24/30 Series Airplanes” received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3651. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 727 Airplanes” received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3652. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 747-400 and 747-400D Series Airplanes” received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3653. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: The New Piper Aircraft, Inc. Models PA-34-200T, PA-34-220T, PA-44-180, and PA-44-180T Series Airplanes” received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3654. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Airbus Model A300 B4-600, B4-600R, and F4-600R Series Airplanes; and Airbus Model A300 C4-605R Vant F Airplanes; and Airbus Model A319-200 and -300 Series Airplanes” received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3655. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Bell Helicopter Textron Model 206A and 206B Helicopters” received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3657. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: McDonnell Douglas Model DC-10-10, DC-10-10F, DC-10-30, DC-10-30F, KCDC-10, DC-10-40, DC-10-40F, MD-10-10F, MD-10-30F, MD-11, and MD-11F Airplanes” received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3658. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: BAe Limited Model 146 Airplanes” received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3659. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 747-100B SUD, 747-200F, –300F, –400, and –400F Series Airplanes” received on August 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-3660. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting authorization of Major General Richard S. Kramlich, United States Marine Corps, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-3662. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting authorization of Major General John F. Goodman, United States Marine Corps, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-3663. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting authorization of Major General Joseph F. Weber, United States Marine Corps, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-3664. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting authorization of Major General Emerson N. Gardner, Jr., United States Marine Corps, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-3665. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting authorization of Major General John G. Castellaw, United States Marine Corps, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.
EC-3666. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting authorization of Major General William L. Nyland, United States Marine Corps, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-3676. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting a report on the approved retirement of General William L. Nyland, United States Marine Corps; to the Committee on Armed Services.

EC-3667. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting a report on the approved retirement of Major General Richard A. Hack, United States Marine Corps; to the Committee on Armed Services.

EC-3666. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting authorization of General John L. Hudson, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-3658. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting authorization of Major General Donald J. Hoffman, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-3650. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting authorization of Major General Kevin T. Tuma, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-3642. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting authorization of Lieutenant General Norton A. Schwartz, United States Air Force, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-3633. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting authorization of Major General William E. Ward, United States Army, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-3639. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting authorization of Rear Admiral Ann A. Cofield, United States Navy, to wear the insignia of the grade of vice admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-3638. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, six Quarterly Selected Acquisition Reports (SARs) for the quarter ending June 30, 2005 entitled “LPD17, MH-60S, Evolved Expendable Launch Vehicle (EELV), Global Broadcast Service (GBS), National Aeronautics and Space Administration (NASA) Diameter Bomb (SDB); to the Committee on Armed Services.

EC-3677. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting a report on the approved retirement of Lieutenant General Richard L. Kelly, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-3678. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting a report on the approved retirement of Lieutenant General Richard L. Kelly, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-3679. A communication from the Acting Secretary of the Air Force, transmitting; pursuant to law, a report entitled “Procurement Unit Cost (APUC) and a Program Acquisition Unit Cost (PAUC) breach relative to the Space Based Infrared System (SBIRS) to the Committee on Armed Services.

EC-3680. A communication from the Under Secretary for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report entitled “Department of Veterans Affairs/Department of Defense Separation Examination Benefits Delivery at Discharge Sites”; to the Committee on Armed Services.


EC-3690. A communication from the Secretary of Health and Human Services, transmitting the draft agenda for the ribbon cutting ceremony for the six new buildings at the Centers for Disease Control and Prevention (CDC) in Atlanta, Georgia, on Monday, September 12, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-3691. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled “HHS Designation of Additional Members (Workers employed at the Y-12 facility in Oak Ridge, Tennessee) of the Special Exposure Cohort under the Energy Employees Occupational Illness Compensation Program Act of 2000 (Dock. No. 2004-N0194) received on September 6, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-3692. A communication from the Director, Regulations Policy and Management, Department of Veterans Affairs; to the Committee on Health, Education, Labor, and Pensions.

EC-3693. A communication from the Secretary of the Navy, Department of the Navy, transmitting a report on the approved retirement of General John P. Jumper, United States Air Force; to the Committee on Armed Services.

EC-3694. A communication from the White House Liaison, Office of Legislation and Congressional Affairs, Department of Education, transmitting, pursuant to law, a report of action on a nomination for the position of Assistant Secretary, received on August 31, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-3695. A communication from the White House Liaison, Office of Legislation and Congressional Affairs, Department of Education, transmitting, pursuant to law, a report of a vacancy in the position of Assistant Secretary, received on August 31, 2005; to the Committee on Health, Education, Labor, and Pensions.
EC-3696. A communication from the White House Liaison, Office of Management, Department of Agriculture, Transmittal to the report of a vacancy in the position of Assistant Secretary, received on August 31, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-3697. A communication from the White House Liaison, Office of Management, Department of Education, Transmittal to the report of the designation of an acting officer for the position of Assistant Secretary, received on August 31, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-3698. A communication from the White House Liaison, Office of Communications and Engagement, Department of Education, Transmittal to the report of action on a nomination for the position of Assistant Secretary, received on August 31, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-3699. A communication from the White House Liaison, Office of Planning, Evaluation and Policy Development, Department of Education, Transmittal to the report of action on a nomination for the position of Assistant Secretary, received on August 31, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-3700. A communication from the White House Liaison, Office of Elementary and Secondary Education, Department of Education, Transmittal, pursuant to law, the report of action on a nomination for the position of Assistant Secretary, received on August 31, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-3701. A communication from the White House Liaison, Office of Education Sciences, Department of Education, Transmittal, pursuant to law, the report of a nomination for the position of Commissioner of Education Statistics, received on August 31, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-3702. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, Transmittal to the report of a rule entitled “Amendment to Prohibited Transactions Regulations for Plan Assumptions Determined by Independent Qualified Professional Asset Managers” (PTE 84-14) received on August 23, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-3703. A communication from the Senior Regulatory Officer, Wage and Hour Division, Department of Labor, Transmittal, pursuant to law, the report of a rule entitled “Service Contract Act Wage Determination OnLine Request Process” (RIN1215-AB47) received on August 31, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-3704. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, Transmittal, pursuant to law, the report of a rule entitled “Irradiation in the Production, Processing, and Handling of Food” (Docket No. 1999-F-4372) received on August 17, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-3705. A communication from the Deputy Executive Director, Pension Benefit Guaranty Corporation, Transmittal, pursuant to law, the report of a rule entitled “Benefit Payouts in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits” (29 CFR Parts 4022 and 4024) received on September 3, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-3706. A communication from the Secretary of Health and Human Services, Transmittal, pursuant to law, a report on the Fiscal Year 2003 Low Income Home Energy Assistance Program (LIHEAP) Study to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

- By Mr. McCaIN, from the Committee on Indian Affairs, without amendment:
  - S. 115. A bill to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust (Rept. No. 109-136).
  - By Mr. SpectER, from the Committee on the Judiciary, an amendment in the nature of a substitute:

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

- By Mr. Talent:
  - S. 1650. A bill to suspend temporarily the duty on prohexadione calcium; to the Committee on Finance.
  - S. 1651. A bill to suspend temporarily the duty on methyl methoxy acetate; to the Committee on Finance.
  - S. 1652. A bill to suspend temporarily the duty on nicotine acid; to the Committee on Finance.
  - S. 1653. A bill to suspend temporarily the duty on N-Methylpyperidinol; to the Committee on Finance.
  - S. 1654. A bill to suspend temporarily the duty on p-trifluoromethyl benzaldehyd; to the Committee on Finance.
  - S. 1655. A bill to suspend temporarily the duty on 2-acetylaminophenol; to the Committee on Finance.
  - S. 1656. A bill to suspend temporarily the duty on pyridaben; to the Committee on Finance.
  - S. 1657. A bill to suspend temporarily the duty on 2-acetaminochloric acid; to the Committee on Finance.
  - By Mr. Santorum:
    - S. 1658. A bill to extend temporarily the duty on sodium orthophenylphenol; to the Committee on Finance.
    - S. 1659. A bill to extend temporarily the duty on Bayderm Bottom DLV; to the Committee on Finance.
    - S. 1660. A bill to extend temporarily the duty on quinclorac technical; to the Committee on Finance.
    - S. 1661. A bill to extend temporarily the duty on methyl methoxy acetate; to the Committee on Finance.
    - By Mr. Specter, from the Committee on the Judiciary, an amendment in the nature of a substitute:

By Mr. Santorum:

- S. 1664. A bill to extend temporarily the duty on a certain ion exchange resin; to the Committee on Finance.
- S. 1665. A bill to extend temporarily the duty on a certain ion exchange resin; to the Committee on Finance.
- S. 1666. A bill to suspend temporarily the duty on a certain chemical; to the Committee on Finance.
- S. 1667. A bill to suspend temporarily the duty on O-Chlorotoluene; to the Committee on Finance.
- S. 1668. A bill to suspend temporarily the duty on Ammonium Aminoacetate; to the Committee on Finance.
- S. 1669. A bill to suspend temporarily the duty on Isoeicosane; to the Committee on Finance.

By Mrs. Hutchison (for herself and Mr. Cornyn):

- S. 1680. A bill to reform the issuance of national security letters; to the Committee on the Judiciary.

By Mr. DeWine (for himself and Mr. Rockefeller):

- S. 1679. A bill to amend part E of title IV of the Social Security Act to strengthen community options for at-risk children, and for other purposes; to the Committee on Finance.

By Mr. Cornyn:

- S. 1680. A bill to reform the issuance of national security letters; to the Committee on the Judiciary.
- S. 1681. A bill to provide for reimbursement of communities for purchases of supplies distributed to Katrina Survivors; read the first time.

By Mrs. Hutchison (for herself and Mr. Cornyn):

- S. 1682. A bill to provide for reimbursement for lost wages revenue lost as a result of a facility being used as an emergency shelter for Katrina Survivors; read the first time.
By Mrs. HUTCHISON (for herself and Mrs. CORNYN):
S. 1683. A bill to provide relief for students affected by Hurricane Katrina; read the first time.

By Mrs. HUTCHISON (for herself and Mrs. CORNYN):
S. 1684. A bill to clarify which expenses relating to emergency shelters for Katrina Survivors are eligible for Federal reimbursement; read the first time.

By Mr. OBAMA (for himself, Mr. BAYH, Mr. HARKIN, Mr. LEVIN, Mr. CORZINE, Mr. FEINGOLD, Mr. BINGAMAN, Mr. KENNEDY, Mrs. MURRAY, and Mr. SALAZAR):
S. 1685. A bill to ensure the evacuation of individuals with special needs in times of emergency; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SANTORUM:
S. 1686. A bill to amend the Constitution Heritage Act of 1988 to provide for the operation of the National Constitution Center; to the Committee on Energy and Natural Resources.

By Ms. MIKULSKI (for herself and Mrs. HUTCHISON):
S. 1687. A bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. HUTCHISON (for herself and Mr. SANTORUM):
S. 1688. A bill to provide 100 percent Federal financial assistance under the Medicaid and State children's health insurance programs for States providing medical or child health assistance to survivors of Hurricane Katrina, to provide for an accommodation of the special needs of such survivors under the medicare program, and for other purposes; read the first time.

ADDITIONAL COSPONSORS
S. 267
At the request of Mr. CRAIG, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 267, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

S. 269
At the request of Mr. KERRY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 269, a bill to provide emergency relief to small business concerns affected by a significant increase in the price of heating oil, natural gas, propane, or kerosene, and for other purposes.

S. 440
At the request of Mr. BUNNING, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 440, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicare program.

S. 491
At the request of Mr. WARNER, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 513
At the request of Mr. GREGG, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 513, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 603
At the request of Ms. LANDRIEU, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 603, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 635
At the request of Mr. SANTORUM, the name of the Senator from Kentucky (Mr. BURNING) was added as a cosponsor of S. 635, a bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes.

S. 695
At the request of Mr. SALAZAR, his name was added as a cosponsor of S. 695, a bill to suspend temporarily new shipper bonding privileges.

S. 875
At the request of Mr. BINGAMAN, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 875, a bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to increase participation in section 401(k) plans through automatic contribution trusts, and for other purposes.

S. 1064
At the request of Mr. COCHRAN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1064, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1081
At the request of Mr. KYL, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1081, a bill to amend title XVIII of the Social Security Act to provide for a minimum update for physicians' services for 2006 and 2007.

S. 1112
At the request of Mr. ALLEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1112, a bill to amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain bittering agents or other substances to render the coolant or antifreeze unpalatable.

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1173
At the request of Mr. DE MINT, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1173, a bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

S. 1179
At the request of Mr. KENNEDY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1179, a bill to amend title XVIII of the Social Security Act to ensure that benefits under part D of such title have no impact on benefits under other Federal programs.

S. 1244
At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1244, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans, and flexible spending arrangements, and a credit for individuals with long-term needs.

S. 1272
At the request of Mr. NELSON of Nebraska, the name of the Senator from Ohio (Mr. DE WINE) was added as a cosponsor of S. 1272, a bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 1293
At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 1315, a bill to require a report on progress toward the Millennium Development Goals, and for other purposes.

S. 1383
At the request of Mr. TALENT, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1383, a bill to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice.

S. 1403
At the request of Mr. WYDEN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1403, a bill to amend title XVIII of the Social Security Act to extend reasonable cost contracts under medicare.

S. 1406
At the request of Mr. CRAPO, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1406, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.
At the request of Mr. Brownback, the name of the Senator from Oklahoma (Mr. Inhofe) was added as a cosponsor of S. 1462, a bill to promote peace and accountability in Sudan, and for other purposes.

At the request of Mrs. Clinton, her name was added as a cosponsor of S. 1462, supra.

At the request of Mr. Crapo, the name of the Senator from Virginia (Mr. Allen) was added as a cosponsor of S. 1496, a bill to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps.

At the request of Mr. Johnson, the name of the Senator from North Dakota (Mr. Dorgan) was added as a cosponsor of S. 1572, a bill to amend title XIX of the Social Security Act to clarify the application of the 100 percent Federal medical assistance percentage rate under the Medicaid program for services provided by the Indian Health Service or an Indian tribe or tribal organization directly or through referral, contract, or other arrangement.

At the request of Mrs. Clinton, the name of the Senator from Wisconsin (Mr. Feingold) was added as a cosponsor of S. 1622, a bill to establish a congressional commission to examine the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath and make immediate corrective measures to improve such responses in the future.

At the request of Mrs. Murray, her name was added as a cosponsor of S. 1630, a bill to direct the Secretary of Homeland Security to establish the National Emergency Family Locator System.

At the request of Mr. Obama, the names of the Senator from New Mexico (Mr. Bingaman), the Senator from New Jersey (Mr. Corzine) and the Senator from Illinois (Mr. Durbin) were added as cosponsors of S. 1630, supra.

At the request of Mr. Obama, the names of the Senator from New Mexico (Mr. Bingaman), the Senator from New Jersey (Mr. Lautenberg) and the Senator from New Jersey (Mr. Corzine) were added as cosponsors of S. 1638, a bill to provide for the establishment of programs and activities to assist in mobilizing an appropriate healthcare workforce in the event of a health emergency or natural disaster.

At the request of Mr. Akaka, the name of the Senator from Colorado (Mr. Salazar) was added as a cosponsor of S. 1646, a bill to provide for the care of veterans affected by Hurricane Katrina.

At the request of Mr. Feingold, the names of the Senator from Vermont (Mr. Jeffords) and the Senator from Michigan (Mr. Levin) were added as cosponsors of S. 1647, a bill to amend title XI of the United States Code, to provide relief to victims of Hurricane Katrina and other natural disasters.

At the request of Mr. Coburn, the names of the Senator from West Virginia (Mr. Byrd) and the Senator from Ohio (Mr. DeWine) were added as cosponsors of S. J. Res. 23, a joint resolution supporting the goals and ideals of Gold Star Mothers Day.

At the request of Mr. Santorum, the name of the Senator from Ohio (Mr. DeWine) was added as a cosponsor of S. 1647, 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.

AMENDMENT NO. 1652

At the request of Mr. Johnston, the name of the Senator from North Dakota (Mr. Dorgan) was added as a cosponsor of S. 1652, a bill to establish a congressional commission to examine the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath and make immediate corrective measures to improve such responses in the future.

At the request of Mr. Obama, the names of the Senator from New Mexico (Mr. Bingaman), the Senator from New Jersey (Mr. Corzine) and the Senator from Illinois (Mr. Durbin) were added as cosponsors of S. 1652, supra.

At the request of Mr. Coburn, the names of the Senator from West Virginia (Mr. Byrd) and the Senator from Ohio (Mr. DeWine) were added as cosponsors of S. J. Res. 23, a joint resolution supporting the goals and ideals of Gold Star Mothers Day.

AMENDMENT NO. 1654

At the request of Mr. Dayton, the names of the Senator from Michigan (Mr. Levin) and the Senator from Missouri (Mr. Talent) were added as cosponsors of amendment No. 1654 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1660

At the request of Mr. Boxer, the names of the Senator from California (Mrs. Boxer), the Senator from Illinois (Mr. Obama), the Senator from Wisconsin (Mr. Feingold) and the Senator from Iowa (Mr. Harkin) were added as cosponsors of amendment No. 1660 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1661

At the request of Mr. Biden, the name of the Senator from Michigan (Mr. Levin) was added as a cosponsor of amendment No. 1661 proposed to H.R. 2862, a bill making appropriations for the Department of Homeland Security, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.
develop standards of practice for attorneys appearing in child abuse and neglect proceedings, as well as provides loan forgiveness for attorneys who practice in family, domestic, and juvenile courts and for social workers who work within the child welfare system. The bill increases funding for the expansion of the Court Appointed Special Advocate program, and it includes a provision that would ease the placement of children in foster care from one State to another for the purposes of speeding adoptions out of the foster care system.

Let me conclude by saying that when Congress passed the Adoption and Safe Families Act, I believed it was a good start. Congress, however, would have to do more to make sure that every child has the opportunity to live in a safe, stable, loving and permanent home. One of the essential ingredients is an efficiently operating court system—a system that puts the principles embodied in the law into practice. Our bill would help the court system do just that.

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. 1670

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 “Working to Enhance Courts for At-Risk and Endangered Kids Act of 2005”.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—COLLABORATION AMONG STATE IV-B AND IV-E AGENCY AND COURTS

Sec. 101. Collaboration on child and family services plans, child and family service reviews, program improvement plans, and court improvement program plans.

Sec. 102. Multidisciplinary, broad-based child welfare commissions.

Sec. 103. Training for abuse and neglect court personnel.

Sec. 104. Reservation of funds for collaboration support.

TITLE II—OUTCOME PERFORMANCE STANDARDS FOR ABUSE AND NEGLECT COURTS

Sec. 201. Outcome performance standards for abuse and neglect courts.

TITLE III—COURT MODEL STANDARDS

Sec. 301. Standards, training, and technical assistance for attorneys.

Sec. 302. Loan forgiveness for attorneys who represent low-income families or individuals involved in the family or domestic relations court system.

Sec. 303. Loan forgiveness to social workers who work for child protective agencies.

Sec. 304. Reauthorization of court-appointed special advocate (CASA) program and increased funding for expansion in rural and underserved urban areas.

TITLE IV—CLARIFICATION ON STATE FLEXIBILITY FOR PUBLIC ACCESS TO COURTS

Sec. 401. Clarification on State flexibility for public access to courts.

TITLE V—SENSE OF THE SENATE REGARDING STATE COURT LEADERSHIP

Sec. 501. Sense of the Senate regarding State court leadership.

TITLE VI—SAFE AND TIMELY INTERSTATE PLACEMENT OF FOSTER CHILDREN

Sec. 601. Sense of Congress.
Sec. 602. Orderly and timely process for interstate placement of children.
Sec. 603. Home studies.
Sec. 604. Requirement to complete background checks before approval of any foster or adoptive placement and to check child abuse registries; grandfather of opt-out election; limited non-mandatory hearings.
Sec. 605. Courts allowed access to the Federal parent locator service to locate parents in foster care or adoption placement cases.
Sec. 606. Caseworker visits.
Sec. 607. Health and education records.
Sec. 608. Right to be heard in foster care proceedings.
Sec. 609. Court improvement.
Sec. 610. Reasonable efforts.
Sec. 611. Case plans.
Sec. 612. Case review system.
Sec. 613. Use of interjurisdictional resources.

TITLE VII—EFFECTIVE DATE

Sec. 701. Effective date.
State agency responsible for administering the programs authorized under part 1 of part B of title IV, subpart 2 of part B of title IV, and part B of title IV to demonstrate to the Secretary evidence of substantial, ongoing, and meaningful collaboration among the State agency, State court leaders and abuse and neglect courts located in the State, and Indian tribal organizations located in the State, with respect to the child and family services reviews required under this section (including the development and implementation of a statewide assessment as part of the conformity reviews and corrective action plans required under this section), the State plan under subpart 1 of part B of title IV, the State plan under subpart 2 of part B of title IV, the State plan under part E of title IV, and assessments and implementation of improvements required under section 438, through means such as:

(1) meeting regularly to review policies and procedures;
(2) sharing data and information;
(3) providing joint training; and
(4) engaging in other ongoing efforts for improved decisions and outcomes for children receiving assistance or services funded under the programs authorized under parts B and E of title IV.

SEC. 101. MULTIDISCIPLINARY, BROAD-BASED STATE CHILD WELFARE COMMISSIONS

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1123A, the following:

"MULTIDISCIPLINARY, BROAD-BASED STATE CHILD WELFARE COMMISSIONS

"SEC. 1123B. (a) IN GENERAL.—Not later than 1 year after the date of enactment of the Working to Enhance Courts for At-Risk and Endangered Kids Act of 2005, each State administering a program established under this subpart may establish a multidisciplinary, broad-based commission on State child welfare programs for the purposes of—

(1) ensuring ongoing collaboration among State, tribal, and other organizations and communities that serve children who have been abused or neglected, and who are in foster care, or are receiving child welfare services, and

(2) furthering the goal of providing all children with safe, permanent families in which their physical, emotional, and social needs are met.

(b) CO-CHAIRS.—The co-chairs of the Commission shall be the Chief Justice for the State or his or her designee and the head of the State agency administering the State child welfare services programs for children who have been abused or neglected, and are in foster care, or are receiving child welfare services;

(c) COMPOSITION.—The Commission shall include representatives of—

(1) State, local, and tribal agencies and other community organizations that serve children who have been abused or neglected, are in foster care, or are receiving child welfare services;

(2) schools;

(3) health care agencies or providers;

(4) mental health agencies or providers;

(5) child care agencies or providers;

(6) abuse and neglect courts;

(7) the legal and law enforcement communities;

(8) consumers of child welfare services, to include parents, current or former foster youth, and child advocates; and

(9) such other organizations, entities, or individuals as the Commission determines to be appropriate.

(d) DUTIES.—The Commission shall—

(1) monitor and report to the Secretary and the public on the extent to which the State child welfare programs and abuse and neglect courts are responsive to the needs of children in their care;

(2) develop and submit a report to the Secretary and the public on plans to establish ongoing collaboration among State, local, and tribal agencies and other community organizations that serve children who have been abused or neglected, are in foster care, or are receiving child welfare services, which shall include recommendations for the appropriate use of aggregate data and information sharing to improve outcomes for such children;

(3) provide ongoing continuity for the collaboration procedures established in accordance with such plan;

(4) broaden public awareness of, and support for, meeting the needs of vulnerable children and families, including the need for sufficient mental health, health care, education, child care, and other services; and

(5) perform such other tasks as the co-chairs of the Commission determines to be appropriate.

(1) DEFINITIONS.—In this section:

(1) ABUSE AND NEGLECT COURTS.—The term ‘abuse and neglect courts’ has the meaning given that term in section 475(10).

(2) CO-CHAIRS.—The co-chairs of the Commission shall be the Chief Justice for the State or his or her designee and the head of the State agency administering the State child welfare services programs for children who have been abused or neglected, and are in foster care, or are receiving child welfare services, and

(3) COMPOSITION.—The Commission shall include representatives of—

(1) State, local, and tribal agencies and other community organizations that serve children who have been abused or neglected, are in foster care, or are receiving child welfare services;

(2) schools;

(3) health care agencies or providers;

(4) mental health agencies or providers;

(5) child care agencies or providers;

(6) abuse and neglect courts;

(7) the legal and law enforcement communities;

(8) consumers of child welfare services, to include parents, current or former foster youth, and child advocates; and

(9) such other organizations, entities, or individuals as the Commission determines to be appropriate.

(d) DUTIES.—The Commission shall—

(1) monitor and report to the Secretary and the public on the extent to which the State child welfare programs and abuse and neglect courts are responsive to the needs of children in their care;

(2) develop and submit a report to the Secretary and the public on plans to establish ongoing collaboration among State, local, and tribal agencies and other community organizations that serve children who have been abused or neglected, are in foster care, or are receiving child welfare services, which shall include recommendations for the appropriate use of aggregate data and information sharing to improve outcomes for such children;

(3) provide ongoing continuity for the collaboration procedures established in accordance with such plan;

(4) broaden public awareness of, and support for, meeting the needs of vulnerable children and families, including the need for sufficient mental health, health care, education, child care, and other services; and

(5) perform such other tasks as the co-chairs of the Commission determines to be appropriate.

(1) DEFINITIONS.—In this section:

(1) ABUSE AND NEGLECT COURTS.—The term ‘abuse and neglect courts’ has the meaning given that term in section 475(10).

(2) CO-CHAIRS.—The co-chairs of the Commission shall be the Chief Justice for the State or his or her designee and the head of the State agency administering the State child welfare services programs for children who have been abused or neglected, and are in foster care, or are receiving child welfare services, and

(3) COMPOSITION.—The Commission shall include representatives of—

(1) State, local, and tribal agencies and other community organizations that serve children who have been abused or neglected, are in foster care, or are receiving child welfare services;

(2) schools;

(3) health care agencies or providers;

(4) mental health agencies or providers;

(5) child care agencies or providers;

(6) abuse and neglect courts;

(7) the legal and law enforcement communities;

(8) consumers of child welfare services, to include parents, current or former foster youth, and child advocates; and

(9) such other organizations, entities, or individuals as the Commission determines to be appropriate.

(d) DUTIES.—The Commission shall—

(1) monitor and report to the Secretary and the public on the extent to which the State child welfare programs and abuse and neglect courts are responsive to the needs of children in their care;

(2) develop and submit a report to the Secretary and the public on plans to establish ongoing collaboration among State, local, and tribal agencies and other community organizations that serve children who have been abused or neglected, are in foster care, or are receiving child welfare services, which shall include recommendations for the appropriate use of aggregate data and information sharing to improve outcomes for such children;

(3) provide ongoing continuity for the collaboration procedures established in accordance with such plan;

(4) broaden public awareness of, and support for, meeting the needs of vulnerable children and families, including the need for sufficient mental health, health care, education, child care, and other services; and

(5) perform such other tasks as the co-chairs of the Commission determines to be appropriate.

(1) DEFINITIONS.—In this section:

(1) ABUSE AND NEGLECT COURTS.—The term ‘abuse and neglect courts’ has the meaning given that term in section 475(10).

(2) CO-CHAIRS.—The co-chairs of the Commission shall be the Chief Justice for the State or his or her designee and the head of the State agency administering the State child welfare services programs for children who have been abused or neglected, and are in foster care, or are receiving child welfare services, and

(3) COMPOSITION.—The Commission shall include representatives of—

(1) State, local, and tribal agencies and other community organizations that serve children who have been abused or neglected, are in foster care, or are receiving child welfare services;
2006 or any fiscal year thereafter, the Secretary shall award grants to highest State courts for the purpose of training judges, court personnel, attorneys, and other legal personnel in the federal courts and courts of other States on issues relevant to the proceedings conducted by such courts, such as child development and other training needs specific to that court and its jurisdiction.

(2) Joint-training initiatives.—A highest State court awarded a grant under this subsection for a fiscal year shall ensure that a significant portion of the funds made available under this grant is used for cross-training initiatives that are jointly planned and executed with the State agency responsible for administering the State plans under this part and part E of this title, and Indian tribes and tribal organizations located in the State.

(3) Appropriation.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for fiscal year 2006, $10,000,000 for making grants under this subsection.

SEC. 104. RESERVATION OF FUNDS FOR COLLABORATION SUPPORT.

Sections 438(b) and 437(b) of the Social Security Act (42 U.S.C. 671(b), 670(b)) are each amended by adding at the end the following:

“(4) Collaboration.—The Secretary shall reserve 2 percent for making grants to support the development and implementation of ongoing and meaningful collaboration among the State court leaders and abuse and neglect courts located in the State, the State agency responsible for administering the State plans under this part, subpart 1, and part E, and Indian tribes and tribal organizations located in the State with respect to the purposes described in subparagraph (A) of this subsection. The grant shall be used for cross-training initiatives that are jointly planned and executed with the State agency responsible for administering the State plans under this part, subpart 1, and part E, the development and conduct of the assessments required under section 436 and the implementation of the improvements described necessary as a result of such assessments, and the child and family services reviews required under section 1121A (including the development and implementation of a statewide assessment as part of the conformity reviews and corrective action plans required under that section).”.

TITLE II—OUTCOME PERFORMANCE STANDARDS FOR ABUSE AND NEGLECT COURTS

SEC. 201. OUTCOME PERFORMANCE STANDARDS FOR ABUSE AND NEGLECT COURTS.

Section 436 of the Social Security Act (42 U.S.C. 629h), as amended by section 103, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

“(g) Outcome Performance Standards for Abuse and Neglect Courts.—

“(1) Authority to award grants.—

“(A) In general.—In addition to any other funds paid to a highest State court under this subsection or any other funds made available under this part, the Secretary shall award grants to highest State courts for the purpose of developing and implementing outcome performance standards for State abuse and neglect courts in order to achieve the goals of the programs authorized under this part, part E, and the Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115).

“(B) Requirements.—

“(1) In general.—A highest State court that receives a grant under this subsection shall develop and implement outcome performance standards and measurements for State abuse and neglect courts with respect to the following:

“(I) Safety.

“(II) Permanency.

“(III) Due Process.

“(IV) Timeliness.

“(V) Recommended standards.—Outcome performance standards and measurements developed and implemented with funds provided under a grant made under this subsection shall be reasonably in accord with recommended standards and measurements for the purposes described in subsections (I) through (IV) of clause (ii) issued by national organizations concerned with such standards and measurements.

“(2) Application.—In order to be eligible for a grant under this subsection, a highest State court shall submit to the Secretary an application at such time, in such form, and with such information and assurances as the Secretary shall require.

“(3) Allotments.—

“(A) In general.—Each highest State court which has an application approved under paragraph (2) shall be entitled to payment for a fiscal year specified in paragraph (1) from the amount appropriated pursuant to paragraph (4) for a fiscal year of an amount equal to the sum of $85,000 plus the amount described in subparagraph (B) for the fiscal year.

“(B) Formula.—The amount described in this subparagraph for any fiscal year is the amount that bears the same ratio to the amount described in subparagraph (A) for a fiscal year (reduced by the dollar amount specified in subparagraph (B) for the fiscal year) as the number of individuals in the State who have been in abuse and neglect court proceedings bears to the total number of such individuals in all States with highest State courts that have approved applications under paragraph (2).

“(4) Appropriation.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for fiscal year 2006, $10,000,000 for making grants under this subsection.”.

TITLE III—COURT MODEL STANDARDS

SEC. 301. STANDARDS, TRAINING, AND TECHNICAL ASSISTANCE FOR ATTORNEYS.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a), as amended by section 102(b)), is amended—

(1) in paragraph (25), by striking “and” at the end;

(2) in paragraph (25), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(27) provides that, not later than January 1, 2009, the State shall develop and encourage the implementation of standards for all attorneys representing the State or local agency administering the program under this part, including standards regarding the interaction of such attorneys with other attorneys who practice before an abuse and neglect court.”.

SEC. 302. LOAN FORGIVENESS FOR ATTORNEYS WHO REPRESENT LOW-INCOME FAMILIES OR INDIVIDUALS INVOLVED IN THE FAMILY OR DOMESTIC RELATIONS COURTS.

(a) PURPOSES.—The purposes of this section are—

(1) to encourage attorneys to enter the field of family law, juvenile law, or domestic relations law;

(2) to increase the number of attorneys who will represent low-income families and individuals, and who are trained and educated in such field; and

(3) to keep more highly trained family law, juvenile law, and domestic relations attorneys in those fields of law for longer periods of time.

(b) LOAN FORGIVENESS FOR FAMILY OR DOMESTIC RELATIONS ATTORNEYS WHO WORK IN THE DEFENSE OF LOW-INCOME FAMILIES, INDIVIDUALS, OR CHILDREN.

(a) Definitions.—In this section:

(1) Eligible loan.—The term ‘eligible loan’ means a loan made under this part, or guaranteed under this part, or guaranteed under this part D (excluding loans made under section 428B or 428C, or comparable loans made under part D) for attorney training, or for law school, or for law school and Indian tribes and tribal organizations concerned with such standards and measurements.

(b) Appropriation.—In order to be eligible for a grant under this subsection, a highest State court shall submit to the Secretary an application at such time, in such form, and with such information and assurances as the Secretary shall require.

(3) Allotments.—

(A) In general.—Each highest State court which has an application approved under paragraph (2) shall be entitled to payment for a fiscal year specified in paragraph (1) from the amount appropriated pursuant to paragraph (4) for a fiscal year of an amount equal to the sum of $85,000 plus the amount described in subparagraph (B) for the fiscal year.

(B) Formula.—The amount described in this subparagraph for any fiscal year is the amount that bears the same ratio to the amount described in subparagraph (A) for a fiscal year (reduced by the dollar amount specified in subparagraph (B) for the fiscal year) as the number of individuals in the State who have been in abuse and neglect court proceedings bears to the total number of such individuals in all States with highest State courts that have approved applications under paragraph (2).

(4) Appropriation.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for fiscal year 2006, $10,000,000 for making grants under this subsection.”.

TITLE III—COURT MODEL STANDARDS

SEC. 301. STANDARDS, TRAINING, AND TECHNICAL ASSISTANCE FOR ATTORNEYS.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a), as amended by section 102(b)), is amended—

(1) in paragraph (25), by striking “and” at the end;

(2) in paragraph (25), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(27) provides that, not later than January 1, 2009, the State shall develop and encourage the implementation of standards for all attorneys representing the State or local agency administering the program under this part, including standards regarding the interaction of such attorneys with other attorneys who practice before an abuse and neglect court.”.

TITLE III—COURT MODEL STANDARDS

SEC. 301. STANDARDS, TRAINING, AND TECHNICAL ASSISTANCE FOR ATTORNEYS.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a), as amended by section 102(b)), is amended—

(1) in paragraph (25), by striking “and” at the end;

(2) in paragraph (25), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(27) provides that, not later than January 1, 2009, the State shall develop and encourage the implementation of standards for all attorneys representing the State or local agency administering the program under this part, including standards regarding the interaction of such attorneys with other attorneys who practice before an abuse and neglect court.”.

TITLE III—COURT MODEL STANDARDS

SEC. 301. STANDARDS, TRAINING, AND TECHNICAL ASSISTANCE FOR ATTORNEYS.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a), as amended by section 102(b)), is amended—

(1) in paragraph (25), by striking “and” at the end;

(2) in paragraph (25), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(27) provides that, not later than January 1, 2009, the State shall develop and encourage the implementation of standards for all attorneys representing the State or local agency administering the program under this part, including standards regarding the interaction of such attorneys with other attorneys who practice before an abuse and neglect court.”.

TITLE III—COURT MODEL STANDARDS

SEC. 301. STANDARDS, TRAINING, AND TECHNICAL ASSISTANCE FOR ATTORNEYS.
under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.).

‘‘(d) REPAYMENT TO ELIGIBLE LENDERS.—

The Secretary shall pay to each eligible lender or holder for each fiscal year an amount equal to the aggregate amount of eligible loans which are subject to repayment on the date on which the loan is made and is not forgiven pursuant to this section for such year.

‘‘(e) APPLICATION FOR REPAYMENT.—

(1) IN GENERAL.—Each eligible individual desiring loan repayment under this section after completing each year of qualifying employment may apply for repayment pursuant to subsection (d), a loan made, insured, or guaranteed under part D (excluding loans made under subpart 428C, comparable loans made under part D) for any new borrower after the date of enactment of this section.

(2) CONDITIONS.—An eligible individual may apply for loan repayment under this section after completing each year of qualifying employment unless the borrower is in default.

(‘‘(f) EVALUATION.—

(1) IN GENERAL.—The Secretary shall conduct, by grant or contract, an independent national evaluation of the impact of the demonstration program assisted under this section on the field of family and domestic relations attorneys.

(2) COMPETITIVE BASIS.—The grant or contract described in this subsection shall be awarded on a competitive basis.

(3) EVALUATION.—The evaluation described in this subsection shall determine whether the loan forgiveness program assisted under this section:

(A) has increased the number of highly qualified attorneys;

(B) has contributed to increased time on the job for family law or domestic relations attorneys; and

(C) has contributed to better family outcomes, delivered after consultation with the Secretary of Health and Human Services and the Attorney General.

(4) INTERIM AND FINAL EVALUATION REPORTS.—The Secretary shall prepare and submit to the President and Congress such interim reports regarding the evaluation described in this section as the Secretary determines appropriate, and shall prepare and submit a final report regarding the evaluation by September 30, 2010.

(g) REGULATIONS.—The Secretary is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to carry out this section $20,000,000 for each fiscal year 2006, and such sums as are necessary for each of the 4 succeeding fiscal years.

SEC. 303. LOAN FORGIVENESS TO SOCIAL WORKERS WHO WORK FOR CHILD PROTECTION AGENCIES.

Part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.), is amended by inserting after section 428K (20 U.S.C. 1076-13) the following:

‘‘SEC. 428L. LOAN FORGIVENESS FOR CHILD WELFARE WORKERS.

(a) PURPOSES.—The purposes of this section are

(1) to bring more highly trained individuals into the child welfare profession; and

(2) to keep more highly trained child welfare workers in the child welfare field for longer periods of time.

(b) DEFINITIONS.—In this section:

(1) ‘‘Child Welfare Services’’—The term ‘‘child welfare services’’ has the meaning given the term in section 425 of the Social Security Act.

(2) ‘‘Child Welfare Agency’’—The term ‘‘child welfare agency’’ means the State agency responsible for administering subpart 1 of part B of title IV of the Social Security Act and any public or private agency under contract with the State agency to provide child welfare services.

(3) ‘‘Institution of Higher Education’’—The term ‘‘institution of higher education’’ has the meaning given the term in section 101(a)(1) of the Social Security Act for purposes of title IV of such Act, and includes an Indian tribe.

(4) ‘‘Demonstration Program’’—

(1) IN GENERAL.—The Secretary may carry out a demonstration program of assuming the obligation to repay, pursuant to subsection (d), a loan made, insured, or guaranteed under part D (including loans made under subpart 428C, comparable loans made under part D) for any new borrower after the date of enactment of this section.

(A) ‘‘Loan Forgiveness’’—The term ‘‘loan forgiveness’’ means the loan forgiveness program assisted under section (c).

(B) ‘‘Eligible Loan’’—The term ‘‘eligible loan’’ means a loan made after the date of enactment of this section.

(C) ‘‘New Borrower’’—The term ‘‘new borrower’’ means an individual who is selected to participate in the demonstration program.

(D) ‘‘Application’’—The term ‘‘application’’ means an application made by a new borrower after the date of enactment of this section.

(E) ‘‘Loan Repayment’’—The term ‘‘loan repayment’’ means the payment of a loan made under this section.

(F) ‘‘Forbearance’’—The term ‘‘forbearance’’ means any deferral while so engaged.

(G) ‘‘Eligible Individual’’—The term ‘‘eligible individual’’ means an individual who

(i) is an individual who is selected to participate in the demonstration program,

(ii) is an individual who is employed as a social worker for 2 consecutive years preceding the year for which the determination is made.

(iii) has contributed to increased time on the job for child welfare workers and has contributed to increased time on the job for child welfare workers; and

(iv) has contributed to increased time on the job for child welfare workers and has contributed to increased time on the job for child welfare workers.

(B) ‘‘NATIONAL EVALUATION OF THE IMPACT OF THE DEMONSTRATION PROGRAM’’—The grant or contract under this subsection shall be on a first-come, first-served basis and subject to the availability of appropriations.

(C) ‘‘Priorities’’—The Secretary shall give priority in providing loan repayment under this section for a fiscal year to student borrowers who received loan repayment under this section for the preceding fiscal year.

(D) ‘‘Outreach’’—The Secretary shall post a notice on a Department Internet Website regarding the availability of loan repayment under this section.

(E) ‘‘Regulations’’—The Secretary is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section.

(3) ‘‘Loan Repayment’’—

(1) IN GENERAL.—For each eligible individual selected to participate in the loan repayment program under subsection (c), the Secretary shall assume the obligation to repay

(A) after the third consecutive year of employment described in subsection (c)(1)(C), 20 percent of the total amount of all loans made under this part or part D (excluding loans made under section 428B or 428C, or comparable loans made under part D) for any new borrower after the date of enactment of this section;

(B) after the fourth consecutive year of such employment, 50 percent of the total amount of such loans; and

(C) after the fifth consecutive year of such employment, 100 percent of the total amount of such loans.

(2) CONSTRUCTION.—Nothing in this section shall be construed to authorize the re-funding of any repayment of a loan made under this section.

(3) INTEREST.—If a portion of a loan is repaid by the Secretary under this section for any year, the proportionate amount of interest on such loan which accrues for such year shall be repaid by the Secretary.

(4) SPECIAL RULE.—In the case of a student who is not participating in loan repayment pursuant to this section who returns to an institution of higher education after graduation from an institution of higher education for the purpose of obtaining such a degree as described in subsection (c)(1)(A), the Secretary may assume the obligation to repay the total amount of loans made under this part or part D (excluding loans made under section 428B or 428C, or comparable loans made under part D) for any new borrower after the date of enactment of this section, and shall be repaid in accordance with the provisions of paragraph (1).

(5) INeligIBILITY OF NATIONAL SERVICE AWARD RECIPIENTS.—No student borrower may, for the same service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.).

‘‘(e) REPAYMENT TO ELIGIBLE LENDERS.—

The Secretary shall pay to each eligible lender or holder for each fiscal year an amount equal to the aggregate amount of loans that are subject to repayment pursuant to this section for such year.

‘‘(f) APPLICATION FOR REPAYMENT.—

(1) IN GENERAL.—Each eligible individual desiring loan repayment under this section shall submit a complete and accurate application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(2) CONDITIONS.—An eligible individual may apply for loan repayment under this section after completing each year of qualifying employment. The borrower shall receive forbearance while engaged in qualifying employment unless the borrower is in default.

(3) INTERIM AND FINAL EVALUATION REPORTS.—The Secretary shall prepare and submit to the President and Congress such interim reports regarding the evaluation described in this subsection as the Secretary determines appropriate and shall submit a final report regarding the evaluation by September 30, 2010.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000 for each fiscal year 2006, and such sums as are necessary for each of the 4 succeeding fiscal years.
“(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for fiscal year 2006, and such sums as may be necessary for each succeeding fiscal year.”

SEC. 304. REAUTHORIZATION OF COURT-APPOINTED SPECIAL ADVOCATE (CASA) PROGRAM AND INCREASED FUNDING FOR EXPANSION IN RURAL AND UNDERSERVED URBAN AREAS.

(a) In general.—Victims of Child Abuse Act of 1992 (42 U.S.C. 1301(a)) is amended by striking “$12,000,000 for each of fiscal years 2001 through 2005” and inserting “$10,000,000 for each of fiscal years 2006 through 2010.”

(b) Grants for expansion in rural and underserved urban areas.—Section 217(c)(2) of the Victims of Child Abuse Act of 1992 (42 U.S.C. 1301(c)(2)) is amended—

(1) by inserting “(A)” after “(G)”;

(2) by adding at the end the following: “(B) Of the amount appropriated for each of fiscal years 2006 through 2010 to carry out this subtitle, the Administrator shall use not less than $5,000,000 of such amount to make grants for the purpose of developing or expanding court-appointed special advocate programs in rural and underserved urban areas.”

TITLE IV—SAFE AND TIMELY INTERSTATE PLACEMENT OF FOSTER CHILDREN

SEC. 601. SENSE OF CONGRESS.

(a) Finding.—Congress finds that the Interstate Compact on the Placement of Children (ICPC) will expire on September 12, 2005, and it is in the best interest of the child to concur in the Senate’s recommendation to extend the ICPC to prevent the orderly and timely interstate placement of children, and procedures implemented in accordance with an interstate compact approved by the Secretary, if incorporating with the procedures prescribed by paragraph (27), shall be considered to satisfy the requirements of this paragraph.”

SEC. 602. ORDERLY AND TIMELY PROCESS FOR INTERSTATE PLACEMENT OF CHILDREN.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 301, is amended—

(1) by striking “and” at the end of paragraph (24); and

(2) by striking the period at the end of paragraph (25) and inserting “; and”; and

(3) by adding at the end following: “(26) provide that the State shall have in effect procedures for the orderly and timely interstate placement of children, and procedures implemented in accordance with an interstate compact approved by the Secretary, if incorporating with the procedures prescribed by paragraph (27), shall be considered to satisfy the requirements of this paragraph.”

SEC. 603. HOME STUDIES.

(a) Ordinarily Process.

(1) home study report completed by any other State study report completed by any other State with respect to children in foster care under the Interstate Compact on the Placement of Children (ICPC) to be attributed to a State subject to each such study, the identity of the other State whose home study to be attributed to a State subject to each such study, the identity of the other State whose home study to be attributed to a State subject to each such study, the identity of the other State whose home study to be attributed to a State subject to each such study, the identity of the other State whose home study to be attributed to a State subject to each such study, the identity of the other State whose home study to be attributed to a State subject to each such study, the identity of the other State whose home study to be attributed to a State subject to each such study, the identity of the other State whose home study to be attributed to a State subject to each such study, the identity of the other State whose home study to be attributed to a State subject to each such study, the identity of the other State whose home study to be attributed to a State subject to each such study, the identity of the other State whose home study to be attributed to a State subject to each such study, the identity of the other State whose home study to be attributed to a State subject to each such study, the identity of the other State whose home study to be attributed to a State subject to each such study, the identity of the other State whose home study to be attributed to a State subject to each such study, the identity of the other State whose home study to be attributed to a State subject to each such study, the identity of the other State whose home study to be attributed to a State subject to each such study, the identity of the other State whose home study to be attributed to a State subject to each such study, the identity of the other State whose home study to be attributed to a State subject to each such study, the identity of the other State whose home study to be attributed to a State subject to each such study, the identity of the other State whose home study to be attributed to a State subject to each such study, the identity of the other State whose home study to be attributed to a State subject to each such study, the identity of the other State whose home study to be attributed to a State subject to each such study, the identity of the other State whose home study to be attributed to a State subject to each such study, the identity of the other State whose home study to be attributed to a State subject to each such study, the identity of the other State whose home study to be attributed to a State subject to each such study, the identity of the other State whose home study to be attributed to a State subject to each such study, the identity of the other State whose home study to be attributed to a State subject to each such study, the identity of the other State whose home study to be attributed to a State subject to each such study, the identity of the other State whose home study to be attributed to a State subject to each such study, the identity of the other State whose home study to be attributed to a State subject to each such study, the identity of the other State whose home study to be attributed to a State subject to each such study, the identity of the other State whose home study to be attributed to a State subject to each such study, the identity of the other State whose home study to be attributed to a State subject to each such study, the identity of the other State whose the results of a background check, or the failure by any entity to provide completed medical forms, requested by the State at least 45 days before the end of the 60-day period, the State shall have 75 days to comply with clause (i) if the State documents the circumstances involved and certifies that completing the home study is in the best interests of the child; except that—

(3) Based on the data submitted and verified pursuant to subsection (c), the Secretary shall check the data provided by the State under paragraph (1) against complementary data so provided by other States.

(2) Verification of data.—In determining the number of timely interstate home studies to be attributed to a State under this section, the Secretary shall check the data provided by the State under paragraph (1) against complementary data so provided by other States.

SEC. 473B. TIMELY INTERSTATE HOME STUDY INCENTIVE PAYMENTS.

“(a) Grant Authority.—The Secretary shall make a grant to each State that is a home study incentive-eligible State for a fiscal year in an amount equal to the timely interstate home study incentive payment payable to the State under this section for the fiscal year, which shall be payable in the immediately succeeding fiscal year.

(b) Timely interstate home study incentive-eligible State.—A State is a home study incentive-eligible State for a fiscal year if—

(1) the State has a plan approved under this part for the fiscal year;

(2) the State is in compliance with subsection (c) for the fiscal year; and

(3) the State has a plan approved under this section for the fiscal year if the State has provided to the Secretary a written report, covering the preceding fiscal year, that specifies—

(A) the total number of home study incentive home studies requested by the State with respect to children in foster care under the responsibility of the State and, with respect to each such study, the identity of the other State involved; and

(B) the total number of timely interstate home studies completed with respect to children in foster care under the responsibility of other States and, with respect to each such study, the identity of the other State involved.

(2) Data requirements.—The Secretary shall provide and for a fiscal year shall be $1,500 multiplied by the number of timely interstate home studies attributed to the State under
this section during the fiscal year, subject to paragraph (2).

“(2) PRO RATA ADJUSTMENT IF INSUFFICIENT FUNDS AVAILABLE.—If the total amount of payments otherwise payable under this section for a fiscal year exceeds the total of the amounts made available pursuant to subsection (a), the amount of each such otherwise payable incentive payment shall be reduced by a percentage equal to—

(A) the total of the amounts so made available; and

(B) the total of such otherwise payable incentive payments.

“(3) APPROPRIATIONS AVAILABLE FOR UNPAID INCENTIVE PAYMENTS FOR PRIOR FISCAL YEARS.—

“(A) IN GENERAL.—If payments under this section are reduced under paragraph (2) or subparagraph (B) of this paragraph for a fiscal year, then, before making any other payment under this section for the next fiscal year, the Secretary shall pay each State whose amount of such payments was so reduced a percentage of the total amount of payments otherwise payable under this section for the fiscal year. The preceding sentence shall be reduced by a percentage equal to the total amount of the reductions which applied to the State, subject to subparagraph (B) of this paragraph.

“(B) IN GENERAL.—If payments otherwise payable under subparagraph (A) of this paragraph for a fiscal year exceed the total of the amounts made available pursuant to subsection (h) for the fiscal year, the amount of each such payment shall be reduced by a percentage equal to—

(i) the total of the amounts so made available; or

(ii) the total of such otherwise payable payments.

“(e) TWO-YEAR AVAILABILITY OF INCENTIVE PAYMENTS.—Payments to a State under this section in a fiscal year shall remain available for use by the State through the end of the next fiscal year.

“(f) LIMITATIONS ON USE OF INCENTIVE PAYMENTS.—A State shall not expend an amount paid to the State under this section except to provide services for families and other service (including post-adoption services) that may be provided under part B or E. Amounts expended by a State in accordance with the preceding sentence shall be disregarded in determining State expenditures for purposes of Federal matching payments under sections 423, 454, and 471.

“(g) Grants shall be payable—

(1) in general.—For payments under this section, there are authorized to be appropriated to the Secretary, $10,000,000 for each of fiscal years 2006 through 2009.

“(2) AVAILABILITY.—Payments appropriated under paragraph (1) are authorized to remain available until expended.

“(c) REPEALER.—Effective October 1, 2009, section 473B of the Social Security Act is repealed.

SEC. 604. REQUIREMENT TO COMPLETE BACKGROUND INVESTIGATION BEFORE APPROVAL OF ANY FOSTER OR ADOPTIVE PLACEMENT AND TO CHECK CHILDREN'S GRANDFATHER OF OPT-OUT ELECTION; LIMITED NONAPPLICATION.

Section 473B of the Social Security Act (42 U.S.C. 671(a)(20)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i)—

(i) by inserting “involving a child on whose behalf such payments are to be made after “in any case”; and

(ii) by inserting “and” at the end of clause (ii); and

(2) in paragraph (5)—

(A) by striking “The” and inserting “The;” and

(B) by inserting “the most recent information available regarding” after “including”;

(3) limiting the availability of incentive payments.

(a) PURCHASE OF SERVICES IN INTERSTATE PLACEMENT CASES.—Section 475(5)(A)(ii) of the Social Security Act (42 U.S.C. 675(5)(A)(ii)) is amended by striking “or” and inserting “and”.

(b) BY STRIKING.—Section 475(5)(A)(i) of such Act (42 U.S.C. 675(5)(A)(i)) is amended by striking “12” and inserting “6”.

(c) CASEWORKER VISITS.—Section 475 of the Social Security Act (42 U.S.C. 675) is amended—

(1) in paragraph (1)—

(A) by striking “To the extent available and accessible, the” and inserting “The;” and

(B) by inserting “the most recent information available regarding” after “including”;

(2) in paragraph (5)—

(A) by inserting “a copy of the record is” before “supplied”; and

(B) by inserting “and is supplied to the child at no cost at the time the child leaves foster care if the child is leaving foster care for the reason of having attained the age of majority under State law” before the semicolon.

(d) RIGHT TO BE HEARD IN FOSTER CARE PROCEEDINGS.—

(a) IN GENERAL.—Section 475(5)(G) of the Social Security Act (42 U.S.C. 675(5)(G)) is amended—

(1) by striking “an opportunity” and inserting “a right”; and

(2) by striking “and opportunity” and inserting “and right”; and

(b) NOTICE.—Section 475(a)(2) of such Act (42 U.S.C. 675(a)(2)) is amended by inserting “shall have in effect a rule requiring State courts to ensure that foster parents, preadoptive parents, and relative caregivers of a child in foster care under the responsibility of the State are notified of any proceeding to be held with respect to the child, and after “highest State court”. The term “highest State court” means a court in a State having the highest level of appellate jurisdiction.

(c) CASEWORKER VISITS.—Section 475(5)(B) of the Social Security Act (42 U.S.C. 675(b)) is amended—

(1) by striking “and” at the end of subparagraph (C); and

(2) by adding at the end the following:

“(E) that determine the best strategy to use to expedite the placement of a child, regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child under the State plan and in which case such payments would conflict with a requirement of a State's constitution.”.
SEC. 610. REASONABLE EFFORTS.

(a) In General.—Section 471(a)(15)(C) of the Social Security Act (42 U.S.C. 671(a)(15)(C)) is amended by inserting “(including appropriate out-of-State relatives and placements)” before “to facilitate orderly and timely in-State and interstate placements” before the period.

SEC. 611. CASE PLANS.

Section 475(f)(E) of the Social Security Act (42 U.S.C. 675(f)(E)) is amended—

(1) by striking “in the case of a child who was removed to the plantation or the hearing shall consider In-State and out-of-State placement options,” before “living arrangement”;

(2) by inserting “the hearing shall determine” before “whether the”;

SEC. 612. CASE REVIEW SYSTEM.

Section 475(f)(C) of the Social Security Act (42 U.S.C. 675(f)(C)) is amended—

(1) by inserting “(including through contracts for the purchase of services)” after “resources”; and

(2) by inserting “(including appropriate out-of-State relatives and placements)” before “to facilitate”.

TITLE VII—EFFECTIVE DATE

SEC. 701. EFFECTIVE DATE.

(a) In General.—Except as otherwise provided in this section, the amendments made by this Act shall take effect on October 1, 2005, and shall apply to payments under parts B and E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations, if appropriate, through an interstate placement” after “accordance with the permanency plan”.

(b) PERMANENCY HEARING.—Section 471(a)(15)(F) of such Act (42 U.S.C. 671(a)(15)(F)) is amended by inserting “, which considers in-State and out-of-State permanent placement options for the child,” before “shall”.

(c) CONCURRENT PLANNING.—Section 471(a)(15)(F) of such Act (42 U.S.C. 671(a)(15)(F)) is amended by inserting “, including identifying appropriate out-of-State relatives and placements” before “may”.

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availability of judicial review to examine national security letters. However, national security letters are also available outside the Title 18 context. For instance, Title 15 allows the government to obtain consumer information maintained by consumer reporting agencies. Title 12 allows the government to obtain the financial records maintained by financial institutions; and Title 50 allows the government to obtain records about persons with access to classified information who may have disclosed classified information to a foreign power.

It is important to make sure that the right to judicial review is statutorily available in all national security letter contexts. The bill I am introducing today expressly authorizes a recipient to challenge any national security letter in court. It also: details the procedure the government must follow to substantiate its use of a national security letter; allows the government to present information to the court so that it can properly evaluate the challenge; and specifies that a recipient of a national security letter may consult with legal counsel about its obligations.

I hope that this legislation will be enacted in the same bipartisan spirit that put both the Electronic Communications Privacy Act and the USA PATRIOT Act on the books.

By Mr. OBAMA (for himself, Mr. BAYH, Mr. HARKIN, Mr. LEVIN, Mr. CORZINE, Mr. FEINGOLD, Mr. BINGAMAN, Mr. KENNEDY, Mrs. MURRAY, and Mr. SALAZAR):

S. 1683.—A bill to ensure the evacuation of individuals with special needs in times of emergency; to the Committee on Homeland Security and Governmental Affairs.

Mr. OBAMA. Mr. President, one of the most striking things about the devastation caused by Hurricane Katrina is that the majority of stranded victims were our society’s most vulnerable members—low-income families, the elderly, the homeless, the disabled. Many did not own cars. Many believed themselves unable to flee the city, unable to forego the income from missed work, unable to incur the expenses of travel, food and lodging. Some may have misunderstood the severity of the warnings, if they heard the warnings at all. Some had received needed help from the government that was unavailable. Whatever the reason, they were not evacuated and we have seen the horrific results.

This failure to evacuate so many of the most desperate citizens of the Gulf Coast leads me to introduce today a bill to require states and the nation to consider the needs of our neediest citizens in times of emergency.

It appears that certain assumptions were made in planning and preparing for the worst scenario in the Gulf Coast. After all, most of those who could afford to evacuate managed to do so. They drove out of town and checked into hotels or stayed with friends and family. But what about the thousands of people left behind because they had special needs?

How many of us will forget the tragedy that occurred at St. Rita’s Nursing Home in St. Bernard Parish, LA, where an estimated 32 of the 60 residents perished in the rising floodwaters in the aftermath of Hurricane Katrina?

Our charge as public servants is to worry about all of the people. I am troubled that our emergency response and disaster plans were inadequate for large segments of the Gulf Coast population. I wonder whether the plans in other regions are adequate. Perfect evacuation planning is obviously impractical, but greater advance preparation can ensure that the most vulnerable are not simply forgotten or ignored.

That’s why the bill I am introducing today, along with co-sponsors Senators BAYH, MURRAY, HARKIN, LEVIN, CORZINE, FEINGOLD, BINGAMAN and KENNEDY, requires the Secretary of the Department of Homeland Security to mandate each State to include plans for the evacuation of individuals with special needs during times of emergency. Such plans should not only include an explanation of how these people—low-income individuals and families, the elderly, the disabled, those who cannot speak English—will be evacuated out of the emergency area and how the states will provide shelter, food, and water, to these people once evacuated.

Communities with special needs may be more challenging to accommodate, but they are every bit as important to protect and serve in the event of an emergency.

What we saw in the Gulf Coast cannot be repeated. We may not be able to control the wrath of Mother Nature, but we can control how we prepare for natural disasters.

I hope my colleagues will join me in supporting this legislation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1687. Ms. STABENOW (for herself and Mr. CORZINE) submitted an amendment intended to be proposed by her to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

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

Sec. 322. (a) There are appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2006, $5,000,000,000 for interoperable communications equipment grants under State and local programs administered by the Office of State and Local Government Coordination and Preparedness of the Department of Homeland Security.

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

SA 1688. Ms. STABENOW (for herself, Mr. VITTER, Mr. MCCAIN, Mr. DORGAN, Mr. DURBIN, Mr. LEVIN, and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Snc.... None of the funds made available in this Act may be used to include in any bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 18.7 of the United States-Singapore Free Trade Agreement;
(2) paragraph 4 of article 17.9 of the United States-Australia Free Trade Agreement; or
(3) paragraph 4 of article 15.9 of the United States-Morocco Free Trade Agreement.

SA 1689. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 158, line 10, after “Service,” insert “$1,000,000 shall be for the costs of the pre-design, schematic, and design development phases of a shared-use facility for the University of Miami and the National Oceanic and Atmospheric Administration to be located in Virginia Key, and”;
SA 1690. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 158, line 10, after “Science,” insert “$2,000,000 shall be for National Oceanic and Atmospheric Administration for advanced remote observing programs at the Center for Southeastern Tropical Advanced Remote Sensing, and”:

SA 1691. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 304. None of the funds made available by the Act may be used to undermine or otherwise limit the ability of the National Oceanic and Atmospheric Administration to continue:

(1) to make available forecasts and warnings of the National Weather Service, in a timely, open, and unrestricted manner using widely accepted information standards, including the Internet; or

(2) to cooperate closely with public safety agencies and other entities, including private sector entities and the media, to achieve the widest possible understanding of information critical to the protection of life and property and the enhancement of the economy of the United States.

SA 1692. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, line 17, strike “$4,889,649,000” and insert “$4,876,000,000”.

On page 165, line 24, strike “$4,345,213,000” and insert “$4,364,513,000”.

On page 166, strike lines 2 and 3 and insert “$67,500,000 shall be transferred from the National Science Foundation to the U.S. Coast Guard for operation and maintenance of the three polar icebreakers of the U.S. Coast Guard or in”.

SA 1693. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 304. (a) The Administrator of the National Aeronautics and Space Administration and the Director of the National Science Foundation shall establish a database system to assess the effectiveness of the measures taken by the National Aeronautics and Space Administration or the National Science Foundation, respectively, to monitor and effectuate the compliance of educational institutions receiving Federal financial assistance from the National Aeronautics and Space Administration or the National Science Foundation, respectively, with title IX of the Education Amendments of 1972.

(b) The information collected and stored by a database system described in subsection (a) shall include:

(1) the key characteristics of each investigator and co-investigator for an application or proposal for Federal financial assistance, including sex, race and ethnicity, institution of higher education attended, degree earned, including the area or discipline and year of the degree, and, for an investigator or co-investigator in postsecondary education, type of academic appointment; and

(2) the amount requested in and the amount awarded for each application or proposal.

(c) In this section:

(1) The term “investigator” means the individual associated with an educational institution who submits an application or proposal, on behalf of the institution, for Federal financial assistance from the National Aeronautics and Space Administration or the National Science Foundation.

(2) The term “co-investigator” means an individual who is listed on an application or proposal for Federal financial assistance from the National Aeronautics and Space Administration or the National Science Foundation as an individual who will collaborate on the program or activity described in the application or proposal but who is not the investigator for such application or proposal.

SA 1694. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 301. The Attorney General shall waive the matching requirement for the purchase of bulletproof vests through the Bulletproof Vest Partnership Grant Act of 1998 for any law enforcement agency that purchased Zylon-based body armor, provided that the law enforcement agency can replace that Zylon-based body armor, pursuant to such Act between October 1, 1998, and September 30, 2005, and seeks to replace that Zylon-based body armor, provided that the law enforcement agency can present documentation to prove the purchase of Zylon-based body armor with funds awarded to it under such Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. COBURN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on the nomination of John Roberts to be Chief Justice of the United States on Monday, September 12, 2005 at 12 p.m. in the Russell Senate Office Building, Room 225.

Witness List

Panel I: The Honorable Richard G. Lugar, U.S. Senator [R-IN]; the Honorable John Warner, U.S. Senator [R-VA]; the Honorable Evan Bayh, United States Senator [D-IN].

Panel II: The Honorable John G. Roberts.

The PRESIDING OFFICER. Without objection it is so ordered.

PLEIDGE OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent that Sally Hamlin, a legislative fellow in my office, be granted the privilege of the floor for the purpose of offering amendments S.J. Res. 20.

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

MEASURES READ THE FIRST TIME EN BLOC—S. 1681, S. 1682, S. 1683, S. 1684, AND S. 1688

Mr. FRIST. Mr. President, I understand there are five bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1681, 1682, 1683) to provide for reimbursement of communities for purchases of supplies distributed to Katrina Survivors.

A bill (S. 1682) to provide for reimbursement for business revenue lost as a result of the facility being used as emergency shelter for Katrina Survivors.

A bill (S. 1683) to provide relief for students affected by Hurricane Katrina.

A bill (S. 1684) to clarify which expenses relating to emergency shelters for Katrina Survivors are eligible for Federal reimbursement.

A bill (S. 1688) to provide for 100 percent Federal financial assistance under the Medicaid and State children’s health insurance programs for States providing medical or child health assistance to survivors of Hurricane Katrina, to provide for an accommodation of the special needs of such survivors under the Medicare program, and for other purposes.

Mr. FRIST. Mr. President, I now ask for a second reading and, in order to place the bills on the calendar under the provisions of rule XIV, I object to my own requests en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will have their second reading on the next legislative day.

NATIONAL FLOOD INSURANCE ENHANCED BORROWING AUTHORITY ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3669, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislation clerk read as follows:

A bill (H.R. 3669) to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program.

There being no objection, the Senate proceeded to consider the bill.
Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD. Without objection, it is so ordered.

The bill (H.R. 3669) was read the third time, and passed.

Mr. FRIST. Mr. President, this National Flood Insurance Enhanced Borrowing Authority Act of 2005 is another example of the bills we are bringing to the Senate floor and working on in a bipartisan way because we are addressing quickly, responsively, and aggressively the natural disaster hurricane and its aftermath. There have been several of these bills over the last week, and we will continue to address them as they are presented to us and as they come forward—again, working together in a bipartisan way.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276–276g, as amended, appoints the following Senators as members of the Senate Delegation to the Canada-U.S. Interparliamentary Group during the First Session of the 109th Congress: the Honorable CHARLES E. GRASSLEY of Iowa, the Honorable T RENT LOTT of Mississippi, the Honorable G EORGE V. VOINOVICH of Ohio, the Honorable SAXBY CHAMBLISS of Georgia, and the Honorable R ICHARD BURR of North Carolina.

The Chair, on behalf of the President pro tempore, pursuant to Public Law 99-498, re-appoints the following individual to a 3-year term, commencing on October 1, 2005, as a member of the Advisory Committee on Student Financial Assistance: Claude O. Pressnell, Jr., of Tennessee.

ORDERS FOR TUESDAY, SEPTEMBER 13, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:45 a.m. on Tuesday, September 13. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for up to 60 minutes with the first 30 minutes under the control of the majority leader or his designee and the final 30 minutes under the control of the minority leader or his designee; provided that following morning business, the Senate proceed to the consideration of H.R. 2862, the Commerce-Justice-Science appropriations bill.

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

Mr. FRIST. Mr. President, I further ask unanimous consent that at 12:10, the Senate resume consideration of S.J. Res. 20; provided further that there then be 20 minutes equally divided for debate between Senators INHOFE and LEAHY or their designees, and that following the debate, the Senate proceed to the vote on adoption of the joint resolution with no intervening action or debate. I further ask unanimous consent that following that vote, the Senate then recess until 2:15 for the weekly policy luncheons.

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

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 3 p.m., adjourned until Tuesday, September 13, 2005, at 9:45 a.m.
TRIBUTE TO GERALD W. OWENS—
GRAND MARSHAL OF THE 14TH
ANNUAL CELEBRATION OF
LABOR

HON. DONALD M. PAYNE
OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 2005

Mr. PAYNE. Mr. Speaker, I am proud to rise today to recognize a highly valued citizen of South Orange, New Jersey, which is in my district. Mr. Gerald W. Owens will preside as the Grand Marshal over the 14th Annual Celebration of Labor on Friday, September 9, 2005. He is a devoted husband to Jackie and the father to two children. For almost 5 decades, Mr. Owens has also dedicated his life to the social, political and economic justice of all working Americans.

Active in the International Longshoremen’s Association, ILA, since 1958, Mr. Owens has been a rising star in the labor industry. Through the combination of on-the-job union experience with advanced studies in public relations, union organizing and labor law, Gerald has accomplished many feats. Over his career that has spanned more than 40 years, he started out as a longshoreman in the Ports of Newark and Elizabeth in New Jersey and has ascended to the ranks of International Vice President of the ILA. However, one of his most honorable successes to date has been his appointment as the International General Organizer of the ILA, AFL–CIO. This achievement marks an important milestone in the union’s 113-year history because Mr. Owens is the first African-American to ever serve in that position. In fact, the current president of the union, Mr. John Bowers stated, “This elevation of an African-American to this top ILA Executive Council post is long overdue. . . .”

Gerald Owens has served the ILA with distinction for more than 40 years and I’m certain he will continue to offer outstanding leadership for our union in the future.”

His tremendous accomplishments do not end there. Mr. Owens is a founding member and current president of the New Jersey Organization of Black Labor Leaders. He also is the president of the Essex County (New Jersey) chapter of the A. Philip Randolph Institute, a national organization of black trade unionists whose mission is to convey to the labor industry the needs and concerns of black Americans.

Mr. Speaker, I know my colleagues here in the U.S. House of Representatives would join me in honoring Mr. Gerald W. Owens, who is presiding as the Grand Marshal over the 14th Annual Celebration of Labor, for his tireless efforts in helping our union in the future. Mr. Owens has also dedicated his life to the social, political and economic justice of all working Americans.

HURRICANE KATRINA

HON. AL GREEN
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 2005

Mr. AL GREEN of Texas. Mr. Speaker, I want to join with persons across this great Nation and this world to express my condolences for those who have suffered as a result of Hurricane Katrina. I also want to commend all those people who have worked hard to lift up their fellow man during this time of crisis. This disaster is one unlike anything we’ve ever seen before. At one point 80 percent of the city of New Orleans was under water. Up to 1 million families have been displaced. There are estimates that 400,000 to 500,000 people could lose their jobs because of the hurricane. And despite the magnitude of these numbers, they still don’t do justice to the human suffering we have seen on television and in person.

But out of every tragedy comes the opportunity for each and every person to show his or her humanity through acts of compassion. That is why I am so proud of my fellow Texans and my fellow Houstonians. Our elected leadership, coalition of community groups, ministers and clergy have come together to make sure that we do everything in our power to help the quarter of a million evacuees we have taken in. In the Houston area alone, we have taken in over 100,000 of our neighbors to the east, 15,000 of which were sheltered in the Astrodome, which is in my Congressional District.

Several organizations in the Houston area are leading the disaster relief efforts. Some of the help is coming from volunteers with Operation Compassion, a massive relief effort led by Interfaith Ministries for Greater Houston and spearheaded by the Second Baptist Church. The thousands of volunteers from 131 local congregations have assumed primary responsibility for feeding the masses of storm victims who have taken refuge there. I commend them and others for extending their good will towards others.

As we in Congress look towards our next steps, we must ensure that our top priority remains caring for those who have lost loved ones, lost their homes, and lost their means of providing for their families. They have, through no fault of their own, become the least, the forgotten, the lost that our society. It is our responsibility to help them back on their feet. To do so they will need food stamp assistance and access to Medicaid. They will need temporary emergency housing and the Federal assistance to help them rebuild their homes and their lives. We have taken important first steps by passing a $10.5 billion disaster relief bill last Friday, followed by an additional $51.8 billion for the Departments of Defense and Homeland Security today. But these are only the first in a long series of actions that we will need to try to repair the physical damage caused by Hurricane Katrina as well as the lives of those affected by the hurricane. I ask that all of my distinguished colleagues and the people of this Nation join in the effort to help rebuild and sustain the lives of the Hurricane Katrina victims.

CONFERENCE REPORT ON H.R. 3,
SAFE, ACCOUNTABLE, FLEXIBLE,
EFFICIENT TRANSPORTATION
EQUITY ACT: A LEGACY FOR
USERS

HON. DON YOUNG
OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 29, 2005

Mr. YOUNG of Alaska. Mr. Speaker, as the Chairman of the Committee on Transportation and Infrastructure, I had the great honor to serve as the Chairman of the conference committee for H.R. 3, SAFETEA–LU.

The conference committee had to reach agreement on a broad range of issues to be able to send a bill to the President that he could sign. I want to take this opportunity to clarify what I believe was the intent of the conferees concerning the language that became section 5508, the Transportation Technology Innovation and Demonstration Program. This provision extended a program that began under TEA–21. TEA–21 promised that the initial system contemplated by the program would be built out in greater than 40 areas. I have been a long-standing supporter of this public/private partnership that helps travelers avoid highway traffic congestion. It is currently providing up-to-date and accurate traveler information in areas across the country.

I believe it was the conferees’ intent that all of the existing $54 million that has been provided to the current contracting team would be used to carry out the existing contract to deploy the current highway congestion information system under Part I. I believe it was our intention that Part I funds would stay in Part I. In this way, if deployment areas do not take advantage of all of the obligated funds, congested cities will have the opportunity to benefit from the $54 million that is currently obligated under Part I and will be able to proceed under the existing contract with the existing contractor. TEA–21 promised that the initial system would be built out in greater than 40 areas and staying the course with the existing contractor is an important element of keeping that promise. Any funds appropriated for Part II would be recycled within Part II.

Because there is a 180-day clock running for areas to consent to participate in the program, I respectfully urge that USDOT quickly get implementing guidance to the field that is consistent with this intent.

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
EMERGENCY SUPPLEMENTAL AP-PROPRIATIONS ACT TO MEET IM-MEDIATE NEEDS ARISING FROM THE CONSEQUENCES OF HURRI-CANE KATRINA, 2005

SPEECH OF
HON. RUSS CARNAHAN
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Friday, September 2, 2005

Mr. CARNAHAN. Mr. Speaker, I rise today in support of the emergency supplemental appropriation to help the recovery efforts along the Gulf of Mexico. Hurricane Katrina has caused damage of historic proportion, and it is our responsibility to do everything we can to fully support the revitalization of all of the affected areas.

The images of the devastation that we have all seen over the course of the past week will be with us for some time. We need to turn our attention to and provide sufficient resources to repairing the lives of our fellow Americans most affected by this disaster: the poor, the elderly, and the disabled.

It is obvious that the administration’s preparedness and response was insufficient. It is apparent that FEMA did not take action quickly enough to prevent the massive destruction of property and the widespread loss of human life.

While it is important that these issues be addressed in a timely manner, our immediate focus, and top priority should be helping the thousands of Americans who need our assistance during this tremendous rescue and cleanup effort, not the head of us. I urge all of my colleagues to support this emergency appropriation, so that we can give immediate assistance to everyone affected by this disaster.

EMERGENCY SUPPLEMENTAL AP-PROPRIATIONS ACT TO MEET IM-MEDIATE NEEDS ARISING FROM THE CONSEQUENCES OF HURRI-CANE KATRINA, 2005

SPEECH OF
HON. BRAD SHERMAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, September 2, 2005

Mr. SHERMAN. Mr. Speaker, I would like to join with my colleagues in expressing my sincere condolences to the victims of Hurricane Katrina. My heart goes out to those who are suffering, especially those who are still seeking information on the fate of missing loved ones. The devastation of Hurricane Katrina will continue to be felt for years to come.

Therefore, I support this all important supplemental appropriation bill to ensure our Nation can and will provide the necessary relief services to the victims of Hurricane Katrina. In the aftermath of this horrible tragedy, as in past tragedies, we have seen the true generosity and compassion of the American people. I continue to be amazed at the outpouring of support from people all over the country working together to offer assistance to those in need.

Hundreds of fire fighters and search and rescue crews from my home state of California have gone to New Orleans and the Gulf coast devastated by the hurricane. I am proud to say that this includes the 70 strong Los Angeles urban rescue team from Fire Station No. 88 in Sherman Oaks in my Congressional Dist-ric.

In both my District and Washington, DC offices, I have received hundreds of calls from my constituents calling to express their concern for those in need and seeking to identify ways to provide them with assistance. For many of my constituents, this tragedy brought back their memories of surviving natural disasters, like the 1994 Northridge earthquake that struck Northridge at 4:30 am on January 17, 1994. Like Katrina, this earthquake caused monumental damage to communities, including road structures, and was one of the costliest natural disasters in our nation’s history.

Following the earthquake, the Northridge community experienced similar outpouring of support from Americans. However, we also experienced a much greater and more effective response from the Federal Emergency Management Agency, FEMA. According to the U.S. Department of Commerce, the response of the Federal Emergency Management Agency, FEMA began 15 minutes after the earthquake. This is particularly significant because unlike Katrina, the Northridge earthquake was not predicted to occur in 2004. In 1992, the Northridge Earthquake Disaster Emergency Support team was activated 90 minutes after the earthquake. FEMA coordinated the response of the 27 Federal agencies involved in the Northridge earthquake allowing for services to be provided quickly. An Earthquake Service Center with representatives from all disaster agencies was opened almost imme-diately. FEMA also expedited the loan process for victims and disseminated important information to Los Angeles County residents.

In short, we saw results. Victims received relief in a timely manner. We saw an efficient Federal agency carrying out its mission. Reason would dictate that 11 years after this dis-aster, our response to natural disasters would be even more rapid and effective, and not slower and inefficient.

Sadly, this has not been the case. Almost exactly four years after the September 11th terrorist attacks, our Nation continues to struggle with properly aiding its citizens when disaster strikes.

And, unfortunately, we have seen firsthand the results of this struggle. We have all seen the images on television and heard the grim reports. People who have already lost their homes, who were separated from their families did not have access to basic necessities—food, water, and medical supplies. Many of these families, who nearly their governments the most, were forced to live in despicable, unhealthy and dangerous conditions. Women have been raped, babies have had to go without diapers, and people were forced to live in filth surrounded by human waste and corpses. This is absolutely unacceptable, and I join with my colleagues in demanding a complete explanation of and accountability for what went wrong. We must also ensure that this ineffective initial response never happens again.

Congress has a vital role in overseeing agencies and providing adequate funding. We need to institute disaster mitigation programs like “Project Impact” that were in place during the Northridge earthquake. In addition to providing assistance after a disaster we need to take steps to prevent disasters. This includes responding to the funding requests of the Army Corps of Engineers and local communities who have predicted disasters, like the one we are now experiencing. In our capacity as legislators, we must ensure that FEMA has the leadership tools to effectively respond to a crisis without being burdened by untold levels of bureaucracy and lack of a clear mission.

This is an agency that needs to be directed by an experienced professional. What we have seen is just the opposite. I therefore call for the resignation of FEMA director Michael Brown. I am encouraged that former FEMA di-rector James Lee Witt is providing his knowl-edge and experience to the state of Louisiana and it is my sincere hope that Mr. Witt will be reappointed to his position as Chief of FEMA and restore that agency to the strength it had during the Northridge earthquake.

But, that is not enough. We must also help individuals facing financial vulnerabilities from natural disasters as well as foster an environment that allows the private sector to properly aid those in need. To that end, I have worked with my colleague from Florida, Ms. Brown-Waite, on legislation that would require the Secretary of the Treasury to ensure there was sufficient insurance capacity available for private homeowners to cover natural disasters. I urge my colleagues to cosponsor the Homeowners’ Insurance Availability Act of 2005 (H.R. 846).

In 2002, along with several of my col-leagues, I asked GAO to study efforts to securitize natural catastrophe and terrorism risk. We received that report in April 2003, but have not held hearings in the Financial Serv-ices Committee on the issue since then. I am hopeful that we can enact this needed insurance legislation so that Americans living in areas subject to cyclonic, seismic, volcanic and other catastrophic activity can rest assured that the industry insuring them against losses will be there when they need it the most.

This is just one suggestion for ways that we can move forward to protect our citizens and our financial industry. Once again, I thank my fellow citizens who have shown such wonderful compassion for those affected by Katrina. I look forward to working with my colleagues toward the goal of implementing a fully functional and effective government response that aids people in need and provides them with the tools to help get them back on their feet as quickly as possible. The American people deserve no less.

IN RECOGNITION OF UNIVERSITY OF CALIFORNIA MERCED

HON. DENNIS A. CARDOZA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, September 12, 2005

Mr. CARDOZA. Mr. Speaker, it is with the greatest pleasure that I rise today to recognize the grand opening of the 10th campus of the University of California system in Merced, California. UC Merced is the first new University of California campus since 1965 and the first ever in California’s sprawling San Joaquin Valley.

Established in 1868, the University of California has become one of the largest and
COMMENDING THE ISRAELI GOVERNMENT FOR DISENGAGEMENT IN GAZA AND WEST BANK SETTLEMENTS

HON. TOM LANTOS OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 2005

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in commending the Government of Israel for its bold action in disengaging from the Gaza Strip and four West Bank settlements in the past few weeks. At considerable political risk, Prime Minister Ariel Sharon has demonstrated his resolve by following through on his commitment to withdraw the Israeli presence from these areas. His government has made an unprecedented and unilateral sacrifice in the name of peace, surrendering land on which Israelis have lived continuously for almost four decades—land won in a war that was thrust upon them.

To be sure, the disengagement serves Israeli security interests, since it establishes a defensible line of separation that improves Israel’s ability to defend its citizens from terrorist attacks. That is good news for both Israelis and Palestinians. Every day without bloodshed brings us one day closer to peace.

Mr. Speaker, I would particularly like to commend Israeli military and government officials for implementing disengagement in a way that allowed as many settlers as possible to express their remorse or anger while still encouraging them to vacate the area without resorting to violence. Even when some individuals or groups sought to provoke confrontations, Israeli authorities wisely avoided drawing into fighting and, in the end, successfully and patiently evacuated even the most determined of dissidents. I am full of admiration for the Israeli military’s achievement.

A significant majority of Israelis favored disengagement, and I think it is important for them to know that the American people are behind them, supporting them in their struggle against terrorism and in the search for peace.

But the decision of Prime Minister Sharon and his government to relinquish the settlements also creates an unprecedented opportunity for Palestinians who seek a state of their own. After this historic Israeli gesture, the burden to act now rests with Palestinian Authority leaders, who must prove that they can take on the challenge of securing and administering the territory just now coming under their control.

It is my hope, Mr. Speaker, that we will soon see a concerted effort on behalf of the Palestinian Authority to move against terrorist organizations. This means not only providing to halt the attacks against Israel, but disarming the terrorists as well. A lull in violence is simply not enough. Terrorist infrastructure must be dismantled if Gaza is not to become a permanent launching pad for attacks by Hamas, Islamic Jihad, and other murderous fanatics. And I would urge President Mahmoud Abbas to insist that any group that wishes to participate in the January elections for the Palestinian Legislative Council first renounce violence in word and deed and divest itself of all arms.

President Bush recently noted in his first-ever interview with Israeli television that we are witnessing in Gaza “an opportunity for the Palestinians to show leadership and self-govern” as well as “an opportunity for democracy to emerge.” Mr. Speaker, I invite Palestinian leaders to make this vision a reality, building a Gaza that is democratic and peaceful, free and open.

In the wake of Israel’s withdrawal from Gaza, the international community should also do its part to assist the Palestinian Authority to move in the right direction, and Special Envoy James Wolfensohn is impressively leading the way. But there are additional responsibilities that fall squarely on the shoulders of Egypt and the Arab and Islamic nations.

Mr. Speaker, one of the most dramatic but least publicized aspects of the disengagement was Israel’s decision to underscore the completeness of its withdrawal by removing its forces from Gaza’s border with Egypt and allowing Egypt to send 750 troops to guard that border. This effectively paves the way for a negotiated arrangement, based on the 1979 Israeli-Egyptian peace treaty, which prohibited Egyptian troops from that region. Egypt has now assumed the major responsibility for ensuring that terrorists and arms do not penetrate that border. Terrorists seek to make a mockery of Israel’s disengagement by making Gaza an unrestrained launching pad for terrorism into Israel—just as opponents of disengagement predicted they would. It is the responsibility of Egypt, in cooperation with the Palestinian Authority, to win the confidence of the Israeli people by keeping Gaza peaceful.

The wider Arab and Islamic worlds also have a significant part to play. By pursuing normalization with Israel, they will demonstrate that steps toward peace will be met in kind. This very significant meeting last week between the Israeli and Pakistani foreign ministers is encouraging in this regard, as are recent reports of stepped-up Israeli contact with the United Arab Emirates and Tunisia.

Mr. Speaker, I applaud Prime Minister Sharon and his government for taking this wise and exceptionally courageous step toward peace—a step that is fraught with more risks than the media have acknowledged. I encourage the Palestinians to capitalize on this unique opportunity to demonstrate their own competence in governance and commitment to peace. And I call on the Arab and Islamic world to assume responsibility for proving to Israel that unilateral steps toward peace are not only appreciated but reciprocated.
SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD. Meetings scheduled for Tuesday, September 13, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 14

9:30 a.m.
Judiciary
To continue hearings to examine the nomination of John G. Roberts, Jr., of Maryland, to be Chief Justice of the United States.

SH–216

10 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine the impact of Hurricane Katrina on the aviation industry, focusing on jet fuel markets, airport infrastructure, and Hurricane Katrina’s impact on the National Airspace System.

SD–562

Homeland Security and Governmental Affairs
To hold hearings to examine issues relating to recovering from Hurricane Katrina.

SD–342

Commission on Security and Cooperation in Europe
To hold hearings to examine the impact of Romania’s newly implemented ban on inter-country adoptions.

2237 RHOB

10:30 a.m.
Intelligence
To receive a closed briefing regarding certain intelligence matters.

SH–219

SEPTEMBER 15

9:30 a.m.
Judiciary
To continue hearings to examine the nomination of John G. Roberts, Jr., of Maryland, to be Chief Justice of the United States.

SH–216

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the nominations of Keith E. Gottfried, of California, to be General Counsel, Kim Kendrick, of the District of Columbia, Keith A. Nelson, of Texas, and Darlene F. Williams, of Texas, each to be an Assistant Secretary, all of the Department of Housing and Urban Development, and Israel Hernandez, of Texas, to be Assistant Secretary and Director General of the United States and Foreign Commercial Service, Darryl W. Jackson, of the District of Columbia, to be an Assistant Secretary, Franklin L. Lavin, of Ohio, to be Under Secretary for International Trade, and David H. McCormick, of Pennsylvania, to be Under Secretary for Export Administration, all of the Department of Commerce.

VETERANS’ AFFAIRS
Business meeting to mark up pending VA health-related proposals.

SD–538

10:30 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the nominations of Stewart A. Baker, of Virginia, and Julie L. Myers, of Kansas, each to be an Assistant Secretary of Homeland Security.

SD–342

Appropriations
Legislative Branch Subcommittee
To resume hearings to examine the progress of Capitol Visitor Center construction.

SD–138

2 p.m.
Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings to examine U.S.-Indonesia relations.

SD–419

2:30 p.m.
Homeland Security and Governmental Affairs
To hold oversight hearings to examine housing-related programs for the poor, focusing on existing challenges in measuring improper rent subsidy payments in housing assistance programs at HUD, as well as Federal oversight of the Low-Income Home Energy Assistance Program.

SD–342

Intelligence
Closed business meeting to markup intelligence authorization for fiscal year 2006.

SEPTEMBER 20

10 a.m.
Veterans’ Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the American Legion.

345 CHOB

2:30 p.m.
Commerce, Science, and Transportation
Disaster Prevention and Prediction Subcommittee
To hold hearings to examine the prediction of Hurricane Katrina and the work of the National Hurricane Center.

SD–562

SEPTEMBER 21

9 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the status of the World Trade Organization negotiations on agriculture.

SR–328A

9:30 a.m.
Judiciary
To hold hearings to examine able danger and intelligence information sharing.

SD–226

SEPTEMBER 22

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the financial services industry’s responsibilities and role in preventing identity theft and protecting sensitive financial information.

SD–538

2:30 p.m.
Indian Affairs
To hold an oversight hearing to examine Indian housing.

SR–485

SEPTEMBER 29

10 a.m.
Indian Affairs
To hold hearings to examine proposed Duck Valley Reservation, Shoshone Paiute Tribes, Water Rights Settlement.

SR–485

POSTPONEMENTS

SEPTEMBER 14

10 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.

SD–366

SEPTEMBER 21

9:30 a.m.
Indian Affairs
To hold an oversight hearing to examine Indian gaming.

SR–385

2 p.m.
Agriculture, Nutrition, and Forestry
Forestry, Conservation, and Rural Revitalization Subcommittee
To hold an oversight hearing to examine the Forest and Rangeland Research Program of the USDA Forest Service.

SR–328A
Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S9893–S9942

Measures Introduced: Thirty-nine bills were introduced, as follows: S. 1650–1688. Pages S9930–31

Measures Reported:

- S. 113, to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust. (S. Rept. No. 109–136)
- S. 1197, to reauthorize the Violence Against Women Act of 1994, with an amendment in the nature of a substitute. Page S9930

Measures Passed:

National Flood Insurance Program Enhanced Borrowing Authority Act: Senate passed H.R. 3669, to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program, clearing the measure for the President. Pages S9941–42

Commerce/Justice/Science Appropriations: Senate continued consideration of H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, taking action on the following amendments proposed thereto:

- Lincoln Amendment No. 1652, to provide for temporary medicaid disaster relief for survivors of Hurricane Katrina. Page S9898
- Dayton Amendment No. 1654, to increase funding for Justice Assistance Grants. Page S9898
- Biden Amendment No. 1661, to provide emergency funding for victims of Hurricane Katrina. Page S9899
- Sarbanes Amendment No. 1662, to assist the victims of Hurricane Katrina with finding new housing. Page S9899
- Dorgan Amendment No. 1665, to prohibit weakening any law that provides safeguards from unfair foreign trade practices. Page S9899
- Sununu Amendment No. 1669, to increase funding for the State Criminal Alien Assistance Program, the Southwest Border Prosecutors Initiative, and transitional housing for women subjected to domestic violence. Page S9899
- Lieberman Amendment No. 1678, to provide financial relief for individuals and entities affected by Hurricane Katrina. Page S9899
- DeWine Amendment No. 1671, to make available, from amounts otherwise available for the National Aeronautics and Space Administration, $906,200,000 for aeronautics research and development programs of the National Aeronautics and Space Administration. Pages S9899–S9900
- Clinton Amendment No. 1660, to establish a congressional commission to examine the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath and make immediate corrective measures to improve such responses in the future. Pages S9900–02
- Coburn Amendment No. 1648, to eliminate the funding for the Advanced Technology Program and increase the funding available for the National Oceanic and Atmospheric Administration, community oriented policing services, and State and local law enforcement assistance. Pages S9902–07

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10:45 a.m., on Tuesday, September 13, 2005. Page S9942

Clean Air Act Resolution: Senate began consideration of the motion to proceed to consideration of S.J. Res. 20, disapproving a rule promulgated by the Administrator of the Environmental Protection Agency to delist coal and oil-direct utility units from the source category list under the Clean Air Act, and by a unanimous vote of 92 yeas (Vote No. 224), Senate agreed to the motion to proceed. Pages S9921–22

A unanimous-consent agreement was reached providing for consideration of the resolution at 12:10 a.m., on Tuesday, September 13, 2005; that there be 20 minutes for debate, and the Senate then vote on final passage of the joint resolution. Page S9942
Appointments:

Canada-U.S. Interparliamentary Group: The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appointed the following Senators as members of the Senate Delegation to the Canada-U.S. Interparliamentary Group during the First Session of the 109th Congress: Senators Grassley, Lott, Voinovich, Chambliss, and Burr.

Advisory Committee on Student Financial Assistance: The Chair, on behalf of the President pro tempore, pursuant to Public Law 99–498, re-appointed the following individual to a three-year term (commencing on October 1, 2005), as a member of the Advisory Committee on Student Financial Assistance: Claude O. Pressnell, Jr., of Tennessee.

Measures Read First Time: Pages S9928, S9941
Executive Communications: Pages S9928–30
Additional Cosponsors: Pages S9931–32
Statements on Introduced Bills/Resolutions: Pages S9932–40
Additional Statements: Pages S9927–28

Amendments Submitted: Pages S9940–41
Authority for Committees to Meet: Page S9941
Privilege of the Floor: Page S9941
Record Votes: One record vote was taken today. (Total—224) Pages S9921–22
Adjournment: Senate convened at 2 p.m., and adjourned at 8 p.m., until 9:45 a.m., on Tuesday, September 13, 2005. (For Senate’s program, see the remarks of the Majority Leader in today’s Record on page S9942.)

Committee Meetings
(Committees not listed did not meet)

NOMINATION
Committee on the Judiciary: Committee began hearings to examine the nomination of John G. Roberts, Jr., of Maryland, to be Chief Justice of the United States, where the nominee, who was introduced by Senators Lugar, Warner and Bayh, testified and answered questions in his own behalf.

Hearings continue tomorrow.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 2 public bills, H.R. 3725–3726, were introduced. Page H7819
Additional Cosponsors: Page H7820
Reports Filed: There were filed today as follows.

H.R. 3132, to make improvements to the national sex offender registration program, with an amendment (Rept. 109–218, Pt. 1) (Report filed on September 9, 2005).

Speaker: Read a letter from the Speaker wherein he appointed Representative Cole to act as speaker pro tempore for today. Page H7817
Senate Message: Message received from the Senate today appears on page H7818.

Senate Referrals: S. 1250, S. 1339 and S. 1415 was referred to the Committee on Resources. S. 1340 was held at the desk. Page H7818
Quorum Calls—Votes: There were no votes or quorum calls.

Adjournment: The House met at 12 p.m. and adjourned at 12:05 p.m.

Committee Meetings
No committee meetings were held.

NEW PUBLIC LAWS
(For last listing of Public Laws, see DAILY DIGEST, p. D 895)

H.R. 3650, to allow United States courts to conduct business during emergency conditions. Signed on September 9, 2005. (Public Law 109–63)

COMMITTEE MEETINGS FOR TUESDAY, SEPTEMBER 13, 2005
(Committee meetings are open unless otherwise indicated)

Senate

Committee on Finance: Subcommittee on Social Security and Family Policy, to hold hearings to examine how the nonprofit sector meets the needs of American communities relating to charities on the frontline, 10 a.m., SD–106.
Committee on Homeland Security and Governmental Affairs: to hold hearings to examine the nominations of John R. Fisher, to be an Associate Judge of the District of Columbia Court of Appeals, Juliet JoAnn McKenna, to be an Associate Judge of the Superior Court of the District of Columbia, Colleen Duffy Kiko, of Virginia, to be General Counsel of the Federal Labor Relations Authority, and Mary M. Rose, of North Carolina, to be a Member of the Merit Systems Protection Board, 10 a.m., SD–342.

Committee on the Judiciary: to continue hearings to examine the nomination of John G. Roberts, Jr., of Maryland, to be Chief Justice of the United States, 9:30 a.m., SH–216.

Committee on Government Reform, Subcommittee on Federalism and the Census, hearing entitled “Brownfields and the Fifty States: Are State Incentive Programs Capable of Solving America’s Brownfields Problem?” 10 a.m., 2203 Rayburn.


Committee on International Relations, Subcommittee on Africa, Global Human Rights and International Operations, hearing entitled “Protecting Street Children: Vigilantes or the Rule of Law?” 2 p.m., 2172 Rayburn.

Committee on Rules, to consider H.R. 3132, Children’s Safety Act of 2005, 5:30 p.m., H–313 Capitol.
Next Meeting of the SENATE
9:45 a.m., Tuesday, September 13

Senate Chamber

Program for Tuesday: After the transaction of any morning business (not to extend beyond 60 minutes), Senate will continue consideration of H.R. 2862, Commerce/Justice/Science Appropriations. At 12:10, Senate will begin consideration of S.J. Res. 20, Clean Air Act Resolution, with 20 minutes for debate, followed by a vote on final passage of the joint resolution to occur at approximately 12:30 p.m., following which, Senate will recess until 2:15 p.m. for their respective party conferences.

Next Meeting of the HOUSE OF REPRESENTATIVES
12:30 p.m., Tuesday, September 13

House Chamber


Extensions of Remarks, as inserted in this issue

HOUSE
Cardoza, Dennis A., Calif., E1816
Carnahan, Russ., Mo., E1816
Green, Al, Tex., E1815
Lantos, Tom, Calif., E1817
Payne, Donald M., N.J., E1815
Sherman, Brad, Calif., E1816
Young, Don, Alaska, E1815

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